

**SUMMARY OF CHANGES TO LAND TITLE PRACTICE MANUAL  
PUBLISHED 11 SEPTEMBER 2023**

<b>Part</b>	<b>Para</b>	<b>Summary</b>
5	2130	Update text to reflect that when a Transmission Application is fully withdrawn, the original will is returned to the lodger via registered post
14	3040 (new)	Inclusion of new section about the removal of Historical Charges relating to private ownership of resources such as coal
14	4000	Update example 22 to amend item 3 to show multiple trustees and removal of reference to address for service of notices from item 5
14	7010	Update text to include reference to mandate and review references to legislation
16	0040	Clarify practice in relation to the requirement for the consent of the Public Trustee to a Power of Attorney granted by a prisoner
16	0210	Clarify practice when a Power of Attorney incorporates a clause revoking a previously registered Power of Attorney and the requirement for the lodgement of Revocation in certain circumstances
16	2020	Update text to remove example of Statutory Declaration and replace with guidance as to required statements to be included in a supporting declaration
16	2137	Clarification of requirements for Powers of Attorney witnessed outside Australia by different types of witnesses
21	2010	Clarify requirements for a survey plan lodged in paper
21	2080	Clarify the requirement for registered owners consent in Form 18A and planning body approval in Form 18B
21	2250 (deleted)	Section deleted as the deposit of the SMIA Form 10 is no longer required
21	4080	Clarify requirements for a survey plan lodged in paper
51	0000	Update text to include reference to legislation relating to trusts established for a particular purpose
51	0091 (new)	Inclusion of new section relating to Managed Investment Schemes
51	0191 (new)	Inclusion of new section relating to Managed Investment Schemes
51	2022	Clarify requirements for disclosure of trust where the trustee holds an interest in a State Lease or sublease of State Lease under the Land Act 1994
51	2043	Update text to reflect change of name to Queensland Revenue Office from Office of State Revenue
51	2260	Clarify requirement for deposit of evidence of incorporation
51	Example of TDF	Amend second example to remove reference to "Trust" in item 5
51	4160	Under the sub heading Item 5-Completion, amend the wording for a private trust to remove reference to "Trust"
51	4180	Clarify execution/signing requirements of a Trust Details Form for a company trustee
51	5010	Update text to include reference to mandate and review references to legislation
51	TDF example (electronic)	Amend second example to remove reference to "Trust" in item 5
52	0070	Include text relating to the Public Trustee being appointed as the manager of the estate of certain prisoners
52	0160	Clarify practice in relation to the recording of a Cane Railway Easement
52	0280	Insert sub heading and text in relation to recording a Quarry Sales Permit as an Administrative Notice Miscellaneous
52	0335 (new)	Insert new section relating to notice of Charitable Donation Deed for Housing under the Housing Act 2003

Part	Para	Summary
52	2000	Include information regarding notice of Charitable Donation Deed for Housing in list of administrative advices
52	2010	Include information regarding notice of Charitable Donation Deed for Housing in list of administrative advices lodged by or on behalf of the person/entity taking action
59	0010	Update text to include reference to mandate and review references to legislation
59	2000	Update text to clarify general requirements for forms
59	4000	Include Form 4 Version 1 Request to Record Death (Electronic) in Chronological List of Forms and under heading Electronic Conveyancing (Electronic) Forms
61	3050 3051(new) 3052(new) 3053(new) 3054(new) 3055(new) 3056(new) 3057(new) 3058(new)	Insertion of new sections relating to different scenarios where an attorney executes and inclusion of information regarding execution by a supplementary attorney
61	3080	Clarify requirements for execution of an instrument of document by an administrator for certain prisoners where the Public Trustee has discontinued management of the estate or has given consent for the appointment of the administrator
61	3130	Clarify requirements for execution of an instrument of document by the Public Trustee as manager of the estate of certain prisoners
61	3300 (new)	Insertion of new section relating to execution by a Trustee in Bankruptcy
62	0000	Update text to include reference to mandate and review references to legislation
62	2000	Update text to review references to legislation
62	4000	Clarify how rendered paper forms are returned to Titles Queensland

## Name Variation

[5-2120]

The name of the deceased registered owner or holder of an interest is given in full in Item 1 of the Forms 5, 5A and 6 and minor differences in spelling do not require explanation. If it is considered that the name in the other documents being lodged cannot be safely accepted as being that of the deceased registered owner or holder of the interest (e.g. upon a change in surname), then a supplementary declaration (in Form 20) identifying one with the other, together with any relevant evidence (e.g. a copy of a certificate of marriage) is required.

Where the name of a beneficiary or personal representative is different in the Transmission Application to that shown in the will, a statutory declaration supported by relevant evidence, is required from that person setting out the circumstances of the difference in the name.

## Return of Certain Deposited Documents

[5-2130]

Registry practice is to return to the lodger, at the time of lodgement, certain original documents that are required to be deposited as evidence. Refer to [60-1030]. The following comments relate to the return of some documents deposited with a Form 5, 5A or 6 – Transmission Application.

An original will once deposited with a Transmission Application in the registry will be dealt with in a similar manner as if it was deposited in the Supreme Court of Queensland Court of Probate. The original will is examined by registry staff to ensure it is in order and retained as a permanent public record.

An original will held by the registry with a registered Transmission Application will only be released to the Supreme Court of Queensland for a grant of representation application. Where the original will is required for such an application, the personal representative or their solicitor must request in writing for the Registrar to forward the original will to the Court. The request must state the authority for them to make the request and details of the probate registry where the application will be made. The Registrar will forward the original will and other relevant documentation (e.g. codicil) to the Court and notify the applicant it has been sent.

An original will held by the registry with an unregistered Transmission Application will only be released in the following circumstances:

- in response to a written request from the lodger to fully withdraw the Transmission Application after the application is withdrawn; or
- where the Transmission Application is rejected under s. 157 of the *Land Title Act 1994* or s. 306 of the *Land Act 1994*.

Where an original will is required for grant of representation in Queensland and the will is held with an unregistered Transmission Application, the dealing must be fully withdrawn from registration prior to its release from the Registry. The lodger must request in writing for the Transmission Application to be fully withdrawn. Registry staff will notify the lodger by letter once the dealing has been fully withdrawn. The original will can then be released with the Transmission Application to the lodger ~~via registered post, on presentation of the letter at the office where the Transmission Application was lodged.~~ It is then the responsibility of the personal representative to arrange for deposit of the original will with the grant of representation application.

Where a grant of representation is to be sought in a jurisdiction other than Queensland, a certified copy of the relevant Transmission Application, including a certified copy of the original will, may be provided on request and payment of the relevant fees.

## Removal

A charge under s. 86 of the Building Boost Grant Act registered against a title may only be removed by lodgement of a Form 14 – General Request to remove the charge. A certificate, issued by the Commissioner of Queensland Revenue Office or delegate, must be deposited as evidence of the payment of the charge. The certificate states that the amount owed in relation to the charge over the land has been paid. The Commissioner of Queensland Revenue Office or delegate must execute the request.

Lodgement fees apply but a duty notation is not required.

## **<sup>1</sup>Charge under the *Veterans' Entitlements Act 1986* (Cth)**

[14-3030]

Section 52ZF of the Veterans' Entitlements Act (the Act) provides that where a debt is owed to the Commonwealth, the person's real assets are subject to a charge in favour of the Commonwealth to secure payment of the debt. Section 52ZL of the Act authorises the Repatriation Commission to register a charge.

Lodgement fees apply but a duty notation is not required.

## Removal

A charge under the Act may only be removed by lodgement of a Form 14 – General Request. The request is made by the Commonwealth of Australia and executed by an authorised officer or a legal representative.

Lodgement fees apply but a duty notation is not required.

## **<sup>1</sup>Removal of Historical Charge dealings**

[14-3040]

Historical Charge dealings that are registered as encumbrances on title are usually associated with private ownership of ~~coal~~ resources, such as coal. They were valid at the time of registration and continue to confer property rights and interests that are protected under Queensland's land titling system.

Parties seeking to deal with land that is subject to a Charge are responsible for addressing any issues arising from the encumbrance as part of their due diligence process.

Where a historical Charge is registered on title, and the charge is no longer required or being utilised, lodgement of a Form 14 General Request for the removal of the encumbrance is appropriate. The possible options are:

- (a) The registered owner may make the request provided it is supported by an Order of the Court. Refer to [part 60-1030] for further information regarding deposit of supporting documentation; or
- (b) The Public Trustee of Queensland may make the request pursuant to section 61 of the *Public Trustee Act 1978*; or
- (c) The registered holder of the Charge. Where the holder of the Charge is deceased, the Charge must first be transmitted to the personal representative of the deceased holder's estate, or the beneficiary entitled to the Charge under the deceased holder's estate. The personal representative or beneficiary may then make the request for the removal of the Charge.

A duty notation is required and lodgement fees are payable.

## Example 22 – Request to Record Retirement (or Discharge) of Trustee

QUEENSLAND TITLES REGISTRY  
Land Title Act 1994, Land Act 1994 and Water Act 2000

### GENERAL REQUEST

Duty Imprint

Form 14 Version 4  
Page 1 of 1

Dealing Number



## OFFICE USE ONLY

### Privacy Statement

Collection of information from this form is authorised by legislation and is used to maintain publicly searchable records. For more information see the Department's website.

#### 1. Nature of request

REQUEST TO RECORD THE RETIREMENT  
(OR DISCHARGE) OF TRUSTEE

Lodger (Name, address, E-mail & phone number)

Lodger  
Code

21

SMITH & CO.  
SOLICITORS  
218 EDWARD STREET  
BRISBANE QLD 4000  
mail@smithco.com.au  
(07) 3278 5943

#### 2. Lot on Plan Description

LOT 17 ON RP113268

Title Reference

13088190

#### 3. Registered Proprietor/State Lessee

ANTHEA NICOLA RICHARDS AND JONATHON MATTHEW BRADY AS TRUSTEE UNDER INSTRUMENT NO.  
732468931

#### 4. Interest

FEE SIMPLE

#### 5. Applicant

ANTHEA NICOLA RICHARDS

~~ADDRESS FOR SERVICE OF NOTICES TO THE APPLICANT: 22 REAL STREET, ASHGROVE QLD 4060~~

#### 6. Request

I hereby request that: you record the retirement/discharge of the above named Jonathon Matthew Brady in accordance with terms of the deed of retirement (or discharge) deposited.

#### 7. Execution by applicant

A N Richards

21/11/21

Execution Date

Applicant's or Solicitor's Signature

Note: A Solicitor is required to print full name if signing on behalf of the Applicant

NOTE: Items to be deposited:

- Certified copy of original deed of retirement (or discharge).

Form 14 – General Request list of likely requests	Duty Notation Required
Removal of carbon abatement interest	no
Removal of charge created by a will	yes
Removal of instalment contract caveat	no
Revocation of proclamation resuming land	no
Revocation of proclamation resuming easement	no
Request for separate indefeasible titles	no
Request to record change of name by a corporation	no
Request to record change of name by a natural person	no
Request to record correction of name	no
Request to record first CMS	no
Request to record new CMS	no
Request to record reservation of name for a community titles scheme	no
Request to record change of address of a body corporate	no
Request to record removal of profit a prendre	no
Request to register standard terms document (s. 169 of the <i>Land Title Act 1994</i> or s. 317 of the <i>Land Act 1994</i> )	no
Subdivision of Water Allocation	no
Transmission by bankruptcy – registered proprietor	yes
Transmission by bankruptcy – lessee, etc	yes
Vesting order – land	yes
Vesting order – not land	yes
Withdrawal of caveat (by equitable mortgagee)	no
Withdrawal of caveat (other than by equitable mortgagee)	no

\*only where the lease commenced before 1 January 2006 and no Form 13 – Amendment of Lease altering the commencement date has been registered.

[14-6000] deleted

## eConveyancing

[14-7000]

### Electronic Conveyancing and Electronic Conveyancing Document [14-7010]

Electronic Conveyancing (or eConveyancing) is the term used to refer to the electronic preparation, lodgement, processing and registration of instruments and other documents (Electronic Conveyancing Documents) in accordance with the Land Title Act 1994 (Qld) and the Electronic Conveyancing National Law (Queensland) (the ECNL). eConveyancing is the primary method of conveyancing in Queensland, and its use is mandated for a number of instruments and documents. Refer to part [14-7105 and 62-6000] for further information on the application of the eConveyancing mandate ~~Electronic Conveyancing (or eConveyancing) is the term used to refer to the electronic preparation, lodgement, processing and registration of instruments and other documents (Electronic Conveyancing Documents) for the purposes of the Land Title Act 1994, Land Act 1994 and other titling legislation. It is an alternative to the traditional ‘paper based’ conveyancing system which involves the manual completion, execution and lodgement of paper forms either at a Titles Registry lodgement office, by post or through eLodgement.~~

An Electronic Conveyancing Document is a document under the ECNL that is lodged electronically through an Electronic Lodgment Network (see s. 14B of the Land Title Act 1994 and s. 7 of the ECNL). ~~An Electronic Conveyancing Document is a document under the Electronic Conveyancing National Law (Queensland) (the ECNL) that is lodged electronically through an Electronic Lodgment Network (see s. 14B of the Land Title Act 1994 and s. 7 of the ECNL).~~

For more information, refer to Part 62 – eConveyancing.

The terms Electronic Conveyancing and eConveyancing are used interchangeably in this Part and throughout the Land Title Practice Manual.

## Scope Restrictions

[14-7100]

Refer to the [Titles Queensland website](#) for the list of transactions currently available through eConveyancing

## Electronic Conveyancing Mandate

[14-7105]

The eConveyancing mandate commenced on 20 February 2023 and applies to all industry professionals who are eligible to become subscribers of an Electronic Lodgment Network Operator (ELNO); as well as to Corporate Entities who are lodging a required instrument.

The mandate, introduced by the *Land Title Regulation 2022* provides that certain types of Titles instruments, known as required instruments, must be lodged through an Electronic Lodgment Network (ELN). For more information, refer to Part [62-6000] – eConveyancing Mandate.

When a Form 14 is used for the purpose of withdrawing a caveat it is a required instrument under the Regulation and is therefore required to be lodged through a ELN unless an exemption applies. For more information refer to Parts [62-6010], [11-5320] and [11-5610] as well as the [Titles Queensland website](#).

Because the Electronic Lodgment Network Operators (ELNOs) regularly update their functionality in conjunction with Titles Queensland, and the Queensland Revenue Office (QRO), a current list of required instruments and their inclusions and exemptions is maintained on the [Titles Queensland website](#) rather than in the Land Title Practice Manual to ensure the information is as current and accurate as possible.

ELN Subscribers should therefore refer to the [Titles Queensland website](#) for the list of required instruments to be lodged through eConveyancing as well as any exemptions that may apply. Specifically, ELN Subscribers should confirm that the instrument is not exempt and is included in the mandate before attempting to lodge the instrument by way of eConveyancing.

## Exemptions to Required Instruments

[14-7110]

There are two categories of exemptions that may apply to required instruments, these are general exemptions, and instrument specific exemptions.

The general exemptions to the mandate are those which are contained in the Regulation and apply to all instruments required to be lodged through eConveyancing. These general exclusions can be found in Part [62-6022] of the Manual and on the [Titles Queensland Website](#).

Instrument specific exemptions are those exclusions which apply only to a specific instrument (for example a Form 14 - Withdrawal of Caveat ) and a list of these exclusions can be found on

If the principal has capacity at the time of lodgement of the power of attorney and subsequently loses capacity, evidence, as stated above, should be deposited with all dealings executed under the power of attorney.

[16-0030] deleted

## Prisoners

[16-0040]

The Public Trustee is the manager of the estate of any person:

- Persons serving a prison sentence of three or more years, or
- subject to an indefinite sentence within the meaning of part 10 of the *Penalties and Sentences Act 1992*, or
- detained pursuant to ~~P~~part 3 of the *Criminal Law Amendment Act 1945*

(for the purposes of this part, an ‘affected prisoner’).

~~have no control over their affairs (such control being vested in the Public Trustee of Queensland) and cannot therefore execute a lawful power of attorney without the consent in writing of the public trustee. The consent of the Public Trustee is not required for the grant of a power of attorney, unless the document being registered is a power of attorney contained within a deed or other transaction (such as a lease or mortgage). Consent will however be required before an attorney acting on behalf of an affected prisoner alienates or charges property or makes a contract (section 95 of the *Public Trustee Act 1978*). See [61-3130].~~

A letter from the lodging solicitor advising the term of the sentence should be deposited with ~~the the Form 16—Request to Register Power of Attorney~~relevant dealing. If the party is an affected prisoner-term is longer than three years, a statutory declaration from the Public Trustee stating that it has no objection to the attorney acting for the principal must be deposited with the relevant dealing. Alternatively, the Public Trustee may consent to ~~the power of attorney~~the relevant dealing, in its preferred form, or by letter. ~~This consent may need not be given, or~~ in a Form 18 – General Consent.

## Dual Capacity Powers

[16-0050]

A principal, acting in two or more capacities, can appoint an attorney in respect of those various capacities in the one power of attorney. For example:

In a Form 1 (under the *Powers of Attorney Act 1998*) and at Item 1 in a Form 16 – Request to Register Power of Attorney (under the *Land Title Act 1994*) it would be stated as follows:

‘John Doe (both in his personal capacity and as director of ABC Pty Ltd)’; or

‘John Doe (both in his personal capacity and as trustee for the John Doe Family Trust)’;  
or

‘John Doe Pty Ltd (both in its personal capacity and as trustee for the John Doe Family Trust)’.

Refer to [16-2030] for the specific requirements that apply to a Form 16 – Request to Register Power of Attorney lodged to record a principal in the principal’s capacity as trustee.

## Request to record principal in less than all of the capacities in the power of attorney

Where:



**Certifications prior to 30 November 2020**

Any certified copy of an enduring power of attorney made prior to 30 November 2020 must comply with the requirements of the former section 45 of the *Powers of Attorney Act 1998* which are the same as those detailed above for the certification of a copy of a general power of attorney under section 14 of the *Powers of Attorney Act 1998*.

Section 45(4) of the Powers of Attorney Act provides that if a copy of a power of attorney has been certified under section 45, the original power of attorney may also be proved by a copy, certified under section 45, of the certified copy (a *section 45 certified copy* of a *section 45 certified copy*). Each *section 45 certified copy* must comply with the section 45 requirements that applied on the date the certification was carried out.

**Restrictions in Power of Attorney****[16-0200]**

A principal may limit the powers given to an attorney by specifically defining the functions the attorney may perform. For example, attorneys who do not have the power to purchase land cannot sign transfers as transferee.

An enduring power of attorney under Chapter 3 of the *Powers of Attorney Act 1998* must be in or substantially comply with Form 2 or 3 under the Powers of Attorney Act.

**Revocation of Power of Attorney****[16-0210]**

A power of attorney, other than an enduring power of attorney, may be revoked in accordance with the provisions of Chapter 2 Part 3 of the *Powers of Attorney Act 1998*.

An enduring power of attorney may be revoked in accordance with Chapter 3 Part 5 of the Powers of Attorney Act.

A Form 16 – Request to Register Revocation of Power of Attorney, with the necessary amendment to Item 3, is appropriate to register the revocation of a power of attorney, but is not the revocation itself.

A revocation cannot be registered in the registry if the power of attorney is not registered in the registry.

A principal that has complied with s. 16 or s. 46 of the Powers of Attorney Act may register a revocation of a registered power of attorney. The revocation of power of attorney in the appropriate form as approved in keeping with s. 161 of the Powers of Attorney Act together with a Form 16 – Request to Register Revocation of Power of Attorney (Form 16 under the *Land Title Act 1994*) must be lodged in the registry.

A Form 5 – Revocation of General Power of Attorney (approved in keeping with the Powers of Attorney Act) is appropriate to revoke any general power of attorney. A Form 6 – Revocation of an Enduring Power of Attorney (approved in keeping with the Powers of Attorney Act) is appropriate to revoke an enduring power of attorney. Evidence of revocation by operation of law is also acceptable. See also [16-0260] in relation to enduring powers of attorney.

The revocation of a general power of attorney may be in the form of a deed made by the principal. The deed of revocation is deposited with the Form 16 – Request to Register Revocation of Power of Attorney (under the Land Title Act).

If a revocation of a power of attorney is executed in another state or country and the laws of that state or country provide specific requirements for the execution of a revocation, the execution must be undertaken in accordance with those laws.

The date of revocation of a power of attorney is recorded in the Power of Attorney Register to notify interested parties of the time the attorney's power ended. Any substitutionary power of attorney is also revoked from that time.

If a power of attorney is lodged, and the registration of that power of attorney would have the effect of revoking a previously registered power of attorney, then it is not sufficient to lodge only the new power of attorney. Instead, two instruments must be lodged; the first being a Form 16 – Request to Register Revocation of Power of Attorney (to revoke the previously registered power of attorney), and the second, being a Form 16 – Request to Register Power of Attorney (to register the new power of attorney). A lodgement fee will apply to both instruments.

In circumstances where a Form 16 – Request to Register Power of Attorney is lodged and the power of attorney references (by dealing number or otherwise), a previously registered power of attorney, and that previously registered power of attorney has not been revoked, or, a Form 16 – Request to Register Revocation of Power of Attorney was lodged contemporaneously to revoke it, a letter must be included with the lodgement advising the Registrar of this fact, so that the Form 16 – Request to Register Power of Attorney is not examined in isolation.

If the lodger considers that a revocation of a previously registered power of attorney is not a requirement for the registration of a new power of attorney, when lodging a Form 16 – Request to Register Power of Attorney, then a letter must be included with the lodgement explaining this position to the Registrar.

If more than one power of attorney is being revoked, separate revocations are required for each power of attorney. Separate lodgement fees are payable for revocation of each power of attorney.

### **Revocation of Joint and Several Principals**

[16-0220]

Where two or more principals severally appoint an attorney, it is possible for only one principal to revoke his/her power of attorney.

