

Queensland



# **TRANSPORT (GLADSTONE EAST END TO HARBOUR CORRIDOR) ACT 1996**

**Reprinted as in force on 13 January 1998  
(includes amendments up to Act No. 81 of 1997)**

**Reprint No. 1A**

**This reprint is prepared by  
the Office of the Queensland Parliamentary Counsel  
Warning—This reprint is not an authorised copy**

# Information about this reprint

This Act is reprinted as at 13 January 1998. The reprint shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes.

This page is specific to this reprint. See previous reprint for information about earlier changes made under the Reprints Act 1992. A table of earlier reprints is included in the endnotes.

**Also see endnotes for information about—**

- **when provisions commenced**
- **editorial changes made in earlier reprints.**

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**TRANSPORT (GLADSTONE EAST END  
TO HARBOUR CORRIDOR) ACT 1996**

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**TRANSPORT (GLADSTONE EAST END TO  
HARBOUR CORRIDOR) ACT 1996**

[as amended by all amendments that commenced on or before 13 January 1998]

**An Act to authorise the acquisition of certain land for rail transport  
corridor purposes, and for other purposes**

**Short title**

**1.** This Act may be cited as the *Transport (Gladstone East End to Harbour Corridor) Act 1996*.

**Acquisition of land for rail transport corridor**

**2.(1)** The following land is taken by the State for use by a railway manager as part of a rail transport corridor under the *Transport Infrastructure Act 1994*—

- (a) alienated land described in schedule 1, part 1;
- (b) the part of the reserve under the *Land Act 1994* described in schedule 1, part 2.

**(2)** Land taken under subsection (1) becomes unallocated State land free of any interest or obligation.

**(3)** This section has effect despite any other Act.

**Acquisition of land for road purposes**

**3.(1)** The following land is taken by the State for road purposes—

- (a) alienated land described as new road on a plan mentioned in schedule 2, part 1;

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(b) the part of the reserve under the *Land Act 1994* described as new road on a plan mentioned in schedule 2, part 2.

(2) The following land that is not already unallocated State land becomes unallocated State land—

(a) land taken under subsection (1);

(b) land included in schedule 2, part 3.

(3) Land mentioned in subsection (2) is taken to be dedicated as a road for public use under the *Land Act 1994*, section 94<sup>1</sup> and open for public use.

(4) This section has effect despite any other Act.

### **Acquisition of Land Act 1967**

**4.(1)** The *Acquisition of Land Act 1967* applies to a resumption of land under this Act with any necessary changes, including those mentioned in this section.

(2) The provisions of the *Acquisition of Land Act 1967* stated in schedule 3 do not apply to the resumption of land under this Act.

(3) A person whose interest in land is taken has the right to claim compensation mentioned in the *Acquisition of Land Act 1967*, section 12(5).<sup>2</sup>

(4) The compensation is claimed in the way stated in the *Acquisition of Land Act 1967*, section 12(5A) and (5B) and part 4.<sup>3</sup>

(5) Subsection (3) applies subject to the *Native Title (Queensland) Act 1993*.

(6) A reference in a provision of the *Acquisition of Land Act 1967* that applies to a resumption of land under this Act, to a proclamation that takes land, is taken to be a reference to this Act.

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<sup>1</sup> Section 94 (Dedication of road by gazette notice)

<sup>2</sup> Section 12 (Effect of proclamation or notification of resumption)

<sup>3</sup> Part 4 (Compensation)

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(7) For the *Acquisition of Land Act 1967*, section 24(2A), a claimant refers the claim for compensation to the Land Court by filing in the office of the registrar of the court copies of the claim given by the claimant to the chief executive.

### **Partial closure of certain roads**

5. The parts of the roads described in schedule 4 are closed on a day to be fixed by the Minister by gazette notice.

### **Leasing of rail transport corridor land**

6.(1) This section applies to—

- (a) land taken under section 2; and
- (b) land included in schedule 1, part 3; and
- (c) land included in schedule 4.

