



Queensland

Land and Other Legislation Amendment Act 2024

Act No. 12 of 2024

An Act to amend the Geothermal Energy Act 2010, the Greenhouse Gas Storage Act 2009, the Land Act 1994, the Land Regulation 2020, the Land Title Act 1994, the Petroleum Act 1923, the Petroleum and Gas (Production and Safety) Act 2004, the Place Names Act 1994, the Recreation Areas Management Act 2006 and the legislation mentioned in schedule 1 for particular purposes

[Assented to 26 April 2024]



Queensland

Land and Other Legislation Amendment Act 2024

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The Parliament of Queensland enacts—

Part 1 Preliminary

1 Short title

This Act may be cited as the *Land and Other Legislation Amendment Act 2024*.

2 Commencement

The following provisions commence on a day to be fixed by proclamation—

- (a) part 6, division 3;
- (b) schedule 1, part 2.

Part 2 Amendment of Geothermal Energy Act 2010

3 Act amended

This part amends the *Geothermal Energy Act 2010*.

Note—

See also the amendments in schedule 1.

4 Insertion of new s 126A

After section 126—

insert—

126A Local government rates and charges

A geothermal lease holder must pay all rates and

[s 5]

charges payable to the local government in whose area the lease is situated.

5 Amendment of s 203 (Operation and purpose of pt 4)

(1) Section 203(2)—

insert—

(ca) for a geothermal tenure that is a geothermal lease—unpaid rates and charges, including unpaid interest on overdue rates and charges, payable to the local government in whose area the lease is situated; and

(2) Section 203(2)(ca) and (d)—

renumber as section 203(2)(d) and (e).

6 Amendment of s 290 (General conditions for renewal application)

(1) Section 290(1)—

insert—

(ba) if the geothermal tenure is a geothermal lease—rates and charges, including interest on overdue rates and charges, payable to the local government in whose area the lease is situated;

(2) Section 290(1)(ba) to (e)—

renumber as section 290(1)(c) to (f).

7 Amendment of s 294 (Deciding application)

(1) Section 294(5), ‘either or both’—

omit, insert—

all or any

(2) Section 294(5)—

insert—

(aa) pay rates and charges, including interest on overdue rates and charges, payable to the local government in whose area the lease is situated;

(3) Section 294(5)(aa) and (b)—

renumber as section 294(5)(b) and (c).

8 Insertion of new ch 9, pt 8

Chapter 9—

insert—

Part 8 Transitional provision for Land and Other Legislation Amendment Act 2024

417 Undecided applications for renewal of geothermal leases

(1) New section 294(5)(b) applies to an application for the renewal of a geothermal lease made but not decided before the commencement.

(2) In this section—

new section 294(5)(b) means section 294(5)(b) as in force from the commencement.

Part 3 Amendment of Greenhouse Gas Storage Act 2009

9 Act amended

This part amends the *Greenhouse Gas Storage Act 2009*.

[s 10]

Note—

See also the amendments in schedule 1.

10 Insertion of new s 169A

After section 169—

insert—

169A Local government rates and charges

A GHG lease holder must pay all rates and charges payable to the local government in whose area the lease is situated.

11 Amendment of s 270 (Operation and purpose of pt 6)

(1) Section 270(2)—

insert—

(ca) for a GHG authority that is a GHG lease—unpaid rates and charges, including unpaid interest on overdue rates and charges, payable to the local government in whose area the lease is situated; and

(2) Section 270(2)(ca) and (d)—

renumber as section 270(2)(d) and (e).

Part 4 Amendment of Land Act 1994

12 Act amended

This part amends the *Land Act 1994*.

13 Insertion of new s 3A

After section 3—

insert—

3A Aboriginal people particularly concerned with land and Torres Strait Islanders particularly concerned with land

For this Act—

- (a) Aboriginal people are particularly concerned with land if they are particularly concerned with the land within the meaning of the *Aboriginal Land Act 1991*, section 3(2); and
- (b) Torres Strait Islanders are particularly concerned with land if they are particularly concerned with the land within the meaning of the *Torres Strait Islander Land Act 1991*, section 3(2).

14 Amendment of s 4 (Object of this Act)

Section 4, fourth dot point, from ‘who’ to ‘supports’—
omit, insert—
to support

15 Amendment of s 14 (Governor in Council may grant land)

Section 14(1) and (2)—
omit, insert—

- (1) The Governor in Council may grant, in fee simple—
 - (a) unallocated State land; or
 - (b) land contained in an operational reserve or a part of the land; or
 - (c) land contained in an operational deed of grant in trust in relation to which chapter 3, part 1, division 4A applies or a part of the land; or
 - (d) rail land; or

[s 16]

- (e) approved land.
- (2) The Governor in Council may also grant, in fee simple in trust, unallocated State land for use for 1 of the following purposes—
 - (a) a community purpose;
 - (b) provision of services beneficial to Aboriginal people particularly concerned with the land;
 - (c) provision of services beneficial to Torres Strait Islanders particularly concerned with the land.

16 Amendment of s 16 (Deciding appropriate tenure)

- (1) Section 16(1), ‘and use’—
omit.
- (2) Section 16(2)(a)—
omit, insert—
 - (a) take account of the object of this Act; and
 - (aa) take account of State, regional and local planning strategies and policies, including, for example, planning instruments under the Planning Act that apply to the land; and
- (3) Section 16(2)(aa) to (d)—
renumber as section 16(2)(b) to (e).
- (4) Section 16(3), ‘and use’—
omit.
- (5) Section 16(4)—
omit, insert—
 - (4) This section does not apply to—
 - (a) a grant of rail land in fee simple to the State; or

- (b) the dedication of unallocated State land as a reserve.

17 Amendment of s 17 (Granting land to the State and the Commonwealth)

Section 17(1)—

omit, insert—

- (1) The Governor in Council may grant, in fee simple to the State—
 - (a) unallocated State land; or
 - (b) land contained in an operational reserve or a part of the land; or
 - (c) land contained in an operational deed of grant in trust in relation to which chapter 3, part 1, division 4A applies or a part of the land; or
 - (d) rail land.

18 Amendment of s 28 (Interaction with native title legislation)

- (1) Section 28(1), after ‘this Act’—

insert—

, including an action taken by a trustee of trust land under section 52,

- (2) Section 28(4), ‘subsection (1)’—

omit, insert—

this section

- (3) Section 28(4), definition *action*, paragraph (d)—

omit, insert—

- (d) granting or issuing a lease, licence or permit over—

[s 19]

- (i) land contained in a deed of grant in trust or a reserve; or
 - (ii) a nature conservation area; or
 - (iii) a road; or
 - (iv) a specified national park; or
 - (v) a State forest; or
 - (vi) a timber reserve; or
 - (vii) unallocated State land;
- (4) Section 28(4), definition *action*—
insert—
- (1) changing the way land contained in a deed of grant in trust or a reserve is used;

19 Amendment of s 30 (Object)

- (1) Section 30(a), ‘community’—
omit, insert—
particular
- (2) Section 30(b)(ii), from ‘the reserve’ to ‘land was’—
omit, insert—
the land is dedicated as a reserve or
- (3) Section 30(c) and (d)—
omit, insert—
- (c) ensure that the purpose for which the land is dedicated as a reserve or granted in trust is not diminished by granting inappropriate interests over the land; and
 - (d) enable a deed of grant to be issued over—
 - (i) land contained in an operational reserve or a part of the land; or

- (ii) land contained in an operational deed of grant in trust in relation to which division 4A applies or a part of the land.

20 Amendment of s 31 (Dedication of reserve)

- (1) Section 31(1) and (2)—

omit, insert—

- (1) The Minister may dedicate unallocated State land as a reserve for 1 or more of the following purposes—
 - (a) a community purpose;
 - (b) a purpose that is the provision of services beneficial to Aboriginal people particularly concerned with the land;
 - (c) a purpose that is the provision of services beneficial to Torres Strait Islanders particularly concerned with the land;
 - (d) a purpose, other than a purpose mentioned in paragraphs (a) to (c), that is for the community, having regard to community need and the public interest.
 - (2) However, the Minister may dedicate unallocated State land as a reserve for a purpose mentioned in subsection (1)(b) or (c) only if the land is transferable land.
- (2) Section 31(5), ‘community’—

omit.

21 Amendment of s 31A (Changing boundaries of reserve)

Section 31A(1), ‘community purpose mentioned in section 31(2)’—

omit, insert—

[s 22]

purpose mentioned in section 31(1)(b) or (c)

22 Amendment of s 31B (Changing purpose)

(1) Section 31B(1) and (2)—

omit, insert—

- (1) The Minister may change the purpose for which a reserve is dedicated by—
 - (a) changing the purpose to another purpose; or
 - (b) adding a purpose for which the reserve is dedicated; or
 - (c) removing a purpose for which the reserve is dedicated.
- (2) However, the Minister may change the purpose to another purpose or add a purpose only if—
 - (a) the new purpose is a purpose mentioned in section 31(1); and
 - (b) for a new purpose mentioned in section 31(1)(b) or (c)—the reserve is transferable land.

(2) Section 31B(3), ‘section 31(2)’—

omit, insert—

section 31(1)(b) or (c)

(3) Section 31B—

insert—

- (3A) Further, the Minister may not remove a purpose for which the reserve is dedicated if it is the only purpose.

(4) Section 31B(3A) to (7)—

renumber as section 31B(4) to (8).

23 Amendment of s 31C (Applying for dedication of reserve)

- (1) Section 31C(1), ‘a reserve’—

omit, insert—

unallocated State land as a reserve for 1 or more of the purposes mentioned in section 31(1)(a), (b) or (c)

- (2) Section 31C(2)(b) and (3), from ‘over’ to ‘dedicated’—

omit.

24 Amendment of s 31D (Applying for adjustment of reserve)

- (1) Section 31D—

insert—

(1A) However, an application to change the purpose for which the reserve is dedicated to another purpose or to add a purpose may be made only if the new purpose is a purpose mentioned in section 31(1)(a), (b) or (c).

- (2) Section 31D(2), ‘However, before applying’—

omit, insert—

Before applying under subsection (1)

- (3) Section 31D(1A) to (3)—

renumber as section 31D(2) to (4).

25 Amendment of s 33 (Revocation of reserves)

- (1) Section 33(1), ‘Minister,’—

omit, insert—

Minister

- (2) Section 33(1)(a)—

omit, insert—

[s 26]

- (a) it is not needed for a community purpose and, for a reserve dedicated for a purpose mentioned in section 31(1)(b) to (d), it is no longer needed for that purpose; or

26 Amendment of s 34F (Effect of revocation)

Section 34F, after ‘a reserve’—

insert—

under this subdivision

27 Amendment of s 34G (Person to give up possession)

Section 34G(1), after ‘a reserve’—

insert—

under this subdivision

28 Amendment of s 34H (Dealing with improvements)

Section 34H(1), after ‘revoked’—

insert—

under this subdivision

29 Replacement of ch 3, pt 1, div 2, sdiv 2

Chapter 3, part 1, division 2, subdivision 2—

omit, insert—

Subdivision 2 Operational reserves

34I Application of subdivision

This subdivision applies in relation to land contained in an operational reserve.

34J Requesting recommendation for issue of deed of grant

- (1) The trustee of the operational reserve may ask the Minister to recommend to the Governor in Council the issue of a deed of grant over the land, or a part of the land, under section 34L.
- (2) Before making the request, the trustee must give notice of the trustee's intention to make the request to each person with a registered interest in the land the subject of the request.
- (3) The trustee may also give notice to any other person the trustee considers has an interest in the land the subject of the request.

34K Offer to recommend issue of deed of grant

- (1) The Minister may make an offer to the trustee of the operational reserve to recommend to the Governor in Council the issue of a deed of grant over the land, or a part of the land, under section 34L.
- (2) However, the Minister may make the offer only if satisfied the deed of grant would be an appropriate tenure for the land or part.
- (3) Before accepting the offer, the trustee—
 - (a) must give notice of the offer to each person with a registered interest in the land to which the offer relates; and
 - (b) may give notice of the offer to any other person the trustee considers has an interest in the land to which the offer relates.

