

Queensland Government Native Title Work Procedures

Module CB: Road Policy

Commonwealth Native Title Act 1993: s23B(7) public work as a previous exclusive possession act and s253 definition of public work

July 2021

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Version History

Version	Comments	Date published
1		June 2017
2		May 2019
3	Added three categories – Country Lands, Deed of Grant and Stock Route	May 2020
4	Department name change and format updates	July 2021

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Introduction

Module CB covers the dedication and declaration of roads on or before 23 December 1996 that, as a previous exclusive possession act, have the effect of wholly extinguishing native title (section 23B(7) NTA). It is based upon the public work definition (section 253 NTA) which includes a road constructed or established by or on behalf of the Crown.

In contrast to Module CA, this module is not looking at whether the road is constructed but whether it has been 'established' by way of dedication/declaration—the process by which a particular area of land is opened to the public for use as a road (sometimes called 'paper roads').

Upon dedication or declaration of the area as road, immediate user 'rights of passage' are created in the public that are wholly inconsistent with native title.

This module covers public roads only.

Application of module

Module CB:

- details the various means by which roads are dedicated and declared, and
- provides examples of dedicated and declared roads for each of the various means

Date of dealing

Any proposed dealing which occurs on or after 24 December 1996 is not covered by Module CB.

Effect on native title

For 'roads' that meet the requirements under this module, native title is wholly and permanently extinguished over the dedicated or declared area. This means that after the extinguishment the native title rights and interests cannot revive, even if the act that caused the extinguishment ceases to have effect. The extinguishment is taken to have occurred at the date of dedication or declaration of the road.

Procedural rights

There are no procedural rights under Module CB.

Compensation

Compensation is payable by the State (where it is attributable to the State) if there is a successful claim for compensation for the extinguishment of native title rights and interests caused by the dedication of an area as road that was done on or before 23 December 1996 and is a previous exclusive possession act.

Stock Routes

If the area being assessed is shown as a stock route, please contact Land and Native Title Operations Policy (LNTOP) via your NTCO. Please include an Annexure 7.1 Assessment Form and associated evidence/information.

Requirement 1: The road was dedicated or declared on or before 23 December 1996

Was the road dedicated or declared on or before 23 December 1996?

- If yes - continue to Requirement 2 of Module CB
- If no - go to the next module in the native title assessment pathway

Requirement 2: The proposed dealing must not be an excluded dealing

If your proposed dealing falls into Table 1 below, Requirement 2 is not satisfied, and Module CB does not apply. Refer to the 'Go to' column to decide which native title work procedure module to consider next.

Table 1 - Excluded dealings

No	'Road' category	Why the 'road' does not fall in Module CB	Go to
1	Reserve for road (not including a reserve for esplanade under the Land Act 1962) purposes dedicated under various land legislation.	It is a reserve and not a dedicated road.	Next module
2	'Road' dedicated/declared under section 24IB (Module IB) as a pre-existing right-based act.	Non-extinguishment principle applies.	Next module
3	'Road' dedicated/declared under section 24JA (Module J).	Module J should not have been used to dedicate/declare road as the underlying reservation could not have continued.	Please refer details to LNTOP via your NTCO
4	Road dedicated/declared under section 24JAA (Module JAA).	Non-extinguishment principle applies.	Next module
5	Road dedicated/declared under section 24KA (Module K).	Non-extinguishment principle applies.	Next module
6	Road dedicated or declared following compulsory acquisition of native title rights and interests.	Compulsory acquisition dealing—not a dedication/declaration dealing.	Go back and consider - Module AB
7	Off-alignment road.	If a constructed road is not within its dedicated or declared alignment boundaries, you cannot treat the off-alignment section as if it is validly dedicated/declared.	Go back and consider - Module CA
8	Road over a watercourse.	It is clear from the survey plan that the dedication/declaration does not extend over the watercourse.	Go back and consider - Module CA

Requirement 3: You have sufficient evidence of the road being dedicated or declared

If you are considering this module, you will have identified the road by either SmartMap and/or a plan or map. In some cases, that plan or map (not a SmartMap) will be sufficient evidence of dedication, but in other cases you will need accompanying evidence such as a gazettal.

To meet Requirement 3 the road must have been dedicated or declared under one of the methods set out in the tables (see Sufficient evidence tables 2, 3 and 4). Each table provides the evidence, and examples of evidence (see Sufficient evidence examples), you will need to support your assessment. For example, when you can rely solely upon a plan or map or when more evidence is required to satisfy Requirement 3.

- Table 2 - relying solely upon the plan of survey (survey plan or compiled plan) or map which shows the road
 - See sufficient evidence examples A and B
- Table 3 - relying upon a plan of survey and an Executive Authority Action
 - See sufficient evidence examples C, D, E, F and G
- Table 4 - relying on a Notice, Order in Council or Proclamation in the Government Gazette opening land as road
 - See sufficient evidence examples H and I

If your road does not fall into one of the methods of sufficient evidence of the road being dedicated or declared, please refer the proposed dealing to LNTOP via your NTCO.

Requirement 4: The road must be valid in relation to native title

Whether the road you are assessing is valid in relation to native title will be dependent on the date period it was dedicated or declared.

For dedications and declarations done in the period 1 January 1994 to 23 December 1996, the intermediate period test must be applied — that is the whole or part of the dedicated/declared area must have been at some time prior to 1 January 1994 covered by a freehold estate, valid lease (other than a mining lease), or public work.

Table 2 - Valid in relation to native title

Constructed/established	Validation
Pre-1 January 1994	Road area is valid in relation to native title.
Between 1 January 1994 and 23 December 1996 (Intermediate period test)	Work will be validated if a part or whole of the dedicated/declared road area was at some point prior to 1 January 1994, covered by one of the following: <ul style="list-style-type: none"> a) Freehold estate b) Lease (other than a mining lease) c) Valid public work
Post-23 December 1996	Module CB does not apply. Valid only if the future act provisions were complied with for the dedication/declaration of the road e.g. under Module K (section 24 KA of the NTA).

Finalising your assessment

If the relevant requirements for Module CB are satisfied, finalise your Native Title Assessment using Annexure 7.1.

Sufficient evidence tables

Note on reading the tables.

For dedications and declarations done in the period 1 January 1994 to 23 December 1996, the intermediate period test must be applied. However, this is also limited by the dates that the section of the act being assessed was in force for. Where necessary, the relevant intermediate period acts date range has been calculated for you based on the applicable time period of the specific legislation (see the NB in the evidence column). For example, the Land Act 1962 was in force from 1 January 1963 to 30 June 1995, therefore if your plan was created between 1 January 1994 and 30 June 1995 you must meet the intermediate period act requirements.

Table 3 - Relying solely upon the plan of survey (survey plan or compiled plan) or map which shows the road

No	Type	Legislative Authority	Plan must have been created in the period...	Evidence	Example
1	A plan or map of a pastoral holding or occupation licence (e.g. PH2222 or OL954).	Section 362(3), Land Act 1962.	1 January 1963 to 30 June 1995.	1. PH plan/map or OL plan/map; 2. Map or plan was published by the Department of Lands; and 3. Road shown as unsurveyed dotted line going through pastoral lease or occupation licence. If the plan was created between 1 January 1994 to 30 June 1995, you must pass the Intermediate period test.	A
2	A plan of subdivision of a freehold lot.	Section 51(2), Land Title Act 1994. Section 119 of the Real Property Act 1861 (and as amended in 1936 and 1963).	7 August 1861 to 23 December 1996.	1. Registered plan Helpful hint: There are usually endorsements on the plan <ul style="list-style-type: none"> • by the registered proprietor agreeing to the subdivision and road dedication; and • by the Council agreeing to the road. If the plan was created between 1 January 1994 to 30 June 1995, you must pass the Intermediate period test.	B

Table 4 - Relying upon a plan of survey and an Executive Authority Action

No	Type	Legislative Authority	Plan must have been created in the period...	Evidence	Example
1	A registered plan of survey (survey plan or compiled plan) subject to executive authority action.	Section 362(2), Land Act 1962. For roads prior to 1 January 1963, this method can also be used, that is executive authority action on a plan as the publication of a map or plan is a significant act of the Crown.	1 January 1963 to 30 June 1995.	1. Plan of survey; 2. Road is distinctly delineated as a road; 3. Plan was registered and deposited in the office of the chief executive (surveys); and 4. Subject to executive authority action (created by the Governor in Council, e.g. grant of freehold). If plan delineates the road as 'New road' or 'Road to be opened' or similar notation it cannot be relied upon ¹ . If the plan was created between 1 January 1994 to 30 June 1995, you must pass the Intermediate period test.	C
2	Lease instrument.	Section 96(1), Land Act 1994.	Lease must have been in force as at 1 July 1995.	1. Lease instrument; and 2. Lease mentions a plan and plan shows road as excluded. If the plan was created between 1 January 1994 to 30 June 1995, you must pass the Intermediate period test.	D
3	Proclamation/ Notification.	Section 42, 43, 44 and 46 Crown Lands Act 1884. Sections 75, 77, 78 and 84 Land Act 1897. Sections 48, 49, 161 Land Act 1910.	1 March 1885 to 28 February 1898. 1 March 1898 to 31 December 1910. 1 January 1911 to 31 December 1962.	1. Plan of survey or map of land opened for selection - land opened divided into lots and marked with proper roads; 2. Plan shows road; 3. Proclamation/Notification opening Country Lands for selection in Government Gazette with	E