(2) The Governor in Council must lease the land to the State under the *Land Act 1994*, section 17(b)<sup>4</sup> for use by a railway manager as part of a rail transport corridor under the *Transport Infrastructure Act 1994*.

(3) The lease is in perpetuity and, if demanded, for a rent of \$1 per year.

(4) The State must immediately sublease the land to Queensland Rail in the same way as for a sublease of existing corridor land under the *Transport Infrastructure Act 1994*, section 214.<sup>5</sup>

(5) This section applies despite the *Transport Infrastructure Act 1994*, section 131(2) and (3).<sup>6</sup>

### **Access to acquired land**

7.(1) Queensland Rail is authorised to enter on land included in schedules 1 and 4 and construct rail transport infrastructure on it even

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<sup>4</sup> Section 17 (Granting land to the State)

<sup>5</sup> Section 214 (Existing rail corridor land)

<sup>6</sup> Section 131 (Lease of land to railway managers)

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though the land has not been leased to Queensland Rail before the entry is made.

(2) This section applies despite any other Act.

### **Recording of interests in land**

**8.(1)** The registrar of titles or anyone else required or permitted to record particulars necessary to identify interests in land must, on the written request of the chief executive, record the particulars necessary to give effect to this Act.

(2) If a written request is made under subsection (1), production of the instrument of title to the land in question is not required when the request is made, and the registrar of titles or other person is authorised to make any necessary entries on the instrument of title when it is next produced to him or her.

### **Regulation-making power**

**9.(1)** The Governor in Council may make regulations under this Act.

(2) A regulation may, in relation to land specified in schedule 1, 2 or 4, for which an area is expressed as an approximate area, specify a different area.

(3) The different area specified is taken to be the area referred to in the schedule from the commencement of this Act.

(4) A regulation under subsection (2) must be made within 18 months after the commencement of this Act.

(5) The object of subsections (2) to (4) is to enable the land mentioned in those subsections to be surveyed.

### **Expiry**

**11.** This Act expires 7 years after it commences.



## **SCHEDULE 1**

### **LAND FOR RAIL TRANSPORT CORRIDOR**

section 2

#### **PART 1—LAND ALIENATED FROM THE STATE**

1. The area of approximately 2.27 ha of lot 31 on CP/DS 286 parish of Targinie, county of Deas Thompson shown as item 13a on plans R6-421 and R6-422 and item 13c on plan R6-423
2. The area of approximately 6.56 ha of lot 101 on RP 620971 parish of Targinie, county of Deas Thompson shown as item 16 on plans R6-423 and R6-424
3. The area of approximately 5.14 ha of lot 11 on CP/CL 40366 parish of Mount Larcom, county of Clinton shown as item 5a on plan R6-430B, item 5b on plan R6-431, and item 5c on plans R6-431 and R6-432<sup>7</sup>
4. The area of approximately 3.04 ha of lot 449 on CP/CL 40213 parish of Mount Larcom, county of Clinton shown as item 6 on plans R6-430B and R6-431<sup>8</sup>
5. The area of approximately 1.76 ha of lot 21 on CP/CTN 87 parish of Mount Larcom, county of Clinton shown as item 8 on plan R6-432
6. The area of approximately 3.66 ha of lot 22 on CP/CL 40383 parish of Mount Larcom, county of Clinton shown as item 9a on plans R6-432 and R6-433 and item 9b on plan R6-433<sup>9</sup>

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<sup>7</sup> The area includes approximately 276 m<sup>2</sup> of easement W on RP 836822.

<sup>8</sup> The area includes approximately 87 m<sup>2</sup> of easement V on RP 836822.

<sup>9</sup> The area includes approximately 283 m<sup>2</sup> of easement A on RP 614754.