Note—

See also chapter 7, part 1D.

34L Recommending issue of deed of grant

- (1) This section applies if—
 - (a) the trustee of the operational reserve has, under section 34J, asked the Minister to recommend to the Governor in Council the issue of a deed of grant over the land or a part of the land; or
 - (b) the Minister has, under section 34K, made an offer to the trustee of the operational reserve to recommend to the Governor in Council the issue of a deed of grant over the land or a part of the land, and the offer has been accepted by the trustee.
- (2) The Minister may recommend to the Governor in Council the issue of the deed of grant.
- (3) However, the Minister may make the recommendation only if satisfied the deed of grant would be an appropriate tenure for the land or part.
- (4) If the Minister decides to recommend to the Governor in Council the issue of the deed of grant, the Minister must decide the purchase price for the land or part in the way prescribed by regulation.

34M Removal of interests before grant

Before the Governor in Council issues a deed of grant over the land or a part of the land—

- (a) any State lease over the land or part must be resumed or surrendered; and
- (b) any permit to occupy that exists over the land or part must be cancelled or surrendered.

34N Effect of registering deed of grant

- (1) On the registration of a deed of grant over the land, the dedication of the reserve is revoked.
- (2) On the registration of a deed of grant over a part of the land, the dedication of the reserve is revoked to the extent it relates to the part.
- (3) The deed of grant takes effect on the day it is registered.
- (4) The registrar of titles must—
 - (a) record the revocation in the appropriate register; and
 - (b) record in the appropriate register and on the deed of grant—
 - (i) any easement or trustee lease over the land the subject of the revocation; and
 - (ii) any registered interests in an easement or trustee lease mentioned in subparagraph (i).

34O Notices about deed of grant

- (1) The chief executive must give notice of the registration of a deed of grant over the land or a part of the land to—
 - (a) the trustee of the reserve; and
 - (b) each person given a notice under section 34J(2) or (3) or 34K(3) in relation to the deed of grant.
- (2) The notice under subsection (1) must state the following—
 - (a) the day of registration of the deed of grant;
 - (b) the effect of sections 34N and 34OA.
- (3) If the Governor in Council does not issue a deed

[s 30]

of grant over the land or a part of the land in accordance with a recommendation under section 34L, the chief executive must give notice of the fact to each person mentioned in subsection (1).

340A Effect of revocation of operational reserve

On the revocation of all or part of the operational reserve under section 34N, the following apply in relation to the land the subject of the revocation—

- (a) the reserve ends;
- (b) all appointments of trustees are cancelled;
- (c) the deed of grant is issued subject to—
 - (i) any easement or trustee lease over the land; and
 - (ii) any registered interests in an easement or trustee lease over the land.

30 Amendment of s 35 (Use of land granted in trust)

- (1) Section 35(1)(a), note—

omit, insert—

Note—

See section 14(2) for the power of the Governor in Council to grant land in fee simple in trust.

- (2) Section 35(1)(b) and (2), ‘community’—

omit.

- (3) Section 35—

insert—

- (2A) However, the additional purpose must be—
 - (a) a community purpose; or

-
- (b) a purpose that is the provision of services beneficial to Aboriginal people particularly concerned with the land; or
- (c) a purpose that is the provision of services beneficial to Torres Strait Islanders particularly concerned with the land.
- (4) Section 35(3) and (4), ‘community’—
omit.
- (5) Section 35(5), ‘subsection (4)’—
omit, insert—
subsection (5)
- (6) Section 35(5)(a), ‘notifying an additional community purpose’—
omit, insert—
under subsection (2)
- (7) Section 35(5)(b) and (6), ‘community’—
omit.
- (8) Section 35(2A) to (6)—
renumber as section 35(3) to (7).

31 Amendment of s 38 (Cancelling a deed of grant in trust)

- (1) Section 38(1), from ‘Council’ to ‘in trust’—
omit, insert—
Council may, by gazette notice, cancel a deed of grant in trust over land
- (2) Section 38(1)(c), ‘of the trust’—
omit, insert—
for which the land is granted in trust
- (3) Section 38—

[s 32]

insert—

- (1A) However, subsection (1)(c) does not apply to the extent—
- (a) the trustee of the land takes an action under section 52AA(3) or 52AB(2); or
 - (b) the use of the land is carried out under—
 - (i) a trustee lease (construction), or a trustee lease (State or statutory body), that is inconsistent with the purpose for which the land is granted in trust; or
 - (ii) a trustee lease or a sublease approved under section 59(2); or
 - (iii) a trustee permit that, under section 60(3), is inconsistent with the purpose for which the land is granted in trust; or
 - (iv) a trustee lease that, under section 64(3), is inconsistent with the purpose for which the land is granted in trust.
- (4) Section 38(2), after ‘subsection (1)(a) to (c)’—
- insert—*
- or (2)(a) or (b)
- (5) Section 38(1A) to (6)—
- renumber* as section 38(2) to (7).

32 Amendment of s 38A (Applying for additional community purpose, amalgamation or cancellation)

Section 38A, heading and subsection (1)(a), ‘community’—
omit.

33 Amendment of s 38D (Notice of registration of action)

Section 38D(2)(b) and (4), definition *action*, paragraph (a),
'community'—

omit.

34 Amendment of s 38E (Effect of cancellation)

Section 38E, after 'a deed of grant in trust'—

insert—

under this division

35 Amendment of s 38F (Person to give up possession)

Section 38F(1), after 'a deed of grant in trust'—

insert—

under this division

36 Amendment of s 38G (Dealing with improvements)

Section 38G(1), after 'cancelled'—

insert—

under this division

37 Insertion of new ch 3, pt 1, div 4A

Chapter 3, part 1—

insert—

**Division 4A Operational deeds of grant
in trust**

43A Application of division

(1) This division applies in relation to land contained
in an operational deed of grant in trust.

[s 37]

- (2) However, this division does not apply if the land is contained in a deed of grant in trust to which division 4 applies.

43B Requesting recommendation for issue of deed of grant

- (1) The trustee of the operational deed of grant in trust may ask the Minister to recommend to the Governor in Council the issue of a deed of grant over the land, or a part of the land, under section 43D.
- (2) Before making the request, the trustee must give notice of the trustee's intention to make the request to each person with a registered interest in the land the subject of the request.
- (3) The trustee may also give notice to any other person the trustee considers has an interest in the land the subject of the request.

43C Offer to recommend issue of deed of grant

- (1) The Minister may make an offer to the trustee of the operational deed of grant in trust to recommend to the Governor in Council the issue of a deed of grant over the land, or a part of the land, under section 43D.
- (2) However, the Minister may make the offer only if satisfied the deed of grant would be an appropriate tenure for the land or part.
- (3) Before accepting the offer, the trustee—
 - (a) must give notice of the offer to each person with a registered interest in the land to which the offer relates; and
 - (b) may give notice of the offer to any other person the trustee considers has an interest in the land to which the offer relates.

Note—

See also chapter 7, part 1D.

43D Recommending issue of deed of grant

- (1) This section applies if—
 - (a) the trustee of the operational deed of grant in trust has, under section 43B, asked the Minister to recommend to the Governor in Council the issue of a deed of grant over the land or a part of the land; or
 - (b) the Minister has, under section 43C, made an offer to the trustee of the operational deed of grant in trust to recommend to the Governor in Council the issue of a deed of grant over the land or a part of the land, and the offer has been accepted by the trustee.
- (2) The Minister may recommend to the Governor in Council the issue of the deed of grant.
- (3) However, the Minister may make the recommendation only if satisfied the deed of grant would be an appropriate tenure for the land or part.
- (4) If the Minister decides to recommend to the Governor in Council the issue of the deed of grant, the Minister must decide the purchase price for the land or part in the way prescribed by regulation.

43E Effect of registering deed of grant

- (1) On the registration of a deed of grant over the land, the operational deed of grant in trust is cancelled.
- (2) On the registration of a deed of grant over a part of the land, the operational deed of grant in trust is cancelled to the extent it relates to the part.

[s 37]

- (3) The deed of grant takes effect on the day it is registered.
- (4) The registrar of titles must—
 - (a) record the cancellation in the freehold land register; and
 - (b) record in the freehold land register, and on the deed of grant, any registered interests affecting the land the subject of the cancellation immediately before the issue of the deed of grant.

43F Notices about deed of grant

- (1) The chief executive must give notice of the registration of a deed of grant over the land or a part of the land to—
 - (a) the trustee for the operational deed of grant in trust; and
 - (b) each person given a notice under section 43B(2) or (3) or 43C(3) in relation to the deed of grant.
- (2) The notice under subsection (1) must state the following—
 - (a) the day of registration of the deed of grant;
 - (b) the effect of sections 43E and 43G.
- (3) If the Governor in Council does not issue a deed of grant over the land or a part of the land in accordance with a recommendation under section 43D, the chief executive must give notice of the fact to each person mentioned in subsection (1).

43G Effect of cancelling operational deed of grant in trust

On the cancellation of all or part of the operational

deed of grant in trust under section 43E, the following apply in relation to the land the subject of the cancellation—

- (a) the trust ends;
- (b) all appointments of trustees are cancelled;
- (c) the deed of grant is issued subject to any registered interests affecting the land immediately before the issue of the deed of grant.

38 Amendment of s 44 (Appointing trustees)

(1) Section 44(5)—

omit.

(2) Section 44(8), ‘subsection (7)(a)’—

omit, insert—

subsection (6)(a)

(3) Section 44(6) to (8)—

renumber as section 44(5) to (7).

39 Amendment of s 46 (Trustee’s administrative functions)

Section 46(1)(a)—

omit, insert—

- (a) manage the trust land in a way that is consistent with achieving the purpose for which the land is dedicated as a reserve or granted in trust; and

Note—

However, see also sections 52AA, 52AB, 57, 60 and 64 for the power of a trustee to do things that are inconsistent with the purpose for which trust land is dedicated as a reserve or granted in trust.

[s 40]

40 Amendment of s 52 (General powers of trustee)

(1) Section 52(2)(a), from ‘reserve’ to ‘land was’—

omit, insert—

land is dedicated as a reserve or

(2) Section 52(3) to (5)—

omit, insert—

(3) Subsection (2)(a) applies subject to sections 52AA and 52AB.

41 Insertion of new ss 52AA and 52AB

After section 52—

insert—

52AA Approval of inconsistent actions

(1) The Minister may approve the trustee of trust land taking an action under section 52(1) that is inconsistent with the purpose for which the trust land is dedicated as a reserve or granted in trust (an *inconsistent action*) if satisfied the action will not—

(a) diminish the purpose; or

(b) adversely affect the public interest.

(2) The approval may be given—

(a) on application by the trustee of the trust land or on the Minister’s own initiative; and

(b) subject to conditions.

(3) Despite section 52(2)(a), the trustee may take an inconsistent action if—

(a) the Minister has, under subsection (1), approved the trustee taking the action; and

(b) the taking of the action complies with the conditions of the Minister’s approval.

52AB Inconsistent actions by particular trustees

- (1) This section applies if the trustee of trust land is the State or a statutory body.
- (2) Despite section 52(2)(a), the trustee of the trust land may take an action under section 52(1) that is inconsistent with the purpose for which the land is dedicated as a reserve or granted in trust if—
 - (a) the trustee has prepared a management plan for the land that states how the action would not—
 - (i) diminish the purpose; or
 - (ii) adversely affect the public interest; and
 - (b) the action complies with the management plan.

