



QUEENSLAND

## Land and Resources Tribunal

**Launch of *Queensland State Lands Handbook*  
Vino's Restaurant, Brisbane  
Wednesday, 22 March 2006, 6.00pm**

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### **President Greg Koppenol**

Distinguished guests, ladies and gentlemen.

Good evening and welcome to the launch of the *Queensland State Lands Handbook*.

Australians differ from the English in many ways, I am pleased to say. One of those ways is in our system of land tenure. Our system principally depends not upon analyses of English common law concepts, but upon local statute and decisional law. They are the basis of our land law.

Until 1842, the power to make a grant of land was held by the Governor of New South Wales. He had unrestricted discretion, like an imperial monarch. But it couldn't, and didn't, last. Times were changing in Australia with the emerging representative governments. Parliamentary controls were introduced on the disposition and management of what were called "the waste lands of the Crown". And once Parliament got that power, it used it!

In the next 100 years, Queensland Parliament created more than 70 different kinds of Crown leasehold tenures. Today, we may regard such a figure as quite ridiculous and unnecessarily complex. But the need for reform and simplification had not then been appreciated, as it now generally is.

Introduced into this milieu in 1992 was the concept of native title—a subject upon which our distinguished author Mr Boge has written extensively. In a previous life, I



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was one of the barristers who appeared for Queensland in the High Court in *Mabo*. We got the silver medal! The case forced a reassessment of state lands legislation. Perhaps the classic quote is from Justice Michael Kirby in *Wik Peoples* [(1996) 187 CLR 1, 230], where he said that it is now necessary for:

“... the present [to] revisit the past to produce a result, wholly unexpected at the time, which will not cause undue collision and strife in future.”

Natural resources law, whilst always important, has also taken on new and greater significance in recent times. These resources are scarce and governments have a responsibility to manage them in the best interests of the state. Queensland's enormous growth has also created the need for more infrastructural and regional planning—and the government has responded to that need in a very positive way.

In Queensland, the government's proactive steps in dealing with issues relating to land use and planning impact on nearly all parts of Queensland, including the nearly 80% of the state that is non-freehold land. This increasing focus on responsible land use and planning is reflected in the numerous pieces of legislation that affect landholder's rights and obligations. It is also reflected in legislation dealing with the application of land for the public benefit and which regulates the exploitation of the state's natural resources.

The *Queensland State Lands Handbook* brings this vast body of law (and related areas) together in one publication. Undoubtedly the book will become an indispensable tool in the hands of the practitioner or researcher who deals or is



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interested in this important area. The book is written and formatted in an easy-to-read style and will suit the reader who needs detail as well as the reader who is being introduced to the area for the first time.

The introductory chapters of the handbook place state lands law in context. Readers are then taken through various Acts dealing with grants of land, public purpose land, transport infrastructure land, submerged lands, natural resources, the administration of state lands, indigenous land rights and other related matters.

Written by a recognised expert in Queensland state lands law, this new publication presents for the first time in Queensland a comprehensive examination of this very significant area.

It now gives me great pleasure to launch this excellent new publication, to congratulate the author Mr Chris Boge and to introduce him to you.