## SCHEDULE 1 (continued)

7. The area of approximately 377 m<sup>2</sup> of lot 66 on CP/CL 40338 parish of Mount Larcom, county of Clinton shown as item 10 on plan R6-433<sup>10</sup>
8. The area of approximately 2.97 ha of lot 32 on CP/CTN 108 parish of Mount Larcom, county of Clinton shown as item 12a on plan R6-433 and item 12c on plans R6-433 and R6-434
9. The area of approximately 4.42 ha of lot 538 on CP/CL 40256 parish of Mount Larcom, county of Clinton shown as item 14 on plans R6-434 and R6-435
10. The area of approximately 1.37 ha of lot 2 on CP/MPH 2842 parish of Nolan, county of Deas Thompson shown as items 15a and 15c on plan R6-435
11. The area of approximately 1.75 ha of lot 1 on CP/MPH 2842 parish of Nolan, county of Deas Thompson shown as item 22a on plans R6-435 and R6-436
12. The area of approximately 1 023 m<sup>2</sup> of lot 4 on CP/MPH 14072 parish of Nolan, county of Deas Thompson shown as item 18 on plan R6-436
13. The area of approximately 2.12 ha of lot 3 on CP/MPH 14066 parish of Nolan, county of Deas Thompson shown as item 20 on plan R6-436
14. The area of approximately 4.14 ha of lot 1 on CP 895853 parish of Nolan, county of Deas Thompson shown as item 17a on plan R6-435 and item 17c on plans R6-435 and R6-436

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<sup>10</sup> The area includes approximately 155 m<sup>2</sup> of easement A on RP 14755

SCHEDULE 1 (continued)

**PART 2—RESERVED LAND**

15. The area of approximately 3 284 m<sup>2</sup> of lot 142 on CP/CTN 2143 parish of Calliope, county of Clinton shown as item 5b on plan R6-417B

**PART 3—STATE LAND**

16. The area of approximately 3.30 ha of lot 96 on USL 39039 parish of Calliope, county of Clinton shown as item 1a on plan R6-416
17. The area of approximately 2.55 ha of lot 101 on USL 39039 parish of Calliope, county of Clinton shown as item 2 on plan R6-416 and items 2a and 2c on plan R6-417B
18. The area of approximately 15.08 ha of lot 1 on RP 612126 parish of Calliope, county of Clinton shown as item 4b on plans R6-417B and R6-418B, item 4c on plans R6-419, R6-420 and R6-421, and item 4e on plan R6-421<sup>11</sup>
19. The area of approximately 2 292 m<sup>2</sup> of lot 99 on USL 39039 parish of Calliope, county of Clinton shown as item 7a on plan R6-417B
20. The area of approximately 4.86 ha of Port Curtis shown as item 10a on plan R6-421 and item 10b on plans R6-422 and R6-423
21. The area of approximately 9.86 ha of lot 2 on RP 619805 parish of Mount Larcom, county of Clinton shown as item 1b on plans R6-425B, R6-426, R6-427 and R6-428
22. The area of approximately 5 914 m<sup>2</sup> of lot 15 on CP/CTN 104 parish of Mount Larcom, county of Clinton shown as item 2 on plan R6-428

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<sup>11</sup> The area includes approximately 6 279 m<sup>2</sup> of easement A on RP 10582.

SCHEDULE 1 (continued)

- 23.** The area of approximately 9.41 ha of lot 268 on CP/CL 4094 parish of Mount Larcom, county of Clinton shown as item 3 on plans R6-428, R6-429 and R6-430B