### **Revocation of Joint and Several Attorneys**

[16-0230]

Where two or more attorneys have been appointed jointly or jointly and/or severally the power given to one or more of them may be revoked separately.

### **Revocation of Substituted Attorney**

[16-0240]

The principal of an original power of attorney can revoke the power of attorney so far as it relates to a substituted attorney. Revocation of the original power of attorney is sufficient for the revocation of the substitutionary power of attorney.

### **Revocation of a Power of Attorney Granted by a Corporation**

[16-0250]

If a corporation has given a power of attorney to any person and an official manager is subsequently appointed, the power of attorney will cease to operate from the date that the official manager is appointed, unless the official manager directs that the power of attorney is to continue in force (see also [16-0090]).

### **Revocation by Operation of Law**

[16-0260]

Generally speaking, a power of attorney is revoked upon the (a) death or (b) loss of capacity of the principal. The exceptions are:

- (a) where the power of attorney is stated to be irrevocable pursuant to s. 10 of the *Powers of Attorney Act 1998*; and

**Lodgement****[16-2015]**

Section 133 of the *Land Title Act 1994* provides for either of the following to be deposited with a Form 16 – Request to Register Power of Attorney:

- The original power of attorney; or
- a copy of the power of attorney certified under s. 14 (general) or s. 45 (enduring) of the *Powers of Attorney Act 1998*.

A copy is retained in the registry after registration and the deposited original power of attorney or certified copy is returned to the lodger.

For the requirements of certifying a power of attorney under s. 14 or s. 45 of the Powers of Attorney Act see [16-0195].

**Power of Attorney under s. 56 of the *Trusts Act 1973*****[16-2020]**

The power given should include a reference to s. 56 of the Trusts Act, if applicable, and to the ‘estate’ being administered as is appropriate to the specific case.

This section does not apply to corporate trustees.

A power of attorney under this section cannot be exercised until the principal (trustee) is out of the State or is incapable by reason of physical infirmity. It can no longer be exercised once the principal (trustee) returns to the State or recovers.

It is a requirement under s. 56(7) of the Trusts Act that the attorney prepare and lodge a statutory declaration with any document executed under the power of attorney to the effect that the principal has left the State or is physically incapable and that under s. 56(5) of the Trusts Act, the power of attorney has therefore come into operation. For example, a statutory declaration in the following form to the following effect is acceptable:

1. [Principal name] of [address] did execute power of attorney Dealing Number ## to me prior to departing from the State of Queensland on or about [date].
2. I am the attorney appointed and referred to in that power of attorney and reside in Queensland.
3. [Principal name] has not returned to Queensland at the time of making this declaration.
4. I further declare that pursuant to s. 56(5) of the Trusts Act 1973 the power of attorney has come into operation.
5. I declare that the contents of this statutory declaration are true and correct. Where the contents of this declaration are based on information and belief, the contents are true to the best of my knowledge, and I have stated the source of that information and grounds for the belief.
6. I understand that it is a criminal offence to provide a false matter in a declaration, for example, the offence of perjury under section 123 of the Criminal Code.

~~‘QUEENSLAND  
TO WIT~~

~~I, BILL JONES of 22 Klume Street, Red Hill in the State of Queensland do solemnly and sincerely  
declare as follows:~~

- ~~1 — KEITH JONES of 22 Klume Street, Red Hill aforesaid did execute power of attorney Dealing No F567861 to me prior to departing from the State of Queensland in or about April 1985.~~
- ~~2 — I am the donee mentioned and referred to in the said power of attorney and reside in Queensland.~~
- ~~3 — The said Keith Jones has not returned to Queensland at the time of making this declaration.~~
- ~~4 — I further declare that pursuant to s. 56(5) of the *Trusts Act 1973* the aforementioned power of attorney has come into operation.~~

~~AND I MAKE this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the *Oaths Act 1867* as amended.~~

~~SIGNED AND DECLARED by ————— )  
 the KEITH JONES at Brisbane ————— ) *K Jones*  
 in the State of Queensland this 3rd ————— )  
 day of July 1985, before me: ————— )~~

~~*T. Tallis*~~

~~THOMAS TALLIS  
 A Justice of the Peace~~

## Power to Appoint an Attorney under the *Trusts Act 1973* or under a trust instrument [16-2030]

Trustees (including corporate trustees) can appoint an attorney:

- for certain purposes under the *Trusts Act 1973* if there is no restriction contained within the *Trusts Act* or the trust instrument appointing the trustee; and/or
- under a power provided by the trust instrument (e.g. a trust deed or will) appointing the trustee (s. 4(4) of the *Trusts Act*).

In addition to the other general practice requirements, the following specific practice requirements apply to a Form 16 – Request to Register Power of Attorney lodged to record the principal in the principal's capacity as trustee:

- Item 1 – must specifically state that the trustee 'as trustee/personal representative of [name of trust/deceased]' is granting the power;
- Item 3 – must state the paragraph/clause in the trust instrument (e.g. trust deed or will) or the section of the *Trusts Act 1973* authorising the appointment of the attorney; and
- a copy of the original trust instrument must be deposited with the power of attorney (see [51-2043] about the deposit of a trust document and [60-1030] for information about depositing supporting documentation).

## Joint and Several Principals or Attorneys

[16-2040]

In a general power of attorney 2 or more principals may jointly appoint an attorney, in which case the attorney can only act for both or all of the principals jointly. A power given jointly by two or more people is revoked upon the death or loss of legal capacity of any one of the principals. In cases where powers of attorney fail to disclose how the multiple principals hold their interests, they will be assumed to be and will be registered as granting the power jointly.

**Original**

‘Received in the registry as No. *(leave space to insert number)* Book *(leave space to insert book number)* at *(leave space to insert time)* am/pm on *(leave space to insert date)*.

*(leave space for signature of Registrar)*

Registrar of Titles and Registrar of Water Allocations, Queensland’

**Note:** The above receipts (which comprise registration under the Property Law Act) may only be given by the Registrar personally or by a delegate.

**Interstate or international power of attorney****[16-2137]**

Interstate (including Australian territories) and international powers of attorney (including enduring powers of attorney) prepared and executed according to the laws of another state, territory or country may be registered in the power of attorney register under the *Land Title Act 1994*. However, the power of attorney must be valid under the laws of the relevant state, territory or country.

A power of attorney prepared and executed according to the laws of another state, territory or country (the “applicable jurisdiction” of the power of attorney) must be accompanied by evidence of compliance with the laws of the applicable jurisdiction of the power of attorney in the form of either:

- (a) a notation, memorial or other evidence to show that the power has been recorded in:
  - (i) the applicable jurisdiction; or
  - (ii) another Australian jurisdiction (i.e. New South Wales, Victoria, South Australia, Western Australia, Tasmania, Australian Capital Territory or Northern Territory); or
- (b) a statement in writing by a solicitor or the attorney confirming that the power of attorney complies with the laws of the applicable jurisdiction, including any execution and witnessing requirements.

A power of attorney that has been witnessed outside Australia must be accompanied by evidence of genuine and legitimate execution by the principal in the form of:

- (a) a notation, memorial or other evidence to show that the power has been recorded in another Australian jurisdiction (i.e. New South Wales, Victoria, South Australia, Western Australia, Tasmania, Australian Capital Territory or Northern Territory); or
- (b) a statement in writing by an Australian solicitor stating that the solicitor has they have made enquiries and has yes no reason to believe that the power of attorney has not been genuinely and legitimately executed by the principal; or
- (c) if the execution has been witnessed by an overseas witness that also holds a qualification as a legal practitioner in that overseas jurisdiction – a statement in writing by the witness stating that they have witness has made enquiries and has yes no reason to believe that the power of attorney has not been genuinely and legitimately executed by the principal; or
- (d) a witness certification completed by the witness in accordance with [61-2500].

For Australian and foreign corporations, refer to [16-2150], [16-2160] and Part 50 – Corporations and Companies (in particular [50-0140] (foreign corporations) and [50-2000]) for information about execution and practice requirements.

If a power of attorney or any supporting documentation is written in a foreign language, a suitable English translation must be deposited (see [60-1020]).

## Queensland Powers of Attorney made outside Queensland

[16-2138]

A person who is interstate or overseas can make a power of attorney under the *Powers of Attorney Act 1998* using a Form 1 (General Power of Attorney), Form 2 (Enduring Power of Attorney – Short Form) or Form 3 (Enduring Power of Attorney – Long Form).

However, the requirements under the Powers of Attorney Act and *Land Title Act 1994* must be complied with including applicable witnessing requirements (e.g. for an enduring power of attorney an eligible witness must hold a prescribed qualification such as a Queensland justice of the peace, an Australian lawyer or a notary public).

A Queensland power of attorney that has been witnessed outside Australia must be accompanied by evidence of genuine and legitimate execution by the principal in the form of:

- (a) a notation, memorial or other evidence to show that the power has been recorded in another Australian jurisdiction (i.e. New South Wales, Victoria, South Australia, Western Australia, Tasmania, Australian Capital Territory or Northern Territory); or
- (b) a statement in writing by a solicitor stating that the solicitor has made enquiries and has no reason to believe that the power of attorney has not been genuinely and legitimately executed by the principal; or
- (c) if the execution has been witnessed by a witness that also holds a qualification as a legal practitioner – a statement in writing by the witness stating that the witness has made enquiries and has no reason to believe that the power of attorney has not been genuinely and legitimately executed by the principal; or
- (d) a witness certification completed by the witness in accordance with [61-2500].

For Australian and foreign corporations, refer to [16-2150], [16-2160] and Part 50 – Corporations and Companies (in particular [50-0140] (foreign corporations) and [50-2000]) for information about execution and practice requirements.

## Execution of Power of Attorney

### Individual

[16-2140]

Execution of powers of attorney is governed by ss. 46A and 46E of the *Property Law Act 1974* for individuals and ss. 46A and 46F of the *Property Law Act* for corporations.

**Note:** A principal may place his/her mark on the power of attorney where, for example, the principal does not have the physical strength to make the signature. A marksman clause is required (see Part 61 – Witnessing and Execution of Instrument or Documents, esp. [61-3040]).

In the case of physical incapacity, it is possible also for another person (apart from the principal) to execute the power at the direction of the principal. For example, where a principal is unable to physically sign the power of attorney, the following execution would be acceptable:

**‘SIGNED SEALED AND DELIVERED** by **LEE ROBERT ERNEST** at the direction of **PHYLLIS MURIEL** and in the presence of **PHYLLIS MURIEL** on the grounds that **PHYLLIS**

# **<sup>1</sup>Part 21 – Plans and Associated Documents**

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## **<sup>3</sup>Part 21 – Plans and Associated Documents**

### **General Law**

[21-0000]

The term ‘plan of survey’ (or ‘survey plan’ as it is also called) includes all surveys undertaken by a cadastral surveyor as defined by the *Surveyors Act 2003* and for the purpose of:

- subdividing one or more lots;
- dedicating land to public use;
- redefining a lot by resurvey;
- amalgamating two or more lots to create a smaller number of lots;
- defining an area for an easement, lease, profit a prendre or covenant; and
- any other purpose that the Registrar may require the registered proprietor to undertake.

A plan of survey does not include a sketch plan.

### **Definitions**

[21-0010]

The definitions relevant to a plan of subdivision that may be registered in the Land Registry are as follows:

1. ‘lot’ is defined in Schedule 2 of the *Land Title Act 1994*, Schedule 6 of the *Land Act 1994* and Schedule 2 of the *Planning Act 2016*.

2. ‘plan of subdivision’ is defined in s. 49 of the Land Title Act and s. 290E of the Land Act.

There is a definition of ‘plan of subdivision’ in Schedule 24 of the *Planning Regulation 2017*. This term is intended to be similar to ‘plan of subdivision’ under the Land Title Act and Land Act, but is to be used in the context of assessing a planning body approval.

3. ‘reconfiguring a lot’ is defined in Schedule 2 of the Planning Act
4. ‘planning body’ means the relevant local government, or where applicable, the Minister for Economic Development Queensland or the Coordinator-General (s. 50(6) of the Land Title Act).

[21-0020] to [21-0040] deleted

### **Legislation**

[21-1000]

#### **Reference to the registrar of titles in the *Land Title Act 1994* and *Land Act 1994***

Refer to [0-8100] and [0-8200].



# Practice

## Plan of Survey

[21-2000]

A plan of survey is a diagrammatic representation of a parcel or parcels of land showing location and dimensions. A plan may also show monuments, both natural (e.g. a lake, stream or cliff) and artificial (e.g. a peg, fence or building) found or placed in connection with the survey.

A plan of survey is prepared by a cadastral surveyor in accordance with the *Survey and Mapping Infrastructure Act 2003* and the *Surveyors Act 2003* and associated regulations and standards. Once the survey has been completed and approved by the planning body, if required, the plan is lodged in the Land Registry.

On registration by the Registrar, plans become part of the relevant register.

The freehold land register records details about ownership and other interests on the indefeasible title for a lot. It provides a record of all registered surveys and the unique identifier ('Lot [number] on [Plan reference]') of each lot. It also facilitates the lodgement of dealings with individual lots and interests.

## Preparation of Plan

[21-2010]

Plans of survey must be prepared on the approved form; Form 21 – Survey Plan (Main Plan), Form 21B – Survey Plan (Administration Sheet) and if required, multiple Form 21A – Survey Plan (Additional Sheet).

A plan of survey in paper form must be printed on paper that is international sheet size A3 and of a density at least 80gm to a square metre.

All plans of survey must be drawn to the requirements set down in the Registrar of Titles Directions for the Preparation of Plans and the Cadastral Survey Requirements, and must comply with the requirements of s. 50 of the *Land Title Act 1994* and other relevant legislation.

## Plan Formats

### Format

[21-2020]

Standard, Building, Volumetric and Explanatory format plans use the same plan form, however the requirements for preparation of each format differ and are set out in the Registrar of Titles Directions for the Preparation of Plans.

The spatial characteristics of the lots or interests depicted on a plan are derived from the format of the plan used.

It is not permissible to create parcels of different format types on the same plan, other than in the case of easements or remainder lot(s) on a volumetric or building format plan.

The format of the plan must be shown in the 'Format' field on the first sheet of the plan.

Lots are not qualified by the adjectives 'Building', 'Remainder', 'Restricted', 'Standard' or 'Volumetric'.

**Standard Format Plan****[21-2030]**

A standard format plan defines parcels two dimensionally, at ground level. The new parcel will be unlimited in height and depth. They can be defined by natural monuments and/or marks placed on the ground. The plan must include dimensions and area(s).

A standard format plan cannot subdivide a single building format lot or a single volumetric format lot.

For further information of the survey requirements for a standard format plan see direction 8 of the Registrar of Titles Directions for the Preparation of Plans.

**Building Format Plan****[21-2040]**

A building format plan creates lots bounded by structural elements. Lots generally are defined by floors, walls and ceilings. However, some variations are addressed in direction 9 of the Registrar of Titles Directions for the Preparation of Plans.

Generally a building format plan cannot subdivide a base parcel that consists of both standard and volumetric lots. Exceptions to this are explained in direction 9.16 of the Registrar of Titles Directions for the Preparation of Plans.

**Volumetric Format Plan****[21-2050]**

A volumetric format plan creates lots that are defined by three dimensional co-ordinate geometry and are fully defined by bounding surfaces (e.g. a cube). The lots may be above, below or partly above and partly below ground level.

A volumetric format plan may divide a lot or lots and/or common property on a standard, building or volumetric format plan of subdivision.

For further information on the survey requirements for a volumetric format plan see direction 10 of the Registrar of Titles Directions for the Preparation of Plans.

**Explanatory Format Plan****[21-2060]**

An explanatory format plan provides a cost effective means to define the boundaries of an interest in land.

The purpose of an explanatory format plan is to provide a depiction of a secondary interest without any field survey. The plan is based upon mathematical calculations so that, if required in the future, the interest could be identified and marked on the ground.

The plan may be used for easements or covenants over State Tenure land or leases, easements, covenants or profits a prendre over freehold land.

For an explanatory format plan the words 'SURVEY PLAN' on the top of the form must be crossed out and the words 'EXPLANATORY PLAN' placed beneath.

Every explanatory format plan to be lodged in the Land Registry must have been approved by the Registrar of Titles in writing prior to lodgement. The approval of the Registrar is required to be deposited with the plan upon lodgement.

For further information on the survey requirements for an explanatory format plan see direction 20 of the Registrar of Titles Directions for the Preparation of Plans.

## Plan of Subdivision

[21-2070]

A plan of subdivision is a plan of survey that may provide for 1 or more of the following:

- division of 1 or more lots;
- amalgamation of 2 or more lots to create a smaller number of lots;
- dedication of land to public use;
- redefinition of a lot on a resurvey.

A plan of subdivision may require the approval of the relevant planning body (see [21-2130]). Additional approvals to the plan may be also required in some cases (see [21-2140] to [21-2210]). Where the land is affected by a mortgage, lease, easement, profit a prendre or statutory covenant, consents of relevant parties may be required (see [21-2230]). The plan must be consented to by the registered owner by way of completion of a Form 18A – Registered Owners/Lessee's Consent to Survey Plan and all relevant items must be completed by the appropriate person (see [21-2220] and [21-4010]).

Where the title to land being subdivided is noted with a Road Licence (RDL) endorsement this will not prevent the registration of the plan. On registration of plan the (RDL) endorsement will be recorded on all the new titles created for the land that abuts/adjoins the Road Licence. It is suggested that lodgers contact State Land Asset Management (SLAM) to address the issue of the Road Licence prior to lodgement of the plan.

## Plan of Survey for Easement

[21-2080]

### When is a plan of survey required?

Note: this section about when a plan of survey is required does not apply to high-density development easements under Part 6 Division 4AA of the *Land Title Act 1994*.

Section 83 of the *Land Title Act 1994* requires that, for an easement ~~(other than a high-density development easement under Part 6 Division 4AA of the *Land Title Act*)~~ over part of a lot to be registered, the easement must first be designated on a registered plan of survey. If an easement is over the whole of a lot, no new plan is required as the extent of the easement is defined by the registered plan depicting the lot.

Section 83A(1) of the *Land Title Act* allows for the defining of boundaries of a proposed easement ~~(other than a high-density development easement under Part 6 Division 4AA of the *Land Title Act*)~~ by registration of a plan in the appropriate format. A plan that depicts an easement may show the easement as proposed whether or not the easement document that grants the easement is lodged with the plan. However, if an easement document is not lodged with the plan, the word 'proposed' must be shown on the plan.

~~Plans for easement purposes must comply with direction 4.8.2, and either direction 6, 8 or 10 of the Registrar of Titles Directions for the Preparation of Plans. The depiction of an easement may be included with a survey of lots on a plan of subdivision.~~

~~A plan must not depict an easement in parts.~~

The registration of a plan does not create an easement. An easement can only be created by registering an instrument of easement (s. 82(1) of the *Land Title Act*).

### When is Planning Body approval required?

~~A~~If a plan of survey depicting an easement that gives access to a lot from a constructed road is the reconfiguring of a lot under the *Planning Act 2016*, ~~then the plan and~~ must have the approval of the planning body concerned, when the implementing easement instrument, ~~executed after 25 May 2001,~~ is lodged. ~~Alternatively the planning body may give approval to the plan on a Form 18—General Consent that refers to the plan of survey and easement, and must then be deposited with the easement.~~

~~In cases where the plan of survey was registered prior to the lodgement of the implementing easement instrument, the plan of survey still requires approval of the planning body. Where the plan of survey depicting an easement that gives access to a lot from a constructed road was not approved by the planning body before registration, the planning body must give approval to the plan on a Form 18—General Consent that refers to the plan of survey and easement. The consent must then be deposited with the easement.~~

Notwithstanding that the easement is for another purpose in addition to access, the registered plan of survey will still require the approval of the planning body.

In the majority of cases, planning body approval is required for each plan of survey depicting the extent of an easement that gives access to a constructed road, regardless of whether or not the easement actually abuts the road. For example, where a lot gains access through a number of easements over adjacent lots, and those easements are depicted on separate plans of survey, planning body approval is required for each plan.

~~In certain cases the approval of the planning body to the plan may not be required. In situations where parties consider that planning body approval is not required, sufficient evidence must be deposited with the easement.~~

As there is no legislated definition for a ‘constructed road’, it is sufficient to require approval by the planning body concerned, if the road has been dedicated.

#### What form should the planning body approval take?

Where the plan of survey, depicting the easement, is unregistered at the time of lodgement of the easement instrument, planning body approval must be lodged with the plan of survey and:

- for plans of survey prepared using Form 21B Version 2, must be endorsed on Form 18B – Planning Body Approval of Survey Plan; or
- for plans of survey prepared using the previous Form 21B Version 1, must be endorsed on either:
  - Form 21B Version 1 in Item 2; or
  - Form 18B – Planning Body Approval of Survey Plan.

Where the plan of survey, depicting a proposed easement, has already registered at the time of lodgement of the easement instrument, planning body approval must be lodged with the easement instrument in Form 18B – Planning Body Approval of Survey Plan.

In any of the above cases, consent in Form 18 General Consent lodged with the easement instrument will continue to be acceptable.

In cases where an easement gives access to a lot from a constructed road, but the parties consider that planning body approval is not required, sufficient evidence must be deposited with the easement and Part 3 of Form 18B – Planning Body Approval of Survey Plan must be completed.

#### General

Plans for easement purposes must comply with direction 4.8.2, and either direction 6, 8 or 10 of the Registrar of Titles Directions for the Preparation of Plans. The depiction of an easement may be included with a survey of lots on a plan of subdivision.

A plan must not depict an easement in parts.

The plan must be accompanied by a duly completed Form 18A Registered Owners/Lessees Consent to Survey Plan.

Lodgement fees for a plan are payable.

## Plan of Survey for Lease

[21-2090]

Where part of a lot or part of common property which is external to a building is to be leased a plan of survey must be registered to define the boundaries of the area to be subjected to the lease (s. 65(2)(b) of the *Land Title Act 1994*). These plans must comply with direction 4.8.2 and either direction 8 or 10 of the Registrar of Titles Directions for the Preparation of Plans.