1

dedicated by registration of a plan. When plans showing 'New Road' or 'Road to be opened' or similar notation were registered for survey the land was still freehold or a lease, and not Crown land, and the proposed road opening may not have been actioned.
Section 362(2) of the Land Act 1962 stated Crown land (i.e. unallocated State land) may be

No	Type	Legislative Authority	Plan must have been created in the period...	Evidence	Example
				subdivision(s) that include valid roads; and 4. Plan exhibited to the public (you can assume that it was exhibited).	
4	Adjoining Deeds.	Metes and Bounds description within Deed.	1859 to 31 December 1962.	Two adjoining (either side of road) Deeds of Grant where: 1. Metes and bounds description on both adjoining deeds make reference to boundary as road; and 2. Both adjoining deeds refer to a sketch (plan) showing road as two lines adjoining the deeds.	F
5	Deed/Lease.	Metes and Bounds (internal road scenario).	1859 to 31 December 1962.	Road shown on a sketch and plan and excluded in the metes and bounds description of the tenure.	G

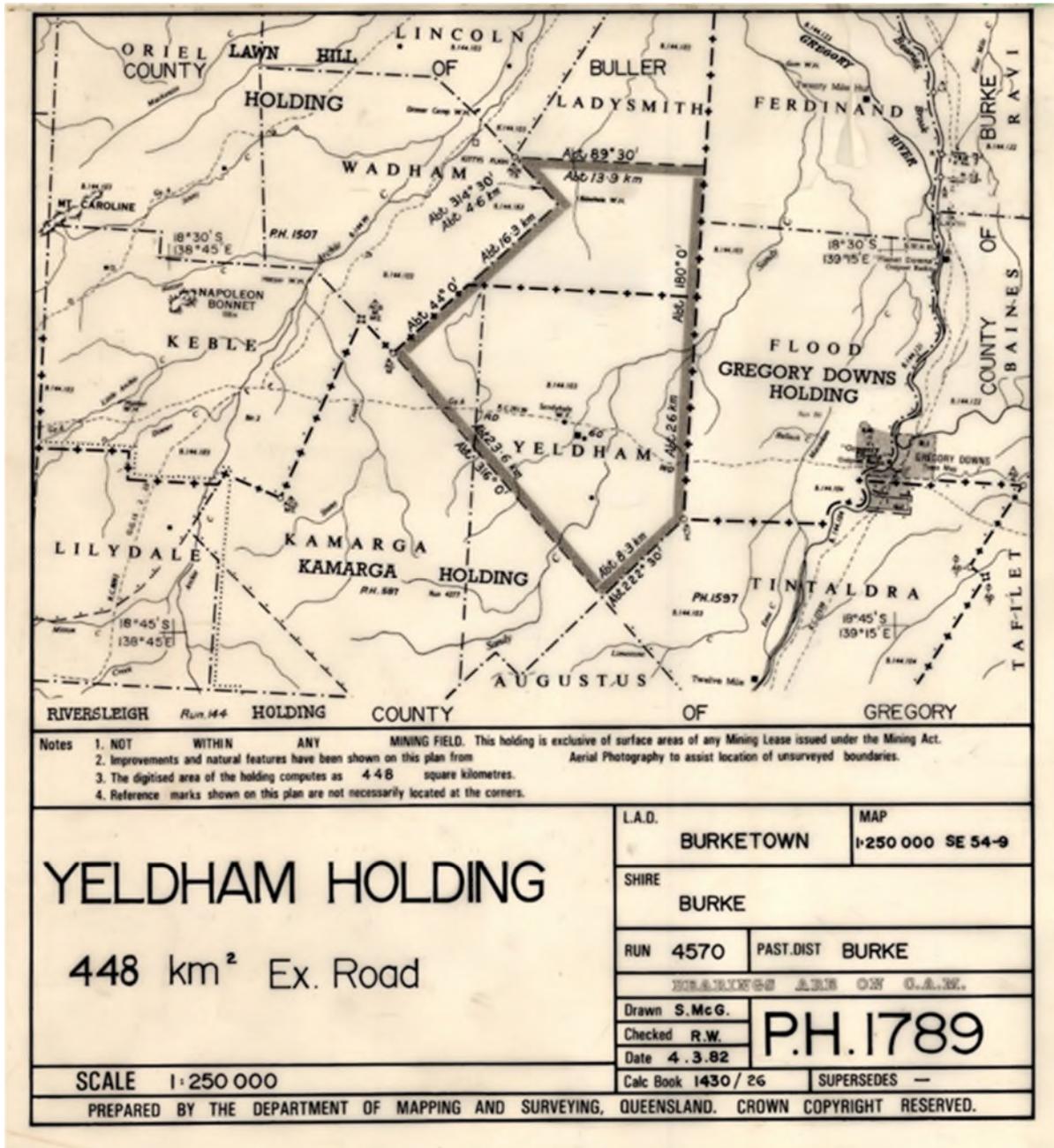
Table 5 - Relying on a Notice, Order in Council or Proclamation in the Government Gazette opening land as road

No	Type	Legislative Authority	Plan must have been created in the period...	Evidence	Example
1	Gazette notification.	Section 94, Land Act 1994.	1 July 1995 to 23 December 1996.	1. Gazette notification; and 2. Plan of survey If the plan was created between 1 January 1994 to 30 June 1995, you must pass the Intermediate period test.	H
2	Gazette notification.	Section 362(1), Land Act 1962.	1 January 1963 to 30 June 1995.	1. Gazette notification; and 2. Plan of survey If the plan was created between 1 January 1994 to 30 June 1995, you must pass the Intermediate period test.	

No	Type	Legislative Authority	Plan must have been created in the period...	Evidence	Example
3	Proclamation.	Section 11(3), section 13(4) Main Roads Act 1920.	1 January 1920 to 13 July 1991.	1. Proclamation (declaring road, route or means of access as a State highway, main road, developmental road, secondary road, urban arterial road or urban sub-arterial road); and 2. Plan.	I
4	Gazette Notification.	Section 3.1(1) Transport Infrastructure (Roads) Act 1991.	14 July 1991 to 14 April 1994.	1. Gazette notification (declaring a road, route or means of access a declared road); and 2. Plan. If the plan was created between 1 January 1994 to 30 June 1995, you must pass the Intermediate period test.	
5	Gazette Notice.	Section 21 Transport Infrastructure Act 1994. (renumbered to section 23 effective from July 1995).	15 April 1994 to 23 December 1996.	1. Gazette notice (declaring a road or route, or part of a road or route, to be a State - controlled road); and 2. Plan. If the plan was created between 1 January 1994 to 30 June 1995, you must pass the Intermediate period test.	

Evidence Examples

Example A - Plan of a pastoral holding (road shown as a dotted line)



