

18 AUG 2011

Our ref: DEPC11/1420

Mr Christopher Lawley  
Senior Research Officer  
Senate Standing Committees on Environment and Communications  
S1.57 Parliament House  
Canberra ACT 2600



Dear Senator Fisher

**Re: Senate Standing Committees on Environment and Communications Inquiry into the Status, Health and Sustainability of Australia's Koala Population**

Thank you for your correspondence of 3 June 2011, to the Department of Local Government and Planning, about a question on notice from the Senate Inquiry into the status, health and sustainability of Australia's koala population.

During the public hearing in Canberra on 18 May 2011, the Honourable Senator Doug Cameron referred me to the term 'constructive resumption'. He advised the term had been used, by Mr Brian Stewart, Chief Executive Officer, Urban Development Institute of Australia (UDIA), at the public hearing in Brisbane. Senator Cameron asked me what is constructive resumption?

The term 'constructive resumption' may have been derived by Mr Stewart from the definitions for *constructive authority* and *gazetted resumption notice* which are from the *Acquisition of Land Act 1967* (the Act). The Act states the definition of the *constructing authority* means "(a) the State; or (b) a Local Government; or (c) a person authorised by an Act to take land for any purpose".

The Act states the definition of *gazettal resumption notice* means “the gazettal notice mentioned in section 9(7) of the Act” (part 1). Section 9(7) of the Act states “the Governor in Council may, by gazettal notice, declare that the land particularised in the notice is taken for the purposes mentioned in the notice”.

The schedule in the Act lists the purposes for taking land. The Act states the purposes relating to the environment includes “conservation of koalas on land in a ‘Rural Living Area’ or ‘Regional Landscape and Rural Production Area’ under the regional plan for the SEQ region under the *Sustainable Planning Act 2009*, if the land is in the Local Government area of the Brisbane City Council, Gold Coast City Council, Ipswich City Council, Logan City Council, Moreton Bay Regional Council, Redland City Council or Sunshine Coast Regional Council”.

Further information, about the provisions within the Act, is available from the Queensland Government legislation website at [www.legislation.qld.gov.au](http://www.legislation.qld.gov.au).

Yours sincerely

Gary White  
**Government Planner**  
**Growth Management Queensland**