One plan may be used to define any number of separate leases.

An area identifying a lease may be included with a survey of lots on a plan of subdivision.

A plan must not describe a lease as proposed and there is no requirement for a lease to be lodged immediately after the plan.

A plan must not depict the lease in parts.

The plan must be accompanied by a duly completed Form 18A.

Lodgement fees for a plan are payable.

See also Part 7 Lease, [7-0050] and [7-2205].

## Plan of Survey for Profit a prendre

[21-2100]

Plans for profit a prendre purposes are required to define the boundaries of the area to be subjected to the profits a prendre when only part of a lot is involved (s. 97F (1)(b) of the *Land Title Act 1994* and s. 373I(1)(b) of the *Land Act 1994*). These plans must comply with directions 4.8.2 and 19 of the Registrar of Titles Directions for the Preparation of Plans. One plan can be used to define any number of separate profits.

A plan of survey or explanatory format plan is required to precede a profit a prendre if the interest affects part of a lot. If the profit a prendre is for the whole of a lot, no plan is required.

A profit a prendre may be included with a survey of lots on a plan of subdivision.

A plan must not describe a profit a prendre as proposed and there is no requirement for a profit a prendre to be lodged immediately after the plan.

A plan must not depict the profit a prendre in parts.

Plans of survey for profits a prendre do not require approval by the planning body.

The plan must be accompanied by a duly completed Form 18A.

Lodgement fees for a plan are payable.

The following matrix shows where a consent is required by a registered proprietor whose interest is affected (see the definition above) by a plan of subdivision. The table does not apply to plans prepared under the *Acquisition of Land Act 1967*.

Consent of registered proprietor of affected interest required			
Affected interest	Plan depicts new lots but no public use land shown	Plan depicts new lots and shows public use land other than road	Plan depicts new road
Mortgage	Yes*	Yes*	Yes*
Lease	No	Yes	Yes
Easement (including a high-density development easement) – other than public utility easement	No	Yes	Yes  No – if easement only for right of way
Easement – public utility	No	Yes  No – if Minister's approval granted (by way of Statement of Intent, letter or Form 18)	Yes  No – if grantee is the local government that approves the plan  No – if easement only for public thoroughfare
Profit a prendre	No	Yes	Yes
Covenant – preservation or use of land	No	Yes  No – if the grantee is the local government approving the plan	Yes
Covenant – binding ownership of lots	Release of covenant required	Release of covenant required	Release of covenant required
Carbon Abatement Interest	No	Yes	Yes

\*A chargee of a recorded statutory charge is not required to consent to the registration of a plan unless there are specific provisions in the relevant legislation identifying the right of possession or redemption under the charge.

### Consent of other parties

[21-2235]

Section 50(1)(k) of the *Land Title Act 1994* and Section 290J(1)(iv) of the *Land Act 1994* require that a plan of subdivision (see definition of plan of subdivision in s. 49 of Land Title Act and s. 290E of Land Act) that affects land the subject of a conservation agreement under the *Nature Conservation Act 1992* must be consented to by the chief executive of the department in which that Act is administered. Conservation agreement is defined in the schedule to the Nature Conservation Act. The consent must be on a Form 18 – General Consent.

[21-2240] and [21-2250] deleted

### Plan Registration Compliance Checklist

[21-2250]

~~A survey plan with a certification on the face of the plan by a cadastral surveyor dated on and from 1 July 2005 and not endorsed in Item 5 on the plan administration sheet (Form 21B) by an~~

~~accredited surveyor must be accompanied by a Form 10—Plan Registration Compliance Checklist under the Survey and Mapping Infrastructure Act 2003 when lodged.~~

## Fees

[21-2260]

Lodgement fees and fees for the creation of new indefeasible titles must be paid unless there is a statutory exemption (see [60-0892]).

The assessment of fees is based on a lodgement fee with a fee for each additional lot. The number of lots is determined by identifying all the new lots on the plan and all new secondary interests on the plan. However, areas of new road or common property are not included in this assessment.

A new title fee is charged for any lots on the plan for which an indefeasible title is to be created. Indefeasible titles are not created for public use lots. The new indefeasible titles are created on registration of the plan but in some instances additional documentation may be required to complete this process for example, transfers to resolve ownership or collateral mortgages.

## Public Use Land

[21-2270]

### Dedication of Land

The dedication of land to ‘public use land’ on registration of a plan of subdivision:

- is for the whole of the registered proprietor’s interest in the lot (s. 51(1) of the *Land Title Act 1994*);
- dedicates and opens any roads for the purposes of the *Land Act 1994* without anything further, (s. 51(2)(a) of the Land Title Act or s. 290JA(2)(b) of the Land Act); or
- dedicates and opens the new non-tidal boundary watercourse or lake (s. 51(2)(b) of the Land Title Act or s. 290JA(2)(c) of the Land Act); or
- dedicates lots identified on the plan as reserves for a community purpose/s under the Land Act, if the plan has been consented to by the Minister (s. 51(2)(c) of the Land Title Act or s. 290JA(2)(a) of the Land Act); or
- otherwise—the lot becomes unallocated State land under the Land Act (s. 51(2)(d) of the Land Title Act or s. 290JA(2)(d) of the Land Act).

A plan of subdivision that includes land to be dedicated for a public use may identify the area being surrendered on the face of the plan by endorsing on it any of the following:

- ROAD (or NEW ROAD);
- Lot number and ‘PUBLIC USE LAND’;
- Lot number and ‘PUL’;
- Lot number and ‘PUBLIC USE LAND’ together with the purpose.

### Statement of Intent

Statement of Intent forms are State Land Asset Management forms that provide for and give Ministerial approval to action under the Land Act associated with plans of subdivision lodged under the Land Act or the Land Title Act. A Statement of Intent form is completed by a State Land Asset Management officer and signed by a delegate of the Minister.



## Guide to Completion of Forms 21Z/21/21A/21B

[21-4010]

### Plan Cover Sheet – Form 21Z

The Form 21Z – Plan Cover Sheet must be used with the Survey Plan when it is lodged.

#### Item Requirements

##### Lodger details and Lodger Code:

The name, address, contact phone number, email address, reference and lodger code (if applicable) should be completed by the person/firm actually lodging the plan for registration, and contain the minimum information necessary for positive identification and contact by correspondence (email) and telephone.

##### 1 Plan Number and Title References:

Insert the Plan Number and all of the Title References affected by the survey plan.

##### 2 No of New Lots, No of Public Use Lots and No of Secondary Interests

Insert the number of new lots, the number of public use lots and the number of secondary interests.

##### 3 Directive Worksheet

(Completed by the Titles Registry)

### Survey Plan (Main Plan [21], Administration Sheet [21B] and Additional Sheet/s [21A])

A Survey Plan can only be completed by a cadastral surveyor registered under the *Surveyors Act 2003*, except for Items 3, 4 and 7 on the plan administration sheet (Form 21B).

Each plan and each sheet of the plan must be numbered and labelled in accordance with the requirements set out in Direction 4 of the Registrar of Titles Directions for the Preparation of Plans.

A plan of survey in paper form must be printed on paper that is international sheet size A3 and of a density at least 80gm to a square metre.

### Administration Sheet Item Requirements (Form 21B)

##### 1 Lot allocations and interest allocations:

(Completed by surveyor)

##### 2 Original grant allocation:

(Completed by surveyor)

##### 3 References:

(Optional – Completed if required by the relevant person/agency)

##### 4 Lodger details:

The name, address, contact phone number, email address, reference and lodger code (if applicable) should be completed by the person/firm actually lodging the plan for registration, and contain the minimum information necessary for positive identification and contact by correspondence (email) and telephone.



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## Part 51 – Trusts

### General Law

[51-0000]

A trust is a legally enforceable arrangement whereby a person (the trustee) holds the legal title in property (the trust property) for the benefit of another person (the beneficiary) or for the advancement of certain purposes. The key feature of any trust is the separation of the legal and beneficial ownership of the trust property. The trustee holds the legal title in the trust property, whilst the beneficiary has the beneficial ownership of the same trust property. In relation to the trust property, the trustee must act for the benefit of the beneficiary or for the specified purpose within the limits set by the rules governing the trust, which may be expressed or implied, and in any event are subject to, and in some cases supplemented by, the provisions of legislation affecting trusts generally, primarily the *Trusts Act 1973*, or legislation relating to trusts established for particular purposes.

Division 6 of Part 6 of the *Land Title Act 1994* and Chapter 6 Part 4 Division 9 of the *Land Act 1994* deal with, among other things, the registration or otherwise of trusts in the registry. Broadly, the provisions of the Act attempt to limit the circumstances in which a trustee may be registered, and regulate how the trustee may be registered on the register. Essentially, the Registrar is concerned to ensure that the register shows the legal ownership of an interest in a lot or tenure under the Land Act. The Registrar is less concerned to ensure that the beneficial interests are shown, although the Registrar may be concerned that future dealings by the trustee are authorised.

### Types of Trusts

#### No Trust Deed

##### Bare Trust

[51-0010]

A bare trust will arise where there is a trustee and a beneficiary, but there is no trust instrument or document setting out the terms of the trust. To ascertain the powers of the trustee, one should look to the *Trusts Act 1973*.

##### Deceased Estate

[51-0020]

The death of a person creates a trust in which the personal representative (that is, the executor, or if there is no will or no executor able and willing to act, the administrator) is charged with the administration of the deceased estate. In addition to the powers conferred by the *Trusts Act 1973*, additional powers may be given to the trustee by the will.

##### Vesting Order

[51-0030]

The Supreme Court has power, by virtue of s. 82 of the *Trusts Act 1973*, to vest property in a trustee on trusts for specific purposes.

##### Resulting Trust

[51-0040]

This arises by operation of law where there is an incomplete disposition of the beneficial interest. For example, if property is settled on a trustee for the benefit of a life tenant and then for a remainderman, the legal estate will vest in the trustee with beneficial ownership in the life tenant and remainderman. But if the remainderman disclaims his entitlement, the trustee will hold the property on a resulting trust for the settlor expectant on the death of the life tenant.

**Constructive Trust****[51-0050]**

This occurs where a trust is imposed upon a person who has control of property although there has been no actual trust intended by the parties (e.g. where a stranger has received trust property with knowledge that the trustee has acted improperly).

**Established by Deed****Discretionary Trust****[51-0060]**

The term ‘discretionary trust’ is applied to many types of trusts which may have varying objects and powers. However, the common element is that the trustee has a discretion to distribute either the income or capital (*corpus*) or both within a defined class of beneficiaries.

**Unit Trust****[51-0070]**

The beneficiaries of a unit trust (the unitholders) each hold a unit or units in the trust. The number and class of units held by a unitholder determines the extent of the entitlement of the unitholder to income and, on a winding up of the trust, to capital. As a simple example, assume a unit trust with ten unitholders each holding one unit. Each unitholder would be entitled to one-tenth of the income of the trust, and to one-tenth of the capital of the trust on winding up.

**Property Trust****[51-0080]**

Often the term ‘property trust’ is used to refer to a specialised form of unit trust set up specifically for the acquisition of property. More generally, it may refer to any trust set up to acquire and hold property.

**Superannuation Fund****[51-0090]**

Superannuation funds are trusts set up and regulated in accordance with Commonwealth legislation, primarily the *Superannuation Industry (Supervision) Act 1993* (Cth) and the *Income Tax Assessment Act 1936* (Cth). The trust deed for a superannuation fund prescribes the circumstances in which a benefit is payable to a beneficiary. Generally, the beneficiaries will be the members of the superannuation fund or the next of kin of a deceased member.

**Managed Investment Scheme****[51-0091]**

Managed investment schemes are schemes under which multiple investors contribute to a fund which is invested on their behalf. They are regulated under Commonwealth legislation, namely Chapter 5C of the *Corporations Act 2001* (Cth). A managed investment scheme has a responsible entity which holds the scheme property on trust for the members of the scheme and administers the scheme.

**Trusts Generally****[51-0100]**

The only instruments or documents that may be registered to record trustees are:

- Form 5 or 5A – Transmissions by Death (as personal representatives);
- Form 1 – Transfer to Trustees;
- Form 14 – General Request.

The Form 14 may record a transmission by bankruptcy or a vesting that gives effect to an order made under the *Trusts Act 1973* (or another Act).

Generally, there are three parties to any trust instrument or document. They are the settlor, the trustee and the beneficiary.

The settlor is the person who creates the trust. The trustee is the person in whom the legal estate vests. The beneficiary (also called the *cestui que trust*) is the person for whose benefit the trustee holds the property. The beneficiary holds the beneficial interest in the property.

### The Settlor

[51-0110]

Most trust deeds contain a settlor. The settlor must be a competent person. He/she must be under no legal disability:

- (a) as to age (ie he/she must be over 18);
- (b) as to soundness of mind; or
- (c) which would prevent him/her from executing a legal document.

### The Trustee

[51-0120]

A trustee likewise must be competent to perform the duties of his/her office and therefore cannot be under legal disability:

- (a) as to age (ie he/she must be over 18);
- (b) soundness of mind; or
- (c) which would prevent him/her from executing a legal document.

Whilst a minor could conceivably be a trustee, he/she would lack the legal capacity to execute any document pursuant to the trust. Generally speaking, any person who is capable of taking and holding a legal estate, and who is not under any disability at law, may act as trustee.

### Trustee Corporation

[51-0130]

A trustee corporation, by virtue of the *Trustee Companies Act 1968*, can be a trustee of any kind (including an executor). Examples are the Trust Company Limited, Perpetual Trustees Queensland Limited, National Australia Trustees Ltd and ANZ Executors and Trustee Company Limited, all of whom are authorised under this Act.

The Public Trustee of Queensland is also a trustee corporation by virtue of the *Public Trustee Act 1978* and the definition of ‘trustee corporation’ in the *Trusts Act 1973*.

Any corporation capable of holding land can be a trustee by virtue of the Trusts Act, but cannot be an executor unless it is a trustee company.

### Trustee of a Settlement

[51-0140]

The trustee of a settlement (<sup>2</sup>or the tenant for life thereunder, if such settlement was made under the repealed *Settled Land Act 1886*), is a trustee.

### Trustee of a Deceased Trustee

[51-0150]

A personal representative under a will, a grant of probate or letters of administration may assume the trusts of a deceased trustee, thereby becoming a trustee in the place of the deceased trustee.

**The Settlor as Trustee****[51-0160]**

The settlor can appoint himself/herself as trustee (s. 110(1) of the *Land Title Act 1994* and s. 375 of the *Land Act 1994*), although for taxation purposes this is generally not the case. The person having power to appoint a new trustee may appoint himself/herself (s. 12(1) of the *Trusts Act 1973*).

**Statutory Trustee****[51-0170]**

A statutory trustee is created by the *Trusts Act 1973* to cover the circumstances where a person carries out the functions of a trustee as permitted by s. 31(3) of the *Trusts Act*, without having actually been appointed by any instrument or document or any other Act to perform in that capacity. An example of this would be where land is devised to a deceased's widower/widow for his/her life, and then upon his/her death to his/her children, but without the actual appointment of a trustee. In this case, the widower/widow is a statutory trustee in accordance with the *Trusts Act*, s. 31(3) of which restricts the exercise of powers to those given by ss. 32(1)(d) or 45 unless otherwise sanctioned by the court.

**Regulated Superannuation Funds****[51-0175]**

Section 67(A) of the *Superannuation Industry (Supervision Act) 1993* (Cth) provides for a trustee of a regulated superannuation fund (RSF) to borrow money to acquire an asset, including real property. The borrowed money must be used to acquire an asset the RSF trustee is permitted to acquire and hold directly.

The acquirable asset is held on trust so that the RSF trustee acquires a beneficial interest in the acquirable asset.

The appointment by a RSF trustee of another party to hold the legal title in trust can be made in the usual manner, that is, a deed of trust or declaration of trust is produced in support of the transfer.

The transfer is completed as set out in [1-2000] to [1-2090] and the words 'as trustee' must be inserted after the transferee's name in Item 5 [1-2390].

The RSF trustee has a right to acquire legal ownership of the acquirable asset by making one or more payments after acquiring the beneficial interest.

**Custodian Trustee****[51-0180]**

Custodian trustees were the creation of s. 42 of the *Public Curator Act 1915* (since repealed), but have now been extended by s. 19 of the *Trusts Act 1973*, which allows any corporation to hold land in Queensland as a custodian trustee.

Section 19(2) of the *Trusts Act* provides that trust property will be vested in the custodian trustee as if such trustee were the sole trustee, but the management of the trust property, and the powers and discretions exercisable by the trustee under the trusts, are vested in managing trustees as fully effectual as if there were no custodian trustee.

A custodian trustee can be appointed either by a Form 1 – Transfer to Trustees by a settlor, by a Form 1 – Recording of New Trustees by existing trustees, or by an order of the court. In any case, the custodian trustee must appear in the document and the names of the managing trustees in the Schedule of Trusts or in the body of the appointment.

Any document executed by a custodian trustee must contain the written direction of the managing trustees, or a majority of them (s. 19(2)(d) of the *Trusts Act*) and, if they have changed since the custodian trustee's appointment, a copy of the Appointment of New Managing Trustees must be lodged with the document as evidence.

Managing trustees have the power to appoint new managing trustees, but once appointed, a custodian trustee can only have his/her trusteeship terminated, or a new custodian trustee appointed in his/her place, by the court (s. 19(3) of the Trusts Act). This section is subject to the instrument or document creating the trust.

### Local Government Trustee

[51-0190]

Section 116 of the *Trusts Act 1973* provides that a local government may be appointed a trustee of real or personal property, either as sole trustee or as a trustee with others and may accept and hold trust property for any charitable or public purpose, or for any purpose of recreation or other leisure-time use or occupation. The local government may act in the administration of the trust property for the purpose of and according to the trust, notwithstanding that the purpose is not a function of local government, save where, in the case of an existing trust, a contrary intention appears from the instrument or document creating the trust.

Section 117 of the Trusts Act requires that any land transferred to a local government as a sole transferee, if transferred by way of a Form 1 – Transfer, should be accompanied by a declaration by the transferor/s, or failing them an appropriate employee of the transferee, that the land is not being transferred to the local authority as a sole trustee.

### Managed Investment Schemes

[51-0191]

Under section 601FC(2) of the *Corporations Act 2001* (Cth), the responsible entity for a managed investment scheme holds scheme property on trust for its members. Managed investment schemes with more than 20 members must be registered with ASIC and will have an Australian Registered Scheme Number (ARSN).

The *Corporations Act* requires a responsible entity for a registered managed investment scheme to ensure that the scheme property is clearly identified as scheme property.

A responsible entity for a registered scheme will be recorded on title in the capacity of responsible entity.

[51-0200] deleted

### The Beneficiary

[51-0210]

The beneficiary under a trust (also called the *cestui que trust*) is the person for whose benefit the trustee holds the legal estate. The beneficiary can be a minor, an adult, an organisation such as a sporting body or a corporation.

When using a Form 20 – Trust Details Form for a schedule of trusts, if a beneficiary is a minor the date of birth must be shown in Item 2 Schedule of Trusts Details in the Form 20 – Trust Details Form.

There can be several beneficiaries at once, either as joint tenants or as tenants in common, but if they are created by separate deeds of settlement, Items in the Form 1 – Transfer to Trustees must identify the trust instruments or documents by name or reference. A trustee may also be one of the beneficiaries, but a **sole** trustee cannot be the **sole** beneficiary. There is no trust where there is a sole trustee who is the sole beneficiary because there is no separation of the legal and equitable interests. If a sole trustee becomes the sole beneficiary of a trust, then the legal and equitable interests merge, the trust no longer exists, and the beneficiary holds the property absolutely.

The beneficiary does not have an immediate right in relation to the property (except in the case referred to in the preceding paragraph) although he/she may have rights as against the trustee.

- *Succession Act 1981*
- *Partnership Act 1891*

## Secondary

[51-2020]

- *Local Government Act 2009*
- *Ambulance Service Act 1991*
- *Associations Incorporation Act 1981*
- *United Grand Lodge of Antient Free and Accepted Masons of Queensland Trustees Act 1942*
- *Returned & Services League of Australia (Queensland Branch) Act 1956*

## Disclosure of Trust

### Transfer

[51-2022]

It is not compulsory for a trust to be disclosed on the freehold land register however for a person to may only hold an interest in a State lease or sublease of a State lease as trustee, ~~if~~ a transfer to, or instrument creating or vesting of the interest in to the person as trustee ~~is~~ must be registered, i.e. the trust must be recorded (disclosed) on title (Section 374A of the *Land Act 1994*)

Where a trust is to be disclosed and the transferee recorded on the register in the capacity of trustee:

- (1) 'as trustee' must appear in Item 5 – Transferee of the Form 1 – Transfer; and
- (2) where the writing that will create the trust is the Form 1 – Transfer itself – an original Form 20 - Trust Details Form containing the schedule of trusts must be deposited (see [1-2380]); or
- (3) if the trust has already been created by other writing (e.g. a trust deed) – either:
  - (a) an original Form 20 – Trust Details Form must be deposited; or
  - (b) all document(s) that create the trust including any variation (for example, deed of retirement and appointment, deed of removal and appointment or variation of trust etc.) must be deposited; or
  - (c) in Item 5, all dealings with which the document(s) that create the trust (including any variation) were *deposited* must be referred to (see [1-2390] for examples). Please note that it is not acceptable to refer to a Form 20 – Trust Details Form previously deposited with another instrument or document. A newly completed original Form 20 – Trust Details Form must be deposited with each transfer.

Where a deed of trust or Form 20 – Trust Details Form is deposited and 'as trustee' does not appear in Item 5, or where 'as trustee' appears in Item 5 but the deed of trust or a Form 20 – Trust Details Form has not been deposited, the dealing will be requisitioned for clarification and amendment.



