

## Toobeah Reserve Q&A

### **Does the State have the power to amend the purpose of a reserve to include other uses if the Council asks?**

Section 31B of the *Land Act 1994* provides for changing the purpose of a reserve to a community purpose or another community purpose. The Goondiwindi Regional Council (Council), as the current trustee, can make a request to the State to change or amend the purpose of a reserve. Only a trustee may apply to change the purpose for which the reserve is dedicated (section 31D of the *Land Act 1994*), however the Minister can change the purpose of a reserve without receiving an application (section 31).

As Toobeah Reserve is subject to an active Expression of Interest under the *Aboriginal Land Act 1991 (ALA)*, any request to change the purpose of the reserve cannot be progressed until a decision has been made on the ALA outcome. Any application for a change of purpose will trigger a native title assessment.

### **Can the Council stop the ALA land transfer from happening?**

This is a State-run process and as the current trustee of the reserve, the Council was asked to provide its view on the application. The views provided by the Council will be taken into consideration as part of the Minister's decision-making process. The Department of Resources (the Department) will continue to engage with the Council following the local government elections.

### **Is freehold and reserve land treated the same if you want to develop or change the land use?**

Freehold land requires a landholder to make a Material Change of Use application through their local Council. For reserve land, the trustee can make an application to the State to change the purpose of the reserve. Any proposed development on reserve land would still need to abide by planning requirements through the Council.

### **Why was Council requested by the State to keep the application details confidential?**

In an Expression of Interest application, like any other application made to the State, the details of the application remain confidential in line with the Department's privacy obligations.

### **If a Toobeah town expansion went ahead, how would we ensure there is water security for the extra houses/residents?**

This is a question for Council regarding town water supply.

### **If the proposed ALA land transfer proceeds, will stock have access to water when using the new proposed designated stock route area?**

The management of the stock route network is the responsibility of the Council. Should the Council believe that additional water infrastructure is required, Council may make application under the Department's Stock Route Capital Works program for funding to construct additional water infrastructure.

### **If the Council were to pull their support for the ALA land transfer, would there be consequences for Council?**

There are no consequences from the State. The Council has previously indicated its willingness to support this application for the future transfer of the reserve. The Department will continue to engage

with Council after the local government elections. The Council is not the decision maker on ALA applications — that decision resides with the Minister for Resources and Critical Minerals.

**Given the community concerns about the proposed ALA land transfer, will consideration be given to renegotiate the map area as shown in the State's PowerPoint presentation?**

The State will note the views of the Council and the wider community, and these will be provided to the Minister as part of the decision-making process.

**If the proposed ALA land transfer proceeds, does the community have a say on what can happen on the land? Can the community stop the Bigambul people from building on the land?**

An ALA land transfer is held in trust as 'inalienable freehold title' which means that the land cannot be sold. It is held in perpetuity for the benefit of the Aboriginal or Torres Strait Islander people connected to that land. Any proposed development would be subject to the same Council and planning laws that must be adhered to when developing land.

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