42 Amendment of s 57 (Trustee leases)

- (1) Section 57(3), after ‘grant’—

insert—

a lease that is
- (2) Section 57—

insert—

 - (3A) A trustee lease (construction) or a trustee lease (State or statutory body) may be granted under subsection (3) even if the purpose of the lease is inconsistent with the purpose for which the trust land is dedicated as a reserve or granted in trust.
- (3) Section 57(4), ‘A ***trustee lease (construction)*** is a lease of trust land’—

omit, insert—

A lease of trust land is a ***trustee lease (construction)*** if the lease is granted
- (4) Section 57(5)—

[s 43]

omit, insert—

(5) A lease of trust land is a *trustee lease (State or statutory body)* if—

(a) the trustee of the trust land is the State or a statutory body; and

(b) for a lease the purpose of which is inconsistent with the purpose for which the trust land is dedicated as a reserve or granted in trust—

(i) the trustee has prepared a management plan for the land that states how the lease would not diminish the purpose of the trust or adversely affect the public interest; and

(ii) the lease is consistent with the management plan.

(5) Section 57(6)—

omit.

(6) Section 57(3A) to (5)—

renumber as section 57(4) to (6).

43 Amendment of s 58 (Other transactions relating to trustee leases)

(1) Section 58(4)(a), after ‘lessee’—

insert—

of a

(2) Section 58(4)(a), ‘section 57(4)’—

omit, insert—

section 57(5)

44 Amendment of s 61 (Conditions on trustee leases and trustee permits)

- (1) Section 61, heading, after ‘leases’—
insert—
, subleases
- (2) Section 61(1), after ‘sublease’—
insert—
of trust land
- (3) Section 61(2), ‘may be for up’—
omit, insert—
of trust land may be for up to
- (4) Section 61(2)(a), ‘the subject of’—
omit, insert—
contained in
- (5) Section 61(3), after ‘sublease’—
insert—
of trust land
- (6) Section 61(3)(c), ‘land’—
omit, insert—
trust land or a part of the land
- (7) Section 61(4)—
omit, insert—
- (4) A trustee lease, sublease of trust land or trustee permit is subject to a condition that the lessee, sublessee or permittee may do the following without undue interruption or obstruction—
- (a) use the trust land for the purpose for which the land is dedicated as a reserve or granted in trust;

[s 45]

- (b) for a lease or sublease—carry out on the trust land a use that is lawful and consistent with the purpose of the lease or sublease;
 - (c) for a trustee permit—carry out on the trust land a use under the permit that is lawful.
- (8) Section 61(5), ‘construction trustee lease or’—
omit, insert—
trustee lease (construction) or in relation
- (9) Section 61(6)—
omit.

45 Amendment of s 64 (Minister may dispense with approval)

- (1) Section 64(2), from ‘with’—
omit, insert—
with—
 - (a) the purpose for which the trust land is dedicated as a reserve or granted in trust; and
 - (b) the requirements prescribed by regulation.
- (2) Section 64—
insert—
 - (2A) Despite subsection (2)(a), if the Minister gives an authority to a trustee of trust land, a trustee lease of the trust land may be inconsistent with the purpose for which the land is dedicated as a reserve or granted in trust if—
 - (a) the trustee has prepared a management plan for the land that states how the lease would not—
 - (i) diminish the purpose; or

-
- (ii) adversely affect the public interest; and
 - (b) the lease is consistent with the management plan.
 - (3) Section 64(5), definition *relevant lease*, paragraph (c), ‘of a sublease’—
omit.
 - (4) Section 64(2A) to (5)—
renumber as section 64(3) to (6).

46 Amendment of s 121 (Leases of unallocated State land)

- (1) Section 121(1)(b)(ii)—
omit.
- (2) Section 121(1)(b)(iii)—
renumber as section 121(1)(b)(ii).

47 Amendment of s 122 (Deeds of grant of unallocated State land)

Section 122(1) and (2)—
omit, insert—

- (1) A deed of grant of unallocated State land may be granted without competition to the State or MEDQ.
- (2) Also, a deed of grant of unallocated State land may be granted without competition if—
 - (a) the Minister decides the land is needed for a public purpose and the grant is to a constructing authority; or
 - (b) the Minister decides the land is not needed for a public purpose and 1 or more of the priority criteria apply.

[s 48]

48 Amendment of s 124 (Leases of State forests and national parks)

Section 124—

insert—

Notes—

- 1 For the granting of a lease over land in a State forest, see also the *Forestry Act 1959*, section 35(5) and (6).
- 2 For the granting of a lease over or in relation to land in a national park, see also the *Nature Conservation Act 1992*, part 4, division 2, subdivision 3.

49 Amendment of s 130A (Change of financial and managerial capabilities of lessee of lease for significant development)

(1) Section 130A(3)(a)—

omit, insert—

(a) must, as soon as practicable after there is a relevant change to the lessee, give the Minister notice of the change; and

(2) Section 130A(3)(b), ‘that the notice to the Minister’—

omit, insert—

the notice

50 Amendment of s 153 (Lease must state its purpose)

Section 153, note—

omit, insert—

Note—

See also section 199A.

51 Amendment of s 154 (Minister may approve additional purposes)

(1) Section 154, heading, after ‘additional’—

insert—

or fewer

(2) Section 154(2)—

omit, insert—

(2) However, the Minister may approve the application only if—

(a) for an application in relation to an additional purpose—

(i) the additional purpose is complementary to, and does not interfere with, the purpose for which the lease was originally issued; or

(ii) the additional purpose relates to the production of energy from a renewable source, including, for example, the sun or wind; and

(b) the approval would not result in a change to the rental category of the lease.

(3) Section 154(3)(b) to (d)—

omit.

(4) Section 154(3)(e), ‘conditions’—

omit, insert—

imposed conditions

(5) Section 154(3)(e)—

renumber as section 154(3)(b).

(6) Section 154(7) and (8)—

omit, insert—

(7) If the application is approved, the purposes of the

[s 52]

lease, as changed, must be registered.

- (8) If an imposed condition of the lease is changed under section 210 in connection with the approval, the changed conditions must be registered in conjunction with the registration of the purposes of the lease, as changed.
- (7) Section 154—
insert—
- (10) This section does not apply in relation to a term lease for grazing purposes over land in any of the following areas—
- (a) a conservation park;
 - (b) a forest reserve;
 - (c) a national park;
 - (d) a resources reserve;
 - (e) a State forest;
 - (f) a timber reserve.

52 Amendment of s 159 (Deciding whether to offer new lease)

- (1) Section 159(1)(h)—
omit.
- (2) Section 159(1)(i) to (m)—
renumber as section 159(1)(h) to (l).
- (3) Section 159(1)—
insert—

Notes—

- 1 For the granting or renewal of a lease over land in a State forest, see also the *Forestry Act 1959*, section 35(5) and (6).

- 2 For the granting or renewal of a lease over or in relation to land in a national park, see also the *Nature Conservation Act 1992*, part 4, division 2, subdivision 3.

53 Amendment of s 159A (Provisions for decision about most appropriate form of tenure)

Section 159A(1), ‘section 159(1)(k)’—

omit, insert—

section 159(1)(j)

54 Amendment of s 164A (Approval of lease as a rolling term lease)

- (1) Section 164A(1), from ‘only if’—

omit, insert—

only if—

- (a) improvements on the lease land facilitate the tourism purposes of the tourism lease mentioned in section 164(1)(b)(i); and
- (b) the Minister is satisfied the most appropriate tenure for the lease land is a rolling term lease.

- (2) Section 164A(2), from ‘most appropriate use’—

omit, insert—

most appropriate tenure for the lease land is a rolling term lease.

55 Amendment of s 164C (Making extension application or giving expiry advice)

Section 164C(2), ‘, in the approved form,’—

omit, insert—

in writing

[s 56]

56 Amendment of s 167 (Provisions for deciding conversion application)

(1) Section 167(2)(h)—

omit.

(2) Section 167(2)(i) to (m)—

renumber as section 167(2)(h) to (l).

(3) Section 167(2)—

insert—

Note—

For the granting of a lease over or in relation to land in a national park, see also the *Nature Conservation Act 1992*, part 4, division 2, subdivision 3.

(4) Section 167(7), ‘subsection (2)(k)’—

omit, insert—

subsection (2)(j)

57 Amendment of s 180 (When permit may be cancelled or surrendered)

Section 180(1)(c), ‘and use’—

omit.

58 Amendment of s 199A (Land may be used only for tenure’s purpose)

Section 199A(2) and (3)—

omit, insert—

(2) Lease land may be used only for—

(a) if the lease land is the subject of a term lease for pastoral purposes—

(i) agricultural purposes; or

(ii) grazing purposes; or

- (iii) agricultural and grazing purposes; or
- (b) otherwise—the purpose for which the lease was originally issued.
- (3) However, if the purpose of the lease land is changed under section 154, the land may be used only for the purposes as changed.

59 Amendment of s 249 (Payment by the State for improvements)

Section 249(1)(a), ‘a community purpose’—

omit, insert—

a purpose mentioned in section 31(1)

60 Amendment of s 288A (Original mortgagee to confirm identity of mortgagor)

Section 288A(4)(a), ‘, in the approved form,’—

omit.

61 Amendment of s 288B (Mortgage transferee to confirm identity of mortgagor)

Section 288B(4)(a), ‘, in the approved form,’—

omit.

62 Amendment of s 290J (Requirements for registration of plan of subdivision)

- (1) Section 290J(1)(d), ‘community’—

omit.

- (2) Section 290J—

insert—

- (1A) For subsection (1)(d), the purpose of the reserve must be a purpose mentioned in section 31(1).

[s 63]

(3) Section 290J(5), ‘Subsection (6)’—

omit, insert—

Subsection (7)

(4) Section 290J(1A) to (6)—

renumber as section 290J(2) to (7).

63 Amendment of s 290JA (Dedication of public use land in plan)

Section 290JA(2)(a), ‘community’—

omit.

64 Amendment of s 389L (Registrar of titles may prepare and register caveat)

(1) Section 389L(5)—

insert—

relevant tenure means—

- (a) a lease; or
- (b) a licence; or
- (c) an operational reserve or a part of an operational reserve; or
- (d) a reserve other than an operational reserve.

(2) Section 389L(5), definition *extinguish*, paragraph (d)—

omit, insert—

- (d) for an operational reserve or a part of an operational reserve—the registration of a deed of grant over the reserve or part; or

65 Insertion of new s 403W

After section 403V—

insert—

**403W Provision relating to offers made under ss
34K and 43C**

- (1) This section applies in relation to—
 - (a) an offer made by the Minister to the trustee of an operational reserve under section 34K(1); or
 - (b) an offer made by the Minister to the trustee of an operational deed of grant in trust under section 43C(1).
- (2) A notice given under section 34K(3) or 43C(3) in relation to the offer must state the following matters—
 - (a) the purpose of the offer;
 - (b) that the person given the notice may make a submission against the offer to the trustee or the chief executive;
 - (c) that the submission must be in writing;
 - (d) the closing day for making the submission;
 - (e) the place where, or the way in which, the submission must be made.
- (3) A person given the notice may make a submission against the offer to the trustee or the chief executive.
- (4) The submission must be—
 - (a) in writing; and
 - (b) received by the closing day for the submission stated in the notice; and
 - (c) made at the place or in the way stated in the notice.
- (5) If the trustee accepts the offer, the acceptance must be—

[s 66]

- (a) given to the chief executive; and
- (b) accompanied by—
 - (i) a copy of each notice given under section 34K(3) or 43C(3) in relation to the offer; and
 - (ii) any submissions made to the trustee under this section.
- (6) The Minister must consider a submission against the offer made, or given, to the chief executive under this section in deciding whether to make a recommendation under section 34L or 43D.

66 Insertion of new s 420AB

After section 420A—

insert—

420AB Definition for part

In this part—

application includes a request made under section 34J or 43B.

67 Amendment of s 420CA (Requirements for giving notice of intention to apply)

Section 420CA(2)—

omit, insert—

- (2) The notice must state the following—
 - (a) the purpose of the proposed application;
 - (b) that the entity given the notice may make a submission against the proposed application to the person or the chief executive;
 - (c) that the submission must be in writing;
 - (d) the closing day for making the submission;

- (e) the place where, or the way in which, the submission must be lodged.