Where a registered owner is recorded on title in his/her own right but in reality holds the land as an undisclosed trustee and he/she wishes to disclose the trust using a Form 1 - Transfer:

- (1) Item 4 of the Form 1 – Transfer must state words to the effect of ‘to declare the trust pursuant to s. 109 of the *Land Title Act 1994*’ and
- (2) ‘as trustee’ must appear in Item 5 – Transferee of the Form 1 – Transfer; and
- (3) either:
  - (a) an original Form 20 – Trust Details Form must be deposited; or
  - (b) all document(s) that create the trust including any variation (for example, deed of retirement and appointment, deed of removal and appointment or variation of trust etc.) must be deposited; or
  - (c) in Item 5, all dealings with which the document(s) that create the trust (including any variation) were *deposited* must be referred to (see [1-2390] for examples). Please note that it is not acceptable to refer to a Form 20 – Trust Details Form previously deposited with another instrument or document. A newly completed original Form 20 – Trust Details Form must be deposited with each transfer.

For further information about options for depositing a trust document see [60-1030].

Where a trust has not previously been disclosed to the Titles Registry and a lodged transfer shows Item 4 – Consideration stating ‘pursuant to a deed of retirement and appointment’ or ‘pursuant to a deed of removal and appointment’ but the words ‘as trustee’ do not appear in Item 5 and a deed of trust or Form 20 – Trust Details Form is not deposited—the transferee will be recorded without reference to the trust capacity.

### **Request to Vest in Trustee under Order Made Under the *Trusts Act 1973* or Another Act**

[51-2025]

Section 90 of the *Trusts Act 1973* states the effect of a vesting order and specifies in subsection (1A) that ‘such property shall vest in the persons named as trustees or otherwise as appears from the order’. Consequently, the court order is paramount when determining the capacity in which the property is to be held. The incoming registered owner must appear on title in the capacity specified in the order, e.g. ‘as trustee’ or ‘as statutory trustee for sale’.

If the request specifies the capacity of the incoming registered owner in the same terms as the court order then it is capable of registration, subject to the usual examination procedures.

### **Execution by an Attorney for an Undisclosed Trustee**

[51-2027]

Where an attorney executes a Titles Registry instrument or document on behalf of a party who appears (from the face of the instrument or document or accompanying instrument or document) to be an undisclosed trustee, the power of attorney must be granted by the donor in their capacity as trustee. The dealing must be accompanied by a letter from the party (donor) or their solicitor stating to the effect:

‘the instrument or document is being executed by the attorney under the authority of the donor acting in the donor's capacity as trustee of the undisclosed trust’.

## Transfer to Trustees

[51-2030]

For the purpose of registering a trust in the registry, a trust must generally be created in writing. However, in some instances, e.g. bare trusts, deceased estates and trusts created by court order, the writing that creates the trust will be a Form 1 – Transfer to Trustees, an original will and a Supreme Court order, respectively.

There must be a plain intention to vest the trust property in the trustee. There must also be a beneficiary and it must be certain who the beneficiary is. This is generally apparent in the trust deed, the will or the schedule of trusts for the Form 1 – Transfer to Trustees.

## Instrument or Document Required to Record a Transfer to Trustees

[51-2040]

Where the writing that will create the trust is the Form 1 – Transfer itself an original Form 20 – Trust Details Form containing the schedule of trusts in Item 2 must be deposited (see [1-2380]). The Form 20 – Trust Details Form containing the schedule of trusts is separate from the transfer instrument or document and does not form part of the Register.

Where the trust is already in existence then either:

- (a) an original Form 20 – Trust Details Form must be deposited; or
- (b) all document(s) that create the trust including any variation (for example, deed of retirement and appointment, deed of removal and appointment or variation of trust etc.) must be deposited; or
- (c) in Item 5, all dealings with which the document(s) that create the trust (including any variation) were *deposited* must be referred to (see [1-2390] for examples). Please note that it is not acceptable to refer to a Form 20 – Trust Details Form previously deposited with another instrument or document. A newly completed original Form 20 – Trust Details Form must be deposited with each transfer.

These deposited documents are separate from the Form 1 – Transfer and do not form part of the Register.

## Deposit of Trust Document

[51-2043]

Some trust documents that are deposited with a Form 1 – Transfer require a duty notation as detailed in the table below which has been prepared in conjunction with the ~~Office of State Revenue~~. [Queensland Revenue Office](#).

For further information about the options for the documentation to be deposited with a Form 1 – Transfer to a trustee see [1-2390] and for the options for depositing a trust document see [60-1030].

### Titles registry requirements for duty endorsement on deposited trust documents

Description of trust document etc.	Titles registry requirements
Trust documents evidencing the creation of a trust or superannuation fund that commenced before 1 March 2002 (i.e. subject to the repealed <i>Stamp Act 1894</i> )	A lodged dealing will be registered only if trust document has a duty endorsement

Description of trust document etc.	Titles registry requirements
Trust document (including a superannuation fund deed and a constitution of a responsible entity for a managed investment scheme registered with the Australian Securities & Investment Commission) evidencing the creation of a trust that commenced on or after 1 March 2002	*A lodged dealing will be registered whether or not trust document/deed/constitution has a duty endorsement
An associated document (e.g. deed of variation) varying the terms of a trust document (including a superannuation fund deed and a constitution of a responsible entity)	*A lodged dealing will be registered whether or not associated document has a duty endorsement. Note: Date of variation does not affect duty endorsement requirements
Deed of removal/retirement and appointment of trustee(s)	A lodged dealing will be registered only if deed has a duty endorsement

\*Visit the [Office of State Revenue Queensland Revenue Office](#) website for further information that can help you determine whether the document requires an endorsement.

If the original trust document has been lost or destroyed and a photocopy of sufficient quality to allow imaging is available, it may be sufficient to satisfy the responsibilities of the Registrar. The photocopy should be submitted with a statutory declaration by the person who had care and custody of the trust document detailing the circumstances of the loss of the original and any stamped duplicates, the searches undertaken to locate them and states that there have been no amendments or variations for consideration.

Minor differences between the name of the trustee shown in the trust deed and the name of the trustee shown in the lodged instrument or document (e.g. spelling) will be accepted provided the instrument or document is accompanied by a statutory declaration identifying the trustee as being one and the same person. Larger differences (e.g. a changed surname or missing or additional middle names) will require a statutory declaration identifying the trustee as being one and the same person with evidence of the correct name (e.g. a copy of a birth certificate).

## Vesting in Trustees

[51-2046]

A person may be registered as trustee of an interest in a lot by way of a Form 14 – Request to Vest that gives effect to an order made under the *Trusts Act 1973* or another Act.

## Instrument or Document Required to Record Vesting in Trustees

[51-2049]

A Request to Vest must be in a Form 14. The vesting order made under the *Trusts Act 1973* and either an original Form 20 – Trust Details Form (see [51-4100]) or all documents that state the details of the trust upon which the interest is vested must be deposited. For further information about options for depositing supporting documentation see [60-1030].

<sup>1,3</sup>A request to vest an interest in a person as trustee of a State tenure may only be registered if the person is eligible to hold the land in trust under the *Land Act 1994*.

See Part 14, esp. [14-2335].

## Recording of New Trustees

[51-2050]

Section 12 of the *Trusts Act 1973* deals with the appointment of a new trustee in circumstances where a trustee (whether original, substituted, appointed by the court or otherwise):

**Change of Name of Incorporated Association**

[51-2220]

A Form 14 – Request to Change Name must be made by the secretary of the association and lodged with a certified copy of the certificate of registration of change of name.

**Amalgamation of Two or More Incorporated Associations**

[51-2230]

A Form 14 – Request to Vest in the name of the new association consequent upon amalgamation, signed by the secretary, must be made. A certified copy of the certificate of the amalgamated association is required. The Request is exempt from transfer duty, however lodgement fees are payable.

**Incorporation of a Body Presently Holding Letters Patent under the *Religious Educational and Charitable Institutions Act 1861***

[51-2240]

A Form 14 – Request to Vest must be made by the secretary of the association. A certified copy of the certificate of incorporation is required as evidence. The Request is exempt from transfer duty, however lodgement fees are payable.

**Cancellation and Vesting of Property**

[51-2250]

Provision is also made for the cancellation of the incorporation of an association. On cancellation, the property of the association vests in the Public Trustee of Queensland on the trusts and for the purposes it was held prior to the vesting. The appropriate instrument or document would be a Form 14 – Request to Vest with a copy of the Order in Council vesting the property in the Public Trustee.

The Governor in Council may, by Order in Council, vary the trusts or purposes and/or vest the property of the association, or part thereof, in persons or other incorporated associations. A Form 14 – Request to Vest and a copy of the Order in Council is appropriate.

<sup>1, 2</sup>**Note:** Forms under the *Associations Incorporation Act 1981* cannot be used to incorporate a trustee who holds a deed of grant in trust for a specific purpose. An Order in Council is required.

**Property Held on Trust for Incorporated Association Prior to Incorporation**

[51-2260]

The *Associations Incorporation Amendment Act 1995* was proclaimed to commence on 8 September 1995. Amongst the provisions proclaimed, the Act repealed Forms 7 and 8 (previously Forms 5A and 5B of the *Associations Incorporations Act 1981*). Those forms and a certified copy of the certificate of incorporation were previously required to record interests already held on trust for an association in the name of the association once it became incorporated.

To satisfy the requirements of the Registrar in maintaining the register as referred to in s. 24(4) of the *Associations Incorporation Act*, a Form 14 – General Request for recording is required to be lodged. An example of a completed request for a fictitious association is provided under the heading ‘Forms’.

The Request attracts normal lodgement fees and is exempt from transfer duty. Evidence of the incorporation must be deposited with the request. Acceptable evidence is ~~either~~ a certified copy of the certificate of incorporation issued by the Office of Fair Trading, ~~or the original certificate of incorporation and a photocopy (which will be compared with the original and noted by the Receiving Officer as being a true copy, the noted copy being retained and the original being returned to the lodger).~~

# Forms

## General Guide to Completion of Forms

[51-4000]

For general requirements for completion of forms see part 59 – Forms.

Dealing Number



OFFICE USE ONLY

Privacy Statement

Collection of information from this form is authorised by legislation and is used to maintain publicly searchable records. For more information see the Department's website.

1. Nature of request

RECORDING UNDER THE ASSOCIATIONS  
INCORPORATION ACT 1981

Lodger (Name, address, E-mail & phone number) Lodger  
Code

JOHN WATERHEAD  
24 FLATHEAD STREET  
SURFHAVEN QLD 4999  
(07) 3456 2354

2. Lot on Plan Description

LOT 999 ON RP901999

Title Reference

50087766

3. Transferor

WILIAM SNADMAN and NORMAN BEACHCOMBER AS TRUSTEES OF THE COASTAL GOLF CLUB UNDER  
NOMINATION OF TRUSTEES 610655433

4. Interest

FEE SIMPLE

5. Applicant

COASTAL GOLF CLUB INCORPORATED  
ADDRESS FOR SERVICE OF NOTICES TO APPLICANT: 22 REAL STREET, ASHGROVE QLD 4060

6. Request

I hereby request that: the Registrar of Titles record the interest of the above registered proprietor in the name of the applicant in accordance with s. 24 of the *Associations Incorporation Act 1981* and certify that the applicant is incorporated as evidenced by the certificate of incorporation deposited.

7. Execution by applicant

J D Surfboard

JOHN DAVID SURFBOARD  
Secretary, Coastal Golf Club Incorporated

31/10/2007  
Execution Date

.....  
Applicant's or Solicitor's Signature

Note: A Solicitor is required to print full name if signing on behalf of the Applicant

## Guide to Completion of Form 14

### Item 1

[51-4010]

Insert the name of the Request, i.e. a recording under the *Associations Incorporation Act 1981*.

### Item 2

[51-4020]

#### <sup>1, 2</sup>Freehold Description

The description of the relevant lot/s should always read ‘Lot [no.] on [plan reference]’. Plan references must contain the appropriate prefix (e.g. ‘SP’ for a survey plan, ‘RP’ for a registered plan, ‘BUP’ for a building units plan, ‘GTP’ for a group titles plan or the relevant letters for Crown plans). The area of the lot/s is not shown.

e.g.	Lot on Plan Description	Title reference
	Lot 27 on RP 204939	11223078

#### <sup>2, 3</sup>Water Allocation Description

A water allocation should be identified as ‘Water Allocation’, ‘Allocation’ or ‘WA’. All plans referring to water allocations are administrative plans. Administrative plan is abbreviated to AP as the prefix of the plan identifier.

e.g.	Lot on Plan Description	Title reference
	WA 27 on AP 7900	46012345

#### <sup>1, 3</sup>State Tenure Description

The description of the relevant State tenure should always read ‘Lot [no.] on [plan reference]’. Plan references must contain the appropriate prefix (e.g. ‘CP’ for a crown plan).

e.g.	Lot on Plan Description	Title reference
	Lot 27 on CP LIV1234	40567123

### Item 3

[51-4030]

The registered proprietor, holder of a water allocation or State tenure should be as shown on the current title or lease.

### Item 4

[51-4040]

Insert the relevant interest, e.g. ‘fee simple’.

### Item 5

[51-4050]

The applicant is the incorporated association.

### Item 6

[51-4060]

The Request should be substantially as shown in the example.

### Item 7

[51-4070]

Execution of the Form must be by the secretary of the association (s. 24 of the *Associations Incorporation Act 1981*).

The Request is exempt from transfer duty, but normal lodgement fees apply.



Title Reference [ 50087766 ]

**1. Authority for the Trust**

[ ] Trust Document(s) creating the Trust (e.g. Trust Deed and any amending Deed(s) or Will)

[ X ] Schedule of Trusts (complete Item 2)

**2. Schedule of Trusts Details** (only complete if "Schedule of Trusts" is selected in Item 1)

It is declared that the land in Item 2 of the Form 1 – Transfer is to be held by Queensland City Council upon trust for public use and ancillary uses.

**3. Name of Trust**

N/A

**4. Date of Creation of Trust** (leave blank if "Schedule of Trusts" is selected in Item 1)

/ /

**5. Beneficiaries** (or if applicable – the charitable purpose of a charitable trust)

N/A

**6. Trustees**

N/A

**7. Declaration**

The Trustee states that:

1. the information contained in this Form 20 – Trust Details Form is true and correct; and
2. where applicable – any change in Trustee(s) is authorised by the Trust Document, the *Trusts Act 1973* or another authorising law; and
3. any applicable duty under the *Duties Act 2001* has been accounted for.

Where a Solicitor signs on behalf of a Trustee the Solicitor makes the above statements either from their own personal knowledge or from information supplied by the Trustee.

Signer Role

Delegated officer of  
Queensland City Council

Signer's Full Name

ANDREW PETER SERVANT

Signature

A Servant

Date

01 / 02 / 2018

Title Reference [ 50087766 ]

**1. Authority for the Trust**

[ ] Trust Document(s) creating the Trust (e.g. Trust Deed and any amending Deed(s) or Will)

[ X ] Schedule of Trusts (complete Item 2)

**2. Schedule of Trusts Details** (only complete if "Schedule of Trusts" is selected in Item 1)

William Snadman as trustee for Peter Snadman who is a minor (date of birth 20/08/2014) and Jennifer Snadman who is a minor (date of birth 8/05/2016) until they reach the age of 21.

**3. Name of Trust**

N/A

**4. Date of Creation of Trust** (leave blank if "Schedule of Trusts" is selected in Item 1)

/ /

**5. Beneficiaries** (or if applicable – the charitable purpose of a charitable trust)

N/A

**6. Trustees**

N/A

**7. Declaration**

The Trustee states that:

1. the information contained in this Form 20 – Trust Details Form is true and correct; and
2. where applicable – any change in Trustee(s) is authorised by the Trust Document, the *Trusts Act 1973* or another authorising law; and
3. any applicable duty under the *Duties Act 2001* has been accounted for.

Where a Solicitor signs on behalf of a Trustee the Solicitor makes the above statements either from their own personal knowledge or from information supplied by the Trustee.

Signer Role

Trustee

Signer's Full Name

WILLIAM SNADMAN

Signature

*W Snadman*

Date

01 / 02 / 2018

Title Reference [ 50087766 ]

**1. Authority for the Trust**

[ X ] Trust Document(s) creating the Trust (e.g. Trust Deed and any amending Deed(s) or Will)

[ ] Schedule of Trusts (complete Item 2)

**2. Schedule of Trusts Details** (only complete if "Schedule of Trusts" is selected in Item 1)

**3. Name of Trust**

THE JONES FAMILY DISCRETIONARY TRUST

**4. Date of Creation of Trust** (leave blank if "Schedule of Trusts" is selected in Item 1)

20 / 12 / 2017

**5. Beneficiaries** (or if applicable – the charitable purpose of a charitable trust)

Clause 4 of the Deed ~~of Trust~~ dated 20 December 2017.

**6. Trustees**

PETER JAMES JONES  
MARY SUE JONES

**7. Declaration**

The Trustee states that:

1. the information contained in this Form 20 – Trust Details Form is true and correct; and
2. where applicable – any change in Trustee(s) is authorised by the Trust Document, the *Trusts Act 1973* or another authorising law; and
3. any applicable duty under the *Duties Act 2001* has been accounted for.

Where a Solicitor signs on behalf of a Trustee the Solicitor makes the above statements either from their own personal knowledge or from information supplied by the Trustee.

Signer Role

Solicitor

Signer's Full Name

WALTER PAUL SYKES

Signature

W Sykes

Date

01 / 02 / 2018

## Guide to Completion of Form 20 – Trust Details Form

[51-4100]

### Title Reference

[51-4110]

Insert at least one title reference from Item 2 of the Form 1 – Transfer or other instrument.

### Item 1

[51-4120]

If the trust has already been created by other writing (e.g. a trust deed) – select Trust Document(s) creating the Trust.

If the Form 1 – Transfer is the writing that will create the trust – select Schedule of Trusts and detail the schedule of trusts in Item 2.

### Item 2

[51-4130]

Where Schedule of Trusts has been selected in Item 1 – detail the schedule of trusts. Otherwise leave blank or enter ‘N/A’.

The purpose or any beneficiaries must be identified and if a beneficiary is a minor, the date of birth must be shown.

### Item 3

[51-4140]

If the trust has a name – insert the name of the trust. Otherwise insert ‘N/A’.

### Item 4

[51-4150]

Where Trust Document(s) creating the Trust has been selected in Item 1 – insert the date that the trust was created (e.g. the date of the first trust deed or the date of death for a testamentary trust).

Where Schedule of Trusts has been selected in Item 1 – leave this field blank.

### Item 5

[51-4160]

Where Trust Document(s) creating the Trust (e.g. trust deed) has been selected in Item 1, this item must provide sufficient evidence that one of the following essential elements of a trust exists:

- for a private trust (not a charitable trust) – the existence of a beneficiary (other than a sole trustee as sole beneficiary) or beneficiaries; or
- for a charitable trust – a charitable purpose.

#### Important Note: sole trustee listed as sole beneficiary

While a trustee may be one of the beneficiaries of a trust, a **sole** trustee cannot be the **sole** beneficiary (because there is no separation of the legal and equitable interests, see [51-0210]).

Therefore, this item must not be completed with a sole trustee listed as the sole beneficiary because this does not provide sufficient evidence of a properly constituted trust.

E.g. If ABC Pty Ltd is the sole trustee for the trust in Item 6 of the Trust Details Form, ABC Pty Ltd cannot also be listed as the sole beneficiary in Item 5 of the Trust Details Form.

If the sole trustee of a trust is listed as the sole beneficiary in Item 5, a requisition will be issued.

### **Completion**

Where Trust Document(s) creating the Trust (e.g. trust deed) has been selected in Item 1:

Type	Completion
Private trust (not a charitable trust**)	Insert the clause/reference in the Trust Document that defines the beneficiaries.*  <u>Example:</u>  Clause 4 of the <del>Trust</del> Deed dated 1 February 2017
Charitable trust**	Detail the charitable purpose of the trust.  No reference can be made to a clause/reference in the Trust Document.

\* There is no requirement to specifically identify the existing beneficiaries. The Titles Registry will also accept the following (if they provide sufficient evidence of a properly constituted trust):

- the name/s of the beneficiary or beneficiaries (**Important Note: a sole trustee cannot be listed as the sole beneficiary or a requisition will issue**); or
- if the Trust Document describes a class or classes of beneficiaries – the class or classes of beneficiaries.

\*\* a charitable trust is a trust that exists to benefit a purpose as opposed to a private trust that exists for the benefit of specified beneficiaries. There are four principal divisions of charitable trust:

- the relief of poverty;
- advancement of education;
- advancement of religion; and
- purposes beneficial to the community.

Where Schedule of Trusts has been selected in Item 1 and the purpose or beneficiaries have been identified in Item 2 – leave this item blank or enter ‘N/A’.

### **Item 6**

[51-4170]

Where Trust Document(s) creating the Trust has been selected in Item 1 – insert the current legal names of the current Trustees. Where the form is lodged with a Form 1 – Transfer the names must match the names of the Transferees in Item 5. Where Schedule of Trusts has been selected in Item 1 – leave blank or enter ‘N/A’.

### **Item 7**

[51-4180]

The form must be signed by at least one of the current Trustees or a Solicitor on behalf of one of the current Trustees.

In circumstances where a Solicitor is not signing on behalf of one or more of the Trustees, and one or more of the current Trustees is a corporate entity, the form should be executed in

accordance with the requirements for execution by a corporate entity which are set out in part [50-2000] and in some rare circumstances in parts [50-2030] to [50-2050].

In circumstances where a Solicitor is not signing on behalf of one or more of the Trustees, and an attorney is signing on behalf of one or more of the current Trustees, the power of attorney must be registered, and it should be executed in accordance with the requirements for execution by an attorney which are set out in part [61-3050].

In relation to the duty notations applicable to certain Trust Documents refer to [51-2043].