Example B - Freehold plan of subdivision

Inset A

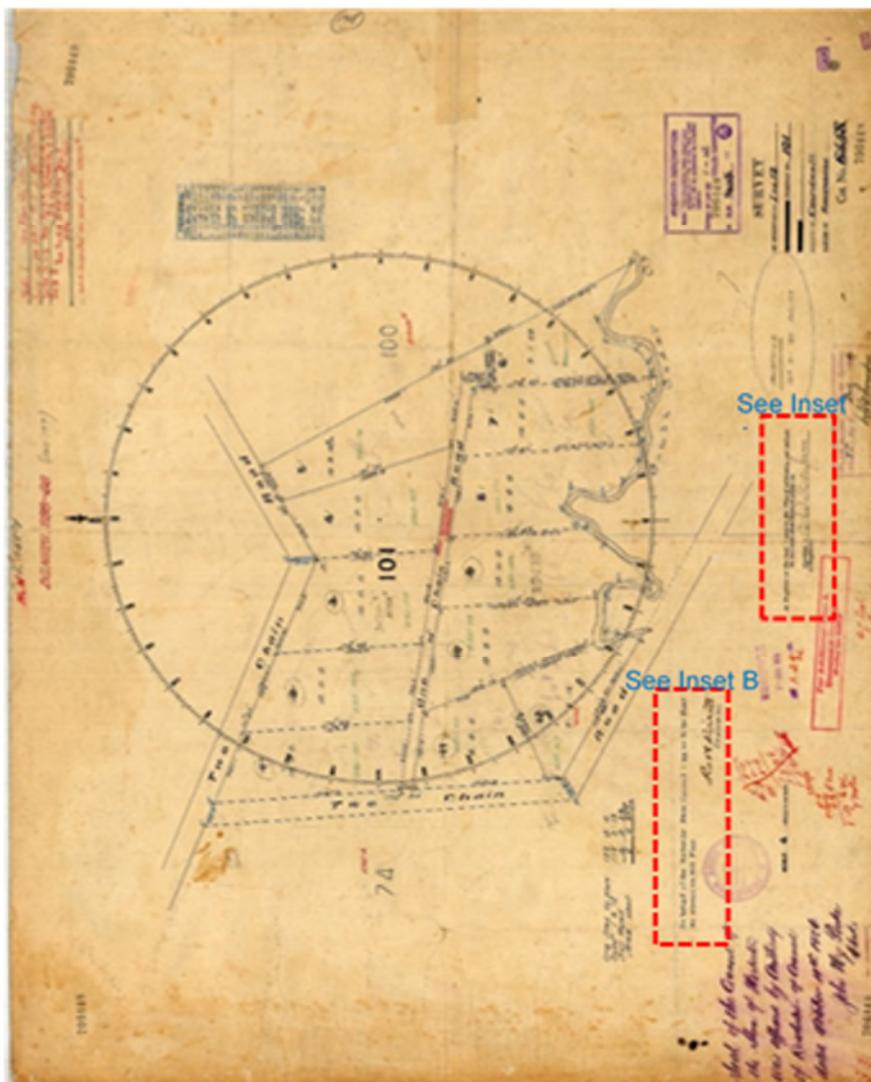
As Proprietor of this land, I agree to this Plan of subdivision, and dedicate the new roads shown hereon to public use.

Signature of Proprietor } *E. W. Bayliss*

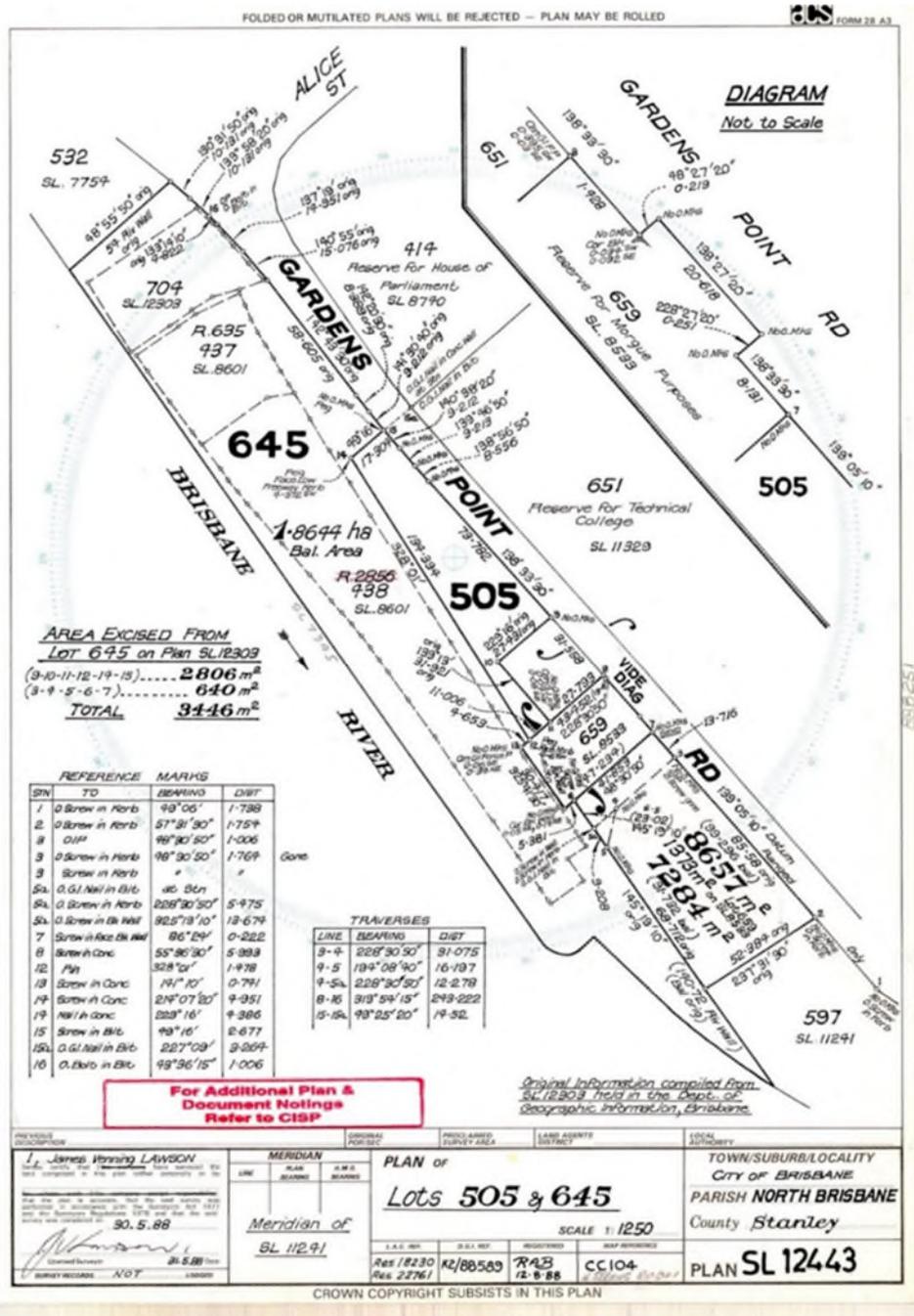
Inset B

On behalf of the Herberford Shire Council I agree to the Road as shown on this Plan

Robt Perrott
Chairman



Example C - Plan of survey (distinctly delineated as road)



If there is a registered date shown on the plan, it will have been deposited in the survey office.

Example D - Sketch on lease instrument

DUTY STAMP

QUEENSLAND

Perpetual Suburban Lease No. 1779 H.C.L.

**Perpetual SUBURBAN Lease under
"The Land Acts, 1910 to 1961."**

Elizabeth the Second, by the Grace of God, of
the United Kingdom, Australia, and Her
other Realms and Territories, Queen, Head
of the Commonwealth, Defender of the Faith:

To All to whom these Presents shall come, Greeting:

Whereas, _____
FACTORY

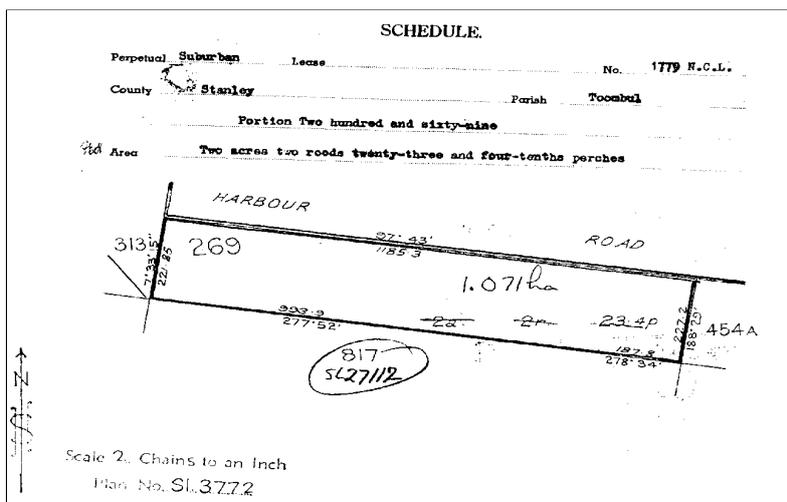
in Our State of Queensland, in pursuance of the provisions of Section 175B of (The Land Acts, 1910 to

IN TESTIMONY WHEREOF We have caused this Our Lease to be Sealed with the Seal of Our said State.