68 Amendment of s 420CB (Submissions)

Section 420CB(2)(a), ‘the approved form’—

omit, insert—

writing

69 Replacement of s 477 (Change of purpose for special lease)

Section 477—

omit, insert—

477 Change of purpose for special lease

The lessee of a special lease may apply under section 154 to change the purpose of the lease unless the lease is—

- (a) for grazing purposes; and
- (b) over land in any of the following areas—
 - (i) a conservation park;
 - (ii) a forest reserve;
 - (iii) a national park;
 - (iv) a resources reserve;
 - (v) a State forest;
 - (vi) a timber reserve.

70 Amendment of s 481G (Notice of cancellation or absolute surrender)

(1) Section 481G(1), ‘occupational’—

omit, insert—

[s 71]

occupation

(2) Section 481G(2)—

omit, insert—

(2) The notice must state the following—

- (a) the day of the cancellation or surrender;
- (b) the effect, under section 481H, of the cancellation or surrender;
- (c) if there are improvements on the land the subject of the occupation licence that are owned by the person to whom the notice is given—that the person may apply to remove the improvements.

71 Insertion of new ch 9, pt 8

Chapter 9—

insert—

Part 8 Transitional provisions for Land and Other Legislation Amendment Act 2024

Division 1 Preliminary

555 Definitions for part

In this part—

amended Act means this Act as in force after the commencement of the amendment Act.

corresponding community purpose, for a prescribed former schedule 1 purpose, means the community purpose stated in column 2 of the

following table opposite the prescribed former schedule 1 purpose.

Column 1 Prescribed former schedule 1 purpose	Column 2 Community purpose
Aboriginal purposes	Aboriginal purposes
beach protection	conservation, scenic and land management purposes
buffer zones	conservation, scenic and land management purposes
cemeteries	cemetery purposes
coastal management	conservation, scenic and land management purposes
environmental purposes	conservation, scenic and land management purposes
gardens	parks and recreational purposes
heritage	community facility purposes
historical	community facility purposes
jetties	community facility purposes
landing places	community facility purposes
natural resource management	conservation, scenic and land management purposes
open space	parks and recreational purposes
parks	parks and recreational purposes
public boat ramps	community facility purposes
public halls	community facility purposes
recreation	parks and recreational purposes

[s 71]

Column 1 Prescribed former schedule 1 purpose	Column 2 Community purpose
scenic purposes	conservation, scenic and land management purposes
scientific purposes	conservation, scenic and land management purposes
showgrounds	community facility purposes
sport	parks and recreational purposes
Torres Strait Islander purposes	Torres Strait Islander purposes

former, for a provision of this Act other than schedule 1, means the provision as in force from time to time before the commencement.

new, for a provision of this Act, means the provision as in force from the commencement.

non-community purpose means any of the following purposes stated in former schedule 1—

- (a) crematoriums;
- (b) drainage;
- (c) mortuaries;
- (d) navigational purposes;
- (e) public toilet facilities;
- (f) roads;
- (g) strategic land management.

prescribed former schedule 1 purpose means a purpose stated in former schedule 1 other than the following purposes—

- (a) cultural purposes;
- (b) a non-community purpose;

- (c) provision of services beneficial to Aboriginal people particularly concerned with land;
- (d) provision of services beneficial to Torres Strait Islanders particularly concerned with land;
- (e) travelling stock requirements;
- (f) watering-places.

transitioned purpose see section 558(1).

Division 2 Existing reserves and deeds of grant in trust

556 Application of division

This division applies to land that, immediately before the commencement, was land dedicated as a reserve or granted in fee simple in trust.

557 Existing reserves and deeds of grant in trust for prescribed former schedule 1 purposes

- (1) This section applies to the extent that, immediately before the commencement, the land was land dedicated as a reserve, or granted in trust, for a prescribed former schedule 1 purpose.
- (2) On the commencement, the land is taken to be land dedicated as a reserve, or granted in trust, for the corresponding community purpose for the prescribed former schedule 1 purpose.

558 Existing reserves and deeds of grant in trust for transitioned purposes

- (1) This section applies to the extent that, immediately before the commencement, the land

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was land dedicated as a reserve, or granted in trust, for a purpose stated in column 1 of the following table (a *transitioned purpose*).

- (2) On the commencement, the land is taken to be land dedicated as a reserve, or granted in trust, for the community purpose stated in column 2 of the following table opposite the transitioned purpose.

Column 1 Transitioned purpose	Column 2 Community purpose
Aboriginal inhabitants of State Aboriginal reserve benefit of Aboriginal inhabitants	Aboriginal purposes
beauty spot buffer environment environmental environmental park flora preservation municipal forest scenic scientific	conservation, scenic and land management purposes

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Column 1 Transitioned purpose	Column 2 Community purpose
botanical gardens botanic gardens children's playground cricket ground municipal garden open space zone playground public gardens recreation grounds recreation purposes sports ground tropical gardens	parks and recreational purposes

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Column 1 Transitioned purpose	Column 2 Community purpose
heritage purposes historical purposes historical site memorial memorial hall memorial library memorial park memorial preservation RSL memorial hall school of arts soldier's memorial soldier's memorial hall soldier's memorial hall school of arts war memorial	community facility purposes
benefit of Islander inhabitants	Torres Strait Islander purposes

559 Existing reserves and deeds of grant in trust for particular purposes

- (1) This section applies to the extent that, immediately before the commencement, the land was land dedicated as a reserve, or granted in trust, for any of the following purposes stated in former schedule 1—
- (a) cultural purposes;
 - (b) travelling stock requirements;
 - (c) watering-places.

- (2) The land continues to be land dedicated as a reserve, or granted in trust, for the purpose.
- (3) While the purpose remains in effect for the land, the amended Act applies in relation to the land as if it were land dedicated as a reserve, or granted in trust, for a community purpose.

560 Existing reserves and deeds of grant in trust for other purposes

- (1) This section applies to the extent that, immediately before the commencement, the land was land dedicated as a reserve, or granted in trust, for a purpose other than—
 - (a) a prescribed former schedule 1 purpose; or
 - (b) a transitioned purpose; or
 - (c) a purpose stated in section 559(1).
- (2) The land continues to be land dedicated as a reserve, or granted in trust, for the purpose.
- (3) While the purpose remains in effect for the land, the land is taken to be land dedicated as a reserve, or granted in trust, for a purpose that is not a community purpose.

Division 3 Provisions relating to dedicating and changing purposes of reserves

561 Existing applications under former s 31C for reserves for prescribed former schedule 1 purposes

- (1) This section applies to an application, made under former section 31C(1) before the commencement, to the extent the application is for the dedication

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of unallocated State land as a reserve for a prescribed former schedule 1 purpose.

- (2) Subsection (3) applies if the application had not been decided before the commencement.
- (3) On the commencement, the application is taken to be an application for the dedication of the land as a reserve for the corresponding community purpose for the prescribed former schedule 1 purpose.
- (4) Subsections (5) and (6) apply if, before the commencement—
 - (a) the application was approved; but
 - (b) a dedication notice or plan of subdivision for the reserve had not been registered under former section 31.
- (5) A dedication notice or plan of subdivision for the reserve may be registered under new section 31.
- (6) The dedication notice or plan of subdivision for the reserve is taken to state that the purpose for which the land is dedicated is the corresponding community purpose for the prescribed former schedule 1 purpose.

562 Existing applications under former s 31C for reserves for particular purposes

- (1) This section applies to an application made under former section 31C(1) before the commencement—
 - (a) to the extent the application is for the dedication of unallocated State land as a reserve for any of the following purposes stated in former schedule 1—
 - (i) cultural purposes;
 - (ii) travelling stock requirements;

-
- (iii) watering-places; and
 - (b) if, before the commencement, the application—
 - (i) had not been decided; or
 - (ii) had been approved but a dedication notice or plan of subdivision for the reserve had not been registered under former section 31.
 - (2) The Minister may dedicate the land as a reserve for the purpose under new section 31.
 - (3) New section 290J(2) does not apply in relation to a plan of subdivision registered under subsection (2).
 - (4) Subsection (5) applies to the extent the land is dedicated as a reserve for the purpose under subsection (2).
 - (5) While the purpose remains in effect for the land, the amended Act applies in relation to the land as if the land were dedicated as a reserve for a community purpose.

563 Existing applications under former s 31C for reserves for non-community purposes

- (1) This section applies to an application, made under former section 31C(1) before the commencement, to the extent the application is for the dedication of unallocated State land as a reserve for a non-community purpose.
- (2) Subsection (3) applies if the application had not been decided before the commencement.
- (3) On the commencement, the application lapses.
- (4) Subsection (5) applies if, before the commencement—
 - (a) the application was approved; but

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- (b) a dedication notice or plan of subdivision for the reserve had not been registered under former section 31.
- (5) The Minister may dedicate the land as a reserve for the non-community purpose under new section 31.
- (6) New section 290J(2) does not apply in relation to a plan of subdivision registered under subsection (5).
- (7) Subsection (8) applies to the extent the land is dedicated as a reserve for the non-community purpose under subsection (5).
- (8) While the purpose remains in effect for the land, the land is taken to be dedicated as a reserve for a purpose that is not a community purpose.

564 Existing applications under former s 31D to change purpose to prescribed former schedule 1 purpose

- (1) This section applies to an application, made under former section 31D(1)(b) before the commencement, to the extent the application is to change the purpose for which a reserve is dedicated to a prescribed former schedule 1 purpose.
- (2) Subsection (3) applies if the application had not been decided before the commencement.
- (3) On the commencement, the application is taken to be an application to change the purpose for which the reserve is dedicated to the corresponding community purpose for the prescribed former schedule 1 purpose.
- (4) Subsections (5) and (6) apply if, before the commencement—
 - (a) the application was approved; but

- (b) an adjustment notice for the change had not been registered under former section 31B.
- (5) An adjustment notice for the change may be registered under new section 31B.
- (6) The adjustment notice for the change is taken to state that the changed purpose for the reserve is the corresponding community purpose for the prescribed former schedule 1 purpose.

565 Existing applications under former s 31D to change purpose to particular purposes

- (1) This section applies to an application made under former section 31D(1)(b) before the commencement—
 - (a) to the extent the application is to change the purpose for which a reserve is dedicated to any of the following purposes stated in former schedule 1 (the *new purpose*)—
 - (i) cultural purposes;
 - (ii) travelling stock requirements;
 - (iii) watering-places; and
 - (b) if, before the commencement, the application—
 - (i) had not been decided; or
 - (ii) had been approved but an adjustment notice for the change had not been registered under former section 31B.
- (2) The Minister may change the purpose for which the reserve is dedicated to the new purpose under new section 31B.
- (3) Subsection (4) applies to the extent the purpose for which the reserve is dedicated is changed to the new purpose under subsection (2).

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- (4) While the new purpose remains in effect for the reserve, the amended Act applies in relation to the reserve as if the reserve were dedicated for a community purpose.

566 Existing applications under former s 31D to change purpose to non-community purpose

- (1) This section applies to an application, made under former section 31D(1)(b) before the commencement, to the extent the application is to change the purpose for which a reserve is dedicated to a non-community purpose.
- (2) Subsection (3) applies if the application had not been decided before the commencement.
- (3) On the commencement, the application lapses.
- (4) Subsection (5) applies if, before the commencement—
 - (a) the application was approved; but
 - (b) an adjustment notice for the change had not been registered under former section 31B.
- (5) The Minister may change the purpose for which the reserve is dedicated to the non-community purpose under new section 31B.
- (6) Subsection (7) applies to the extent the purpose for which the reserve is dedicated is changed to the non-community purpose under subsection (5).
- (7) While the non-community purpose remains in effect for the reserve, the reserve is taken to be dedicated for a purpose that is not a community purpose.