## **SCHEDULE 2**

### **LAND FOR ROAD PURPOSES**

section 3

#### **PART 1—LAND ALIENATED FROM THE STATE**

1. The area of approximately 3 297 m<sup>2</sup> of lot 31 on CP/DS 286 parish of Targinie, county of Deas Thompson shown as item 13b on plan R6-423
2. The area of approximately 1 027 m<sup>2</sup> of lot 22 on CP/CL 40383 parish of Mount Larcom, county of Clinton shown as item 9c on plan R6-433
3. The area of approximately 1.47 ha of lot 32 on CP/CTN 108 parish of Mount Larcom, county of Clinton shown as item 12b on plans R6-433 and R6-434
4. The area of approximately 6 619 m<sup>2</sup> of lot 2 on CP/MPH 2842 parish of Nolan, county of Deas Thompson shown as item 15b on R6-435
5. The area of approximately 9 980 m<sup>2</sup> of lot 1 on CP/MPH 2842 parish of Nolan, county of Deas Thompson shown as item 22b on plans R6-435 and R6-436
6. The area of approximately 1 334 m<sup>2</sup> of lot 1 on CP 895853 parish of Nolan, county of Deas Thompson shown as item 17b on plan R6-435

#### **PART 2—RESERVED LAND**

7. The area of approximately 677 m<sup>2</sup> of lot 142 on CP/CTN 2143 parish of Calliope, county of Clinton shown as item 5a on plan R6-417B

## SCHEDULE 2 (continued)

**PART 3—STATE LAND**

8. The area of approximately 5 503 m<sup>2</sup> of lot 96 on USL 39039 parish of Calliope, county of Clinton shown as item 1b on plan R6-417B
9. The area of approximately 630 m<sup>2</sup> of lot 101 on USL 39039 parish of Calliope county of Clinton shown as item 2b on plan R6-417B
10. The area of approximately 1 217 m<sup>2</sup> of lot 97 on USL 39039 parish of Calliope, county of Clinton shown as item 6 on plan R6-417B
11. The area of approximately 3 128 m<sup>2</sup> of lot 1 on RP 612126 parish of Calliope, county of Clinton shown as item 4a on plan R6-417B and item 4d on plan R6-421
12. The area of approximately 7 842 m<sup>2</sup> of Port Curtis shown as item 10c on plans R6-422 and R6-423
13. The area of approximately 2 729 m<sup>2</sup> of lot 99 on USL 39039 parish of Calliope, county of Clinton shown as item 7b on plan R6-417B
14. The area of approximately 1.97 ha of lot 2 on RP 619805 parish of Mount Larcom, county of Clinton shown as item 1a on plan R6-425B

### SCHEDULE 3

## PROVISIONS OF THE ACQUISITION OF LAND ACT 1967 THAT DO NOT APPLY TO THE TAKING OF LAND UNDER THIS ACT

section 4

1. Sections 5 to 11
2. Section 12, other than as provided by section 4(3) and (4) of this Act
3. Section 13
4. Sections 15 to 17
5. Section 21
6. Section 36(3) and (6)<sup>12</sup>

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<sup>12</sup> Section 5 (Purposes for which land may be taken)  
 Section 6 (Easements)  
 Section 7 (Notice of intention to take land)  
 Section 8 (Dealing with objections)  
 Section 9 (Means by which land to be taken other than by Brisbane City Council or an approved local authority)  
 Section 10 (Means by which land to be taken by Brisbane City Council or an approved local authority)  
 Section 11 (Correction of errors etc. in proclamation or notification of resumption)  
 Section 12 (Effect of proclamation or notification of resumption)  
 Section 13 (Owner may require small parcel of severed land to be taken)  
 Section 15 (Taking by agreement)  
 Section 16 (Discontinuance of resumption before proclamation or notification of resumption)  
 Section 17 (Revocation before determination of compensation)  
 Section 21 (Grant of easement etc in satisfaction of compensation)  
 Section 36 (Powers of entry etc.)