## eConveyancing

[51-5000]

### Electronic Conveyancing and Electronic Conveyancing Document [51-5010]

Electronic Conveyancing (or eConveyancing) is the term used to refer to the electronic preparation, lodgement, processing and registration of instruments and other documents (Electronic Conveyancing Documents) in accordance with the Land Title Act 1994 (Qld) and the Electronic Conveyancing National Law (Queensland) (the ECNL). eConveyancing is the primary method of conveyancing in Queensland, and its use is mandated for a number of instruments and documents. Refer to part [62-6000] for further information on the application of the eConveyancing mandate.  
~~Electronic Conveyancing (or eConveyancing) is the term used to refer to the electronic preparation, lodgement, processing and registration of instruments and other documents (Electronic Conveyancing Documents) for the purposes of the *Land Title Act 1994*, *Land Act 1994* and other titling legislation. It is an alternative to the traditional ‘paper based’ conveyancing system which involves the manual completion, execution and lodgement of paper forms either at a Titles Registry lodgement office, by post or through eLodgement.~~

An Electronic Conveyancing Document is a document under the ECNL that is lodged electronically through an Electronic Lodgment Network (see s. 14B of the Land Title Act 1994 and s. 7 of the ECNL). An Electronic Conveyancing Document is a document under the Electronic Conveyancing National Law (Queensland) (the ECNL) that is lodged electronically through an Electronic Lodgment Network (see s. 14B of the *Land Title Act 1994* and s. 7 of the ECNL).

For more information, refer to Part 62 – eConveyancing.

The terms Electronic Conveyancing and eConveyancing are used interchangeably in this Part and throughout the Land Title Practice Manual.

### Scope Restrictions

[51-5100]

Refer to the [Titles Registry Electronic Conveyancing web page](#) for the list of transactions currently available through eConveyancing.

### Prescribed Requirements – Trust Details Form

[51-5200]

Under the Participation Rules (Queensland) a Prescribed Requirement is a published requirement of the Registrar that Subscribers to an Electronic Lodgment Network are required to comply with.

Currently there are no Prescribed Requirements for a Form 20 – Trust Details Form (electronic).

## Attachments – Trust Details Form

[51-5300]

Currently there is no requirement or provision for any document or evidence to be included as an attachment to a Form 20 – Trust Details Form (electronic) lodged through eConveyancing.

However, please note the requirement for an attachment to a Form 1 (electronic)\* where there are more than four trustee transferees that will be recorded as trustees of the same trust (refer to [1-5300] and [1-5320]).

- \* Please note that the Form 20 – Trust Details Form (electronic) is not an attachment to a Form 1 (electronic). It cannot be provided as an attachment to a Form 1 (electronic) or as a separate dealing.

The Subscriber will enter the information required for the Form 20 – Trust Details Form (electronic) in the relevant fields within the Electronic Lodgment Network Operator interface and the rendered form will be included as part of the Form 1 (electronic) dealing (see [1-5300] and page 3 of Electronic Form Example 2 in [1-5620]).

## Execution and Certification

[51-5400]

The requirements for digitally signing and making certifications for an Electronic Conveyancing Document are contained in the Participation Rules (Queensland).

## Electronic Form

[51-5600]

### Approved Electronic Form

[51-5610]

A Trust Details Form that is an Electronic Conveyancing Document (an eConveyancing Trust Details Form) must be included\* with a Form 1 – Transfer (electronic) to a trustee lodged through an Electronic Lodgment Network and be in the form approved by the Registrar under the Electronic Conveyancing National Law (Queensland).

- \* Please note that the Form 20 – Trust Details Form (electronic) is not an attachment to a Form 1 (electronic). It cannot be provided as an attachment to a Form 1 (electronic) or as a separate dealing.

The Subscriber will enter the information required for the Form 20 – Trust Details Form (electronic) in the relevant fields within the Electronic Lodgment Network Operator interface and the rendered form will be included as part of the Form 1 (electronic) dealing (see [1-5300] and page 3 of Electronic Form Example 2 in [1-5620]).

The eConveyancing Trust Details Form must be digitally signed by or for the trustee transferee/s as required by the approved form and Participation Rules.

A representation of the electronic form approved by the Registrar under s. 7 of the Electronic Conveyancing National Law (Queensland) is shown on the following page.

TRUST DETAILS FORM

1. Authority for the Trust

2. Schedule of Trust Details

3. Name of Trust

4. Date of Creation of Trust

5. Beneficiaries

6. Trustees

I certify that:

Signed by:

For  
On behalf of  
Dated:



## Electronic Form Example

[51-5620]

## TRUST DETAILS FORM

### 1. Authority for the Trust

Trust Document

### 2. Schedule of Trust Details

N/A

### 3. Name of Trust

Big City Development Trust

### 4. Date of Creation of Trust

05/01/2021

### 5. Beneficiaries

Clause 4 of the ~~Trust~~ Deed dated 5 January 2021

### 6. Trustees

BIG CITY DEVELOPER PTY LTD ACN 654 987 123

I certify that:

1. The Certifier has taken reasonable steps to ensure that this Registry Instrument or Document is correct and compliant with relevant legislation and any Prescribed Requirement.
2. The Certifier has retained the evidence supporting this Registry Instrument or Document.
3. The Certifier holds a properly completed Client Authorisation for the Conveyancing Transaction including this Registry Instrument or Document.
4. The Certifier has taken reasonable steps to verify the identity of the transferee or his, her or its administrator or attorney.

Signed by:

Ian Maurice Law  
For LAWHOUSE  
On behalf of

BIG CITY DEVELOPER PTY LTD AS TRUSTEE

Dated: 08/01/2021

**Note:** a Form 20 – Trust Details Form (electronic) is included in the Form 1 (electronic) dealing when it is lodged (see Part 1 esp. [1-5000] and page 3 of Electronic Form Example 2 in [1-5620]).

*This is a representation of the instrument that was electronically lodged*

## Electronic Form Notes for Completion

[51-5700]

Refer to the table below for notes for the completion of a Form 20 (electronic) – Trust Details Form.

Item	Notes
Item 5	<p>A sole trustee cannot be listed as the sole beneficiary in Item 5 because this does not provide sufficient evidence of a properly constituted trust (see [51-0210] and [51-4160]).</p> <p><u>Example:</u></p> <p>If BIG CITY DEVELOPER PTY LTD ACN 654 987 123 is listed as the sole trustee for the trust in Item 6 of the Trust Details Form, BIG CITY DEVELOPER PTY LTD ACN 654 987 123 cannot also be listed as the sole beneficiary in Item 5 of the Trust Details Form.</p> <p>For instructions on the completion of Item 5, refer to [51-4160].</p>

[51-6000] deleted

[51-7000] deleted

## Fees

[51-8000]

Fees payable to the Titles Registry are subject to an annual review. See the Titles fee calculator available online or [60-8000].

## Cross References and Further Reading

[51-9000]

Part 1 – Transfer, esp. [1-2380] to [1-2430]

Part 4 – Request to Record Death

Part 5, 5A, 6 – Transmission Applications

Part 14 – General Request, esp. [14-2360] to [14-2370] and [14-2380]

Part 62 – eConveyancing

Ford & Lee, *Principles of the Law of Trusts*, 3rd edn, Law Book Co. Ltd (loose-leaf service)

Lee, *Manual of Succession Law*, 3rd edn, Law Book Co. Ltd, 1991

Cooper (editor), *Trusts in Action*, Blackstone Press, 1995

## Notes in text

[51-9050]

Note <sup>1</sup> – This numbered section, paragraph or statement does not apply to water allocations.

Note <sup>2</sup> – This numbered section, paragraph or statement does not apply to State land.

Note <sup>3</sup> – This numbered section, paragraph or statement does not apply to freehold land.

Section 34 of the Land Title Act allows the Registrar to keep information that the Registrar considers necessary or desirable for the effective or efficient operation of the register. Similar provisions are also included in the Water Act, and in s. 281 of the Land Act. Such information may include information given to the Registrar by another entity.

At the discretion of the Registrar, a noting will be recorded against a title for matters that are considered pertinent to the register.

[52-0055] deleted

## Notices under the *Water Act 2000*

### <sup>2, 3</sup>**Water Allocation Notice under the *Water Act 2000***

[52-0060]

Entered on title – WATER NOTICE.

Under the provisions of the Water Act (the Act) when the chief executive of the department administering the Act prepares a water entitlement notice (WEN), the chief executive must also publish a notice stating where copies of the draft WEN are available. The public notice makes provision for existing interest holders to notify the chief executive that they intend to take action to have their interest recorded on the water allocations register (s. 73(1)(b) of the Act).

When a WEN commences, any notices which have been given to the chief executive under s. 73(1)(b) of the Act are entered by the Registrar of Water Allocations against the affected water allocation titles. Such notices remain effective until the earlier of:

- sixty business days from the date that the water allocation is recorded on the water allocation register; or
- the recording on the register of the interest mentioned in the notice.

During its currency, a notice may impede registration of dealings (s. 146A of the Act).

### **Removal**

Notices under s. 73(1)(b) of the Act will appear on searches of affected titles for a period of one hundred days with a status of ‘current’, unless they are withdrawn or otherwise accounted for. The period after the expiry of sixty business days is a grace period, which is allowed for administrative purposes.

Any notice which remains on the water allocation title as current after the expiry of one hundred days from its date of lodgement will be automatically removed from title. Such notices once removed will only appear in historical searches, with a ‘not current’ status.

### <sup>2,3</sup>**Notice of Distribution Operations Licence**

[52-0065]

Entered on title – DIST OPS LIC

Where a distribution operations licence (DOL) applies to a water allocation, s. 153(2) of the *Water Act 2000* makes provision for the chief executive of the administering department to give notice to the Registrar that the water allocation is one to which a DOL applies. Section 1007(3) of the Act requires the Registrar to enter notices given under s. 153(2) against the titles to affected water allocations.

All transfers, transmission by death applications and leases lodged over water allocation titles the subject of a DOL must be accompanied by an acknowledgement notice (s. 170(6) Water Act).

## Removal

If a water allocation is one to which a DOL no longer applies, the chief executive must notify the Registrar (s. 154(4) of the Act). The Registrar must remove the DOL notice from affected water allocations (s. 1007(4) of the Act).

## Notice of Appointment of Administrator under the *Guardianship and Administration Act 2000*

[52-0070]

Entered on title – APPT ADMIN.

## Tribunal Orders

Under the provisions of the Guardianship and Administration Act (the Act), the Queensland Civil and Administrative Tribunal may appoint an administrator for a matter involving an interest in land of a person with impaired decision making capacity. The administrator must notify the Registrar (s. 21 of the Act) and provide a copy of the Tribunal's order.

Subject to specific terms which may be included in the Tribunal's Order, a notice will affect transactions in the name of the person and signed during the period of the order. Documents executed during the currency of the advice will be scrutinised to ensure that they are signed by the administrator, or sanctioned by the Tribunal. The notice will remain recorded on the title until the interest is no longer held by the person.

Sections 27 and 32A of the Act provide mechanisms for notifying the Registrar of changes to the authority of appointed administrator/s.

## Court Orders

Chapter 11 Part 3 of the Act also authorises Queensland's District Court and Supreme Court to appoint an administrator. The notification must be accompanied by a copy of the court issued order (see [60-1030] for information about depositing supporting documentation).

## Prisoners

The Public Trustee is the manager of the estates of certain prisoners (for the purposes of this part, an 'affected prisoner'). As to who is an affected prisoner see LTPM [16-0040].

The Public Trustee is therefore the proper person to execute instruments or documents dealing with the prisoner's property, unless the Public Trustee has discontinued management (s. 92 of the *Public Trustee Act 1978*) or has given consent for the prisoner's administrator for financial matters to execute the instrument or document dealing with the property themselves (s. 95 of the *Public Trustee Act*).

A letter from the lodging solicitor advising the term of the sentence should be deposited with the affected dealing. If the party is an affected prisoner, a statutory declaration from the Public Trustee stating that it has no objection to the administrator executing the relevant instrument or document must be deposited. Alternatively, the Public Trustee may consent to the relevant dealing in its preferred form or by letter. This consent need not be given in a Form 18 – General Consent.

## Removal

The Registrar will remove an advice under the Act from title when the interest affected is disposed of. Until such time as the interest is disposed of, any change, ending or revocation of appointment under the Act may be recorded on title if requested and the request is accompanied by a Tribunal/court order.

- the chief executive, under section 80 of the Act, enters into a heritage agreement that attaches to land; or
- the chief executive, under section 80(3) of the Act, changes a heritage agreement to state that it attaches to the land the subject of the agreement.

While the heritage agreement has effect and is recorded on title, the agreement is binding on the registered owner (s. 174(7) of the Act).

### Removal

Section 174 of the Act provides for the Registrar to record a removal or ending if the chief executive gives notice of such removal or ending.

## **<sup>1</sup>Notice of Access Right under the *Sugar Industry Act 1999***

[52-0160]

Entered on title – ACCESS RIGHT or TRAM EASE.

A notice of an access right granted under a repealed Act is shown on a search will appear on of the title as 'TRAM EASE'. A notice of an access right granted under the Sugar Industry Act is shown on the title as 'ACCESS RIGHT'

### Permits to Pass

Where a permit to pass ~~or cane railway easement~~ under s. 63 of the Sugar Industry Act is granted, the grantee must give the Registrar a signed notice in the form of a request to record an administrative advice within 28 days of the grant (ss. 70(2) ~~and 71(2)~~ of the Sugar Industry Act).

~~For a permit to pass:~~ The notice must:

- state the permit to pass has been granted; and
- identify the parties to the permit and the land affected; and
- be accompanied by a copy of the permit to pass.

### Cane railway easements

Where a cane railway easement under s. 63 of the Sugar Industry Act is granted, the grantee must give the Registrar notice within 28 days of the grant (s71(2) of the Sugar Industry Act).

The grantee may comply with section 71 by lodging a properly completed land registry Form 9—Easement. A Form 9—Easement must comply with the usual requirements for registration of a public utility easement under the *Land Act 1994* or the *Land Title Act 1994*. This includes the lodgement of a survey plan to identify the area affected by the easement (if not over the whole of a lot). Refer to the Land Title Practice Manual Part 9—Easement.

Registration of a cane railway easement as a public utility easement provides the parties with the benefits of the respective legislation under which it is registered.

Alternatively, the grantee may lodge a properly completed Form 14—General Request to record an administrative advice; stating that an easement has been granted, identifying the parties to the easement and the land affected by the easement (by way of sketch). A grantee who has notified the Registrar of the granting of a cane railway easement in this manner may subsequently lodge a Form 9 – Easement.

**<sup>1</sup>Notice of Relinquishment or Cancellation of Sugar Access Right****[52-0165]****Relinquishment**

Where an access right is relinquished by the grantee, a request to remove the administrative advice may be lodged in the land registry. A copy of the relinquishment document must be deposited with the request (s. 70(2) or s. 71(2) of *Sugar Industry Act 1999*).

**Cancellation by Agreement**

Where a land-holder whose land is affected by an access right and the holder of the access right has cancelled the right by agreement under s. 72(1) of the *Sugar Industry Act*, a request to cancel the administrative advice may be lodged in the land registry. Evidence of the agreement must be deposited with the request.

**Cancellation by Order of the Land Court**

Where the Land Court makes an order to cancel a sugar access right under s. 72(2) of the *Sugar Industry Act*, a request to cancel the right may be lodged in the land registry. A copy of the order must be deposited with the request.

**<sup>1</sup>Notice under the *Wet Tropics World Heritage Protection and Management Act 1993*** **[52-0170]**

Entered on title – WET TROPICS.

Under the provisions of the *Wet Tropics World Heritage Protection and Management Act* (the Act) the Wet Tropics Management Authority (the Authority) prepares management plans for the wet tropics area and notifies the Registrar that a management plan has been approved.

Under the Act, a management plan may be noted against private land. Private land is defined as freehold land, or land held under a lease or licence under any Act.

**Removal**

On notification by the Authority, the Registrar must remove the particulars of the land from the registrar's records on:

- (a) the repeal of a management plan over private land, or
- (b) the removal of private land from the operation of a management plan (s. 66(4) of the Act).

**<sup>1</sup>Notices under the *Coastal Protection and Management Act 1995*****<sup>1</sup>Compliance Notice****[52-0180]**

Entered on title – COAST PROT.

Section 59 of the *Coastal Protection and Management Act* (the Act) authorises the chief executive of the administering authority to issue coastal protection notices in respect of land that is within declared coastal management districts. The notices direct persons associated with affected land to take specific steps to protect the land.

Section 60 of the Act further authorises the chief executive to issue tidal works notices in respect of land. The notifications are sent to persons deemed to be responsible for existing tidal works, and direct such persons to comply with requirements set out in the notice.

Written notification of the issue of either type of notice must be given to the Registrar for entry in the registry (s. 63(2) of the Act).

**Notice of Disclaimer of Onerous Property of a Bankrupt under the *Bankruptcy Act 1966* (Cth)**

Where the Registrar is notified under the provisions of s. 133(3) of the Bankruptcy Act that a trustee of a bankrupt has disclaimed onerous freehold land or a lease or a licence under the *Land Act 1994*, a noting to this effect will be made on the relevant title.

A deposit fee is not applicable.

**Notice of Intention to Exercise Power of Sale in relation to Disclaimed Property**

Section 84A of the *Property Law Act 1974* provides for a mortgagee of disclaimed property (on or after 25 May 2020) to exercise their power of sale over the disclaimed property. The mortgagee must provide a notice in the approved form (*PLA Form 17 – Notice of Intention to Exercise Power of Sale in Relation to Disclaimed Property – Property Law Act 1974*, Section 84A) to the Registrar and each person who has an interest in the property.

The notice must be provided to the Registrar by way of a Form 14 accompanied by a *PLA Form 17*.

A deposit fee is applicable.

**<sup>1</sup>Notice of Licence Agreement under the *Transport Infrastructure Act 1994***

Where a licence is granted or there is a variation of a licence under the provisions of s. 303AB(1) of the Transport Infrastructure Act, the chief executive administering that Act must give the Registrar a written notice of the licence for recording on the title to the relevant land (s. 303AB(3) of the Transport Infrastructure Act).

A deposit fee is not applicable.

**<sup>1</sup>Notice of Pre-Acquisition Declaration under *Lands Acquisition Act 1989* (Cth)**

A notification may be given to the Registrar to enter a noting that a pre-acquisition declaration has been made under the provisions of s. 38 of the Lands Acquisition Act (Cth). The request must be accompanied by a copy of the pre-acquisition declaration.

A deposit fee applies.

**<sup>1</sup>Notice of Dedication of Low Impact Future Act under *Native Title Act 1993* (Cth)**

A notification may be given to the Registrar to enter a noting that land or water is dedicated as a low impact future act under the provisions of s. 24LA of the Native Title Act.

A deposit fee is not applicable.

**<sup>1</sup>Notice of Recreation Area Agreement under the *Recreation Areas Management Act 2006***

Under the provisions of s. 10 of the Recreation Areas Management Act (the Act), the chief executive after entering into a recreation area agreement must notify the Registrar to enter a noting against the relevant titles.

A deposit fee is not applicable.

**Removal**

On notification by the chief executive officer that the recreation area agreement is amended or cancelled, the Registrar must remove the notice from the register (s. 13(2) of the Act).

A deposit fee is not applicable.



**<sup>1</sup>Notice of Transfer under the *South East Queensland Water (Restructuring) Act 2007***

Where the Registrar has received notification under s. 116A(8) of the South East Queensland Water (Restructuring) Act that s. 116A applies to the land, a noting to this effect will be recorded on the relevant title. A deposit fee is applicable.

**Removal**

Under s. 116(9) of the South East Queensland Water (Restructuring) Act, the Registrar must cancel the notice if asked to do so by the asset owner.

A deposit fee is applicable.

**<sup>1</sup>Notice of Quarry Sales Permit under the *Forestry Act 1959***

A notice may be given to the Registrar to record quarry sales permit information under section 56 of the Forestry Act (the Act).

A deposit fee is not applicable.

**Removal**

The chief executive officer will make a request for the removal of the record of quarry sales permit information from the register (s.58 of the Act). A deposit fee is not applicable.

**<sup>1</sup>Notice of Native Title Determination under the *Native Title Act 1993* (Cth)**

[52-0290]

Entered on title – NT DETERM.

Where a native title determination has been made under the Native Title Act a request by the department administering the *Native Title (Queensland) Act 1993* is made to the Registrar to enter a noting against relevant titles.

**<sup>1</sup>Notice of Land Management Plan under the *Land Act 1994***

[52-0295]

Entered on title – LAND NOTICE.

Where approval of a land management plan for trust land has been given by the chief executive, a notification may be given to the Registrar to enter a noting against relevant titles (s. 48 of the Land Act).

A deposit fee is not applicable.

[52-0300] deleted

**<sup>1</sup>Notice of an Affected Area under the *Planning Act 2016***

[52-0305]

Entered on title – AFF AREA NOT.

Under section 269(2) of the Planning Act (the Act), the owner of registered premises with an affected area must give notice, within 20 business days after the premises are registered under the Act, to the Registrar to record a noting against relevant titles.

Under section 271(2) of the Act, an applicant for a relevant development application within an affected area must give notice, within 20 business days after making the application, to the Registrar to record a noting against relevant titles.

A deposit fee is applicable.

Registrar that an order cancelling the enforcement order or interim enforcement order has been made using a Form 14 – General Request together with a copy of the sealed order, the Registrar will remove the record of the enforcement order or interim enforcement order from the titles for the relevant premises.

Deposit fees are applicable (ss. 176(11) and 180(14) of the Act).

**<sup>1,3</sup>Notice of an exemption from seeking written approval to transfer under the *Land Act 1994*** [52-0330]

Entered on title – EXEMPT CONS

The transfer process for state leases in the Land Act (s. 322AA) has been amended to introduce an exemption for certain leaseholders.

When transferring a state lease, eligible leaseholders will be exempt from seeking approval from the chief executive under s. 322 of the Land Act prior to lodging their transfer with the Titles Registry.

The exemption also applies to transfers of subleases and transfers of sub subleases of exempt leases. The exemption does not apply to parties who are a mortgagee in possession, a mortgagee exercising power of sale or an appointed receiver/manager.