Witness Our Trusty and Well-beloved Sir, HENRY ARTHUR SMITH, (formerly
Lieut. Colonel in the Royal Australian Air Force, and now Major General, Knight
Commander of Our Royal Victorian Order, Companion of Our Distinguished Service Order, Governor in and over Our State of
Queensland and its Dependencies, in the Commonwealth of Australia,
at Government House, Brisbane, in Queensland, aforesaid, this

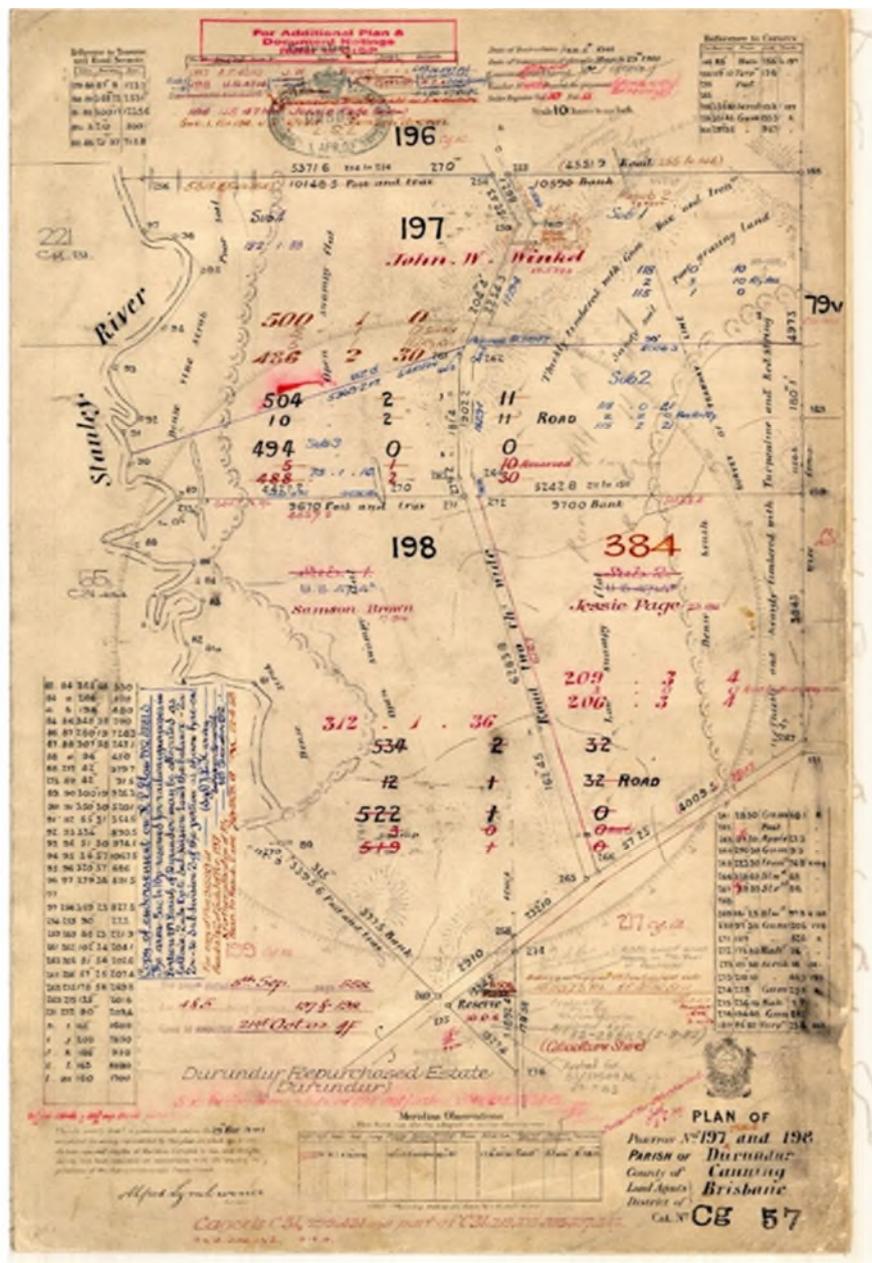
Eleventh day of *January*, in
the *twelfth* year of Our Reign and in the year of Our Lord One
thousand nine hundred and *sixty-two*

Wm. ...

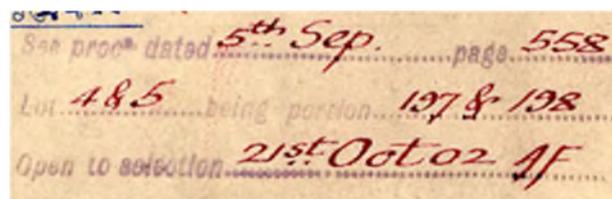


Example E - An exhibited plan or map

You are considering the road running north to south (adjacent to lots 197 and 198) on plan CG57.



Stamped on the plan, is a reference to a proclamation (notified in the Government Gazette) regarding portions 197 and 198 being opened for selection.



The Proclamation notifies and declares that the Country Lands specified in the Schedule are opening for selection under the Land Act 1897 and the Agricultural Lands Purchase Act 1891. Portions 197 and 198 are listed in the Schedule.

Example E - An exhibited plan or map (cont.)

A PROCLAMATION

By His Excellency Major-General Sir HERBERT CHARLES CHERMSIDE, Knight Grand Cross of the Most Distinguished Order of St. Michael and St. George, Companion of the Most Honourable Order of the Bath, Governor of the State of Queensland and its Dependencies, in the Commonwealth of Australia.

[L.S.]
HERBERT CHERMSIDE,
Governor.

IN pursuance and execution of all powers and authorities in me vested under the provisions of "The Land Act, 1897," and "The Agricultural Lands Purchase Acts, 1894 to 1901," I, Sir HERBERT CHARLES CHERMSIDE, the Governor aforesaid, by and with the advice of the Executive Council, do, by this my Proclamation, notify and declare that the Country Lands specified in the Schedule hereto, and situated in the BRISBANE LAND AGENTS DISTRICT, shall be open for AGRICULTURAL FARM SELECTION, under the provisions of "The Agricultural Lands Purchase Acts, 1894 to 1901," on and after TUESDAY, the TWENTY-FIRST day of OCTOBER, 1902, at ELEVEN O'CLOCK A.M., at the COURT HOUSE, WOODFORD, at the annual rentals and purchasing prices specified in the said Schedule.

And it is hereby further notified that such of the lots as may remain unselected after the Twenty-third day of October, 1902, shall, on and after FRIDAY, the TWENTY-FOURTH day of OCTOBER, 1902, at ELEVEN O'CLOCK A.M., be open for selection, on the same terms and conditions, at the LAND OFFICE, BRISBANE.

And I do hereby, by and with the advice aforesaid, declare that the maximum area which may be selected by any one person in the whole area to which this Proclamation has reference shall be 1,280 acres, and with regard to the respective sections of such area, the maximum area which may be selected by any one person shall be as stated in the said Schedule.

And I do hereby further notify and declare, by and with the advice aforesaid, that William Petherbridge shall be entitled to priority in respect of lot 13, and that if on the day appointed as that on which the land will be open as aforesaid application by the said William Petherbridge is lodged at the same time as applications by other persons, the application of the said William Petherbridge shall be deemed to have been first lodged and shall be entitled to priority accordingly.

Given under my Hand and Seal, at Government House, Brisbane, this fifth day of September, in the year of our Lord one thousand nine hundred and two, and in the second year of His Majesty's reign.

By Command, ROBERT PHILP.

