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Update Summary

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**PROPERTY LAW AND PRACTICE
QUEENSLAND**

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UPDATE SUMMARY

Bill Duncan has updated and added the following commentary to include recent Queensland Court of Appeal cases on the imposition of constructive trusts: *King v Fister* [2022] QCA 047 at [22]-[25] and *Merker v Merker* [2022] QCA 277.

- Resulting trusts, see [PLA 11.150]
- Constructive trusts, see [PLA11.210]
- Differences between resulting and constructive trusts, see new paragraph [PLA.11.220].

Land Act 1974

Chris Boge has comprehensively and extensively updated all the relevant commentary following the commencement of the *Land and Other Legislation Amendment Act 2024* on 26 April 2024, that amends the *Land Act 1994*.

Including reference [in Chapters 1 through to 6A] to the following 2024 cases:

- see *Breakwater Pacific Pty Ltd v Chief Executive, Department of Resources* [2024] QSC 107, see [L1.10], [L4.1], [LC2P1.3], [L16.15], [L31.20]
- see *Catholic Metropolitan Cemeteries Trust v Attorney General (NSW)* [2024] NSWCA 30, see [L46.15]
- see *Charlie on behalf of the North Eastern Peninsula Sea Claim Group v Queensland (No 2)* [2024] FCA 612, see [LC2P1.3], [LC2P1.5], [L15.6], [L15.40], [L15.50], [LC2P1.5], [LC2P1.35E], [L14.10], [L15.6], [L15.50], [LC2P1.5], [LC2P1.30], [LC2P1.35E], [L15.5], [L15.6], [L15.40], [L15.50], [L199A.5]
- see *Cleveland Potash Ltd v Drummond* [2024] EWHC 1292 (Ch), see [LC2P1.40]
- see *Conexa Sydney Holdings Pty Ltd v Chief Commissioner of State Revenue* [2024] NSWSC 628, see [L5.5], [L5.30]
- see *Dungog Shire Council v Attorney General (NSW)* [2024] FCA 166, see [LC2P1.35E], [LC2P1.50]
- see *Godolphin Australia Pty Ltd v Chief Commissioner of State Revenue* [2024] HCA 20, see [L15.60B], [L199A.10]

- see *Harvey v Minister for Primary Industry and Resources* (2024) 98 ALJR 168; [2024] HCA 1, see [L21.70]
- see *Minister for Resources v Fortune Island Holdings Company Ltd* [2024] QLC 10, see [L234.10]
- see *Mpwerempwer Aboriginal Corporation RNTBC v Minister for Territory Families & Urban Housing* [2024] NTSC 4, see [LC2P1.50]
- see *State of Queensland v Morecroft* [2024] QCA 11, see [LC2P1.5], [L301.60]
- see *Wyloo Metals Pty Ltd v Quarry Park Pty Ltd* [2024] WASCA 38, see [LC2P1.5], [L301.40C].

Also reference to:

- the *Trusts Bill 2024* introduced to Parliament on 21 May 2024, see [L44.20]

And new or amended paragraph headings including, among many others:

- “Unreasonably withheld” consent of registered interest holders – s 210(3) and (4), see [L210.10]
- No change in term or purpose of lease permitted, see [L210.15]

New commentary for new sections 214A, 214B, 214C, 214D, 214E, 214F, 214G:

- General, see [L214A.5]
- General, see [L214B.5]
- General, see [L214C.5]
- General, see [L214D.5]
- General, see [L214E.5]
- General, see [L214F.5]
- General, see [L214G.5].

