

Procedure

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Naming convention for tenure to government departments

Purpose

This procedure provides for consistent naming conventions when registering land in the Titles Registry. It includes land allocated to Queensland Government departments and statutory authorities as:

- A grant of freehold;
- A lease;
- A permit to occupy or licence; or
- Trustee of a reserve.

Rationale

All government departments represent the state. Where possible each government agency should be limited to a single and standardised style name. In accordance with this, when dealing with tenure for land controlled by a government department, land is to be held in a consistent style name i.e. 'The State of Queensland (represented by Department of)'.

Some state government agencies can be granted land in its corporate sole name. These are:

1. Tourism Queensland under sections 6 and 14 of the *Tourism Queensland Act 1979*; and
2. The Coordinator-General under section 8 of the *State Development and Public Works Organisation Act 1971*.

The Minister for Economic Development Queensland may also be granted land.

Procedure

The name of the state government agency is restricted to those agencies defined as an Administrative Unit as nominated in the government's Administrative Arrangements Order approved by the Governor in Council. Details of current agency/department names are listed in the [Queensland Government Administrative Arrangement](#).

For the purposes of recording tenure, on the Titles Registry, to a state government department or agency; the standard naming convention is 'The State of Queensland (represented by Department of)'.

Deeds and Leases

Under sections 17, 121 & 122 of the Land Act, the Minister may grant a lease of unallocated state land (USL) or the Governor in Council may grant USL, an operational reserve or rail land in fee simple to the state.

Unless the government agency is one of the agencies that can have land granted in its corporate sole name, all leases or grants of USL, an operational reserve or rail land in fee simple under the Land Act must be made in the name of: 'The State of Queensland (represented by Department of)'.

Amendment dealings under section 358 of the Land Act

For section 358 amendment dealings, if a current title is held by a government agency in its corporate style name, a 'transfer' of the title to 'The State of Queensland (represented by Department of)' must first be registered with the Titles Office. A section 358 surrender can then be registered and the amended Deed issued to the 'State of Queensland (represented by Department of)'.

If the section 358 action is dealing with land held by Tourism Queensland or the Co-ordinator General (or their predecessors in title), the amendment action can proceed as a standard 358 action; the amended Deed should issue in its respective current corporate name.

Permits and Licences

The Land Act is not specific on these tenures, however for consistency the style name: 'The State of Queensland (represented by Department of)' should be used for the issue of road licences and permits to occupy to a government agency.

A road licence and an 'attaching' permit must issue in the name of the 'attaching' parcel. In that instance, the relevant government agency should be advised to take action to transfer/correct its name on the attaching parcel before the licence/permit is issued.

If the government agency is one of the agencies that can have land granted in its corporate sole name, the licence/permit should be issued in its corporate sole name.

Reserves

Under section 44 of the Land Act, a trustee of a reserve must be –

1. the state;
2. a statutory body;
3. an incorporated body; or
4. a named individual/s

Therefore, unless the government agency is one of the agencies that have the ability to have land granted in its corporate sole name, all trustees representing the state must be in the name of: 'The State of Queensland (represented by Department of)'.

Legislation

Land Act 1994

Tourism Queensland Act 1979

State Development and Public Works Organisation Act 1971

Related documents

"Queensland Government Administrative Arrangements"

Approval

Position	Name	Date
Executive Director Land and Native Title Services	Graham Nicholas	1/08/2018

Version history

Version	Effective Date	Comments
2.00	19/10/2004	Updated
2.01	28/06/2005	Conversion Project – New Word/XML
2.02	06/12/2006	Minor Amendments to style name
3.00	11/11/2008	Updated to reflect Land Act amendments
3.01	11/02/2009	Amended states of Notification from NRW only to Public Access
3.02	15/02/2011	Updated to DERM
3.03	05/05/2012	Update change of style name as per the <i>State Development and Public Works Organisation Act 1971</i> section 8
3.04	14/06/2013	Minor amendments to reflect MOG changes
3.05	11/04/2014	Updated to new template
3.06	17/06/2016	Minor amendment to review and insert text on new template
3.07	1/08/2018	Updated to new template

Further information

- Contact your nearest business centre (https://dnrme.qld.gov.au/?contact=state_land), or
- Refer to <https://www.qld.gov.au/environment/land/state>, or
- Call 13 QGOV (13 74 68).

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