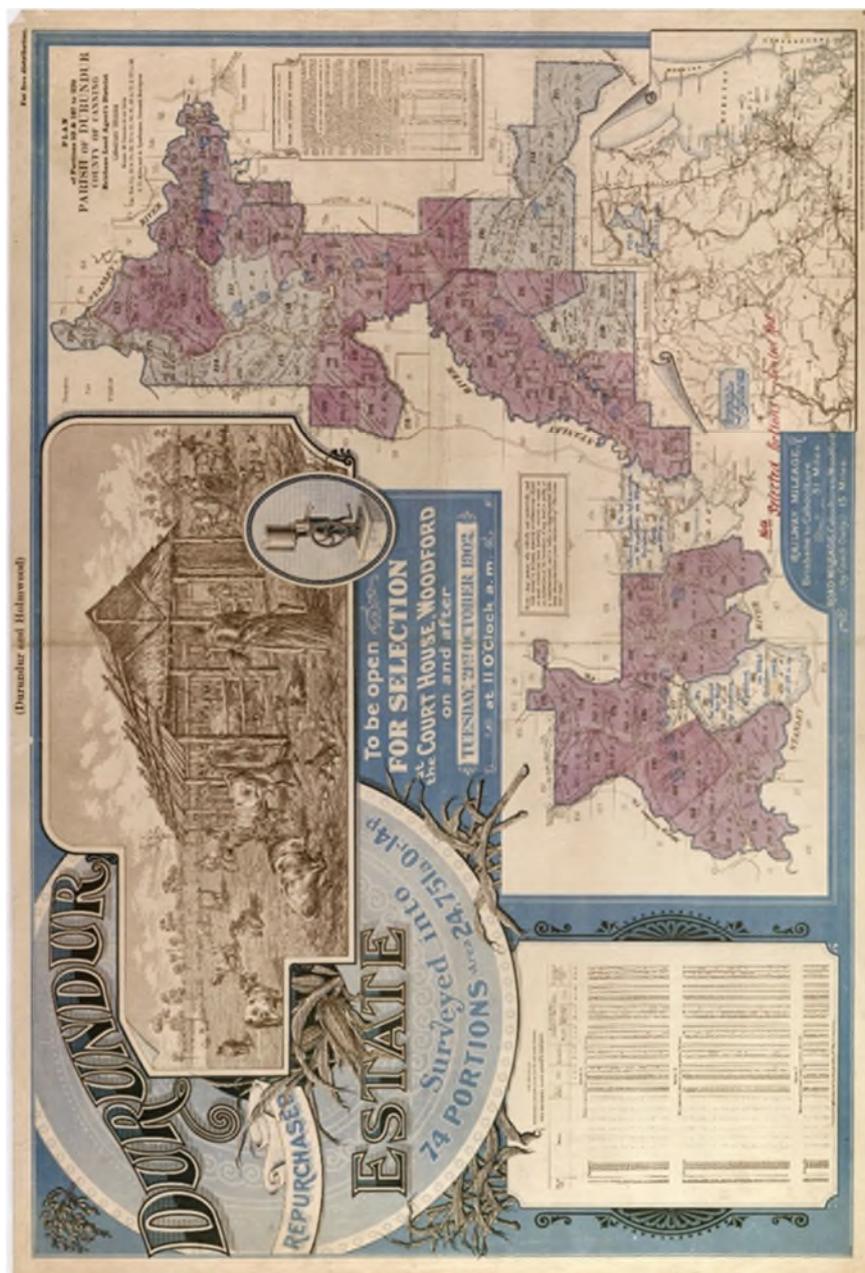
E.M. 5-9-02. GOD SAVE THE KING!

THE SCHEDULE.
DURUNDUR ESTATE (DURUNDUR AND HOLMWOOD).
THE BRISBANE LAND AGENTS DISTRICT.

No. of Lots.	Partib.	No. of Portions.	Area.	Survey Fee.	PURCHASING PRICE (Exclusive of Improvements).			Total Deposit of Rent and Survey Fee.
					Deposit.	Subsequent Payments.	Total.	
			A. R. P.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	
SECTION A.								
Maximum area allowed to any one person, 1,280 acres.								
1	Durundur	194	390 1 0	11 5 0	42 10 0	33 15 9	425 0 0	44 15 0
2	Ditto	195	310 2 30	11 9 0	31 10 0	25 0 11	315 0 0	38 15 10
3	Ditto	196	396 0 0	12 7 0	64 0 0	50 17 8	690 0 0	95 9 5
4	Ditto	197	488 2 30	13 14 0	50 0 0	39 15 0	560 0 0	52 14 10
5	Ditto	198	519 1 0	13 14 0	55 0 0	43 14 6	550 0 0	57 14 10
6	Ditto	211	488 2 0	13 0 0	57 0 0	45 6 4	575 0 0	59 12 0
7	Ditto	212	412 2 0	13 0 0	47 0 0	37 7 4	470 0 0	49 12 0
8	Ditto	213	350 3 35	12 7 0	39 0 0	31 0 2	390 0 0	41 9 5
9	Ditto	214	407 1 30	13 0 0	40 0 0	31 16 0	400 0 0	42 12 0
10	Ditto	215	632 3 37	14 4 0	42 0 0	33 7 10	420 0 0	44 16 10
11	Ditto	216	497 1 0	13 14 0	36 0 0	28 12 5	360 0 0	38 14 10
12	Ditto	217	465 5 0	15 0 0	31 0 0	24 12 11	310 0 0	33 12 0
13	Ditto	219	327 3 30	12 7 0	36 0 0	28 12 5	360 0 0	38 9 5
14	Ditto	220	259 1 29	11 5 0	34 0 0	27 0 8	340 0 0	36 5 0
15	Ditto	221	330 1 0	12 7 0	33 0 0	29 4 9	330 0 0	35 9 5
16	Ditto	222	239 2 0	11 5 0	30 0 0	23 17 0	300 0 0	32 5 0
17	Ditto	223	383 1 52	12 7 0	34 0 0	27 0 8	340 0 0	36 9 5
18	Ditto	224	408 1 27	13 14 0	25 0 0	19 17 6	250 0 0	27 14 10
19	Ditto	225	386 0 0	12 7 0	33 10 0	18 13 8	235 0 0	25 19 5
20	Ditto	231	230 0 0	10 7 0	12 0 0	9 10 10	120 0 0	14 1 5
21	Ditto	237	395 3 0	12 7 0	31 0 0	24 19 11	310 0 0	33 12 0
22	Ditto	238	681 0 20	15 6 0	38 0 0	30 4 3	380 0 0	41 1 3
23	Ditto	229	247 0 0	10 13 0	20 0 0	15 18 0	200 0 0	22 2 8
24	Ditto	232	621 0 0	14 4 0	31 10 0	25 0 11	315 0 0	34 6 10
25	Ditto	238	423 0 0	13 0 0	21 10 0	17 1 11	215 0 0	24 2 0
SECTION B.								
Maximum area allowed to any one person, 890 acres.								
26	Durundur	13	49 3 0	6 0 0	7 10 0	5 19 3	75 0 0	8 14 0
27	Ditto	167	250 0 0	10 13 0	46 0 0	36 11 5	460 0 0	48 2 8
28	Ditto	168	296 2 0	11 5 0	37 0 0	23 3 4	370 0 0	39 5 0

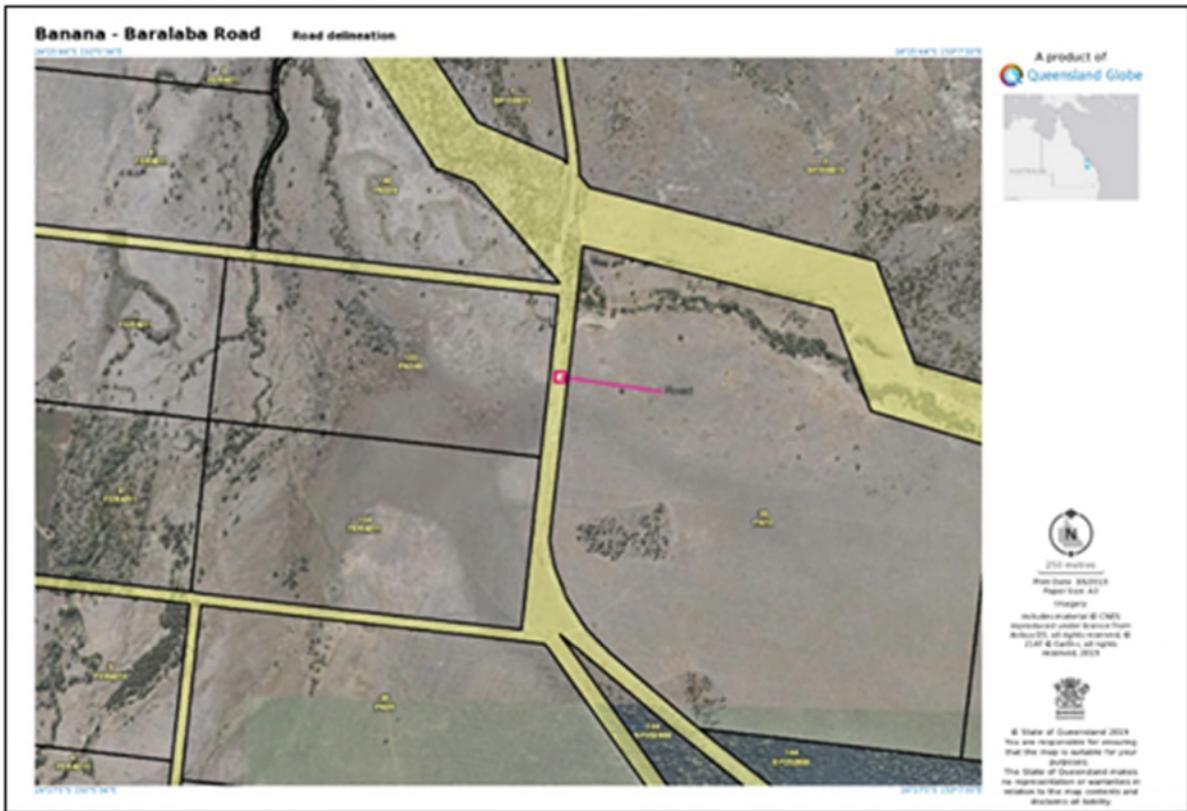
Example E - An exhibited plan or map (cont.)