567 Documents lodged before commencement—reserve for prescribed former schedule 1 purpose

- (1) This section applies to a dedication notice, or a plan of subdivision, lodged but not registered before the commencement to the extent—
 - (a) the plan or notice provides for the dedication of land to public use as a reserve for a prescribed former schedule 1 purpose; and
 - (b) the dedication of the reserve does not relate to an application made under former section 31C before the commencement.
- (2) This section also applies to an adjustment notice lodged but not registered before the commencement to the extent—
 - (a) the notice provides for the purpose for which a reserve is dedicated to change to a prescribed former schedule 1 purpose; and
 - (b) the change does not relate to an application made under former section 31D(1)(b) before the commencement.
- (3) On the commencement—
 - (a) the plan of subdivision or dedication notice is taken to state that the purpose of the reserve is the corresponding community purpose for the prescribed former schedule 1 purpose; or
 - (b) the adjustment notice is taken to state that the new purpose of the reserve is the corresponding community purpose for the prescribed former schedule 1 purpose.

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568 Documents lodged before commencement—reserve for particular purposes

- (1) This section applies to a plan of subdivision, or a dedication notice, lodged but not registered before the commencement to the extent—
 - (a) the plan or notice provides for the dedication of land to public use as a reserve for any of the following purposes stated in former schedule 1—
 - (i) cultural purposes;
 - (ii) travelling stock requirements;
 - (iii) watering-places; and
 - (b) the dedication of the reserve does not relate to an application made under former section 31C before the commencement.
- (2) This section also applies to an adjustment notice lodged but not registered before the commencement to the extent—
 - (a) the notice provides for the purpose for which a reserve is dedicated to change to a purpose mentioned in subsection (1)(a); and
 - (b) the change does not relate to an application made under former section 31D(1)(b) before the commencement.
- (3) The plan of subdivision, dedication notice or adjustment notice may be registered under new section 31 or 31B.
- (4) New section 290J(2) does not apply in relation to the plan of subdivision.
- (5) Subsection (6) applies if the plan of subdivision, dedication notice or adjustment notice is registered under subsection (2).
- (6) While the purpose remains in effect for the

reserve, the amended Act applies in relation to the reserve as if the reserve were dedicated for a community purpose.

569 Documents lodged before commencement—reserves for non-community purposes

- (1) This section applies to a plan of subdivision, or a dedication notice, lodged but not registered before the commencement to the extent—
 - (a) the plan or notice provides for the dedication of land to public use as a reserve for a non-community purpose; and
 - (b) the dedication of the reserve does not relate to an application made under former section 31C before the commencement.
- (2) This section also applies to an adjustment notice lodged but not registered before the commencement to the extent—
 - (a) the notice provides for the purpose for which a reserve is dedicated to change to a non-community purpose; and
 - (b) the change does not relate to an application made under former section 31D(1)(b) before the commencement.
- (3) The plan of subdivision, dedication notice or adjustment notice may be registered under new section 31 or 31B.
- (4) New section 290J(2) does not apply in relation to the plan of subdivision.
- (5) Subsection (6) applies if the plan of subdivision, dedication notice or adjustment notice is registered under subsection (3).
- (6) While the non-community purpose remains in effect for the reserve, the reserve is taken to be

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dedicated for a purpose that is not a community purpose.

570 Existing agreements about dedicating reserves

- (1) This section applies if—
 - (a) the State is party to an agreement entered into before the commencement; and
 - (b) the agreement provides for the dedication of unallocated State land as a reserve for a purpose other than a purpose mentioned in new section 31(1); and
 - (c) before the commencement—
 - (i) the Minister had not dedicated the land as a reserve under former section 31 in accordance with the agreement; and
 - (ii) a person had not applied for the dedication of the land as a reserve under former section 31C in accordance with the agreement.
- (2) The Minister may dedicate the land as a reserve for the purpose under new section 31.
- (3) New section 290J(2) does not apply in relation to a plan of subdivision registered under subsection (2).

Division 4 Provisions relating to additional purposes for deeds of grant in trust

571 Existing notifications under former s 35—prescribed former schedule 1 purposes

- (1) This section applies if, before the

commencement—

- (a) the Governor in Council notified, under former section 35(2), an additional purpose that is a prescribed former schedule 1 purpose for land granted in trust; but
 - (b) an adjustment notice for the additional purpose had not been registered under former section 35.
- (2) An adjustment notice for the additional purpose may be registered under new section 35.
 - (3) The adjustment notice is taken to state that the additional purpose for the land is the corresponding community purpose for the prescribed former schedule 1 purpose.

572 Existing notifications under former s 35—particular purposes

- (1) This section applies if, before the commencement—
 - (a) the Governor in Council notified, under former section 35(2), any of the following additional purposes stated in former schedule 1 for land granted in trust—
 - (i) cultural purposes;
 - (ii) travelling stock requirements;
 - (iii) watering-places; but
 - (b) an adjustment notice for the additional purpose had not been registered under former section 35.
- (2) An adjustment notice for the additional purpose may be registered under new section 35.
- (3) Subsection (4) applies to the extent an adjustment notice for the additional purpose is registered under subsection (2).

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- (4) While the additional purpose remains in effect for the land, the amended Act applies in relation to the land as if the land were granted in trust for a community purpose.

573 Existing notifications under former s 35—non-community purposes

- (1) This section applies if, before the commencement—
 - (a) the Governor in Council notified, under former section 35(2), an additional purpose that is a non-community purpose for land granted in trust; but
 - (b) an adjustment notice for the additional purpose had not been registered under former section 35.
- (2) An adjustment notice for the additional purpose may be registered under new section 35.
- (3) Subsection (4) applies to the extent an adjustment notice for the additional purpose is registered under subsection (2).
- (4) While the additional purpose remains in effect for the land, the land is taken to be granted in trust for a purpose that is not a community purpose.

574 Existing applications under former s 38A—prescribed former schedule 1 purposes

- (1) This section applies to an application made under former section 38A(1)(a) before the commencement—
 - (a) to the extent the application is for the notification of an additional purpose that is a prescribed former schedule 1 purpose for land granted in trust; and

- (b) if, before the commencement—
 - (i) the application had not been decided; or
 - (ii) the application had been approved but the additional purpose had not been notified under former section 35.
- (2) On the commencement, the application is taken to be an application for the notification of an additional purpose that is the corresponding community purpose for the prescribed former schedule 1 purpose.

575 Existing applications under former s 38A—particular purposes

- (1) This section applies to an application made under former section 38A(1)(a) before the commencement—
 - (a) to the extent the application is for the notification of any of the following additional purposes stated in former schedule 1 for land granted in trust—
 - (i) cultural purposes;
 - (ii) travelling stock requirements;
 - (iii) watering-places; and
 - (b) if, before the commencement—
 - (i) the application had not been decided; or
 - (ii) the application had been approved but the additional purpose had not been notified under former section 35.
- (2) The Governor in Council may notify the additional purpose under new section 35.
- (3) An adjustment notice for the additional purpose

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may be registered under new section 35.

- (4) Subsection (5) applies to the extent an adjustment notice for the additional purpose is registered under subsection (3).
- (5) While the additional purpose remains in effect for the land, the amended Act applies in relation to the land as if the land were granted in trust for a community purpose.

576 Existing applications under former s 38A— non-community purposes

- (1) This section applies to an application, made under former section 38A(1)(a) before the commencement, to the extent the application is for the notification of an additional purpose that is a non-community purpose for land granted in trust.
- (2) Subsection (3) applies if the application had not been decided before the commencement.
- (3) On the commencement, the application lapses.
- (4) Subsections (5) and (6) apply if, before the commencement—
 - (a) the application was approved; but
 - (b) the additional purpose had not been notified under former section 35.
- (5) The Governor in Council may notify the additional purpose under new section 35.
- (6) An adjustment notice for the additional purpose may be registered under new section 35.
- (7) Subsection (8) applies to the extent an adjustment notice for the additional purpose is registered under subsection (6).
- (8) While the additional purpose remains in effect for the land, the land is taken to be granted in trust for

a purpose that is not a community purpose.

Division 5 Other provisions

577 Existing approvals of inconsistent actions under former s 52

- (1) This section applies to an approval given under former section 52(3) that is in effect immediately before the commencement.
- (2) On the commencement, the approval is taken to be an approval given under new section 52AA(1).

578 Existing applications under former s 52

- (1) This section applies to an application made under former section 52(5), but not decided, before the commencement.
- (2) On the commencement, the application is taken to be an application for an approval under new section 52AA(1).

579 Existing applications under former s 154

- (1) This section applies to an application made under former section 154, but not decided, before the commencement.
- (2) This Act as in force immediately before the commencement continues to apply in relation to the application as if the amendment Act had not been enacted.
- (3) However, if the application was made on or after 15 November 2023 and relates to a term lease, or a special lease, for grazing purposes over land in an area mentioned in new section 154(10), the application lapses on the commencement.

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580 Existing approvals under former s 154 if change of purpose not registered before commencement

- (1) This section applies if—
 - (a) before the commencement—
 - (i) an application was made under former section 154 to change the purpose of a lease; and
 - (ii) the Minister decided to approve the application; and
 - (b) immediately before the commencement, the purposes of the lease, as changed, had not been registered.
- (2) This Act as in force immediately before the commencement continues to apply in relation to the application and approval as if the amendment Act had not been enacted.
- (3) However, if the application was made on or after 15 November 2023 and relates to a term lease, or a special lease, for grazing purposes over land in an area mentioned in new section 154(10), the approval is taken to have no effect.

581 Change of purpose registered for particular leases before commencement

- (1) This section applies if—
 - (a) between 15 November 2023 and the commencement, an application was made under former section 154 to change the purpose of a term lease, or a special lease, for grazing purposes over land in an area mentioned in new section 154(10); and
 - (b) before the commencement—

- (i) the Minister decided to approve the application; and
 - (ii) the purposes of the lease, as changed, were registered.
- (2) On the commencement—
- (a) the approval is taken to have no effect; and
 - (b) the purpose of the lease is taken to be the purpose of the lease in effect immediately before the change was registered.

72 Replacement of sch 1 (Community purposes)

Schedule 1—

omit, insert—

Schedule 1 Community purposes

schedule 6, definition *community purpose*

Column 1 Community purposes	Column 2 Examples
Aboriginal purposes	Aboriginal cultural purposes Aboriginal heritage purposes
cemetery purposes	cemeteries

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Column 1 Community purposes	Column 2 Examples
community facility purposes	camping cultural heritage purposes heritage purposes historical purposes jetties landing places public boat ramps public halls showgrounds travelling stock requirements watering-places
conservation, scenic and land management purposes	beach protection buffer zones coastal management conservation purposes environmental purposes land management purposes natural resource management scenic purposes scientific purposes
parks and recreational purposes	gardens open space parks recreation sport

Column 1 Community purposes	Column 2 Examples
Torres Strait Islander purposes	Torres Strait Islander cultural purposes Torres Strait Islander heritage purposes

73 Amendment of sch 6 (Dictionary)

(1) Schedule 6, definitions *Aboriginal people particularly concerned with land, community purpose, operational reserve, relevant tenure* and *Torres Strait Islanders particularly concerned with land*—

omit.

(2) Schedule 6—

insert—

amendment Act means the *Land and Other Legislation Amendment Act (No. 2) 2023*.

application, for chapter 7, part 2A, see section 420AB.

community purpose means a purpose stated in schedule 1, column 1.

former schedule 1 means schedule 1 as in force immediately before the commencement of the amendment Act.

operational deed of grant in trust means a deed of grant in trust, in effect immediately before the commencement of the amendment Act, if none of the purposes of the deed of grant in trust is—

(a) a community purpose; or

Note—

See also sections 559(3), 572(4) and 575(5).