**<sup>1</sup>Notice of Charitable Donation Deed for Housing under the *Housing Act 2003*** [52-0335]

Entered on title – HSG DON DEED

Under section 94J(1) of the Housing Act a non-profit organisation, that is party to a charitable donation deed for a lot, may give the Registrar of Titles notice of the existence of the deed.

Notice of the existence of the deed, using a Form 14 – General Request, is recorded on the title for the lot. The notice remains recorded on the title despite any change in ownership of the lot. The notice does not prevent a person from registering an interest in the lot, exercising their rights under a registered interest, or releasing or surrendering a registered interest.

There is no requirement for a copy of the deed to be deposited.

Deposit fees are applicable.

**Removal**

A party to the deed, or the registered owner of the lot, may request that the notice of the existence of the deed be removed from the title for the lot. The request is made using a Form 14 – General Request.

A deposit fee is applicable.

## Legislation

[52-1000]

**<sup>2,3</sup>Application of the *Land Title Act 1994* to the *Water Act 2000***

Under the provisions of the Water Act, an interest or dealing may be registered in a way mentioned in the Land Title Act, subject to some exceptions.

A relevant interest or dealing may be registered in a way mentioned in the Land Title Act:

- (a) as if a reference to the freehold land register is a reference to the water allocations register; and
- (b) as if a reference to freehold land or land is a reference to a water allocation; and
- (c) as if a reference to a lot is a reference to a water allocation; and
- (d) with any other necessary changes.

## Reference to the registrar of titles in the *Land Title Act 1994* and *Land Act 1994* and reference to the registrar of water allocations in the *Water Act 2000*

Refer to [0-8100] and [0-8200] and [0-8300].

# Practice

## Administrative Advice Types

[52-2000]

A list of the administrative advices which at present are recorded in the Automated Titles System is set out below. The list is referenced under the entry which appears on a printed title search:

- <sup>2, 3</sup>**WATER NOTICE** (Water Allocation Notice under the *Water Act 2000*), see [52-0060] – **WAN**
- <sup>1</sup>**ACCESS RIGHT** (Access Right under the Sugar Industry Acts), see [52-0160] – **SAR**
- **ADMIN NOTING** (Notice under miscellaneous legislation), see [52-0005] and [52-0280] – **ANM**
- **AFF AREA NOT** (Notice of an affected area under the *Planning Act 2016*), see [52-0305] – **AAN**
- **APPT ADMIN** (Appointment of Administrator Notification under the *Guardianship and Administration Act 2000*), see [52-0070] – **APA**
- <sup>1, 3</sup>**CAPB NOTICE** (Change of Capabilities Notice under the *Land Act 1994*), see [52-0260] – **CCN**
- <sup>1</sup>**CFI NOTING** (Notice of Carbon Farming Initiative project under the *Carbon Credits (Carbon Farming Initiative) Act 2011* (Cth)), see [52-0125] – **CFI**
- <sup>1</sup>**COAST PROT** (Notice under the *Coastal Protection and Management Act 1995*), see [52-0180 to 52-0200] – **CPN**
- <sup>1</sup>**CON COM AGMT** (Conduct and Compensation Agreement under the *Mineral and Energy Resources (Common Provisions) Act 2014*), see [52-0315] – **CDC**
- <sup>1</sup>**CONF PROFITS** (Order under the *Criminal Proceeds Confiscation Act 2002*/Pecuniary Penalty Order), see [52-0030] – **CPR**
- <sup>1</sup>**CONTAM LAND** (Notice of contaminated land under the *Environmental Protection Act 1994*), see [52-0130] – **CLN**

- <sup>2,3</sup>**DIST OPS LIC** (Notice of a Distribution Operations Licence under the *Water Act 2000*), see [52-0065] – **DOL**
- <sup>1</sup>**HSG DON DEED** (Notice under the *Housing Act 2003*), see [52-0335] – **HSD**
- <sup>1</sup>**DSI/ OFFSET** (Notice under the *Land Valuation Act 2010*), see [52-0115] – **LVA**
- <sup>1</sup>**HERITAGE SITE** (Site registered under the *Queensland Heritage Act 1992*), see [52-0150] – **HRS**
- <sup>1,3</sup>**EXEMPT CONS** (Exemption from Consent under the *Land Act 1994*), see [52-0330] – **EXC**
- <sup>1,3</sup>**LAND NOTICE** (Land Management Plan under the *Land Act 1994*), see [52-0295] – **LMP**
- <sup>1</sup>**NATURE ENFORCEMENT ORDER** (Enforcement order under the *Nature Conservation Act 1992*), see [52-0145] – **NEO**
- <sup>1</sup>**NATURE REFUGE NOTING** (Agreement under the *Nature Conservation Act 1992*), see [14-3020]
- <sup>1</sup>**NOTC INT RES** (Notice of Intention to Resume under the *Acquisition of Land Act 1967*), see [52-0100] – **NIR**
- <sup>2</sup>**NOTICE** (Caveatee's Notice under the *Land Title Act 1994*), see [52-0020] – **NOT**
- <sup>2</sup>**NTCE OF ACTN** (Lodgement of Caveator's Notice of Action under *Land Title Act 1994*), see [52-0010] – **NOA**
- <sup>1</sup>**NT DETERM** (Notice of Native Title Determination under the *Native Title Act 1993* (Cth)), see [52-0290] – **NTD**
- <sup>1</sup>**OFFSET AREA** (Notice under the *Environmental Offsets Act 2014*), see [52-0310] – **EOA**
- <sup>1</sup>**OPT OUT AGMT** (Opt-Out Agreement under the *Mineral and Energy Resources (Common Provisions) Act 2014*), see [52-0320] – **OPA**
- <sup>1</sup>**OWNER BUILDR** (Owner Builder Permit under the *Queensland Building and Construction Commission Act 1991*), see [52-0120] – **OBN**
- <sup>1,2</sup>**PLAN ENF ORD** (Enforcement Order or Interim Enforcement Order under the *Planning Act 2016*), see [52-0325] – **PAE**
- <sup>2</sup>**PRIORITY NTC** (Priority Notice under the *Land Title Act 1994*), see [52-0080] – **PNN**
- <sup>1,3</sup>**REM ACT NOT** (Remedial Action Notice under the *Land Act 1994*), see [52-0250] – **RAN**
- <sup>1</sup>**RESTORATION** (Restoration Notice under the *Vegetation Management Act 1999*), see [52-0215] – **COM**
- <sup>1</sup>**RESTR ORDER** (Restraining Order under the *Drugs Misuse Act 1986*), see [52-0040] – **RSO**

- **<sup>1</sup>RIV IMP NOT** (Notice under the *River Improvement Trust Act 1940*), see [52-0110] – **RIT**
- **<sup>1</sup>ROAD LICENCE** (Notice of Road Licence under the *Land Act 1994*), see [52-0090] – **RDL**
- **RT NOTING** (Registrar of Titles Noting under the *Land Title Act 1994*), see [52-0050] – Registrar of Titles Noting under the *Land Title Act 1994* – **RTN**
- **<sup>1</sup>TRAM EASE** (Access Right under the Sugar Industry Acts), see [52-0160] – **STE**
- **<sup>1</sup>VEG NOTICE** (Vegetation Management Notice or Notice of Declared Area and Management Plan under the *Vegetation Management Act 1999*), see [52-0210] and [52-0211] – **VMN**
- **<sup>1</sup>VOL ENV AGR** (Voluntary Environmental Agreement under the *State Development and Public Works Act 1971*), see [52-0270] – **VEA**
- **<sup>2</sup>W/D PRTY NTC** (Withdrawal of Priority Notice under the *Land Title Act 1994*), see [52-0080] – **PNW**
- **WATER ADVICE** (Water Act Advice under the *Water Act 2000*), see [52-0230]; [52-0236] and [52-0240] — **WAA**
- **<sup>1</sup>WET TROPICS** (Notice under the *Wet Tropics World Heritage Protection and Management Act 1993*), see [52-0170] – **WTN**
- **<sup>2</sup>XTD PRTY NTC** (Extension of Priority Notice under the *Land Title Act 1994*), see [52-0080] – **PNE**

**Note** – Enquiries relating to an administrative advice should be directed to the relevant authority or department administering the legislation or issuing the notice.

The registry will not provide any further detail other than that disclosed on the notice.

## Recording an Administrative Advice

[52-2010]

Where a notice is to be given to the Registrar under the provisions of an Act a *Form 14 – General Request* must be lodged, unless another form is appropriate, for example a *Priority Notice Form*. The form must identify all lots the subject of the notice and details of the legislative authority. Where required, the request must be accompanied by any relevant supporting documentation. On lodgement, the notice is allocated a dealing number and entered against the relevant title/s.

Certain administrative advices are entered by or on behalf of the person taking action. Examples of these include, but are not limited to:

- notices to the Registrar by a Caveator pursuant to s. 126(4)(b) of the *Land Title Act 1994* (Caveator’s Notice of Action)
- notices to the Registrar by a Caveatee pursuant to s. 126(2) of the *Land Title Act 1994* (Caveatee’s Notice to Registrar)
- notices of appointment of an administrator under the *Guardianship and Administration Act 2000*

- notices of a Conduct and Compensation Agreement under the *Mineral and Energy Resources (Common Provisions) Act 2014*
- notices of an Opt-Out Agreement under the *Mineral and Energy Resources (Common Provisions) Act 2014*
- notices of an Enforcement Order or Interim Enforcement Order under the *Planning Act 2016*
- notices of a charitable donation deed for housing under the *Housing Act 2003*

Other administrative advices must be entered by or on behalf of the relevant government department, agency or statutory authority or another entity authorised under the relevant legislation.

A duty notation is not required but a deposit fee applies unless there is a statutory or other exemption.

## Removal of an Administrative Advice

[52-2020]

An administrative advice may only be removed by the lodgement of a Form 14 – Request to remove administrative advice, unless otherwise provided for by legislation. An authorised delegate of the authority that lodged the original administrative advice notice must execute the Form 14. Where necessary, supporting evidence must also be deposited.

The dealing number that was allocated to the administrative advice must be stated in the request.

A duty notation is not required but a deposit fee applies unless there is a statutory exemption.

# Forms

## General Guide to Completion of Forms

[52-4000]

For general requirements for completion of forms see part 59.

## Part 59 – Forms

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## Part 59 – Forms

### General Law

[59-0000]

Section 194 of the *Land Title Act 1994* and s. 444 of the *Land Act 1994* provide that the Chief Executive of the Department administering the Act may approve Forms required to be lodged in the Titles Registry.

Section 7 of the Electronic Conveyancing National Law (Queensland) provides for forms to be lodged electronically under that Law, to be approved by the Registrar.

Section 10 of the Land Title Act and s. 286 of the Land Act provide that a lodged form must be in the appropriate form and comply with the directions of the Registrar about how the form is completed and how information is to be included in or given with the form.

### eConveyancing

[59-0010]

Electronic Conveyancing (or eConveyancing) is the term used to refer to the electronic preparation, lodgement, processing and registration of instruments and other documents (Electronic Conveyancing Documents) in accordance with the Land Title Act 1994 (Qld) and the Electronic Conveyancing National Law (Queensland) (the ECNL). eConveyancing is the primary method of conveyancing in Queensland, and its use is mandated for a number of instruments and documents. Refer to part [62-6000] for further information on the application of the eConveyancing mandate. eConveyancing or Electronic Conveyancing is the term used to refer to the electronic preparation, lodgement, processing and registration of instruments and other documents (Electronic Conveyancing Documents) for the purposes of the *Land Title Act 1994*, *Land Act 1994* and other titling legislation. It is an alternative to the traditional ‘paper based’ conveyancing system which involves the manual completion, execution and lodgement of paper forms either at a Titles Registry lodgement office, by post or through eLodgement.

An Electronic Conveyancing Document is a document under the ECNL that is lodged electronically through an Electronic Lodgment Network (see s. 14B of the Land Title Act 1994 and s. 7 of the ECNL). An Electronic Conveyancing Document is a document under the Electronic Conveyancing National Law (Queensland) (the ECNL) that is lodged electronically through an Electronic Lodgment Network (see s. 14B of the *Land Title Act 1994* and s. 7 of the ECNL).

A document that is lodged as an Electronic Conveyancing Document will have a label that is burnt into the image (similar to an eLodged document) and can be identified on the image of the document by the Office code of the relevant Electronic Lodgment Network Operator (e.g. “PX” for PEXA or “SY” for Sympli).

For more information refer to Part 62 – eConveyancing.

The terms Electronic Conveyancing and eConveyancing are used interchangeably in this Part and throughout the Land Title Practice Manual.

### Legislation

[59-1000]

#### <sup>2,3</sup>Application of the *Land Title Act 1994* to the *Water Act 2000*

Under the provisions of the Water Act, an interest or dealing may be registered in a way mentioned in the Land Title Act, subject to some exceptions.



A relevant interest or dealing may be registered in a way mentioned in the Land Title Act:

- (a) as if a reference to the freehold land register is a reference to the water allocations register; and
- (b) as if a reference to freehold land or land is a reference to a water allocation; and
- (c) as if a reference to a lot is a reference to a water allocation; and
- (d) with any other necessary changes.

## Reference to the registrar of titles in the *Land Title Act 1994* and *Land Act 1994* and reference to the registrar of water allocations in the *Water Act 2000*

Refer to [0-8100] and [0-8200] and [0-8300].

# Practice

## General Requirements for Titles Registry Forms

[59-2000]

A form (other than a plan of survey) must meet titles registry requirements.

A paper form must be printed on paper that is international sheet size A4 and white bond of density at least 80gm to a square metre and be free from discolouration and blemishes.

With the exception of the National Mortgage Form, Priority Notice, Withdrawal of Priority Notice and Extension of Priority Notice, there must be margins free from printing and writing of not less than 10mm on all sides of the form.

Leave a space of not less than 35mm from the top edge of the form to accommodate any duty notation and dealing label.

The form must be clearly printed (in dense blue or black ink) on one side of the sheet only and be produced in a way that is permanent and allows reproduction to the satisfaction of the Registrar in a print size no smaller than 1.8mm (10 point). An electronic form that is produced by a firm must retain the Arial font (or a similar font acceptable to the Registrar) and other formatting embedded within fields of the original file obtained from the department's Titles Queensland web site.

The whole of the Form, whether printed or processed, must appear on one side of one sheet only. Panels may be contracted or expanded to assist with this requirement, but **no panel may be removed** (i.e., the item must be shown in full even if not used).

Forms must not be folded.

A Titles Registry Form that has obviously been transmitted electronically (e.g. by facsimile) and presented for lodgement may be accepted provided all the following criteria are met:

- all signatures are originally signed and dated on the form lodged; and
- the form is presented on plain white paper (ie, sensitised or coloured paper is not acceptable); and
- the completed form presented meets the quality standards of Titles Registry Forms.

- the details of the alteration and/or minor correction; and
- the name of the party represented where the statement is signed by a solicitor; and
- the signature of the person/s who made the statement.

A pro forma Form 20 – Schedule with relevant blank fields is shown below and is available on the Titles Queensland web site.

**Title reference:** .....

**Form being altered or corrected:** .....

**Name of authorised person or solicitor:** .....

**Name of authorised person's firm or employer (legal practice, commercial lender or settlement agency):**  
.....

**Item/s being altered or corrected:** .....

**Details of alteration or correction:** .....

**Party represented (where signed by solicitor):** .....

.....  
**Authorised person's or Solicitor's Signature**

The statement may be on either letterhead or a Form 20 – Schedule, if the authorised person is a solicitor or an employee (whether authorised directly or by chain of authority) of a legal practice, a commercial lender or a settlement agency.

If the authorised person is not one of the above, the statement must be on a Form 20 – Schedule.

## Annexures

[59-2050]

An annexure (for example a declaration, an enlarged panel or a schedule) must be prepared on a Form 20 and form part of the completed Titles Registry form. Other documentation (for example an original will, certificate of death, Form 24 – Property Information (Transfer), Form 25 – Foreign Ownership) accompanying the Titles Registry form are only deposited with the form.

For further information see part 20 – Schedule, Enlarged Panel, Additional Page, Declaration, or Standard Terms Document.

## Binding

[59-2060]

The form and its supporting documents may be bound with one staple at the top left corner. An original will must not be stapled or otherwise attached to another document including by a paper clip.

[59-2070] deleted

# Current Forms

[59-4000]

## Chronological List of Dates of Effect – Based on Date of Signing of the Particular Form/Version

- |                  |   |   |
|------------------|---|---|
| 1 September 1986 | – | Real Property Act Panel Forms commenced |
| 1 May 1992       | – | Form 100s commenced                     |

- 24 April 1994 – Land Title Act forms commenced (Real Property Act repealed)
- 1 August 1994 – Real Property Act forms no longer acceptable
- 24 October 1994 – Land Title Act Version 2 forms commenced
- 1 December 1994 – Forms executed in Version 1 not acceptable
- 6 February 1995 – Form 23 Version 1 (Settlement Notice) commenced
- 30 October 1995 – Form 24 Version 1, Form 23 Version 2 and Version 3 of Forms 1, 4, 5, 6, 7, 13 and 18 commenced
- 1 January 1996 – Common Form 100, Version 1 of Form 23 and Version 2 of Forms 1, 4, 5, 6, 7, 13, 18 are no longer acceptable
- 12 July 1997 – Version 4 of Form 13, Version 2 of Form 21 and Version 1 of Forms 21A, 29 to 34 and CMS commenced
- 13 September 1997 – Form 21 Version 1 no longer acceptable
- 1 December 1997 – Form 13 Version 3 no longer acceptable
- 18 February 2000 – Form 7 Version 4 commenced
- 1 July 2000 – Form 7 Version 3 no longer acceptable
- 1 September 2002 – Form 24 Version 2 commenced
- 1 September 2003 – Version 2 of Forms 20, 25, 29 to 34 and CMS, Version 3 of Forms 2, 3, 5A, 8 to 12, 14 to 17, 19, 23 and 24, Version 4 of Forms 1, 4, 5, 6 and 18, Version 5 of Forms 7 and 13 commence
- 1 December 2003 – Version 1 of Forms 20, 25, 29 to 34 and CMS, Version 2 of Forms 2, 3, 5A, 8 to 12, 14 to 17, 19, 23 and 24, Version 3 of Forms 1, 4, 5, 6 and 18, Version 4 of Forms 7 and 13 no longer acceptable
- 1 April 2006 – Version 4 of Form 5A, Version 5 of Forms 5 and 6 commence
- 1 July 2007 – Version 1 of Form 24A, Version 3 of Forms 25, 29 to 34 and CMS, Version 4 of Forms 2, 3, 8 to 12, 14 to 17, 19, 23 and 24, Version 5 of Forms 1, 4, 5A and 18, Version 6 of Forms 5 to 7 and 13 commence
- 1 October 2007 – Versions of forms prior to those that commenced 1 July 2007 no longer acceptable
- 10 October 2011 – Form 24 Version 5 and Form 24A Version 2 commenced
- 1 March 2012 – Version 4 of Form 24 and Version 1 of Form 24A no longer acceptable
- 14 December 2012 – Version 3 of Form 21 and Version 1 of Forms 36, 37, 38 and 38A commenced.
- 10 May 2013 – Version 6 of Form 5A, Version 7 of Form 6 and Version 5 of Form 23 commenced.
- 31 May 2013 – Version 1 of Forms 39 and 40 commenced.
- 27 September 2013 – Version 1 of Forms 41 and 42 commenced
- 11 December 2013 – Version 1 of Form 2 (Electronic) and Form 3 (Electronic) commenced.
- 21 March 2014 – Version 4 of Form 25 commenced
- 1 July 2014 – Version 6 of Form 24 commenced
- 25 May 2015 – Version 1 of Form 11 (Electronic), Form 14 (Electronic) and Form 23 (Electronic) commenced
- 1 December 2015 – Version 4 of Form 21, Version 1 of Form 21B, Version 2 of Form 38 and Version 1 of Form 38B commenced
- 1 December 2015 – County and Parish fields removed from Forms 1,2,3,4,5,5A,6,7,8,9,10,11,12,13,14,15, 17,18,19,23,29,30,31,32,33,34,36,37,39,40,41,42 and Form CMS
- 21 March 2016 – Version 7 of Form 24 and Version 3 of Form 24A commenced
- 29 May 2017 – National Mortgage Form (NMF) commenced
- 30 June 2017 – Form 38, Form 38A and Form 38B no longer used following the decommissioning of the eSurvey system
- 17 July 2017 – Version 7 of Form 5A and Version 8 of Form 6 commenced
- 18 September 2017 – Version 8 of Form 24 commenced
- 16 October 2017 (1 January 2018) – Version 1 of Priority Notice Form approved (accepted for deposit from 1 January 2018)
- 16 October 2017 (1 January 2018) – Version 1 of Extension of Priority Notice Form approved (accepted for deposit from 1 January 2018)
- 16 October 2017 – Version 1 of Withdrawal of Priority Notice Form approved

(1 January 2018)	(accepted for deposit from 1 January 2018)
1 January 2018	– Form 23 Version 1 (Settlement Notice) no longer accepted for deposit irrespective of when signed (replaced with Priority Notice mechanism) Version 1 of Priority Notice Form (electronic) accepted for deposit Version 1 of Extension of Priority Notice Form (electronic) accepted for deposit Version 1 of Withdrawal of Priority Notice Form (electronic) accepted for deposit
5 March 2018	– Form 2 – Mortgage (version 4) forms executed by all parties after this date no longer accepted (forms executed by at least one party prior to this date still accepted)
24 April 2018	– Version 1 of Form 5 Transmission Application by Personal Representative (electronic) approved Version 1 of Form 20 Trust Details Form (electronic) approved
27 April 2018	– Version 7 of Form 5 and Version 8 of Form 5A commenced
30 September 2018	– Version 6 of Form 5 and Version 7 of Form 5A no longer accepted
1 October 2019	– Form 17, Form 19 and Form 22 no longer used following the discontinuance of Paper Certificates of Title
24 April 2020	– Version 1 of Form 18A Registered Owners/Lessees Consent to Survey Plan and Version 1 of Form 18B Planning Body Approval of Survey Plan commenced
24 April 2020	– Version 2 of Form 21B commenced
8 June 2020	– Version 1 of Form 21Z (Plan Cover Sheet) commenced
1 July 2020	– Version 7 of Form 13 and Version 5 of Form 25 commenced
30 November 2020	– Version 4 of CMS commenced Version 1 of Form 18C Planning Body Community Management Statement Notation commenced Version 2 of Form 21Z commenced.
1 January 2021	– Version 6 of Form 13 executed by all parties after this date no longer accepted (forms executed by at least one party on or before this date still accepted) Version 4 of Form 25 signed after this date no longer accepted (forms signed on or before this date still accepted)
28 February 2021	– Version 3 of CMS signed after this date no longer accepted (forms signed on or before this date still accepted) Version 1 of Form 21Z no longer accepted for deposit after this date.
<u>6 February 2023</u>	<u>Version 1 of Form 4 (electronic) commenced</u>