The following plan/map is that which would have been exhibited to advertise the land opening. It was printed and published by the Department of Public Lands in September 1902. It makes reference to CG57 and shows the road clearly marked.

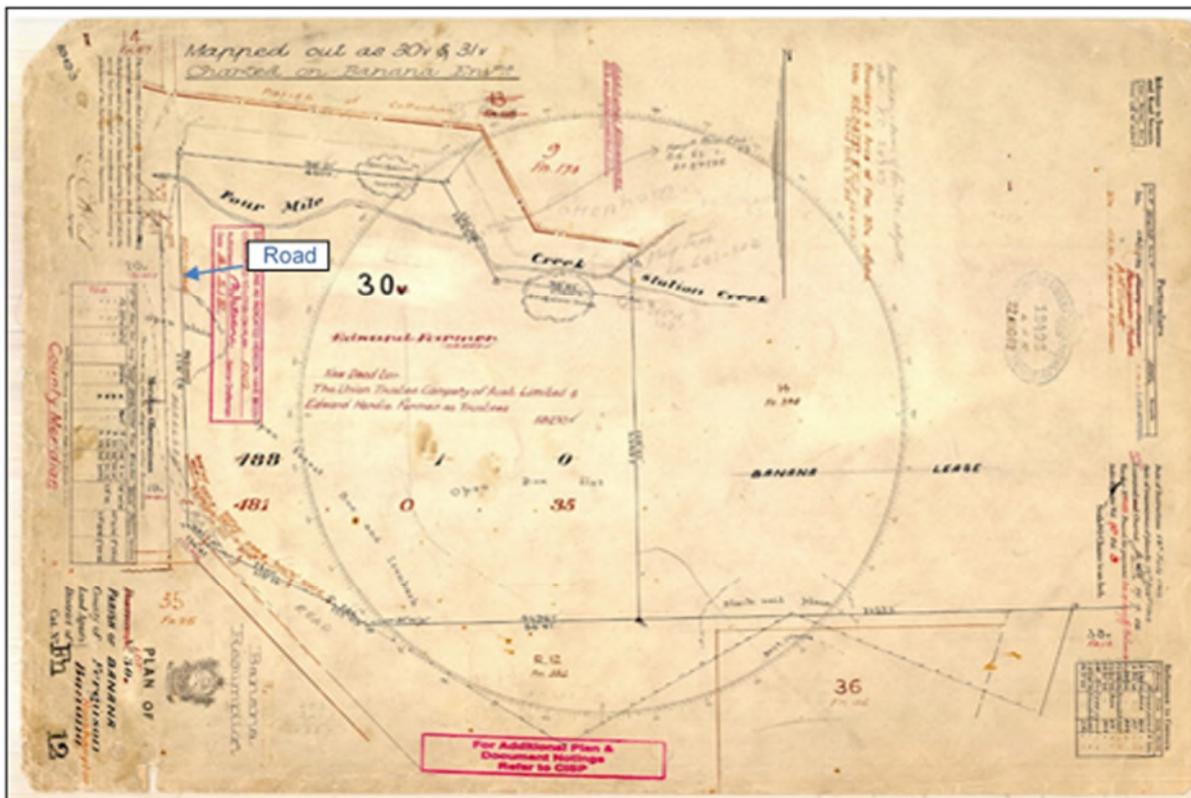


NB: You will not always be able to find the exhibited map or plan (the published sales notification map), and if you can they will not all have the same information. If you cannot find the published sales notification map/plan then you can assume that one was published provided you have the plan of survey and the relevant Government Gazette.

Example F - Adjoining deeds (either side of road)



Example F - Adjoining deeds (either side of road) (cont.)



be the same more or less, situated in the County of Ferguson Parish of Banana Portion thirty
Being the land selected as Unconditional Selection No. 61 Banana District
 Commencing at a post bearing 285 degrees 15 minutes and distant thirty three and seven tenths links from an iron bark tree marked 30v and
 bounded thence on the east by a line bearing 176 degrees 48 minutes fifty three chains forty five and seven tenths links. On the south by a line bearing 268 degrees 18
 minutes forty four chains ninety six and seven tenths links on the south west by a line bearing 302 degrees 9 minutes seven chains forty six links and 84 degrees
 16 minutes twenty two chains and by a road bearing 316 degrees 42 minutes four chains ninety two links. On the west by that road bearing 358 degrees 28 minutes
 sixty two chains and on the north by a road bearing 96 degrees 28 minutes forty four chains 151 degrees 2 minutes eighteen chains forty five and two tenths links
 and 98 degrees 42 minutes twenty two chains sixty and a half links to the point of commencement.

Extract from Portion 30 Deed of Grant of Land - reference to road on western boundary.

Parcel of Land in Our said State, containing by admeasurement One hundred and fifty nine acres three roods thirty two perches
 be the same more or less, situated in the County of Ferguson Parish of Banana Portion Twenty V
Being the land selected as Agricultural Farm No. 6911, Rockhampton District. Commencing at the north-east corner
 of portion 7 V and bounded thence on the west by that portion bearing south twenty eight chains twenty eight links
 on the south by portion 19 V bearing east fifty six chains fifty six links, on the east by a road bearing north
 twenty eight chains twenty eight links, and on the north by a road bearing west fifty six chains fifty six links
 to the point of commencement.

Extract from Portion 20v Deed of Grant of Land – reference to road on eastern boundary.

Example G - Deed with metes and bounds description


 QUEENSLAND.
Deed of Grant of Land.

Form 1. No. **128752** Acquired by AGRICULTURAL SELECTION.

George the Sixth, by the Grace of God, of Great Britain, Ireland, and the British Dominions beyond the Seas, King, Defender of the Faith, Emperor of India:—
 To All to whom these Presents shall come, Greeting:

Whereas, in conformity with the Laws and Regulations in force for the alienation of Crown Land in Our State of Queensland, THE PUBLIC CURATOR of QUEENSLAND, as Administrator with the Will annexed of the Estate of JOHN HENRY, deceased

has become entitled to a Deed of Grant in Fee-simple of the Land hereinafter described: John Esau De that, in consideration of the premises and of the sum of TWO HUNDRED AND THIRTY-SIX POUNDS FIVE SHILLINGS for Us, and on Our behalf, paid into the Treasury of Our said State, and in further consideration of the Quit-rent hereinafter reserved, We, with the advice of The Executive Council of Our said State, have Granted, and for Us, Our Heirs and Successors, to heretofore Grant unto the said

THE PUBLIC CURATOR of QUEENSLAND, as such administrator as aforesaid, his Successors and Assigns, subject to the Reservations hereinafter mentioned, All that

Parcel of Land in Our said State,

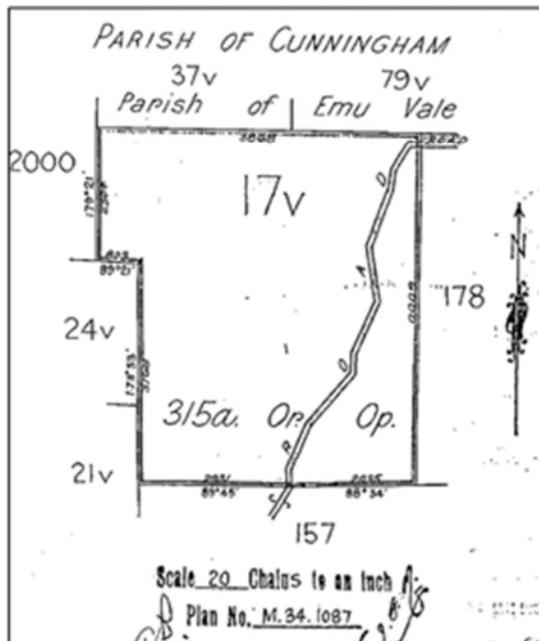
containing by admeasurement THREE HUNDRED AND FIFTYFOUR ACRES

be the same more or less, situated in the County of MURRAY Parish of CUNNINGHAM, PORTIC SELECTION V.

Being the land selected as Agricultural Farm No. 6121, Toowoomba District.

