



# Foreign Governments (Titles to Land) Act 1948

Current as at 6 May 2004





Queensland

# Foreign Governments (Titles to Land) Act 1948

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# Foreign Governments (Titles to Land) Act 1948

**An Act to empower governments of countries outside the Commonwealth and their accredited agents to hold land in Queensland for diplomatic, consular, and official purposes**

## **1 Short title**

This Act may be cited as the *Foreign Governments (Titles to Land) Act 1948*.

## **2 Purposes for which foreign governments may hold land**

Subject to this Act, the government of any country outside the Commonwealth or any accredited agent of that government may, notwithstanding any prohibition, disqualification, or limitation imposed by any Act or law, hold land in Queensland for any estate or interest therein (including an interest in a lease granted under the *Land Act 1994*) for any diplomatic, consular, or official purpose of that government or for the purpose of an official residence for any accredited agent of that government or for all or any number of those purposes.

## **3 Authority for foreign government to hold land in Queensland**

The government of a foreign country, or the accredited agent of a government of a foreign country, may only hold an estate or interest in land in Queensland for a purpose mentioned in section 2 if the Governor in Council has, by gazette notice, authorised the country or agent to hold the estate or interest.

#### **4 Registration of title of foreign government to land**

(1) The registrar of titles or the chief executive may, upon being satisfied that the government of any country outside the Commonwealth or any accredited agent of that government has acquired any estate or interest in land in Queensland and that the Governor in Council has authorised such government or accredited agent to hold such estate or interest, register such government or accredited agent as the holder of such estate or interest.

(1A) An accredited agent may be so registered by the accredited agent's official title or designation, in which case the person from time to time holding, or performing the functions of, the office to which such official title or designation applies shall for the purposes of this Act be the holder of the estate or interest registered in such official title or designation.

(2) The government of any country outside the Commonwealth or any accredited agent of that government may (subject to every other party to the transaction being capable in law of being such party) at any time convey and transfer or otherwise deal with any estate or interest held by it, him or her in any land in Queensland.

(3) Any transfer, instrument, or other document or writing whatsoever required to be executed for the purpose of conveying or transferring or otherwise dealing with any estate or interest in land to or from the government of any country outside the Commonwealth may be executed for or on behalf of such government by any accredited agent of that government or by any person thereunto appointed by any such accredited agent.

(4) A certificate under the hand of the Minister that any person named therein is the accredited agent of the country outside the Commonwealth specified in such certificate or that any person named therein is the person for the time being holding or performing the functions of the office to which an official title or designation specified in such certificate applies shall be sufficient proof to the registrar of titles or the chief executive of any fact so certified.

(5) In this section—

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*chief executive* means the chief executive of the department administering the *Land Act 1994*.

## 5 Exemption from land tax and rates

Despite any other Act, a regulation may exempt land held under an authorisation mentioned in section 3 from liability to land tax or rates if—

- (a) the Commonwealth, or an accredited agent of the Commonwealth, holds land in a foreign country for a diplomatic, consular or official purpose of the Commonwealth; and
- (b) the land is exempt from all or any of the taxed and rates charged on land under the laws of the country;

## 6 Extent of application of State law

- (1) The government of any country outside the Commonwealth or any accredited agent of that government shall in respect of any land held by it or the accredited agent pursuant to this Act have and enjoy all rights and privileges which would be had and enjoyed by a private person if such land were held by such private person but, subject to the foregoing provisions of this section, and to the provisions of section 5, no right, privilege, or immunity excepting such rights, privileges, and immunities as by law or custom are accorded to diplomatic, consular, and official representatives of countries outside the Commonwealth, their families and employees, shall attach to, arise out of, or be claimable by any person whomsoever by reason of the holding by the government of any country outside the Commonwealth or any accredited agent of that government of any land in Queensland.
- (2) Moreover subject to observing all such rights, privileges, and immunities as are by law or custom accorded to diplomatic, consular, and official representatives of countries outside the Commonwealth, their families and employees, all laws of this State shall, except as otherwise provided under this Act, be enforceable and may be enforced with respect to such land and persons and things therein or thereon to the same extent as

such laws would be enforceable and could be enforced if such land were held by a private person.

## **7 Regulation-making power**

The Governor in Council may make regulations under this Act.