## List of Forms

### Paper Forms

Form 1	Version 5	Transfer
Form 3	Version 4	Release of Mortgage
Form 4	Version 5	Request to Record Death
Form 5	Version 7	Transmission Application by Personal Representative (Grant in Queensland or Queensland recognised grant)
Form 5A	Version 8	Transmission Application by Personal Representative (No Grant in Queensland or no Queensland recognised grant)
Form 6	Version 8	Transmission Application for Registration as Devisee/Legatee
Form 7	Version 6	Lease/Sub-Lease
Form 8	Version 4	Surrender of Lease
Form 9	Version 4	Easement
Form 10	Version 4	Surrender of Easement
Form 11	Version 4	Caveat
Form 12	Version 4	Request to Register Writ/Warrant of Execution

Form 13	Version 7	Amendment
Form 14	Version 4	General Request
Form 15	Version 4	Request to Amalgamate
Form 16	Version 4	Request to Register Power of Attorney/Revocation of Power of Attorney
Form 18	Version 5	General Consent
Form 18A	Version 1	Registered Owners/Lessee's Consent to Survey Plan
Form 18B	Version 1	Planning Body Approval of Survey Plan
Form 18C	Version 1	Planning Body Community Management Statement Notation
Form 20	Version 2	Schedule/Enlarged Panel/Additional Page/Declaration
Form 21	Version 4	Survey Plan (Main Plan)
Form 21A	Version 1	Survey Plan (Additional Sheet)
Form 21B	Version 2	Survey Plan (Administration Sheet)
Form 21Z	Version 2	Plan Cover Sheet
Form 24	Version 8	Property Information (Transfer)
Form 24A	Version 3	Property Information (Transmission Application)
Form 25	Version 5	Foreign Ownership Information
Form 29	Version 3	Profit a prendre
Form 30	Version 3	Mortgage Priority
Form 31	Version 3	Covenant
Form 32	Version 3	Building Management Statement
Form 33	Version 3	Release of Covenant/Profit a prendre
Form 34	Version 3	Extinguishment of Building Management Statement
Form 36	Version 1	Carbon Abatement Interest
Form 37	Version 1	Surrender of Carbon Abatement Interest
Form 39	Version 1	High-density Development Easement
Form 40	Version 1	Surrender of High-density Development Easement
Form 41	Version 1	Indigenous Cultural Interest
Form 42	Version 1	Surrender of Indigenous Cultural Interest
CMS	Version 4	Format for Community Management Statement
NMF	Version 1.5	National Mortgage Form
PNN	Version 1	Priority Notice Form
PNE	Version 1	Extension of Priority Notice Form
PNW	Version 1	Withdrawal of Priority Notice Form

## Electronic Conveyancing (electronic) Forms

Form 1	Version 2	Transfer (electronic)
Form 3	Version 2	Release of Mortgage (electronic)
<u>Form 4</u>	<u>Version 1</u>	<u>Request to Record Death (electronic)</u>
Form 5	Version 1	Transmission Application by Personal Representative (electronic)
Form 11	Version 2	Caveat (electronic)
Form 14	Version 1	General Request (electronic)
Form 20	Version 1	Trust Details Form (electronic)

Form 24	Version 3	Property Information (Transfer) (electronic)
Form 25	Version 2	Foreign Ownership Information (electronic)
NMF	Version 1.5	Mortgage Form (electronic)
PNN	Version 1	Priority Notice Form (electronic)
PNE	Version 1	Extension of Priority Notice Form (electronic)
PNW	Version 1	Withdrawal of Priority Notice Form (electronic)

## Cross References and Further Reading

[59-9000]

Part 62 – eConveyancing.

### Notes in text

[59-9050]

Note<sup>1</sup> – This numbered section, paragraph or statement does not apply to water allocations.

Note<sup>2</sup> – This numbered section, paragraph or statement does not apply to State land.

Note<sup>3</sup> – This numbered section, paragraph or statement does not apply to freehold land.

## 8 Further checks

The Identity Verifier must undertake further steps to verify the identity of the Person Being Identified and/or the Identity Declarant where:

- (a) the Identity Verifier knows or ought reasonably to know that:
  - (i) any identity Document produced by the Person Being Identified and/or the Identity Declarant is not genuine; or
  - (ii) any photograph on an identity Document produced by the Person Being Identified and/or the Identity Declarant is not a reasonable likeness of the Person Being Identified or the Identity Declarant; or
  - (iii) the Person Being Identified and/or the Identity Declarant does not appear to be the Person to which the identity Document(s) relate; or
- (b) it would otherwise be reasonable to do so.

# Execution of Instruments or Documents

[61-3000]

## General

[61-3010]

Section 11(1) of the *Land Title Act 1994* requires that an instrument to transfer or create an interest in a lot must be executed by:

- the transferor or the person creating the interest; and
- the transferee or the person in whose favour the interest is to be created or a solicitor authorised by the transferee or the person.

The execution date must be included when the transferor, transferee, person or solicitor executes the document.

## Execution Where Different Capacities in Same Instrument or Document

[61-3020]

Where a party has entered into a transaction in two different capacities, as a trustee and in their own right, and it is acceptable to use one instrument or document (see further [51-2115] and [59-2020]), the form may be executed separately in each capacity. Alternatively, a single execution is acceptable provided a statement appears in the appropriate item of the form that the party was executing in both capacities.

## Execution by Corporation

[61-3030]

See part 50, esp [50-2000] and [50-2030] to [50-2050]).

## Execution with Marksman Clause

[61-3040]

A person who is illiterate, blind, infirm or too ill to sign may affix a mark, instead of a signature. The witness to the signature then writes the words '[name in full], his or her mark', around the mark, and places their signature at the witness signature position on the form.

A Form 20 – Declaration is required to include the following statements by the witness:

- (a) that the witness is the attesting witness to the mark of the person executing the instrument or document in respect of the property being transferred (the property must be fully described);

- (b) that the witness certifies that the mark was made in their presence; and
- (c) that prior to the mark being made, the witness read the instrument or document to that person, who appeared to understand the nature and effect of the instrument or document.

## Execution by Attorney

[61-3050]

All transactions executed by an attorney must be in accordance with the terms of a registered power of attorney. Where an instrument or document is executed by an attorney, the name of the attorney, and the dealing number of the relevant registered power of attorney must be stated, either in an execution clause (see below), or as specified in the appropriate execution section of the form being executed (for example, a National Mortgage Form).

The Registrar does not require proof that the attorney has not received notice of the death of the principal or revocation of the power of attorney.

Where an instrument or document being lodged is signed under a power of attorney that restricts the attorney to dealing with certain property only, and the construction of the terms of the power of attorney identified the property by other than a lot on plan description, a Form 20 - declaration may be required to identify the property in the instrument or document is the property referred to in the power of attorney. This also applies in instances where the property identified in the power of attorney has been subdivided after the power of attorney was signed, in which case a Form 20 – Declaration should identify the parent lot, and the new lot(s), and affirm the attorney's authority to deal with the land as it is currently identified. A more detailed explanation of the execution requirements and the manner of execution of instruments and forms by an attorney is outlined below, and all should be read in conjunction with the information provided in Part 16.

### Execution by Attorney (an individual)

[61-3051]

The signature of an attorney who signs an instrument or document for an individual must be witnessed. Acceptable witnesses to executions, whether inside or outside Australia, are listed in Schedule 1 to the *Land Title Act 1994* or s. 73 of the *Land Regulation 2020*.

The signature of an individual as attorney for a corporation must be witnessed. When an individual is signing in their capacity as an attorney for a corporation, their signature must be witnessed in the same manner as for individuals when they execute the following:

- a transfer, mortgage, lease etc. as transferor, mortgagor, lessor etc. or
- a release of mortgage or a surrender of lease or easement as mortgagee, lessee or grantee.

However, an execution by an attorney for a corporation as transferee, mortgagee etc. in a transfer, mortgage, lease etc. need not be witnessed as no conveyance is involved.

~~A conveyance executed by a corporation as an attorney (with or without a common seal) is not required to be witnessed in accordance with Schedule 1 of the Land Title Act or s. 73 of the Land Regulation 2020 (see also part 50—Corporations and Companies, esp [50-2000]).~~

Where an instrument or document (other than the National Mortgage Form, Priority Notice Form, Extension of Priority Notice Form and Withdrawal of Priority Notice Form) is executed by an individual as attorney for another person, or for a corporation, the execution clause must read:



‘John Smith [or John Smith & Co Pty Ltd ACN 001 002 003] by his [its] duly constituted attorney William Smith [name in full] under power of attorney No X9999999Y’.

### **Execution by Attorney (a Corporation)**

[61-3052]

Where an instrument or document is executed by a corporation as an attorney (with or without a common seal) is not required to be witnessed in accordance with Schedule 1 of the *Land Title Act 1994* or s. 73 of the *Land Regulation 2020* (see also part 50 – Corporations and Companies, esp [50-2000]).

Where an instrument or document (other than the National Mortgage Form, Priority Notice Form, Extension of Priority Notice Form and Withdrawal of Priority Notice Form) is executed by a corporation as attorney for another person, or for a corporation, the execution clause must read:

‘John Smith [or John Smith & Co Pty Ltd ACN 001 002 003] by his [its] duly constituted attorney William Smith & Co Pty Ltd ACN 004 005 006 under power of attorney No X9999999Y’.

The execution by the corporation must comply with the requirements outlined in part [50-2000].

### **Execution by a Substitute Attorney**

[61-3053]

Refer to Part 2, Part 23 and the relevant guide to completion for information about completing the relevant execution panel of the *National Mortgage Form*, *Priority Notice Form*, *Extension of Priority Notice Form* and *Withdrawal of Priority Notice Form* for an execution by an attorney.

Where an instrument\* or document is executed by a substitute attorney (refer to [16-0160]) ~~for another person, or for a corporation~~, the execution clause must include a reference to both the substitutionary power of attorney and head power of attorney. For example:

‘John Smith [or John Smith & Co Pty Ltd ACN 001 002 003] by his [its] duly constituted sub-attorney William Smith [name in full] under substitutionary power of attorney No X9999999Y under head power of attorney No X8888888Z’.

### **Execution by a Supplementary Attorney**

[61-3054]

Where an instrument or document is executed by a supplementary attorney (refer to [16-0170]), the execution clause must include a reference to both the supplementary power of attorney and the head power of attorney. For example:

‘John Smith [or John Smith & Co Pty Ltd ACN 001 002 003] by his [its] duly constituted supplementary-attorney William Smith [name in full] under supplementary power of attorney No X9999999Y under head power of attorney No X8888888Z’.

### **Execution Of National Mortgage Form**

[61-3055]

Refer to Part [2-4090], and the relevant guide to completion for information about completing the execution panel of the *National Mortgage Form*, for an execution by an attorney.

Where the *National Mortgage Form* is being executed by a substitute or supplementary attorney, the dealing numbers of the substitutionary or supplementary power of attorney and the head power of attorney may be shown as in the example below:

~~\* In the *National Mortgage Form* the dealing numbers of the substitutionary power of attorney and the head power of attorney may be shown as in the example below. However, please refer to the requirements for completing an execution panel for an attorney executing under a registered power of attorney that are detailed in [2-4090].~~

#### Mortgagee Execution

Executed on behalf of	JOHN SMITH & CO PTY LTD
under power of attorney	X9999999Y&X8888888Z
Signer Name	WILLIAM SMITH
Signer Role	ATTORNEY
Signature	W Smith
Execution Date	27 / 079 / 204723

#### Execution Of Priority Notice Forms (including extension and withdrawal)

[61-3056]

Refer to Part [23-4070] and the Guide to Completion for the Priority Notice Form (at Part 2.6.1) for a further explanation of the execution of Priority Notice Form, Extension of Priority Notice Form and Withdrawal of Priority Notice Form by an attorney.

Where the Priority Notice Form, Extension of Priority Notice Form and Withdrawal of Priority Notice Form is being executed by a substitute or supplementary attorney, the dealing numbers of the substitutionary or supplementary power of attorney and the head power of attorney may be shown as in the example below:

#### Applicant Execution

Executed on behalf of PETER JAMES MAY  
under power of attorney numbers 712345678 & 798765432

Signer Name JODIE SMITH

Signer Organisation

Signer Role ATTORNEY

Signature J Smith

Execution Date 27 / 09 / 2023

#### Execution by a Common Attorney or for a Common Principal

[61-3057]

Where two or more persons have jointly appointed a common attorney under a power of attorney or have a common attorney under separate powers of attorney, one execution of the instrument by the attorney suffices. That is, 'A and B by their attorney C'. However, reference to the relevant power(s) of attorney must be shown.

Where there are two or more attorneys for a single principal under a power of attorney, only one witnessing provision need be completed for attorneys signing at the same time before a witness.

#### Execution by an Attorney on behalf of a Custodian

[61-3058]

Where an attorney is executing on behalf of a custodian, appointed by a responsible entity incorporated under the *Corporations Act 2001* (Cth), a statutory declaration by the attorney is required stating the interest being dealt with is held in the capacity of custodian. The declaration must also identify the trust/scheme referred to in the registered power of attorney. Alternatively, a letter from the solicitor acting on behalf of the custodian may be deposited, stating the interest

~~being dealt with is held in the capacity of custodian and identifying the trust or scheme referred to in the registered power of attorney.~~

~~The Registrar does not require proof that the attorney has not received notice of the death of the principal or revocation of the power of attorney.~~

~~Where a lodged instrument or document is signed under a power of attorney that is restricted to deal with certain property, but the property is identified by other than lot on plan description, a statutory declaration is required to identify the property in the instrument or document as the property referred to in the power of attorney. Similarly, a declaration is required to be deposited with an instrument or document signed under a power of attorney limited to property identified by lot on plan description, but the property has been subdivided.~~

~~Where two or more persons have jointly appointed a common attorney under a power of attorney or have a common attorney under separate powers of attorney, one execution of the instrument by the attorney suffices. That is, ‘A and B by their attorney C’. However, reference to the relevant power(s) of attorney must be shown.~~

~~Where there are two or more attorneys for a single principal under a power of attorney, only one witnessing provision need be completed for attorneys signing at the same time before a witness.~~

~~Where an attorney is executing on behalf of a custodian, appointed by a responsible entity incorporated under the *Corporations Act 2001* (Cth), a statutory declaration by the attorney is required stating the interest being dealt with is held in the capacity of custodian. The declaration must also identify the trust/scheme referred to in the registered power of attorney. Alternatively, a letter from the solicitor acting on behalf of the custodian may be deposited, stating the interest being dealt with is held in the capacity of custodian and identifying the trust or scheme referred to in the registered power of attorney.~~

## Execution by a legal practitioner

[61-3060]

If a legal practitioner, where permitted by the *Land Title Act 1994* or indicated by an instrument or document, executes on behalf of a party to an instrument or document, the legal practitioner’s signature need not be witnessed. The legal practitioner’s full name must be printed underneath the signature along with the words, solicitor, barrister or Australian legal practitioner as appropriate. Legal practitioner is defined in Schedule 1 of the *Land Title Act*.

## Execution by a Receiver Appointed by a Mortgagee for an Individual

[61-3070]

Where an instrument or document is executed by a receiver appointed by a mortgagee of the property of a mortgagor who is an individual, the following applies:

- evidence of the appointment must be deposited with the instrument or document or a reference to the instrument or document where the evidence was deposited must be provided;
- the relevant clause(s) in the mortgage (and the deed of appointment if this is where the receiver’s power authorising the transaction is stated) must be identified in the form or by letter;
- the name and appointment capacity (e.g. ‘Receiver’) must be printed adjacent to their signature; and
- a qualified person mentioned in Schedule 1 of the *Land Title Act 1994* must witness the signature.

## Execution by an Administrator under the *Guardianship and Administration Act 2000*

[61-3080]

Where an instrument or document is executed by an administrator appointed under the *Guardianship and Administration Act 2000* the execution must be made in the following manner (s. 45(2) of the *Guardianship and Administration Act*):

- executed with the administrator's own signature;
- show that the administrator is executing the form as administrator for the registered owner or holder of an interest for example, John Brian Smith as administrator for Benjamin Keith Jones; and
- a qualified person mentioned in Schedule 1 of the *Land Title Act 1994* must witness the signature.

The Public Trustee is the manager of the estates of certain prisoners (for the purposes of this part, an 'affected prisoner'). As to who is an affected prisoner see LTPM [16-0040].

The Public Trustee is therefore the proper person to execute instruments or documents dealing with the prisoner's property, unless the Public Trustee has discontinued management (s. 92 of the *Public Trustee Act 1978*) or has given consent for the prisoner's administrator for financial matters to execute the instrument or document dealing with the property themselves (s. 95 of the *Public Trustee Act*).

A letter from the lodging solicitor advising the term of the sentence should be deposited with the affected dealing. If the party is an affected prisoner, a statutory declaration from the Public Trustee stating that it has no objection to the administrator executing the relevant instrument or document must be deposited. Alternatively, the Public Trustee may consent to the relevant dealing in its preferred form or by letter. This consent need not be given in a Form 18 – General Consent.

## Execution for a Minor

[61-3090]

There is no authority for a minor (a person who has not yet reached 18 years of age) to execute a transfer as transferor. Accordingly, a transfer by a minor, either as a sole transferor or as one of several transferors is not acceptable unless a Court Order authorises a person to execute the transfer on behalf of the minor (s. 136 of the *Land Title Act*).

The Registrar will accept execution by or for a minor as transferee, or any other instrument that a minor is authorised to execute, in the following ways:

- by a person authorised by Court Order to execute the instrument on behalf of the minor;
- by the minor if the instrument is accompanied by a letter from a solicitor, instructed and employed independently of any other party to the instrument. The letter must state that the solicitor is satisfied the minor understands the nature and effect of the instrument and the minor is entering into the transaction freely and voluntarily;
- by a solicitor acting for the minor.

The above list does not necessarily include all methods of execution permitted by law. The normal witnessing requirements for an individual or a solicitor apply to this type of execution.

See also part 1 – Transfer, [1-2060].

## Execution by Public Trustee

[61-3100]

The Public Trustee of Queensland is authorised by the *Public Trustee Act 1978* and various other Acts to execute instruments or documents for individuals in certain circumstances, such as incapacitation or imprisonment.

All instruments or documents must be executed in a way showing the appointment or authority under which the public trustee acts (s. 12 of the Public Trustee Regulation 2012). For example, where the Public Trustee executes an instrument or document for an incapacitated person, a statement to the following effect should be added:

‘Signed in the name of and on behalf of the said [name] by [name and position], Public Trust Office, the Public Trustee being authorised to manage the estate of the said [name] pursuant to Part 6 of the *Public Trustee Act 1978*’.

### Seal of the public trustee

[61-3110]

The seal of the Public Trustee may be used in the execution of an instrument or document. However this is not essential and an instrument or document not under seal is still effective at law (s. 11C of the *Public Trustee Act 1978* and s. 227 of the *Property Law Act 1974*).

### Execution by delegates of the Public Trustee

[61-3120]

Where such authorisation exists, the execution may be by a delegate of the Public Trustee. The delegate should add after the delegate’s signature a statement to the following effect ‘Signed as delegate for the Public Trustee under section 11A of the *Public Trustee Act 1978*’.

### Execution for prisoners

[61-3130]

The Public Trustee is the manager of the estates of certain prisoners (for the purposes of this part, an ‘affected prisoner’). As to who is an affected prisoner see LTPM [16-0040].

The Public Trustee is ~~the manager of estates of prisoners who are undergoing sentences of imprisonment for over three years and is~~ therefore the proper person to execute instruments or documents dealing with the prisoner’s property, unless the Public Trustee has discontinued management (s. 92 of the Public Trustee Act ~~1978~~) or has given consent for the affected prisoner (or their attorney for financial matters or their administrator for financial matters) to execute the instrument or document dealing with the property themselves (s. 95 of the Public Trustee Act).

A letter from the lodging solicitor advising the term of the sentence should be deposited with the relevant dealing. If the party is an affected prisoner, a statutory declaration from the Public Trustee stating that it has no objection to the affected prisoner (or their attorney for financial matters or their administrator for financial matters) must be deposited. Alternatively, the Public Trustee may consent to the relevant dealing in its preferred form or by letter. This consent need not be given in a Form 18 – General Consent.

### Witnessing requirements

[61-3140]

The usual witnessing requirements apply to the execution.

## Execution by Local Government

[61-3200]

### General Law

[61-3210]

Section 236(1) of the *Local Government Act 2009* provides that the following persons may sign a document on behalf of a local government:

- (a) the head of the local government (defined in s. 236(2) of the Local Government Act);
- (b) a delegate of the local government (powers of delegation are provided by s. 257 of the Local Government Act);
- (c) a councillor or local government employee who is authorised by the head of the local government, in writing, to sign documents.

**Practice****[61-3220]**

A document executed by a local government before 1 July 2010 must be signed by either:

- the mayor;
- an authorised councillor;
- the chief executive officer; or
- an authorised employee of the council (i.e. delegate or authorised officer).