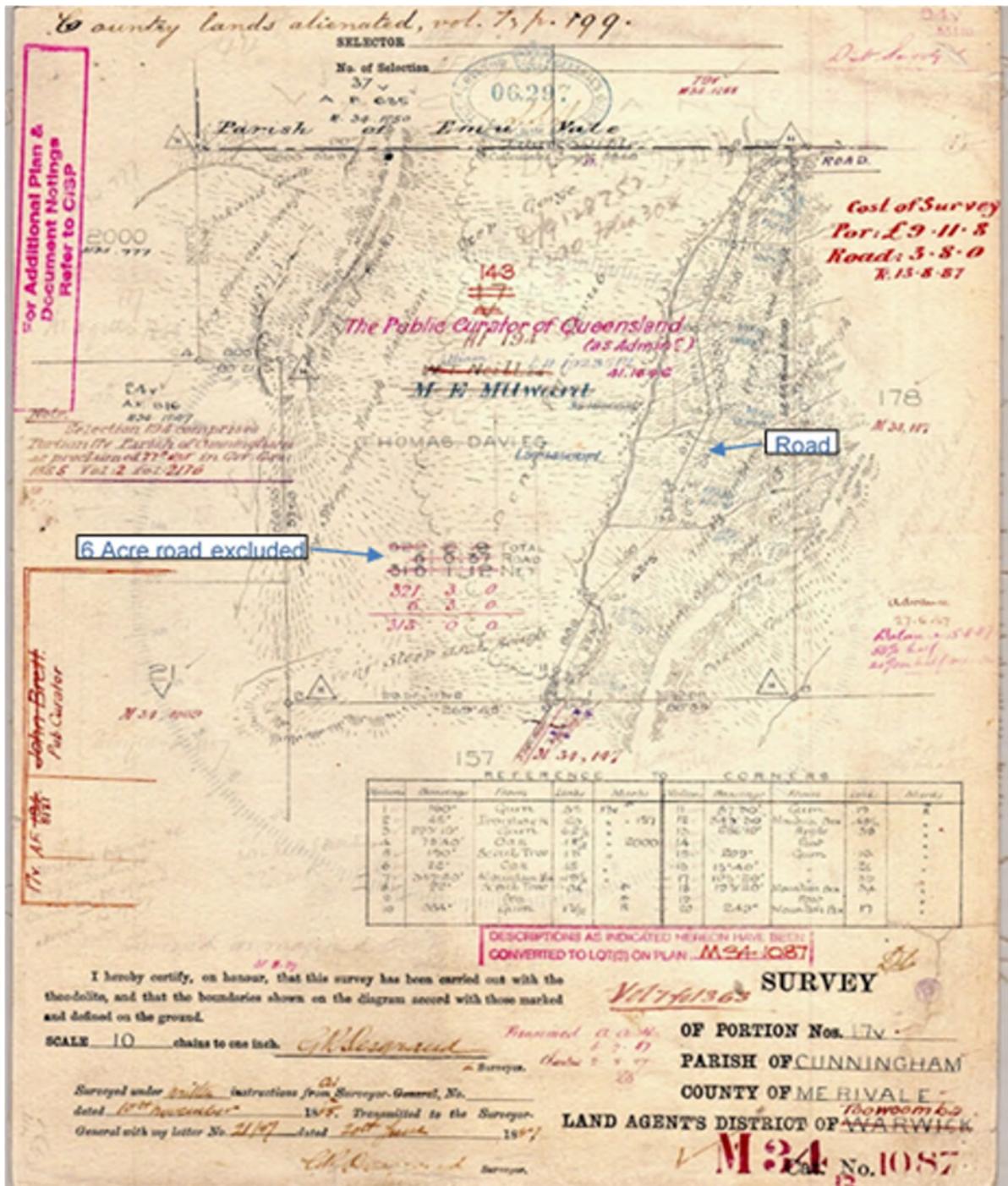
Commencing at the north-west corner of portion 157, and bounded thence on the south by that portion bearing 89 degrees 45 minutes 20 chains 31 links and 88 degrees 34 minutes 20 chains 35 links, on the east by portion 178 and a road bearing north 60 chains, on the north by portions 79V and 37V parish of Emu Vale bearing west 58 chains 68 links, and on the west by portion 2000 bearing 179 degrees 21 minutes 23 chains 4 links, and by portions 24V and 21V bearing 89 degrees 21 minutes 8 chains 3 links and 178 degrees 55 minutes 37 chains 68 links to the point of commencement; exclusive of six acres three roods for a surveyed road

Extract from Portion 17v Deed of Grant of Land - reference to approximately 6 acres of excluded road.



Extract from Portion 17v Deed of Grant of Land - showing Deed sketch. Road depicted internal to portion.

Example G - Deed with metes and bounds description (cont.)



Example H - Gazette notification

1400-1

Department of Lands,
Brisbane, 8th April, 1965.

IT is hereby notified, in pursuance of the provisions of "The Land Act, 1962 to 1964," that the lands described in the First Schedule hereto are hereby opened as roads, and it is hereby notified that the roads described in the Second Schedule are hereby closed.

FRANK NICKLIN,
For the Minister for Lands.

FIRST SCHEDULE
THE BRISBANE LAND AGENT'S DISTRICT
County of Ward, parish of Palen
Crown land

The whole of the south-eastern severance of portion 111V, Reserve 93-94.

THE CLERMONT LAND AGENT'S DISTRICT
County of Clermont, parish of Retiro

Portion 11, Settlement Farm Lease No. 2308 (Leon James Herden, lessee)

An area of 3 acres 2 roods 11 perches, being a strip of varying width along and within the north-western corner of the portion as shown on plan Cfm. 337 deposited in the Survey Office.
Road Case 27384.

THE GOONDIWINDI LAND AGENT'S DISTRICT
County of Carnarvon, parish of Minnel

Portion 17, Grazing Homestead No. 3662 (Edgar Giltrow and Betty Giltrow, his wife as tenants in common, lessees)

An area of 5 acres 3 roods 19 perches, being a strip of varying width along and within the northern boundary of the portion as shown on plan Cvn. 195 deposited in the Survey Office.
Road Case 25480.

THE INNISFAIL LAND AGENT'S DISTRICT
County of Cardwell, parish of Rockingham

Portion 195, Reserve for Landing Ground for Air Craft, Tully (R. 397)

A strip generally three chains wide commencing at the south-eastern corner of portion 233 and extending north-easterly for a distance of about twenty-six chains sixty links through portion 195 as shown on plan Cwl. 1862 deposited in the Survey Office.

A strip generally one chain wide commencing at the north-western corner of portion 551 and extending south-easterly through portion 195 for a distance of about five chains fifty links as shown on plan Cwl. 1862 deposited in the Survey Office.
Road Case 29425.

THE IPSWICH LAND AGENT'S DISTRICT
County of Churchill, parish of Rosewood
Crown land

An area of about 32.7 perches, being a strip of varying width abutting the south-western boundaries of portion 178 and contained within the following boundaries;—commencing at the south-western corner of the portion and bounded by lines bearing about 270 degrees about one chain eighty-two links, about 9 degrees about two chains, about 19 degrees about eighty-six links and thence south-easterly by the south-western boundaries of the portion to the point of commencement.
Road Case 29097.

THE ROCKHAMPTON LAND AGENT'S DISTRICT
County of Hanbald, parish of Springton

Portion 16, Grazing Farm 9016. (Edward Drake and Margaret Beryl Draper, wife of Reginald Daniel Draper, lessees)

An area of 4 acres and 35.9 perches being a strip two chains wide in the south-eastern corner of the portion as shown on plan Ht. 171 deposited in the Survey Office.

Portion 22, Grazing Homestead 8508 (William Henry Cragg, lessee)

An area of 49 acres and 30 perches being a strip two chains wide through the portion as shown on plan Ht. 171 deposited in the Survey Office.
Road Case 28464.

THE ROMA LAND AGENT'S DISTRICT
County of Westgrove, parish of Bailba

Portion 3, Grazing Homestead No. 7439 (The Union Trustee Company of Australia Limited and Lucy May Ward, widow, as Executors, lessees)

Areas totalling 37 acres 2 roods 9 perches, being strips of varying width intersecting the portion, as shown on plan Wt. 201 deposited in the Survey Office.

Portion 4, Grazing Farm No. 7310 (The Union Trustee Company of Australia Limited and Lucy May Ward, widow, as Executors, lessees)

Areas totalling 67 acres 2 roods 9 perches, being strips generally three chains wide intersecting the portion as shown on plan Wt. 202 deposited in the Survey Office.

Portion 5, Grazing Homestead No. 7387 (Robert John Kendall, lessee)

Areas totalling 69 acres 3 roods 12 perches, being strips generally three chains wide intersecting the portion as shown on plan Wt. 203 deposited in the Survey Office.

County of Westgrove, parish of Mellish

Portion 8, Grazing Homestead No. 7350 (Edward Arthur Alexander, lessee)

Areas totalling 40 acres 1 rood 11 perches, being strips generally three chains wide intersecting the portion as shown on plan Wt. 204 deposited in the Survey Office.
Road Case 27816.

SECOND SCHEDULE
THE BRISBANE LAND AGENT'S DISTRICT
County of Stanley, parish of Toombul

An area of 1 acre and 2.6 perches, being the part of the road (part of Harbour Road, Hamilton) abutting the north-eastern boundary of portion 263 contained within stations 7, 10, 13, 16, 12 and 7 on plan Sl. 4627 deposited in the Survey Office.
Batch 1408-221.

