

Division 2—Dedication

18—Dedicated land

- (1) The Minister may, by instrument in writing, dedicate unalienated Crown land for a purpose specified in the instrument.
- (1a) The purposes for which land may be dedicated under this section include (without limitation) the management of land in accordance with a specified management plan.
- (2) The Minister must not dedicate land subject to a licence unless the Minister is satisfied that the dedication will not substantially detract from the licensee's use or occupation of the land.
- (3) If dedicated land is to be placed under the care, control and management of a person or body other than the Minister, the Minister must consult with that person or body before effecting the dedication.
- (4) The Minister may, by instrument in writing, alter the purpose for which land has been dedicated under this section.
- (5) The Minister must, before altering the purpose for which land has been dedicated under this section, consult with any person who has an interest in, or rights in relation to, the land.
- (6) The Minister must not grant an interest or rights in relation to dedicated land if the grant of the interest or rights would have the effect of preventing the land being used for the purpose for which it is dedicated.

19—Revocation of dedication

- (1) Subject to this section, the Minister may, by instrument in writing, revoke (in whole or in part) a dedication of land, whether the land has been dedicated under this or any other Act.
- (1a) If a Minister who is the custodian of dedicated land grants a lease in relation to the land, the Minister must not revoke the dedication under this section during the term of the lease without obtaining the consent, in writing, of the Minister who is the custodian.
- (2) If land subject to a dedication under this or any other Act has been granted in fee simple, the dedication can only be revoked by proclamation made by the Governor.
- (3) If land has been dedicated under another Act, the dedication must not be revoked under this section unless there is no other legislative power providing for revocation.
- (4) If, under this section, a dedication of land is revoked in whole or in part, the land, or that part of the land, reverts to the status of unalienated Crown land.

20—Care, control and management of dedicated land

- (1) The Minister may, by instrument in writing, place dedicated land under the care, control and management of a person or body specified in the instrument subject to such conditions as the Minister specifies in the instrument.

- (2) The Minister may, by instrument in writing—
 - (a) vary or revoke the conditions on which dedicated land was placed under the care, control and management of a person or body; or
 - (b) withdraw the land from the care, control and management of that person or body.
- (3) The Minister must not exercise powers under this section in relation to land that is under the care, control and management of a person or body except after consultation (where practicable) with the person or body.

21—Operation of instruments

An instrument under this Division takes effect on the day specified in the instrument.

22—Lease of dedicated land

- (1) Subject to this section, a lease granted by a person other than the Minister in relation to dedicated land is of no effect unless the Minister has consented, in writing, to the grant of the lease.
- (2) The consent of the Minister under this section may be subject to such conditions as the Minister thinks fit and specifies in the written consent.
- (3) The Minister may refuse consent to the grant of a lease if the grant of the lease—
 - (a) would detract from any existing public use and enjoyment of the land; or
 - (b) would prevent the land being used for the purpose for which it was dedicated; or
 - (c) would otherwise, in the opinion of the Minister, be improper or undesirable.
- (4) A Minister who is the custodian of dedicated land may grant a lease in relation to the land without obtaining the consent of the Minister under this section if the Minister who is the custodian of the dedicated land is satisfied that the grant of the lease—
 - (a) would not detract from any existing public use and enjoyment of the land; and
 - (b) would not prevent the land being used for the purpose for which it was dedicated; and
 - (c) would not otherwise, in the opinion of that Minister, be improper or undesirable.
- (5) If a council is granting a lease in relation to dedicated land in accordance with section 202 of the *Local Government Act 1999*, this section does not apply to the grant of that lease if—
 - (a) native title in the land has been extinguished or the council is satisfied that the grant of the lease will not affect native title; and
 - (b) the lease will not cause any development (within the meaning of the *Planning, Development and Infrastructure Act 2016*); and
 - (c) the council is satisfied that the grant of the lease—
 - (i) would not detract from any existing public use and enjoyment of the land; and