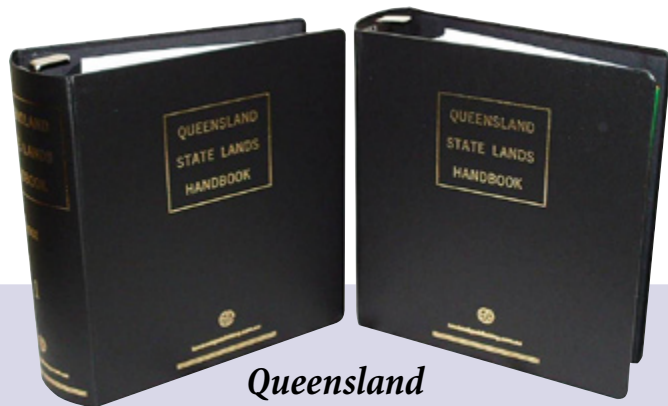


## BOOK REVIEW



### *Queensland State Lands Handbook*

by Chris Boge  
Loose Leaf, 2006<sup>1</sup>

A “jungle penetrable only by the initiate”<sup>2</sup> is apposite imagery for the myriad acts, regulations, orders, proclamations, designations, declarations, policies, guidelines, codes, forms and information notices that comprise the regulatory framework for the administration and management of state land in Queensland. Delving into the detail, when one has a specific question that needs answer, is not for the faint hearted or, perhaps more crucially, one pressed for time. To range comprehensively across this landscape so as to provide a conceptual framework, while at the same time charting a reliable and practical course for the practitioner, is a truly ambitious venture and one which I am reliably informed lead to sleepless nights for both author and editor.

Chris Boge’s two volume service, *Queensland State Lands Handbook*, published by Queensland’s online legal bookshop,

lawbookpublishing.com.au, seeks to provide both context and detail across the full spectrum of state land administration and management including the system of land allocation, the administration of tenures and the management of the State’s land resources. To this end, it outlines the context by canvassing, in brief compass, the history and evolution of the administration of state land in Queensland. It includes a detailed examination of the state lease and the land allocation system. Finally, it surveys the law and policy applying to State land (including submerged land) in relation to public purposes, transport infrastructure, natural resources, state lands administration and indigenous land rights.

This guide fills a yawning gap in Queensland’s legal publications. The need for it is established by a few facts. State leasehold land currently makes up about 65% of the land area of Queensland. State land is held under more than 23,000 leases, licences and permits by individuals, corporations, and charitable and sports organisations for business, residential or recreational purposes.<sup>3</sup> Yet, to date, “most real property textbooks reveal a skew toward English history as an explanatory rationale for the development of land law rules and principles” and there is a “relative paucity of the discussion of statutory frameworks.”<sup>4</sup>

<sup>1</sup> Available from lawbookpublishing.com.au . It may be purchased via their website or email them at orders@lawbookpublishing.com.au  for a copy on approval.

<sup>2</sup> Jordan CJ’s description of the NSW *Crown Lands Consolidation Act* 1913 in *Re Hawkins* (1948) 49 SR (NSW) 114 at 118

<sup>3</sup> State Lands Handbook

<sup>4</sup> “Tenure and Statute: Re-conceiving the Basis of Land Holding in Australia” Shaunagh Dorsett and Lee Godden

## CONTENTS

Opinion - The Proper Role of a Police Union	2
In Brief - News and Current Affairs	7
Classifieds	9
Practice and Procedure - Restating the Rules for Interlocutory Injunctions: The High Court’s Decision in <i>ABC v. O’Neill</i>	10
Personal Injuries - Application of the <i>Civil Liability Act 2003</i> to Workplace Injuries	14
Court of Appeal Summary Notes	17
Book Review - Queensland State Lands Handbook	23
Book Reviewers: Come Out of Hiding!	25
Publishing Information	25



BACK NEXT PRINT EXIT

Thankfully, the *Queensland State Lands Handbook* bucks a regrettable trend for such services to be merely “useful” collections of material easily obtained elsewhere. Instead, Boge provides an overview of relevant provisions, an analysis of issues and trends and case annotations. A quick look at the index of statutes shows there are more than 100 Queensland statutes referred to and, I admit to making no attempt to identify how many policies he has considered. There is also an abridged edition which is more accessible in terms of price and provides a ready reference source. This should be particularly attractive to the student market although it still retains a practical edge for practitioners.

Fry was referring to the bewildering multiplicity of tenures when he said of the land system in NSW and Queensland, “Gone is the simplicity of the modern English law as to tenures. Gone is the senile impotence of the emasculated tenorial incidents of modern English law.”<sup>5</sup> The *Land Act 1994* largely addressed this bewildering multiplicity (there were some 70 different tenures) by implementing the recommendations of the Wolfe Report. To that extent, it was successful in simplifying the tenure framework.

It did not, however, reduce the complexity of land administration. The Act made explicit a fundamental shift in policy that was already well underway in relation to the management of State land. “Waste land” became unallocated State land. Economic exploitation and land settlement objectives were replaced by a commitment to sustainable development, necessarily involving decision makers in balancing economic outcomes with more complex and, sometimes, less tangible, considerations, including environmental protection and community need. The stewardship agenda adopted by the Act is echoed in the other Acts and policies canvassed in this publication. This service, if updated to encapsulate the growing jurisprudence in natural resource management, will provide useful guidance as courts and tribunals interpret and apply the law.

Boge’s orientation as a practitioner is evident in his approach to this material. He clearly has an eye to the practical application of the law and the needs of both decision makers and advisers. He and his editor have adopted a range of innovative techniques

which make the publication very accessible to both. Each chapter contains a cross-referenced summary and identifies key concepts and legislation. Throughout the text key words and related topics are noted. At the conclusion of lengthier excursions there is usually a helpful summary of the main points traversed in the discussion.

I am confident that government officers will find the service helpful in gathering together the regulatory instruments that they are governed by in exercising their statutory powers and discretions. Solicitors, in particular, will appreciate the guidance given, for example, about conveying state leases and the “Practice boxes”, used in the state lease chapter, which identify relevant policies, whether ministerial approval is required, and the applicable forms, fees, duty, and registration requirements.

On a critical note, it is not surprising that the depth of analysis varies across the topics. I declare a personal bias arising from my former position on the Land and Resources Tribunal in particularly noting that the analysis of mining legislation is limited and recent cases have not been included. The next edition could also benefit from a careful proof read to catch the odd typographical error and missing word.

I am assured this service is a work in progress and subscribers can expect two updates a year. Boge welcomes suggestions and case examples for updates. The value of this service will be enhanced as it supplemented by case annotations and further policies and management plans as they emerge. Keeping abreast of developments across the scope of this service will be demanding but well worth undertaking.

**Fleur Kingham**  
**Judge of the District Courts**  
**of Queensland**



<sup>5</sup> Fry, “Land Tenures in Australian Law” (1946-1947) 3 *Res Judicatae* 158 at 161, 163.

CONTENTS

Opinion - The Proper Role of a Police Union	2
In Brief - News and Current Affairs	7
Classifieds	9
Practice and Procedure - Restating the Rules for Interlocutory Injunctions: The High Court’s Decision in <i>ABC v. O’Neill</i>	10
Personal Injuries - Application of the <i>Civil Liability Act 2003</i> to Workplace Injuries	14
Court of Appeal Summary Notes	17
Book Review - Queensland State Lands Handbook	23
Book Reviewers: Come Out of Hiding!	25
Publishing Information	25

Navigation icons: BACK, NEXT, PRINT, EXIT