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- (b) provision of services beneficial to Aboriginal people particularly concerned with the land granted in trust; or
- (c) provision of services beneficial to Torres Strait Islanders particularly concerned with the land granted in trust.

operational reserve means—

- (a) a reserve, in effect immediately before the commencement of the amendment Act, that complies with both of the following—
 - (i) none of the purposes of the reserve is—
 - (A) a community purpose; or
- Note—*
See also sections 559(3), 562(5), 565(4) and 568(6).
- (B) provision of services beneficial to Aboriginal people particularly concerned with the land contained in the reserve; or
 - (C) provision of services beneficial to Torres Strait Islanders particularly concerned with the land contained in the reserve;
- (ii) since the commencement of the amendment Act, the purpose of the reserve has not been changed under section 31B(1) to a purpose mentioned in section 31(1)(d) or to add a purpose mentioned in section 31(1)(d); or
- (b) a reserve, dedicated under chapter 9, part 8, division 3, other than section 570, that complies with both of the following—
 - (i) none of the purposes of the reserve is—
 - (A) a community purpose; or

Note—

See also sections 562(5), 565(4) and 568(6).

- (B) provision of services beneficial to Aboriginal people particularly concerned with the land contained in the reserve; or
 - (C) provision of services beneficial to Torres Strait Islanders particularly concerned with the land contained in the reserve;
- (ii) since the reserve was dedicated, the purpose of the reserve has not been changed under section 31B(1) to a purpose mentioned in section 31(1)(d) or to add a purpose mentioned in section 31(1)(d); or
 - (c) a reserve over public use land that became unallocated State land under section 290JA(2)(d); or
 - (d) a reserve over public use land under the *Land Title Act 1994* that became unallocated State land under section 51(2)(d) of that Act.
- (3) Schedule 6, definition *public interest*, after ‘cultural,’—
insert—
economic,
 - (4) Schedule 6, definition *public purpose*—
insert—
(c) a purpose stated in former schedule 1.
 - (5) Schedule 6, definition *trustee lease (construction)*, ‘section 57(4)’—
omit, insert—

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section 57(5)

- (6) Schedule 6, definition *trustee lease* (*State or statutory body*),
'section 57(5)'—

omit, insert—

section 57(6)

Part 5 Amendment of Land Regulation 2020

74 Regulation amended

This part amends the *Land Regulation 2020*.

75 Amendment of s 7 (Requirements for relevant lease—Act, s 64)

- (1) Section 7(1), 'section 64(2)'—

omit, insert—

section 64(2)(b)

- (2) Section 7(3), definitions *relevant lease* and *relevant person*,
'section 64(5)'—

omit, insert—

section 64(6)

76 Amendment of s 9 (Deciding purchase price for particular purposes—Act, ss 109C, 122, 123A and 170)

- (1) Section 9(1)(b)—

omit, insert—

- (b) for section 122(3) of the Act, the way the
Minister must decide the purchase price for
granting unallocated State land under
section 122(2)(b) of the Act; and

Note—

For the purchase price for granting unallocated State land under section 122(1) or (2)(a) of the Act, see section 18.

(2) Section 9(2)(e), ‘section 122(1)’—

omit, insert—

section 122(2)(b)

77 Amendment of s 11 (Deciding purchase price for land in operational reserve—Act, s 34IA)

(1) Section 11, heading, from ‘operational reserve’—

omit, insert—

operational reserve or operational deed of grant in trust—Act, ss 34L and 43D

(2) Section 11(1)—

omit, insert—

(1) For sections 34L(4) and 43D(4) of the Act, this section prescribes the way the Minister must decide the purchase price for land in an operational reserve or operational deed of grant in trust.

(3) Section 11(2)(b), after ‘if’—

insert—

the trustee of the land is a constructing authority and

78 Amendment of s 12 (Deciding unimproved value of particular land—Act, ss 25, 69 and 127)

Section 12, ‘section 13(1) to (3) and (6)’—

omit, insert—

section 13

[s 79]

79 Amendment of s 13 (Working out unimproved value of land)

Section 13(5) and (6)—

omit, insert—

- (5) For deciding the purchase of price of land in an operational reserve or an operational deed of grant in trust, the unimproved value of the land is—
 - (a) in relation to a request made under section 34J(1) or 43B(1) of the Act—the unimproved value as at the day the chief executive receives the request; or
 - (b) in relation to an offer made under section 34K(1) or 43C(1) of the Act—the unimproved value as at the day stated in the offer.
- (6) For subsections (4)(a) and (5)(b), the day stated in the offer—
 - (a) may be earlier than the day the offer is made; but
 - (b) may not be earlier than 4 months before the day the offer is made.

80 Amendment of s 16 (Value of quarry material)

Section 16(2)(b)—

omit, insert—

- (b) if the quarry material is in land to be amalgamated by way of a deed of grant under section 122(2)(b) of the Act—as at the day the Minister makes the decision about the land mentioned in that section.

81 Amendment of s 18 (Deciding purchase price for particular grants of unallocated State land—Act, s 122)

(1) Section 18(1)(a), ‘MEDQ’—

omit, insert—

the State or MEDQ

(2) Section 18(1)(b), ‘section 122(2)’—

omit, insert—

section 122(2)(a)

82 Amendment of s 30 (Category 16 tenure)

Section 30(b), ‘and use’—

omit.

83 Amendment of s 31 (Allocating particular lease or licence to rental category)

(1) Section 31(1), ‘Subsection (2)’—

omit, insert—

This section

(2) Section 31—

insert—

(2A) The notice must include or be accompanied by an information notice for the rental category decision.

(3) Section 31(3)—

insert—

Note—

For appealing against a decision, see chapter 7, part 3 of the Act.

(4) Section 31(4) and (5)—

omit.

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- (5) Section 31(2A) and (3)—
renumber as section 31(3) and (4).

84 Amendment of s 44 (Rent adjustments for change of rental valuation or category of tenure)

Section 44(1), examples—

omit, insert—

Example of an action under the Act—

subdividing a lease under chapter 4, part 3, division 4 of the Act

85 Omission of s 45 (Rent adjustment for change of purpose and category of lease)

Section 45—

omit.

86 Amendment of s 47 (How rent adjustment must be made)

Section 47(1), ‘section 44, 45 or 46’—

omit, insert—

section 44 or 46

87 Amendment of sch 3 (Prescribed terms of particular trustee leases and subleases)

- (1) Schedule 3, section 6(2), ‘was dedicated or granted’—

omit, insert—

is dedicated as a reserve or granted in trust

- (2) Schedule 3, section 6—

insert—

(2A) Subsection (4) applies if the trustee lease is—

-
- (a) a trustee lease (State or statutory body) that is inconsistent with the purpose for which the trust land is dedicated as a reserve or granted in trust; or
 - (b) a trustee lease approved under section 59(2) of the Act; or
 - (c) a trustee lease that, under section 64(3) of the Act, is inconsistent with the purpose for which the trust land is dedicated as a reserve or granted in trust.
- (2B) Subsection (2) does not apply to a thing done by the trustee lessee in accordance with the trustee lease.
- (3) Schedule 3, section 6(2A) to (4)—
renumber as schedule 3, section 6(3) to (6).

Part 6 Amendment of Land Title Act 1994

Division 1 Preliminary

88 Act amended

This part amends the *Land Title Act 1994*.

Division 2 Amendments commencing on assent

89 Amendment of s 11A (Original mortgagee to confirm identity of mortgagor)

Section 11A(4)(a), ‘, in the approved form,’—
omit.

[s 90]

90 Amendment of s 11B (Mortgage transferee to confirm identity of mortgagor)

Section 11B(4)(a), ‘, in the approved form,’—
omit.

91 Amendment of s 51 (Dedication of public use land in plan)

Section 51(2)(c)—
omit, insert—

- (c) if the dedication is of a lot for a purpose mentioned in the *Land Act 1994*, section 31(1) and the Minister administering that Act consents to the plan—the lot is dedicated as a reserve for the purpose; or

92 Amendment of s 185 (Exceptions to s 184)

- (1) Section 185(1)(h), ‘access agreement under that Act’—
omit, insert—

access agreement in relation to the authority

- (2) Section 185(1)(h)(ii), ‘under that Act’—
omit, insert—

under the *Mineral and Energy Resources (Common Provisions) Act 2014*

- (3) Section 185(1)(i), ‘access agreement under that Act’—
omit, insert—

access agreement in relation to the authority

- (4) Section 185(1)(i)(ii), ‘under that Act’—
omit, insert—

under the *Mineral and Energy Resources (Common Provisions) Act 2014*

- (5) Section 185(1)(j), ‘access agreement under that Act’—
omit, insert—
access agreement in relation to the tenure
- (6) Section 185(1)(j)(ii), ‘under that Act’—
omit, insert—
under the *Mineral and Energy Resources (Common Provisions) Act 2014*
- (7) Section 185(1), note—
omit, insert—
Note—
For when an access agreement binds the registered proprietor of a lot, see the *Mineral and Energy Resources (Common Provisions) Act 2014*, section 79.
- (8) Section 185(6)—
omit, insert—
(6) In this section—
access agreement means an access agreement under the *Mineral and Energy Resources (Common Provisions) Act 2014*.
extinguished includes surrendered.

93 Insertion of new pt 12, div 10

Part 12—

insert—

Division 10 Transitional provisions for Land and Other Legislation Amendment Act 2024

Subdivision 1 Provision for amendments commencing on assent

[s 94]

225 Plans of subdivision lodged but not registered before commencement

- (1) This section applies to a plan of subdivision lodged, but not registered, before the commencement—
 - (a) if the Minister administering the *Land Act 1994* has consented to the plan; and
 - (b) to the extent the plan provides for the dedication of a lot to public use for a purpose stated in the *Land Act 1994*, schedule 1 as in force immediately before the commencement.
- (2) Despite section 51(2), on the registration of the plan, the lot is dedicated as a reserve for the purpose.

Division 3 Amendments commencing by proclamation

94 Amendment of s 50 (Requirements for registration of plan of subdivision)

Section 50(1)(a), ‘parks, reserves and other’—

omit, insert—

non-tidal watercourses, lakes and

95 Amendment of s 51 (Dedication of public use land in plan)

- (1) Section 51, before subsection (1)—

insert—

- (1AA) A plan of subdivision may provide for the dedication of land to any of the following uses (each a *public use*)—

-
- (a) a road;
 - (b) a non-tidal watercourse;
 - (c) a lake;
 - (d) a purpose mentioned in the *Land Act 1994*, section 31(1).
- (2) Section 51(2)(d)—
omit.
- (3) Section 51(3), ‘Subsection (4)’—
omit, insert—
Subsection (5)
- (4) Section 51(3)(b), ‘subsection (2)’—
omit, insert—
subsection (3)
- (5) Section 51(1AA) to (4)—
renumber as section 51(1) to (5).

96 Insertion of new pt 12, div 10, sdiv 2

Part 12, division 10, as inserted by this Act—
insert—

Subdivision 2 Provision for amendments commencing by proclamation

226 Plans of subdivision lodged but not registered before commencement

Sections 50 and 51, as in force immediately before the commencement, continue to apply in relation to a plan of subdivision lodged, but not registered, before the commencement.

[s 97]

97 Amendment of sch 2 (Dictionary)

(1) Schedule 2—

insert—

public use, for part 4, division 3, see section 51(1).

(2) Schedule 2, definition *public use land*, after ‘subdivision’—

insert—

under part 4, division 3

Part 7 Amendment of Petroleum Act 1923

98 Act amended

This part amends the *Petroleum Act 1923*.

99 Amendment of s 47 (Reservations, conditions and covenants of lease)

(1) Section 47(1)—

insert—

(ca) a covenant by the lessee to pay rates and charges payable to the local government in whose area the lease is situated;

(2) Section 47(1)(ca) to (i)—

renumber as section 47(1)(d) to (j).

100 Amendment of s 78D (Operation and purpose of pt 6G)

(1) Section 78D(2)—

insert—

(ca) for a 1923 Act petroleum tenure that is a lease—unpaid rates and charges, including unpaid interest on overdue rates and charges, payable to the local government in whose area the lease is situated; and

- (2) Section 78D(2)(ca) and (d)—
renumber as section 78D(2)(d) and (e).