SCHEDULE 3 (continued)

7. Section 37, other than for section 36(7)
8. Section 41<sup>13</sup>

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<sup>13</sup> Section 37 (Temporary occupation of land)  
Section 41 (Disposal of land)



## **SCHEDULE 4**

### **ROADS PARTIALLY CLOSED**

section 5

1. The area of road of approximately 1 773 m<sup>2</sup> shown as item 3 on plan R6-416<sup>14</sup>
2. The area of road of approximately 1.66 ha shown as items 3a, 3b, 8a and 8b on plan R6-417B
3. The area of road of approximately 2 279 m<sup>2</sup> shown as item 17 on plan R6-418B
4. The area of road of approximately 3 324 m<sup>2</sup> shown as item 17 on plan R6-419
5. The area of road of approximately 4 698 m<sup>2</sup> shown as items 9, 11 and 12 on plan R6-421
6. The area of road of approximately 2 316 m<sup>2</sup> shown as item 14 on plan R6-422
7. The area of road of approximately 1.09 ha shown as items 15, 18a, 18b, 19a, 19b and 20 on plan R6-423
8. The area of road of approximately 3 098 m<sup>2</sup> shown as item 26 on plan R6-425B
9. The area of road of approximately 9 661 m<sup>2</sup> shown as items 4a and 4b on plan R6-430B
10. The area of road of approximately 1.74 ha shown as item 11a on plan R6-433

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<sup>14</sup> A copy of each plan mentioned in the schedule is available for inspection at the office of the Department of Main Roads, Capital Hill Building, 85 George Street, Brisbane

## SCHEDULE 4 (continued)

- 11.** The area of road of approximately 2 336 m<sup>2</sup> shown as item 7 on plan R6-434
- 12.** The area of road of approximately 4 023 m<sup>2</sup> shown as items 16, 23 and 25 on plan R6-435
- 13.** The area of road of approximately 1 793 m<sup>2</sup> shown as items 19 and 21 on plan R6-436
- 14.** The area of road of approximately 236 m<sup>2</sup> located approximately between RL 6.7 and RL 14.62 shown in detail on plan R6-418B
- 15.** The area of road of approximately 651 m<sup>2</sup> located approximately between RL 59 and RL 73.889 on the north-eastern boundary and RL 59 and RL 73.482 on the south-western boundary shown in detail on plan R6-425B
- 16.** The area of road of approximately 472 m<sup>2</sup> located approximately between RL 55 and RL 70 shown in detail on plan R6-430B

## ENDNOTES

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### 2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 13 January 1998. Future amendments of the Transport (Gladstone East End to Harbour Corridor) Act 1996 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

### 3 Key

#### Key to abbreviations in list of legislation and annotations

AIA	=	Acts Interpretation Act 1954	(prev)	=	previously
amd	=	amended	proc	=	proclamation
ch	=	chapter	prov	=	provision
def	=	definition	pt	=	part
div	=	division	pubd	=	published
exp	=	expires/expired	R[X]	=	Reprint No.[X]
gaz	=	gazette	RA	=	Reprints Act 1992
hdg	=	heading	reloc	=	relocated
ins	=	inserted	renum	=	renumbered
lap	=	lapsed	rep	=	repealed
notfd	=	notified	s	=	section
om	=	omitted	sch	=	schedule
o in c	=	order in council	sdiv	=	subdivision
p	=	page	SIA	=	Statutory Instruments Act 1992
para	=	paragraph	SL	=	subordinate legislation
prec	=	preceding	sub	=	substituted
pres	=	present	unnum	=	unnumbered
prev	=	previous			

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## 4 Table of earlier reprints

### TABLE OF EARLIER REPRINTS

[If a reprint number includes a roman letter, the reprint was released in unauthorised, electronic form only.]

Reprint No.	Amendments included	Reprint date
1	none	7 February 1997

## 5 List of legislation

### **Transport (Gladstone East End to Harbour Corridor) Act 1996 No. 74**

date of assent 12 December 1996

commenced on date of assent

**Note**—This Act exp 12 December 2003 (see s 11)

as amended by—

### **Statute Law (Miscellaneous Provisions) Act 1997 No. 81 ss 1–3, sch**

date of assent 5 December 1997

commenced on date of assent

## 6 List of annotations

### **Regulation-making power**

**s 9** amd 1997 No. 81 s 3 sch

### **Amendment of Transport Infrastructure Act 1994**

**s 10** om R1 (see RA s 40)