THE BUNDABERG LAND AGENT'S DISTRICT
County of Cook, parish of South Kolan

An area of about 4 perches, being the part of the road separating subdivision 1 of subdivision 6 of portion 59 from the Kolan River, now established as portion 175 on plan Ck. 1821 in the Survey Office.
Road Case 28951.

THE CHARLEVILLE LAND AGENT'S DISTRICT
County of Langlo, parish of Moruya

The road separating portion 2 from portion 3.

The road abutting the eastern boundaries of portions 2 and 3.

The ten chain road intersecting surrendered Caerleon Pastoral Development Holding and its continuation north-westerly, being twenty chains wide, exclusive of a strip three chains wide along the track in use.
Caerleon 5631.

THE CLERMONT LAND AGENT'S DISTRICT
County of Ruedge, parish of Clyde

The road intersecting portion 2 exclusive of a strip three chains wide along the track in use.

The road separating portion 2 from portion 3 exclusive of a strip three chains wide along the track in use.
Clyde Vale 3817.

THE INNISFAIL LAND AGENT'S DISTRICT
County of Cardwell, parish of Rockingham

The road abutting the southern boundary of portion 195 exclusive of three chains at its western extremity and its continuation northerly to a point about forty-three links southerly from the north-western corner of subdivision 4 of portion 14.
Road Case 29455.

THE JUNDAH LAND AGENT'S DISTRICT
County of Warhreccan, parish of Chaunrit

The road abutting the northern boundary of portion 17.
Selvas 3567.

THE ROMA LAND AGENT'S DISTRICT
County of Westgrove, parish of Bailba

Areas totalling 157 acres and 9 perches, being strips of the road intersecting portions 3, 4 and 5 as shown on plans Wt. 201, Wt. 202 and Wt. 203 deposited in the Survey Office.

County of Westgrove, parish of Mellish

Areas totalling 39 acres 2 roods 27 perches, being strips of the road intersecting the portion as shown on plan Wt. 204 deposited in the Survey Office.
Road Case 27816.

EM 13 55
- 8 APR 1965
ROADS
Roads notes complete
22.4.65

Gov. Gaz., 10th April, 1965, pages 1204-5

Example I - Transport declaration

A PROCLAMATION

By His Excellency Commodore Sir JAMES MAXWELL RAMSAY, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Commander of the Most Excellent Order of the British Empire, upon whom has been conferred the Decoration of the Distinguished Service Cross, and Commodore in the Royal Australian Navy (Retired), Governor in and over the State of Queensland and its Dependencies in the Commonwealth of Australia.

[L.S.]
J. M. RAMSAY,
Governor.

IN pursuance of the powers and authorities in me vested by the provisions of the *Main Roads Act 1920-1979* and of all other powers and authorities in me vested, I, Sir JAMES MAXWELL RAMSAY, the Governor aforesaid, acting by and with the advice of the Executive Council, do, by this my Proclamation, confirm the recommendation made by The Commissioner of Main Roads in pursuance of the provisions of the *Main Roads Act 1920-1979*, as set forth in the Schedule to this my Proclamation.

Given under my Hand and Seal at Government House, Brisbane, this thirtieth day of August, in the year of our Lord one thousand nine hundred and seventy-nine, and in the twenty-eighth year of Her Majesty's reign.

By Command, **R. J. HINZE.**
 GOD SAVE THE QUEEN!

THE SCHEDULE
 RECOMMENDATION OF THE COMMISSIONER OF MAIN ROADS ABOVE REFERRED TO

The Commissioner of Main Roads appointed under the provisions of the *Main Roads Act 1920-1979*, hereby recommends to the Governor in Council that on and from the 1st September, 1979, the description of each and every road specified in Appendix I hereto, be amended by inserting in lieu thereof, respectively, the descriptions specified in Schedules I, II, III and IV of Appendix II hereto, respectively, under and for the purposes of the *Main Roads Act 1920-1979*.

APPENDIX I

Name of Road	Classification	Dates of Proclamations Relevant to Road
No. 10p Bruce Highway (Innisfail-Cairns), Johnstone Shire	State Highway	29th April, 1978
No. 10p Bruce Highway (Innisfail-Cairns), Mulgrave Shire	State Highway	29th April, 1978
No. 10p Bruce Highway (Innisfail-Cairns), Cairns City	State Highway	29th April, 1978
No. 95a Thomson Developmental Road (Windorah-Jundah), Barcoo Shire	Developmental Road	16th June, 1970
No. 95a Thomson Developmental Road (Jundah-Longreach), Barcoo Shire	Developmental Road	16th June, 1970
No. 95a Thomson Developmental Road (Jundah-Longreach), Longreach Shire	Developmental Road	16th June, 1970
No. 95a Thomson Developmental Road (Jundah-Longreach), Ilfracombe Shire	Developmental Road	16th June, 1970
No. 96a Carnarvon Developmental Road (Roma-Injune), Roma Town	Developmental Road	26th May, 1973
No. 96a Carnarvon Developmental Road (Roma-Injune), Bungil Shire	Developmental Road	26th May, 1973

APPENDIX II
 SCHEDULE I—STATE HIGHWAYS

**No. 10p
 BRUCE HIGHWAY
 (Innisfail-Cairns)
 State Highway
 JOHNSTONE SHIRE**

From the north-western corner of section XXII, town of Innisfail, parish of Johnstone, to the shire boundary at the north-eastern corner of portion 609, parish of Gladly, by the route shown on the plan under seal held by The Commissioner of Main Roads and identified by the registration number RD10p-1-E.

Length . . . 14.49 kilometres (approximately).
 66/10p/1.

**No. 10p
 BRUCE HIGHWAY
 (Innisfail-Cairns)
 State Highway
 MULGRAVE SHIRE**

From the shire boundary at the north-eastern corner of portion 609, parish of Gladly to the most northern corner of subdivision 1 of resubdivision 2 of subdivision 1 of portion 52, city of Cairns, parish of Cairns, having a boundary section with Cairns City between the distances of 83.35 kilometres and 84.03 kilometres, half the length of which is credited to each Local Authority by the route shown on the plans under seal held by The Commissioner of Main Roads and identified by the registration numbers RD10p-1-F and RD10p-2-D.

Length . . . 68.88 kilometres and $\frac{1}{2}$ length of the boundary section (0.34 kilometre) = 69.22 kilometres (approximately).
 26/10p/1.

Gov. Gaz., 1st September, 1979, No. 5, pages 96-8

Name of Road	Classification	Dates of Proclamations Relevant to Road
No. 102 Burleigh Connection, Gold Coast City	Main Road ..	1st July, 1963
No. 102 Burleigh Connection, Albert Shire	Main Road ..	1st July, 1963
No. 163 Maryborough-Urangan Road, Maryborough City	Main Road ..	10th July, 1976
No. 163 Maryborough-Urangan Road, Hervey Bay Town	Main Road ..	10th July, 1976
No. 831 South Townsville Road, Townsville City	Main Road ..	1st January, 1970
No. 1705 Wallaville-Goodeon Road, Kolan Shire	Secondary Road	13th December, 1975
No. 1705 Wallaville-Goodeon Road, Gooburrum Shire	Secondary Road	13th December, 1975
No. 4261 Auburn Road, Chinchilla Shire	Secondary Road	1st July, 1963
No. 4715 Cania Road, Monto Shire	Secondary Road	17th April, 1976
No. 5703 Aramac-Torrens Creek Road, Aramac Shire	Secondary Road	18th November, 1972
No. 5703 Aramac-Torrens Creek Road, Flinders Shire	Secondary Road	22nd November, 1975
No. 5807 Julia Creek-Kynuna Road, McKinlay Shire	Secondary Road	16th June, 1970

Example I - Transport declaration (cont.)

GOLD COAST CITY 169

ALBERT 91

MRD Drawing No: 660219

3385

The Official Seal of the Commissioner of Main Roads was hereto affixed this 24 AUG 1979

W. Hansen
Commissioner of Main Roads

km	0	5	1.0	1.5	2.0	2.5	1:25000
DRAWN	JOB NOS.	DECLARATION	LOCAL AUTHORITIES	DECLARED LENGTHS	CLASSIFICATIONS	PUBLIC CONNECTION	
CHK'D	RESUMPTION PLANS	NEW DECL'N EXTENSION CANCELLED PRIOR DECL'N	169 GOLD COAST CITY 91 ALBERT	2.25 NEW 2.06 OLD	STATE C'WLTH NAASRA	RD102 = 0 - AB	REGISTRATION NO. LENGTH
						0.00km = 5.31km	