Part 8

Amendment of Petroleum and Gas (Production and Safety) Act 2004

101 Act amended

This part amends the *Petroleum and Gas (Production and Safety) Act 2004*.

Note—

See also the amendments in schedule 1.

102 Insertion of new s 156A

After section 156—

insert—

156A Local government rates and charges

A petroleum lease holder must pay all rates and charges payable to the local government in whose area the lease is situated.

103 Amendment of s 161 (Conditions for renewal application)

- (1) Section 161(1)—

insert—

(ba) rates and charges, including interest on overdue rates and charges, payable to the

[s 104]

local government in whose area the lease is situated;

- (2) Section 161(1)(ba) to (e)—

renumber as section 161(1)(c) to (f).

104 Amendment of s 164 (Deciding application)

- (1) Section 164(3)—

insert—

(aa) pay rates and charges, including interest on overdue rates and charges, payable to the local government in whose area the lease is situated;

- (2) Section 164(3)(aa) and (b)—

renumber as section 164(3)(b) and (c).

105 Amendment of s 170A (Applying to amalgamate petroleum leases)

- (1) Section 170A(3)(b)—

insert—

(iia) rates and charges, including interest on overdue rates and charges, payable to the local government in whose area the lease is situated;

- (2) Section 170A(3)(b)(iia) to (v)—

renumber as section 170A(3)(b)(iii) to (vi).

106 Amendment of s 171 (Applying to divide)

- (1) Section 171(3)—

insert—

(ba) rates and charges, including interest on overdue rates and charges, payable to the

local government in whose area the lease is situated;

- (2) Section 171(3)(ba) to (e)—
renumber as section 171(3)(c) to (f).

107 Amendment of s 487 (Operation and purpose of pt 1)

- (1) Section 487(2)—
insert—
- (ca) for a petroleum authority that is a petroleum lease—unpaid rates and charges, including unpaid interest on overdue rates and charges, payable to the local government in whose area the lease is situated; and
- (2) Section 487(2)(ca) and (d)—
renumber as section 487(2)(d) and (e).

108 Insertion of new ch 15, pt 31

Chapter 15—

insert—

Part 31 Transitional provisions for Land and Other Legislation Amendment Act 2024

1040 Undecided applications for renewal of petroleum leases

- (1) New section 164(3)(b) applies in relation to an application for the renewal of a petroleum lease made but not decided before the commencement.
- (2) In this section—

new section 164(3)(b) means section 164(3)(b) as in force from the commencement.

1041 Undecided applications to amalgamate petroleum leases

- (1) New section 170A(3)(b)(iii) applies in relation to an application for the amalgamation of 2 or more petroleum leases made but not decided before the commencement.
- (2) In this section—
new section 170A(3)(b)(iii) means section 170A(3)(b)(iii) as in force from the commencement.

1042 Undecided applications to divide petroleum leases

- (1) New section 171(3)(c) applies in relation to an application to divide a petroleum lease made but not decided before the commencement.
- (2) In this section—
new section 171(3)(c) means section 171(3)(c) as in force from the commencement.

Part 9 Amendment of Place Names Act 1994

109 Act amended

This part amends the *Place Names Act 1994*.

110 Amendment of s 3 (Definitions)

- (1) Section 3, definitions *excluded place, executive officer* and *trade or commerce*—

omit.

- (2) Section 3—

insert—

excluded place see section 4(2).

existing name, of a place, see section 8(3).

- (3) Section 3, definition *approved name*, ‘means the’—

omit, insert—

means a

111 Amendment of s 4 (Place)

- (1) Section 4, heading—

omit, insert—

4 Meaning of *place* and *excluded place*

- (2) Section 4(1), after ‘artificial’—

insert—

other than an excluded place

- (3) Section 4(2), from ‘However’ to ‘include’—

omit, insert—

An *excluded place* is

- (4) Section 4(2)(e), ‘a local government area or’—

omit.

- (5) Section 4(2)(f)—

omit, insert—

- (f) a place given a name under another law of the State or the Commonwealth; or

Examples for paragraph (f)—

a port, an electoral district, a local government area

[s 112]

112 Amendment of s 6 (Place naming issues)

(1) Section 6(2)—

omit, insert—

(2) Without limiting subsection (1), ***place naming issues*** for the naming of a place include—

- (a) Aboriginal tradition and Island custom; and
- (b) the appropriateness of a place having more than 1 name; and
- (c) government initiatives or policies relating to place names; and
- (d) the cultural and historical significance of places and names; and
- (e) community views; and

Examples—

- the community considers an approved place name should be changed because it is offensive or harmful to the community
- the community supports an approved place name that honours an event or person

(f) the appropriateness of a name for a place, having regard to—

(i) the location, population, size and topography of the place; and

Example—

the place is in a remote or sparsely populated area

(ii) the use of a name for a place; and

Example—

the length of time or extent of use of a name for the place

(iii) the avoidance of confusion about the names or location of places; and

- (iv) guidelines and conventions set by intergovernmental or international committees having functions about the naming of places; and
- (g) socio-economic effects of giving a name to a place or changing or discontinuing an approved name of a place; and

Example—

the likely costs to businesses and members of the community resulting from a change to an approved name of a place

- (h) requirements to comply with other Acts, including, for example, the *Human Rights Act 2019* and the *Anti-Discrimination Act 1991*.

- (2) Section 6(3)—
omit.

113 Amendment of s 7 (Powers of Minister)

- (1) Section 7(1)(b), ‘the approved name’—
omit, insert—
an approved name
- (2) Section 7(1)(c), from ‘the use’ to ‘name’—
omit, insert—
an approved name
- (3) Section 7(2)—
omit, insert—
 - (2) Subsection (1) is subject to sections 8, 9, 10A and 11.
 - (3) To remove any doubt, it is declared that for subsection (1)(b), a change to the boundary of an area to which an approved name relates resulting

[s 114]

in a change to the approved name for any part of the area is a change to an approved name of a place.

114 Replacement of s 8 (Development of place name proposal)

Section 8—

omit, insert—

8 Development of place name proposal

- (1) The chief executive may develop a proposal about the name of a place.
- (2) In developing the proposal, the chief executive—
 - (a) must have regard to the stated place naming issues; and
 - (b) may have regard to any other place naming issues the chief executive considers appropriate.
- (3) Also, if the proposal relates to changing or discontinuing an approved name of a place (an *existing name*), in developing the proposal the chief executive must consider whether it would be appropriate to continue the existing name as an approved name of the place in addition to any other approved names of the place for a period of up to 5 years.
- (4) In considering the matter under subsection (3), the chief executive—
 - (a) must have regard to—
 - (i) the stated place naming issues mentioned in section 6(2)(e), (f)(i), (g) and (h); and
 - (ii) the public interest; and

-
- (b) may have regard to any other place naming issues.

115 Amendment of s 9 (Notice of place name proposal)

- (1) Section 9, ‘Minister’—

omit, insert—

chief executive

- (2) Section 9(3)(c), ‘written’—

omit.

- (3) Section 9(4)—

omit, insert—

- (4) The day specified in the notice must be at least 1 month after the day the notice is published in the gazette.

116 Replacement of s 10 (Dispensing with publication of proposal)

Section 10—

omit, insert—

10 When publication of place name proposal is not required

- (1) This section applies in relation to a proposal about a place name if the chief executive is satisfied—
- (a) the proposal relates only to a minor or technical matter; or
- (b) the proposal relates to the changing or discontinuing of an approved name that—
- (i) is distressing to a community or part of the community, including, for example, a community or group of Aboriginal people or Torres Strait Islander people, having regard to the historical or

[s 117]

- cultural significance of the approved name; or
- (ii) is derogatory, racist or sexist; or
- (c) the proposal is not likely to be of substantial interest to the community or any particular part of the community; or
- (d) if the proposal has already been subject to public consultation—
 - (i) the public consultation was adequate; or
 - (ii) further public consultation is likely to cause substantial distress to the community or part of the community, including, for example, a community or group of Aboriginal people or Torres Strait Islander people.
- (2) The chief executive need not comply with section 9 in relation to the proposal before making a recommendation to the Minister under section 10A.

117 Insertion of new ss 10A and 10B

After section 10—

insert—

10A Recommendation to Minister

- (1) After complying with sections 8 to 10, the chief executive must make a recommendation to the Minister about the proposal.
- (2) The recommendation must include—
 - (a) a brief summary of the place naming issues considered by the chief executive in developing the proposal; and

- (b) if the proposal is to change or discontinue an approved name of the place—
 - (i) whether the chief executive considers the existing name should continue as an approved name of the place as mentioned in section 8(3); and
 - (ii) if the chief executive considers the existing name should continue as an approved name of the place—the period of up to 5 years during which the chief executive considers the existing name should continue as an approved name; and
- (c) if notice of the proposal was published under section 9—a brief summary of the submissions, if any, received by the chief executive; and
- (d) if notice of the proposal was not published because of section 10—reasons for the chief executive’s decision not to publish a notice of the proposal.

10B Minister may require publication of proposal

- (1) This section applies if—
 - (a) a notice of the proposal was not published because of section 10; and
 - (b) the Minister considers it would be appropriate, for any reason, to publish the notice before a decision is made under section 11.
- (2) The Minister may ask the chief executive to comply with section 9 in relation to the proposal.
- (3) The chief executive must—
 - (a) comply with the Minister’s request; and

[s 118]

- (b) make a new recommendation to the Minister under section 10A about the proposal.

118 Replacement of s 11 (Decision about proposal)

Section 11—

omit, insert—

11 Decision about proposal

- (1) The Minister must not exercise a power mentioned in section 7 until—
 - (a) the chief executive has given a recommendation to the Minister under section 10A; and
 - (b) if the Minister has, under section 10B, requested the publication of the proposal—the chief executive has complied with the request.
- (2) In exercising a power mentioned in section 7 about the proposal, the Minister—
 - (a) must have regard to the stated place naming issues; and
 - (b) may have regard to any other place naming issues the Minister considers appropriate; and
 - (c) may have regard to the recommendation made by the chief executive under section 10A.
- (3) If the Minister decides to exercise a power under section 7 to change or discontinue an existing name, the Minister may state in the decision a period of up to 5 years after the day the decision takes effect during which the existing name continues to be an approved name for the place in addition to any other approved name of the place.
- (4) In deciding whether to state a period under

subsection (3), the Minister—

- (a) must have regard to—
 - (i) the stated place naming issues mentioned in section 6(2)(e), (f)(i), (g) and (h); and
 - (ii) the public interest; and
 - (iii) the recommendation made by the chief executive under section 10A(2)(b); and
- (b) may have regard to any other place naming issues.

(5) The Minister—

- (a) must publish a gazette notice stating the decision, including the day any period stated in the decision under subsection (3) ends; and
 - (b) must publish the decision in at least 1 of the following ways—
 - (i) on a relevant website;
 - (ii) in an electronic version of a newspaper;
 - (iii) in a regional newspaper circulating generally in the area of the place to which the proposal relates; and
 - (c) may publish the decision in another way the Minister considers appropriate.
- (6) The decision takes effect on the day stated in the gazette notice.

11A Minister may extend period for existing name to continue as approved name

- (1) This section applies if the Minister considers it would be appropriate to extend the period stated in a decision under section 11(3), having regard to the matters stated in section 11(4).

[s 119]

- (2) Before the period stated in the decision ends, the Minister may decide to extend the period (an *extension decision*) by no more than 5 years after the period ends.
- (3) The Minister—
 - (a) must publish a gazette notice stating the extension decision, including the day the extended period ends; and
 - (b) must publish the extension decision in at least 1 of the following ways—
 - (i) on a relevant website;
 - (ii) in an electronic version of a newspaper;
 - (iii) in a regional newspaper circulating generally in the area of the place to which the proposal relates; and
 - (c) may publish the extension decision in another way the Minister considers appropriate.
- (4) The extension decision takes effect on the day stated in the gazette notice.
- (5) The period stated in the decision made under section 11(3) may be extended only once under this section.

