

Module	<b>QLG – MANAGEMENT OF PUBLIC LANDS AND PROPERTY</b>
Jurisdictions	<b>QLD</b>
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## Module Application

Queensland local government bodies, authorised local government individuals and all local government employees should be subscribing to this module.

The QUEENSLAND LOCAL GOVERNMENT – MANAGEMENT OF PUBLIC LANDS AND PROPERTY module informs Queensland local government bodies and their employees of their duties and obligations when managing public lands and property within the designated local government area including notification and regulatory obligations.

The QUEENSLAND LOCAL GOVERNMENT – MANAGEMENT OF PUBLIC LANDS AND PROPERTY module covers all obligations and regulations derived from Queensland state legislation of Queensland local government bodies managing public lands and property in their local government area. The module provides the practical assistance and guidance to ensure these obligations are complied with by demonstrating the establishment and maintenance of best practice processes. The module also covers potential exemptions to the obligations, where applicable, and how they may or may not apply in particular instances.

The legislative and regulatory basis of obligations covered by the module include the following Commonwealth and Queensland state acts as well as related rules, regulations and designated regulatory bodies. The main act governing Queensland local government regulation of public lands and property is;

- › Local Government Act 2009 (QLD);
- › Governs the nature and extent of a local government's responsibilities and powers and provides for a system of local government in Queensland that is accountable, effective, efficient and sustainable. The act also provides the basis for administration of local government services in order to ensure the best interests of the local government area are maintained;

There are numerous additional acts which are also sources of obligations for Queensland local government bodies managing public lands and property including;

- › Civil Liability Act 2003 (QLD);
- › Coastal Protection and Management Act 1995 (QLD);
- › Criminal Code Act 1899 (QLD);
- › Environmental Protection Act 1994 (QLD);
- › Environmental Protection and Biodiversity Conservation Act 1999 (Cth);
- › Fisheries Act 1994 (QLD);
- › Land Act 1994 (QLD);
- › Libraries Act 1988 (QLD);
- › Local Government Act 2009 (QLD);
- › Transport Operations (Road Use Management) Act 1995 (QLD);
- › Water Act 2000 (QLD);
- › Queensland Department of Natural Resources, Mines and Energy (DNRME);
- › Queensland Department of Environment and Science (DES); and
- › Human Rights and Equal Opportunity Commission (HREOC).

The specific management of public lands and property obligation areas for Queensland local government that are comprehensively covered by the module include;

- › To establish policies and procedures to fulfil their role as trustee for state land. The obligations of the role include;
- › Maintaining and managing the land;
- › Complying with the conditions of the trust;
- › Maintaining plans and records;
- › Financial management and mortgages;
- › Establishing review procedures to ensure that staff members are fulfilling trustee obligations;
- › Protected areas;
- › Reserves and revocation of reserves;
- › Complying with the end of a trust process; and
- › Deed of Grant in Trust (DOGIT) leases and surrender.
- › To issue leases and permits to third parties over trust land provided the usage of the trust Land complies with the conditions of the trust. Generally trust land is set aside for community purposes. The obligations of the local government include;
- › Deed of Grant in Trust (DOGIT) freehold instruments;
- › Inspection and monitoring;
- › Secondary uses;
- › Remedial action notices;
- › Surrounding roads; and
- › Model by-laws.
- › To maintain and manage coastal and waterway areas within the local government area;
- › Construction and maintenance of tidal works;
- › Management of volunteers;
- › Public access;
- › Management plans;
- › Shoreline erosion; and
- › Biosecurity plans.

- To establish, maintain, and conduct a public library facility with the aim of contributing to the cultural, social and intellectual development of the community. The library must be inclusive of all members of the community with regard to age, race, gender, sexual orientation and disability;
- Management of membership and personal information;
- Committees;
- Grants; and
- Management plans.
- To maintain public swimming pools and centres or holiday park pools for the safety of patrons and staff including;
- Chemicals;
- Water quality;
- Drowning and accidents;
- Building structure maintenance;
- Disability access;
- Emergency management and risk mitigation;
- Disposal of waste water; and
- To effectively administer council powers over parking in the local government area in accordance with legislation;
- Signage must be in place and be obviously apparent to residents and visitors to the area;
- Local government can control parking on roads, on declared roads, and in designated off street parking areas;
- The issuing of parking permits;
- Management and maintenance of council parking; and
- Abandoned vehicles.
- To maintain public land and property areas and structures to ensure minimal instances of public harm, injury or loss of life to the public and to local government employees. Obligations also include;
- Graffiti management plans and removal;
- Surveillance cameras; and
- Fire safety and emergency management.
- To provide public recreation areas that may be used for botanic gardens, camping grounds, or public parks. The local government is obliged to manage open space within the local government area in alignment with the principles of environmental sustainability which include;
- Integration of short and long-term economic, environmental, social and equitable considerations;
- Prevention of environmental degradation;
- Ensuring that health, diversity and productivity is maintained for future generations;
- Conservation of biological diversity and ecology;
- The growth of a strong local economy; and
- Involving the community when issues arise that affect community members; and
- To consider additional issues when managing open spaces including;
- Heritage matters; and
- To manage public cemeteries and crematoria in accordance with legislated obligations;
- The removal of human burial remains;
- Record keeping and administration; and
- Burial services and memorials.

Certain failures of local government to comply with management of public lands and property obligations will attract financial penalties and the QUEENSLAND LOCAL GOVERNMENT – MANAGEMENT OF PUBLIC LANDS AND PROPERTY module covers the various financial penalties and how they may be applied to different breaches. Serious breaches attributed to responsible employees can even result in imprisonment. In the event that public liability insurance doesn't accept liability for an incident resulting from a breach the local government may be held liable and be ordered to pay compensation, damages and legal costs.

The QUEENSLAND LOCAL GOVERNMENT – MANAGEMENT OF PUBLIC LANDS AND PROPERTY module provides comprehensive coverage of the legal obligations of Queensland local government entities managing public lands and property. It does not cover the procedures or processes to be followed by individuals or entities relying on local government management of public lands and property if the local government commits a breach of these obligations and duties.

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