## 1 Index to endnotes

- 2 Key
- 3 Table of reprints
- 4 Tables in earlier reprints
- 5 List of legislation
- 6 List of annotations

## 2 Key

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

Key	Explanation	Key	Explanation
<b>AIA</b>	= <b>Acts Interpretation Act 1954</b>	<b>(prev)</b>	= <b>previously</b>
<b>amd</b>	= <b>amended</b>	<b>proc</b>	= <b>proclamation</b>
<b>amd</b>	= <b>amendment</b>	<b>prov</b>	= <b>provision</b>
<b>t</b>			
<b>ch</b>	= <b>chapter</b>	<b>pt</b>	= <b>part</b>
<b>def</b>	= <b>definition</b>	<b>pubd</b>	= <b>published</b>
<b>div</b>	= <b>division</b>	<b>R[X]</b>	= <b>Reprint No. [X]</b>
<b>exp</b>	= <b>expires/expired</b>	<b>RA</b>	= <b>Reprints Act 1992</b>
<b>gaz</b>	= <b>gazette</b>	<b>reloc</b>	= <b>relocated</b>
<b>hdg</b>	= <b>heading</b>	<b>renu</b>	= <b>renumbered</b>
		<b>m</b>	
<b>ins</b>	= <b>inserted</b>	<b>rep</b>	= <b>repealed</b>
<b>lap</b>	= <b>lapsed</b>	<b>(retro</b>	= <b>retrospectively</b>
		<b>)</b>	
<b>notf</b>	= <b>notified</b>	<b>rv</b>	= <b>revised edition</b>
<b>d</b>			
<b>num</b>	= <b>numbered</b>	<b>s</b>	= <b>section</b>

<b>Key</b>	<b>Explanation</b>	<b>Key</b>	<b>Explanation</b>
<b>o in c</b>	= <b>order in council</b>	<b>sch</b>	= <b>schedule</b>
<b>om</b>	= <b>omitted</b>	<b>sdiv</b>	= <b>subdivision</b>
<b>orig</b>	= <b>original</b>	<b>SIA</b>	= <b>Statutory Instruments Act 1992</b>
<b>p</b>	= <b>page</b>	<b>SIR</b>	= <b>Statutory Instruments Regulation 2002</b>
<b>para</b>	= <b>paragraph</b>	<b>SL</b>	= <b>subordinate legislation</b>
<b>prec</b>	= <b>preceding</b>	<b>sub</b>	= <b>substituted</b>
<b>pres</b>	= <b>present</b>	<b>unnum</b>	= <b>unnumbered</b>
		<b>m</b>	
<b>prev</b>	= <b>previous</b>		

### **3 Table of reprints**

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

<b>Reprint No.</b>	<b>Amendments to</b>	<b>Effective</b>	<b>Reprint date</b>
1	1995 Act No. 58	28 November 1995	15 January 1996

<b>Reprint No.</b>	<b>Amendments included</b>	<b>Effective</b>	<b>Notes</b>
1A	2004 Act No. 4	6 May 2004	

## 4 Tables in earlier reprints

<b>Name of table</b>	<b>Reprint No.</b>
Corrected minor errors	1
Renumbered provisions	1

## 5 List of legislation

### **Foreign Governments (Titles to Land) Act 1948 12 Geo 6 No. 12**

date of assent 1 April 1948  
 commenced on date of assent  
 amending legislation—

### **Statute Law (Miscellaneous Provisions) Act 1993 No. 32 ss 1–3 sch 1**

date of assent 3 June 1993  
 commenced on date of assent

### **Statute Law Revision Act (No. 2) 1995 No. 58 ss 1–2, 4 sch 1**

date of assent 28 November 1995  
 commenced on date of assent

### **Natural Resources and Other Legislation Amendment Act 2004 No. 4 ss 1, 57 sch**

date of assent 6 May 2004  
 commenced on date of assent

## 6 List of annotations

### **Purposes for which foreign governments may hold land**

s 2 amd 1995 No. 58 s 4 sch 1

### **Authority for foreign government to hold land in Queensland**

s 3 sub 1993 No. 32 s 3 sch 1

### **Registration of title of foreign government to land**

s 4 amd 1995 No. 58 s 4 sch 1

### **Exemption from land tax and rates**

s 5 sub 1993 No. 32 s 3 sch 1; 1995 No. 58 s 4 sch 1

### **Regulation-making power**

s 7 ins 1995 No. 58 s 4 sch 1  
 amd 2004 No. 4 s 57 sch