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To: Scot McPhie <asmcphie@gmail.com>

Subject: Re: Legal instructions

Hi Dad,

I ordered a title search on the Queensland Titles Registry website and attached is the document I received showing that the Toowoomba Regional Council are the trustees as this land is Crown Land.

The *Native Birds Protection Act* and *Animal and Birds Act* have both been repealed. <https://www.legislation.qld.gov.au/historicalinformation>. For the former I couldn't find a reference to it on the QLD legislation website but the latter is specifically listed as repealed if you follow the link.

As Redwood Park is not a national park, the *Nature Conservation Act* 1992 will not apply.

It appears that as Redwood Park has been described as a "reserve for the purposes of a public park" it would likely be governed by the *Recreation Areas Management Act* 2006. In particular:

Section 4 "Purpose of Act"

- (1)(b) to provide, coordinate, integrate and improve recreational planning, recreational facilities and recreational management for recreation areas, having regard to
 - (i) the conservation, cultural, educational, production and

recreational values of the areas

--> Whole act: - <https://www.legislation.qld.gov.au/view/pdf/inforce/current/act-2006-020>

In addition the *Land Act* 1994 Division 2 Subdivision 1: Reserves Generally, allocates the power over reserves to the Minister of Resources , who may dedicate unallocated State land as a reserve for 1 or more community purposes and may change the purpose for which the reserve is dedicated.

<https://www.legislation.qld.gov.au/view/html/inforce/current/act-1994-081>

Furthermore see s 23 of the *Land Act* Reservation for Public Purposes:

- (1) A deed of grant, deed of grant in trust or lease issued under this Act may be issued containing a reservation for a public purpose
- (2) Each reservation must be for a stated area, in size, but the grant or lease need not identify the particular land reserved

So basically to my understanding (non legally binding) the Toowoomba Council have been granted Redwood Park on trust. This land is subject to the Recreation Act legislation which makes mention of cultural and conservation considerations when deciding what to do with the land.

Let me know if there's any more information you need. Probably reading Recreation Areas Management Act 2006 and Recreation Areas Management Regulation

2017 <https://www.legislation.qld.gov.au/view/pdf/inforce/current/sl-2017-0158>

would be best to get an understanding of the protections Redwood has.

In 1888 a petition, signed by more than 250 of Toowoomba's male residents, was sent to the Minister of Lands, Henry Jordan, requesting the 2000 acre (809ha) site be given to the municipal authorities in trust to ensure its continued use as a recreational and natural public park.[6] The requested land to be placed in trust encompassed what was to become Redwood Park, Picnic Point and Adjacent Parkland (QHR 601205) and Jubilee Park. The petition appears not to have been acted on and the bushland remained Crown Land.[7]

In October 1910, the Queensland Government declared a 500 acre (202ha) bushland site, previously part of the Toowoomba Town Common reserve (which would become Redwood Park), a 'Reserve for the Protection and Preservation of Native Birds', under the *Native Birds Protection Acts, 1877 to 1884*. [8] This was followed by the reserve being proclaimed a park in early 1911 and subsequently named Redwood Park by the Toowoomba City Council. [9] At the same time, Picnic Point and Jubilee Park were also declared reserves for birds. [10] Ten years later, as further legislation was introduced in relation to the protection of both birds and animals, under the *Native Birds Protection Act 1921* and the *Animal and Birds Act 1921*, stricter rules concerning the safeguarding of vulnerable fauna ensured Redwood Park's reputation locally as a haven for native wildlife, 'the penalty for anyone killing or capturing native birds and animals in these reserves is up to £20'. [11] Under these acts, honorary rangers/officers were appointed by the government to patrol the reserves. [12] Several were appointed for the Toowoomba region including two prominent Toowoomba residents, EC Bernays (solicitor) and Dr Thomas Price (medical specialist, philanthropist, aldermen and

[6] '1888 Petition to the Minister Of Lands, Queensland Government', Marie Holland, *The Escarpment and Foothills of the Great Dividing Range at Toowoomba*, Marie Holland Heritage Research Services, 2001, Appendix; Maurice French, *Toowoomba: A Sense of History, 1840-2008*, University of Southern Queensland, 2009, p.96; Peter Cullen, *Toowoomba's Story – In Brief*, Toowoomba Historical Society, Toowoomba, 2003, p.4; *Darling Downs Gazette*, 6 February 1888, p.3.

[7] The main proponent of the petition was Toowoomba resident and Alderman, James Thornloe Smith, who, in March 1888 presented the proposal to the municipal council. The wording of this petition strongly embodies two concepts emerging in British society (and consequently disseminated across the Empire) from the early nineteenth century. These concepts include a penchant for the seeking out and appreciation of the picturesque qualities of natural landscapes and a firm conviction that the general health of people could be enhanced if they spent more time outdoors; *Toowoomba Chronicle and Darlings Downs General Advertiser*, 6 March 1888, p.3; Entry on the Queensland Heritage Register, Picnic Point and Adjacent Parkland (QHR 601205); Cullen, *Toowoomba's Story – In Brief*, p.4.

[8] *Queensland Government Gazette*, 'Reserves for the Protection and Preservation of Native Birds', No. 94, Vol. xcv, 8 October 1910, p.1010; *Toowoomba Chronicle*, 29 September 1919, p.4; Marie Holland, *The Escarpment and Foothills of the Great Dividing Range at Toowoomba*, p.102.

[9] Named after a prominent family in Toowoomba; *Sunday Mail*, 23 February 1941, p.3; *Queensland Government Gazette*, 'Reserves for Parks', No. 96, Vol. xcvi, 1 April 1911, p.1375; *Darling Downs Gazette*, 31 January 1911, p.5.

[10] *Queensland Government Gazette*, 'Reserves for the Protection and Preservation of Native Birds', No. 94, Vol. xcv, 8 October 1910, p.1010; *Toowoomba Chronicle and Darling Downs Gazette*, 9 November 1923, p.6.

[11] *Toowoomba Chronicle and Darling Downs Gazette*, 6 May 1925, p.6.

[12] *Toowoomba Chronicle and Darling Downs Gazette*, 18 January 1923, p.7.

- Redwood Park is a reserve for the purposes of a public park, one of numerous such places across Queensland and Australia.