119 Amendment of s 12 (Gazetteer of Place Names)

Section 12(2)—

omit, insert—

- (2) The chief executive must publish the Gazetteer on a Queensland government website.

120 Omission of s 13 (Inspection of Gazetteer)

Section 13—

omit.

121 Replacement of s 14 (Entries in Gazetteer)

Section 14—

omit, insert—

14 Entries in Gazetteer

- (1) If the Minister gives a name to a place, the chief executive must—
 - (a) enter the name of the place in the Gazetteer; and
 - (b) include in the entry the boundaries or coordinates, or a description of the document that states the boundaries or coordinates, of the place to which the approved name relates.
- (2) If the Minister changes an approved name of a place, including by changing the boundaries or coordinates of the place to which the approved name relates, the chief executive must amend the Gazetteer to show the change.
- (3) If the Minister discontinues an approved name of a place, the chief executive must omit the name of the place from the Gazetteer.
- (4) The chief executive must comply with subsection (1), (2) or (3)—
 - (a) if the Minister’s decision under section 11 is to take effect on a stated day—on the stated day; or
 - (b) otherwise—as soon as reasonably practicable after the decision is made by the Minister.
- (5) However, if the Minister states a period in the decision under section 11(3) for the continuation of an existing name as an approved name of a

[s 121]

place, or extends the period under section 11A, the chief executive must—

- (a) keep the existing name in the Gazetteer as one of the approved names of the place until the period or extended period ends; and
- (b) omit the name of the place from the Gazetteer on the day the period or extended period ends.

14A Power of chief executive to amend Gazetteer

- (1) The chief executive may amend the Gazetteer at any time to include—
 - (a) a name of an excluded place; and
 - (b) information about a place, including an excluded place.
- (2) The chief executive may, at any time, omit an approved name of a place or information about a place from the Gazetteer if the chief executive is satisfied 1 or more of the following applies—
 - (a) for a place that is a geographical feature—the place no longer exists;
 - (b) the place has been given a name, other than an approved name, under another law of the State or the Commonwealth.
- (3) The chief executive may, at any time, amend the Gazetteer, including the boundaries or coordinates of a place shown in the Gazetteer, if the chief executive is satisfied—
 - (a) the change is of a minor or technical nature; or
 - (b) the amendment is necessary to correct the Gazetteer.

122 Amendment of s 15 (Publishing unapproved place name)

- (1) Section 15(2)(a), ‘the approved’—
omit, insert—
an approved
- (2) Section 15(2)—
insert—
(c) if the name is part of a business name.
- (3) Section 15—
insert—
(3) In this section—
trade or commerce includes—
(a) a business or professional activity; and
(b) a single transaction for the sale of property.

123 Amendment of s 16 (Responsibility for acts or omissions of representatives)

- (1) Section 16(1)—
omit.
- (2) Section 16(2), ‘Subsections (3) and (4) apply’—
omit, insert—
This section applies
- (3) Section 16—
insert—
(5) In this section—
executive officer, of a corporation, means a person who is concerned with, or takes part in, the corporation’s management, whether or not the person is a director or the person’s position is given the name of executive officer.

[s 124]

representative means—

- (a) of a corporation—an executive officer, employee or agent of the corporation; or
- (b) of an individual—an employee or agent of the individual.

state of mind, of a person, includes—

- (a) the person’s knowledge, intention, opinion, belief or purpose; and
- (b) the person’s reasons for the intention, opinion, belief or purpose.

- (4) Section 16(2) to (5)—

renumber as section 16(1) to (4).

124 Insertion of new s 18A

After section 18—

insert—

18A Rights or obligations not affected

- (1) The giving of a name to a place or the changing or discontinuing of an approved name of a place under this Act does not affect a right or obligation of any person.
- (2) A legal proceeding may be started or continued in relation to the former or discontinued approved name of a place despite the exercise of a power under section 7.

125 Insertion of new s 19A

After section 19—

insert—

19A Delegation by Minister

The Minister may delegate the Minister’s

functions or powers under this Act to another Minister.

126 Replacement of s 20 (Delegation by chief executive)

Section 20—

omit, insert—

20 Delegation by chief executive

The chief executive may delegate the chief executive's functions or powers under this Act to—

- (a) the chief executive of another department; or
- (b) the chief executive officer of a local government; or
- (c) an appropriately qualified public service officer.

127 Insertion of new pt 5

After part 4—

insert—

Part 5 **Transitional provisions for Land and Other Legislation Amendment Act 2024**

22 Existing proposals

- (1) This section applies if—
 - (a) a proposal about a name of a place was developed by the Minister before the commencement; and

[s 128]

- (b) immediately before the commencement a decision about the proposal had been not made.
- (2) The Act, as in force immediately before the commencement, continues to apply to the proposal as if the *Land and Other Legislation Amendment Act (No. 2) 2023* had not been enacted.

23 Application of s 18A

Section 18A applies in relation to the giving of a name to a place or the changing or discontinuing of an approved name of a place, whether the giving of the name, change or discontinuation happened before or after the commencement.

Part 10 Amendment of Recreation Areas Management Act 2006

128 Act amended

This part amends the *Recreation Areas Management Act 2006*.

129 Amendment of pt 2, div 2, hdg (Amalgamating, dividing and revoking recreation areas)

Part 2, division 2, heading, from ‘Amalgamating’ to ‘and’—
omit, insert—

Changing, renaming or

130 Insertion of new s 8A

After section 8—
insert—

8A Renaming recreation area

A regulation may change the name of a recreation area.

Part 11 Other amendments

131 Legislation amended

Schedule 1 amends the legislation it mentions.

Schedule 1 Other amendments

section 131

Part 1 Amendments commencing on assent

Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Act 1984

1 Section 48, definition *trust area*, paragraphs (a) and (b)—

omit, insert—

- (a) contained in a deed of grant in trust for a community purpose that is Aboriginal purposes or Torres Strait Islander purposes under the *Land Act 1994*; or
- (b) contained in a reserve for a community purpose that is Aboriginal purposes or Torres Strait Islander purposes under the *Land Act 1994*; or

2 Section 63(5), definition *trust land*—

omit, insert—

trust land means land that is trust land for a community purpose that is Aboriginal purposes or Torres Strait Islander purposes under the *Land Act 1994*.

Aboriginal Land Act 1991

1 Section 184, definition *Aboriginal trust land*, paragraphs (c) and (d)—

omit, insert—

- (c) land contained in a deed of grant in trust for a community purpose that is Aboriginal purposes under the Land Act; or
- (d) land contained in a reserve for a community purpose that is Aboriginal purposes, or a purpose that is the provision of services beneficial to Aboriginal people particularly concerned with the land, under the Land Act.

2 Section 197(b)—

omit, insert—

- (b) land contained in a reserve for a community purpose that is Aboriginal purposes, or a purpose that is the provision of services beneficial to Aboriginal people particularly concerned with the land, under the Land Act.

Coastal Protection and Management Act 1995

1 Section 115B(2) and (3), ‘coastal management’—

omit, insert—

conservation, scenic and land management purposes

Duties Act 2001

1 Section 136(a)—

omit, insert—

- (a) a grant under the *Land Act 1994*, in fee simple in trust, of unallocated State land for any of the following purposes under that Act—
 - (i) a community purpose;
 - (ii) provision of services beneficial to Aboriginal people particularly concerned with the land;
 - (iii) provision of services beneficial to Torres Strait Islanders particularly concerned with the land;

2 Section 145(b)—

omit, insert—

- (b) any of the following purposes under the *Land Act 1994*—
 - (i) a community purpose;
 - (ii) provision of services beneficial to Aboriginal people particularly concerned with the land;
 - (iii) provision of services beneficial to Torres Strait Islanders particularly concerned with the land.

Geothermal Energy Act 2010

- 1** Schedule 2, definition *access agreement*—
omit.

Greenhouse Gas Storage Act 2009

- 1** Schedule 2, definition *access agreement*—
omit.

Griffith University Act 1998

- 1** Section 53(7), definition *operational deed of grant in trust, 'section 61(6)'*—
omit, insert—
schedule 6

James Cook University Act 1997

- 1** Section 49(7), definition *operational deed of grant in trust, 'section 61(6)'*—
omit, insert—
schedule 6

Mineral Resources Act 1989

1 Schedule 2, definition *reserve*, paragraph (a)(ix)—

omit, insert—

- (ix) contained in a deed of grant in trust under the *Land Act 1994*, or granted in trust under another Act, for a purpose mentioned in the *Land Act 1994*, section 14(2); or
- (x) contained in a reserve under the *Land Act 1994* or another Act for a purpose mentioned in the *Land Act 1994*, section 31(1)(a) to (c); or
- (xi) dedicated as a reserve under the *Land Act 1994*, section 31(1)(d); or

Nature Conservation (Animals) Regulation 2020

1 Section 28(4), definition *public place*, paragraph (b)—

omit, insert—

- (b) the following land if the trustee for the land is a local government—
 - (i) land contained in a reserve under the *Land Act 1994* for a purpose mentioned in section 31(1)(a) to (c) of that Act;
 - (ii) land dedicated as a reserve under the *Land Act 1994*, section 31(1)(d);

Nature Conservation (Macropod) Conservation Plan 2017

1 Section 55(4), definition *public land*, paragraph (c)—

omit, insert—

- (c) the following land if the trustee for the land is a local government—
 - (i) land contained in a reserve under the *Land Act 1994* for a purpose mentioned in section 31(1)(a) to (c) of that Act;
 - (ii) land dedicated as a reserve under the *Land Act 1994*, section 31(1)(d); or

Nature Conservation (Plants) Regulation 2020

1 Schedule 5, definition *State-related land*, paragraph (b)—

omit, insert—

- (b) land contained in a reserve under the *Land Act 1994* for a purpose mentioned in section 31(1)(a) to (c) of that Act; or
- (ba) land dedicated as a reserve under the *Land Act 1994*, section 31(1)(d); or

2 Schedule 5, definition *State-related land*, paragraphs (ba) to (f)—

renumber as paragraphs (c) to (g).

Neighbourhood Disputes (Dividing Fences and Trees) Act 2011

1 Section 42(1)(e)—

omit, insert—

- (e) land contained in a reserve under the *Land Act 1994* other than a reserve—
 - (i) for a purpose mentioned in section 31(1)(a) to (c) of that Act; or
 - (ii) dedicated under section 31(1)(d) of that Act.

2 Section 48(1)(g), from ‘a reserve’ to ‘Land Act 1994’—

omit, insert—

a reserve under the *Land Act 1994* other than a reserve mentioned in section 42(1)(e)(i) or (ii)

Petroleum and Gas (Production and Safety) Act 2004

1 Schedule 2, definition *access agreement*—

omit.

Queensland University of Technology Act 1998

1 Section 48(7), definition *operational deed of grant in trust*, ‘section 61(6)’—

omit, insert—

schedule 6

Survey and Mapping Infrastructure Act 2003**1 Section 62, definition *indigenous land*, paragraph (b)—**

omit, insert—

- (b) land contained in a deed of grant in trust for a community purpose that is Aboriginal purposes or Torres Strait Islander purposes under the *Land Act 1994*; or

Torres Strait Islander Land Act 1991**1 Section 140, definition *Torres Strait Islander trust land*, paragraphs (c) and (d)—**

omit, insert—

- (c) land contained in a deed of grant in trust for a community purpose that is Torres Strait Islander purposes under the Land Act; or
- (d) land contained in a reserve for a community purpose that is Torres Strait Islander purposes, or a purpose that is the provision of services beneficial to Torres Strait Islanders particularly concerned with the land, under the Land Act.

University of Queensland Act 1998

1 Section 44(7), definition *operational deed of grant in trust*, ‘section 61(6)’—

omit, insert—

schedule 6

Part 2 Amendments commencing by proclamation

Survey and Mapping Infrastructure Act 2003

1 Section 99, note, ‘section 51(2)(b)’—

omit, insert—

section 51(3)(b)

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