A document executed by a local government on or after 1 July 2010 must be signed by either:

- the mayor;
- the chief executive or interim administrator;
- a delegate;
- an authorised councillor; or
- an authorised local government officer.

The name of the local government and designation of the signatory (for example, Mayor, Delegate or Authorised Officer) must be shown adjacent to the signature. The authorising provision of the Act is not required to be stated and the Registrar makes no inquiry as to whether the delegation has been made or a person is so authorised by a local government. There is no requirement for the names of the signatories to be shown.

The execution must be witnessed by a person with a qualification mentioned in Schedule 1 of the *Land Title Act 1994* or s. 73 of the *Land Regulation 2020* where an instrument or document has a witnessing provision. The signing of an approval to a plan of subdivision does not require witnessing.

**Style of Local Government Name****[61-3230]**

Under the provisions of s. 5(2) of the Local Government (Operations) Regulation 2010 a local government may be called either–

- (a) ‘Council of the... (*insert /City/Town/Shire/Region*) of... (*insert name of local government area*)’; or
- (b) ‘... (*insert name of local government area*)... (*insert /City/Town/Shire/Regional*) Council’.

Also, an Aboriginal Shire Council may be called ‘(*insert name of local government area*) Aboriginal Shire Council’ (s. 5(3) of the Local Government (Operations) Regulation 2010).

The Registrar is not concerned with which of the style names is used. However the name stated in the relevant item of a document that creates an interest in the local government, will be

recorded in the register. Where there is ambiguity in style names when recording a local government in the register, for example where a new lot is being created from two lots in different style names, clarification will be required e.g. by way of letter from an authorised officer of the council or the lodger of the document.

### Local Government Reform

[61-3240]

The following requirements apply to local governments affected by local government reform in March 2008 brought about by amendments to the *Local Government Act 1993*.

Where an interest is recorded in a previous council's name and it is not being dealt with, the new council does not need to take any action with regard to that interest.

However, action will be required in instances where an interest is being dealt with and the council will subsequently retain the interest. In such cases, the new council must first vest the interest in the new council by registering a Form 14 – General Request. Item 6 of the form must state '... the interest in item 4 be vested in [*name of new/adjusted council*] pursuant to the *Local Government Act 1993*'. The form is exempt from lodgement fees. A duty notation is not required under special dispensation by the Office of State Revenue.

Where an interest in land is held in the name of a previous council and the new council is disposing of the interest, the new name does not need to first be recorded in the Titles Registry. However, the instrument or document lodged to record the disposing of the interest must contain in the appropriate item on the prescribed form, a statement showing both the new name and the previous council name; and be executed by the new council.

For example, a lot held in the name of the Caboolture Shire Council that is being transferred to another party, the instrument or document 1 – Transfer must state at item 3 – Transferor –

'Moreton Bay Regional Council (formerly Caboolture Shire Council) pursuant to the *Local Government Act 1993*'.

### Execution by a Trustee in Bankruptcy

[61-3300]

Where an instrument or document is executed by the trustee of a bankrupt, their name must be clearly printed adjacent to their signature. Where the Official Trustee in Bankruptcy or an authorised signatory executes, the Seal of the Official Trustee in Bankruptcy must be affixed, and the signatory must state their name, designation and the district for which they are the Official Trustee or authorised signatory.

## Cross References and Further Reading

[61-9000]

Part 62 – eConveyancing.

### Notes in text

[61-9050]

Note <sup>1</sup> – This numbered section, paragraph or statement does not apply to water allocations.

Note <sup>2</sup> – This numbered section, paragraph or statement does not apply to State land.

Note <sup>3</sup> – This numbered section, paragraph or statement does not apply to freehold land.



## Part 62 – eConveyancing

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## Part 62 – eConveyancing

### Introduction

[62-0000]

Electronic Conveyancing (or eConveyancing) is the term used to refer to the electronic preparation, lodgement, processing and registration of instruments and other documents (Electronic Conveyancing Documents) in accordance with the Land Title Act 1994 (Qld) and the Electronic Conveyancing National Law (Queensland) (the ECNL ). eConveyancing is the primary method of conveyancing in Queensland, and its use is mandated for a number of instruments and documents. Refer to part [62-6000] for further information on the application of the eConveyancing mandate. eConveyancing or Electronic Conveyancing is the term used to refer to the electronic preparation, lodgement, processing and registration of instruments and other documents (Electronic Conveyancing Documents) for the purposes of the *Land Title Act 1994*, *Land Act 1994* and other titling legislation. It is an alternative to the traditional ‘paper based’ conveyancing system which involves the manual completion, execution and lodgement of paper forms either at a Titles Registry lodgement office, by post or through eLodgement.

eConveyancing is facilitated by a national law and national regulatory framework and involves eligible participants (Subscribers), such as Australian legal practitioners and authorised deposit taking institutions, utilising the systems (Electronic Lodgment Networks or ELNs) of approved private operators (Electronic Lodgment Network Operators or ELNOs) to complete conveyancing transactions electronically.

Only eligible Subscribers can utilise Electronic Lodgment Networks to lodge Electronic Conveyancing Documents. Eligibility criteria include specific insurance and character requirements. Non-eligible transacting parties can engage an Australian legal practitioner to lodge Electronic Conveyancing Documents on their behalf.

The eConveyancing mandate, which commenced on 20 February 2023 pursuant to the *Land Title Regulation 2022*, requires that certain instruments, known as ‘required instruments’, must be lodged through an ELN. Therefore, industry professionals lodging required instruments must do so through an ELNO.

In accordance with the nature and purpose of the Land Title Practice Manual, the information in this part is limited to general information about the law, regulatory framework and general practice requirements. Additional information relating to specific dealings is available in the relevant part of the Land Title Practice Manual under the heading eConveyancing.

Information about the requirements for using eConveyancing, including becoming a Subscriber, is available online at the [Titles Queensland website](#) and on the [Australian Registrars’ National Electronic Conveyancing Council \(ARNECC\) website](#).

### Regulatory Framework and ARNECC

[62-1000]

The foundation for the national regulatory framework for electronic conveyancing in Australia is a 2011 intergovernmental agreement entered into by the State and Territory governments and known as the Electronic Conveyancing National Law Agreement 2011.

Amongst other things, the Electronic Conveyancing National Law Agreement 2011 provided for each Australian State and Territory to adopt or implement the Electronic Conveyancing National Law (ECNL) and the formation, composition and operation of the Australian Registrars’ National Electronic Conveyancing Council (ARNECC). ARNECC’s functions include developing and maintaining national Model Operating Requirements (MOR) and Model Participation Rules (MPR) to be implemented as Operating Requirements and Participation Rules respectively in each jurisdiction.

The ECNL was first enacted in New South Wales as an appendix to its *Electronic Conveyancing (Adoption of National Law) Act 2012*. The ECNL was adopted in Queensland by the *Electronic Conveyancing National Law (Queensland) Act 2013*. The *Electronic Conveyancing National Law (Queensland) Act 2013* also made a number of amendments to the *Land Title Act 1994* and *Land Act 1994* to facilitate eConveyancing.

The ECNL provides for, amongst other things:

- the lodgement, processing and registration of instruments and other documents (Electronic Conveyancing Documents) in electronic form for the purposes of the Land Title Act, Land Act and other titling legislation;
- the existence of electronic systems for lodgement of Electronic Conveyancing Documents called Electronic Lodgment Networks (ELNs);
- the Registrar to provide and operate an ELN and / or approve Electronic Lodgment Network Operators (ELNOs) to provide and operate ELNs;
- an attribution rule which provides that a digital signature created for an Electronic Conveyancing Document is binding on certain parties and cannot be repudiated except in very limited circumstances;
- for Subscribers to access and use an ELN to complete conveyancing transactions electronically, either on their own behalf (e.g. financial institutions) or on behalf of transacting parties who have authorised them to do so using a properly completed client authorisation (e.g. Australian Legal Practitioners);
- the Registrar to determine Operating Requirements relating to the operation of an ELNO and the provision and operation, by an ELNO of an ELN;
- the Registrar to determine Participation Rules relating to the use of an ELN by Subscribers;
- the conduct of investigations, called compliance examinations to determine whether the Operating Requirements and Participation Rules are being complied with and investigate any suspected or alleged case of misconduct with respect to the operation of or use of an ELN.

## Participation Rules

[62-1010]

In accordance with section 22 of the Electronic Conveyancing National Law (Queensland) (ECNL) the Registrar of Titles has determined Participation Rules, relating to the use of an Electronic Lodgment Network in Queensland. The Queensland Participation Rules apply to all Subscribers using eConveyancing in Queensland. The Queensland Participation Rules are available on the [Titles Queensland website](#).

As required by section 24 of the ECNL, the Queensland Participation Rules are consistent with the Model Participation Rules (MPR) published by the Australian Registrars' National Electronic Conveyancing Council (ARNECC) which are available on the [ARNECC Model Participation Rules web page](#). Any Queensland specific Participation Rules are listed in Schedule 1 of the Queensland Participation Rules.

ARNECC publishes MPR Guidance Notes to assist Subscribers in understanding what is expected of them in complying with the Registrars' Participation Rules in each jurisdiction. The Model Participation Rule Guidance Notes are available on the [ARNECC Model Participation Rules Guidance Notes web page](#).

With the introduction of the eConveyancing Mandate on 20 February 2023 it is mandatory for industry professionals lodging required instruments to do so through an Electronic Lodgment Network Operator (ELNO). For more information, refer to [62-6000].

## Operating Requirements

[62-1020]

In accordance with section 22 of the Electronic Conveyancing National Law (Queensland) (ECNL) the Registrar of Titles has determined Operating Requirements relating to the operation of an Electronic Lodgment Network Operator (ELNO) and the provision and operation by an ELNO of an Electronic Lodgment Network. The Queensland Operating Requirements are available on the [Titles Queensland website](#).

As required by section 24 of the ECNL, the Queensland Operating Requirements are consistent with the Model Operating Requirements (MOR) published by the Australian Registrars' National Electronic Conveyancing Council (ARNECC) which are available on the [ARNECC Model Operating Requirements web page](#). Any Queensland specific Operating Requirements will be listed in Schedule 4 of the Operating Requirements.

ARNECC publishes MOR Guidance Notes to assist ELNOs in understanding what is expected of them in complying with the Registrars' Operating Requirements in each jurisdiction. The Model Operating Requirements Guidance Notes are available on the [ARNECC Model Operating Requirements Guidance Notes web page](#).

## eConveyancing (electronic) Forms

[62-2000]

~~An Electronic Conveyancing Document is a document under the ECNL that is lodged electronically through an Electronic Lodgment Network (see s. 14B of the Land Title Act 1994 and s. 7 of the ECNL). An Electronic Conveyancing Document must be lodged through an Electronic Lodgment Network in the form approved by the Registrar under s. 7 of the Electronic Conveyancing National Law (Queensland).~~

Refer to [59-4000] for a list of the current electronic forms approved by the Registrar.

A representation of each electronic form approved by the Registrar is shown in each relevant part of the Land Title Practice Manual.

## Witnessing and Execution of Electronic Conveyancing Documents

[62-3000]

If the *Land Title Act 1994* or the *Land Act 1994* provides for an instrument or document to be signed or executed and the instrument or document is an Electronic Conveyancing Document, the Electronic Conveyancing Document must be digitally signed as provided for under the Electronic Conveyancing National Law (Queensland) (s. 14C of the Land Title Act and s. 290Q of the Land Act).

If an instrument or document is digitally signed in accordance with the Queensland Participation Rules, the requirements of any other Queensland law relating to the execution, signing, witnessing, attestation or sealing of documents must be regarded as having been fully satisfied (s. 9(3)(b) of the Electronic Conveyancing National Law (Queensland)).

# Requisitions of Electronic Conveyancing Documents

[62-4000]

An instrument or document that is lodged as an Electronic Conveyancing Document, and is subsequently requisitioned, will be printed as a rendered paper version of the Electronic Conveyancing Document with a dealing number attached (the **rendered paper form**) and forwarded to the lodger of the document.

To respond to the requisition notice the rendered paper form must be returned to ~~the Titles Registry-Queensland's Brisbane lodgement~~ office and may not be relodged electronically.

If the deficiencies identified in the requisition notice result in changes needing to be made to the rendered paper form then generally the electronic conveyancing document will need to be withdrawn and a new electronic conveyancing document or paper dealing will need to be lodged. Any changes which alter the nature and effect of the Electronic Conveyancing Document or are otherwise of a substantial nature (adding or deleting parties or lots etc.) will require the Electronic Conveyancing Document to be withdrawn. Refer to [60-0150] for information on the process for withdrawing a lodged instrument or document prior to registration.

If, however, the deficiencies identified in the requisition are very minor (e.g. the transposition of two digits in the dealing number of a standard terms document referenced in the Electronic Conveyancing Document), once the deficiencies are addressed, the amended rendered paper form may be returned for further examination. Please note however that no assurances can be provided as to whether the Electronic Conveyancing Document will be capable of registration. Any changes made to the rendered paper form must comply with the requirements detailed in [59-2040].

Refer to [60-0000] to [60-0040] for more information on requisitions.

## Withdrawn or rejected Electronic Conveyancing Documents cannot be relodged

[62-4010]

An Electronic Conveyancing Document that has been withdrawn or rejected cannot be relodged (s. 157(5) of the *Land Title Act 1994* and s. 306(5) of the *Land Act 1994*).

A new Electronic Conveyancing Document or paper dealing will need to be lodged.

## Available Instruments

[62-5000]

Not all instruments and documents are capable of being lodged using eConveyancing and not all instruments and documents are available for lodgement through all Electronic Lodgment Network Operators (ELNOs).

The instruments that are able to be lodged through an ELNO are known as available instruments. A list of available instruments is accessible on the [Titles Queensland website](#).

Subscribers should also check with the ELNO they subscribe to as to which instruments are available to be lodged through their ELNO in conjunction with the list of available instruments provided on the Titles Queensland website, as there can be instances where the functionality differs between ELNOs.

Some available instruments executed on or after 20 February 2023 are required to be lodged through eConveyancing unless a valid exemption applies. Refer to [62-6000] for further information.

# eConveyancing Mandate

[62-6000]

The eConveyancing mandate, introduced by the *Land Title Regulation 2022*, applies to all industry professionals who are eligible to become Subscribers of an Electronic Lodgment Network Operator (ELNO); as well as to corporations and entities other than natural persons, that are lodging an instrument which is captured by the mandate.

The mandate, which commenced on 20 February 2023, requires that some instruments which are able to be lodged using eConveyancing in Queensland (available instruments), must be lodged using eConveyancing, unless a valid exemption applies.

The instruments which are captured under the mandate are known as ‘required instruments’ and are the instruments that are required to be lodged through an ELNO. Required instruments are those defined in s. 4 of the *Land Title Regulation 2022* and are detailed in [62-6010].

It is important to be aware that not all available instruments are required instruments under the mandate, that is to say that there are some instruments which can (and may) be lodged through eConveyancing, but are not captured by the mandate and therefore are not mandatory to be lodged through eConveyancing. In addition, the mandate applies only to instruments dealing with freehold land. For a list of ‘required instruments’ captured by the mandate, and the list of exemptions to the mandate, refer to [62-6010 to 62-6020] and to the [Titles Queensland website](#).

## Required Instruments

[62-6010]

In accordance with s. 5 of the *Land Title Regulation 2022* a ‘required instrument’ must be lodged or deposited using an Electronic Lodgment Network if it is an instrument or document that may be lodged electronically under the Electronic Conveyancing National Law (Queensland), section 7.

The following instruments and documents are required instruments in accordance with s. 4 of the *Land Title Regulation 2022*:

- (a) an instrument of transfer for a lot (Form 1);
- (b) an instrument of mortgage for a lot (NMF);
- (c) an instrument releasing a mortgage of a lot (Form 3);
- (d) a caveat for a lot (Form 11);
- (e) a request to withdraw a caveat lodged over a lot (Form 14);
- (f) a priority notice for a lot (PNN);
- (g) a request to extend a priority notice over a lot (PNE);
- (h) a request to withdraw a priority notice over a lot (PNW);
- (i) an application to be registered as a personal representative for a registered owner of a lot who has died (only Form 5 is currently available).

## Exemptions

[62-6020]

Exemptions to the eConveyancing mandate are provided for in sections. 5(2) and 5(3) of the *Land Title Regulation 2022* and can be divided into two categories, which are:

- (a) Instrument Specific Exemptions; and

### (b) General Exemptions.

A required instrument under the eConveyancing mandate does not need to be lodged using an Electronic Lodgment Network (ELN) if it meets any of the following criteria:

- (1) It meets one of the applicable ‘Instrument Specific Exemptions’ listed on the [Titles Queensland website](#).
- (2) It is covered under one of the ‘General Exemptions’ to the Mandate provided for in section 5(2) and 5(3) of the *Land Title Regulation 2022* (see [62-6022] below); or
- (3) The instrument was executed by a party prior to 20 February 2023 (refer to section 6 of the *Land Title Regulation 2022*).

Instrument Specific Exemptions are those exemptions that are specific to the type of instrument being lodged. Refer to [62-6021] for a further explanation.

General Exemptions are those exemptions that apply to all the instruments captured by the eConveyancing mandate and are contained in s. 5 of the *Land Title Regulation 2022*. Refer to [62-6022] for a further explanation.

### Instrument Specific Exemptions

[62-6021]

Because no Electronic Lodgment Network (ELN) presently has the functionality to allow for every possible variation that every instrument can be utilised for (in the way that a paper form would), an exemption is provided for in the mandate for circumstances where the functionality to prepare, lodge or deposit the required instrument does not exist.

For example, some types of Form 1 – Transfer (e.g. Mortgagee exercising power of sale) cannot be processed through an ELN. Such transfers are therefore exempt from the mandate and are permitted to be lodged in paper form.

For a full list of the instrument specific exemptions for each of the required instruments refer to the [Titles Queensland website](#).

### General Exemption Categories

[62-6022]

Under sections 5(2) and 5(3) of the *Land Title Regulation 2022*, the eConveyancing Mandate does not apply if any of the following exemptions apply:

- (1) The Electronic Lodgment Network and/or Titles Queensland system does not have the functionality to complete the particular transaction; or
- (2) When the eConveyancing lodgement was attempted, circumstances beyond the lodger’s control prevented the lodgement from proceeding e.g. internet access issues for the entirety of the day; the eConveyancing platform is unavailable for use for the entirety of the day; or
- (3) A party to the transaction, is an individual who is not a Subscriber and is not represented by an Australian legal practitioner or an incorporated legal practice.  
Note: This exemption applies to a natural person and does not apply to a corporate entity.
- (4) The transaction is required to be lodged with:
  - another instrument that cannot be lodged using eConveyancing e.g. a transfer that must be lodged with a plan of survey and the plan of survey cannot be lodged using eConveyancing; or



- another instrument for which a party to that instrument is an unrepresented natural person.
- (5) The transaction replaces an instrument:
- that was initially lodged using eConveyancing, but was rejected or withdrawn under section 157 or section 159 of the *Land Title Act 1994*; and
  - for which an associated financial transaction has been completed e.g. purchase price for the property has been paid; money has been given in return for granting a mortgage or charge over the property; taxes, duty (including stamp duty), fees or charges payable relating to the transaction have been paid.
- (6) The instrument(s) being lodged give effect to a transaction that is not an ELN lodgement or ELN transfer within the meaning of the *Duties Act 2001* section 156D.

## Application of the Mandate

[62-6030]

The mandate applies to all required instruments executed on or after 20 February 2023 in accordance with s. 5 of the *Land Title Regulation 2022*. The mandate applies only to instruments dealing with freehold land. For a list of required instruments see [62-6010].

## Practice Requirements where an exemption applies

[62-6040]

Where an exemption applies, an 'eConveyancing Mandate - Exemption Request Form' (ERF) should be completed and deposited in conjunction with the required (mandated) instrument. The ERF, properly completed, is a formal request deposited by the lodger for a required instrument to be accepted for lodgement in paper form.

The exemption to the mandate that applies to the lodgement must be selected on the ERF. For more information see [62-7000].

## Exemption Request Form (ERF)

[62-7000]

In circumstances where an exemption applies (see [62-6020]) an 'eConveyancing Mandate – Exemption Request Form' (ERF) should be completed and deposited with the required instrument being lodged. The ERF, properly completed, is a formal request deposited by the lodger for a required instrument to be accepted for lodgement in paper form. For a list of required instruments refer to [62-6010].

The ERF can be obtained from the [Titles Queensland website](#). This form should have the reason for the exemption clearly ticked and should be signed and dated by the party lodging the form. An example of a completed request for a fictitious entity is provided on the [Titles Queensland website](#), inside the guide to completion. See Guide to Completion - ERF [62-7010].

## Guide to Completion – Exemption Request Form (ERF)

[62-7010]

To assist with the completion of the 'eConveyancing Mandate – Exemption Request Form' (ERF), Titles Queensland has produced a guide to completion document which covers all aspects of the completion of the ERF. The guide to completion also includes an example of a completed ERF for a fictitious entity to further demonstrate the practical completion of the ERF. The guide to completion for the ERF can be obtained from the [Titles Queensland website](#).

# Attachments to Electronic Conveyancing Documents (Supporting Evidence or other documents)

[62-8000]

Including an attachment with an Electronic Conveyancing Document is only permitted in limited circumstances.

Unlike paper instruments or documents, in most instances, Electronic Conveyancing Documents are not required to be accompanied by supporting evidence or other documentation.

The Registrar relies on certifications made by the Subscriber who digitally signs the Electronic Conveyancing Document under the Participation Rules, including certifications that they have retained evidence supporting the Electronic Conveyancing Document and that they have taken reasonable steps to ensure that the Electronic Conveyancing Document is correct and compliant with relevant legislation.

Information on the attachments to be included with each dealing type is detailed in each relevant part of the Land Title Practice Manual under the heading eConveyancing.

## Cross References and Further Reading

[62-9000]

Part 59 – Forms

Part 60 – Miscellaneous