

# Part 20 – Schedule, Enlarged Panel, Additional Page, Declaration or Standard Terms Document

LAND TITLE PRACTICE MANUAL

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# Part 20 – Schedule, Enlarged Panel, Additional Page, Declaration or Standard Terms Document

## [20-0000] General Law

### [20-0000] Schedule

No law is applicable.

### [20-0010] Enlarged Panel

No law is applicable.

### [20-0020] Additional Page

No law is applicable.

### [20-0030] Declaration

The *Oaths Act 1867 (Qld)* or the applicable law of the State or country in which the declaration is made are relevant here.

**[20-0040] deleted**

## [20-1000] Legislation

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

Under the provisions of the Water Act, the Land Title Act applies to the registration of an interest or dealings for a water allocation on the water allocations register subject to some exceptions.

A relevant interest or dealing may be registered in a way mentioned in the Land Title Act and the Registrar of Water Allocations may exercise a power or perform an obligation of the Registrar of Titles under the Land Title Act:

- a. as if a reference to the Registrar of Titles were a reference to the Registrar of Water Allocations; and
- b. as if a reference to the freehold land register were a reference to the water allocations register; and
- c. as if a reference to freehold land or land were a reference to a water allocation; and
- d. as if a reference to a lot were a reference to a water allocation; and
- e. with any other necessary changes.

## [20-2000] Practice

### [20-2000] General

A Form 20 cannot be lodged on its own. It must be attached to another appropriate form.

One Form 20 can be used for any number of purposes. For example, an Enlarged Panel and a Declaration may appear on the same Form 20.

## [20-2010] Schedule

Please note that different requirements apply in relation to the use of a *Form 20 – Schedule with the National Mortgage Form*. For the requirements when using the *National Mortgage Form* please refer to Part 2 – Mortgage (National Mortgage Form) esp. [2-4010].

Schedules are generally used to set out provisions or covenants and conditions for instruments or documents such as mortgages, easements or leases.

If used as a schedule, the Form 20 must repeat the relevant item number and name, e.g. 'Item 6 Execution', refer to at least one relevant title reference in the top centre of the page and show consecutive page numbering on the top right hand corner, e.g. 'Page 3 of 5'.

## [20-2015] Identity/Witnessing Certification

Refer to Part 61 - Witnessing and Execution of Instruments or Documents esp. [61-2500] and [61-2540].

## [20-2016] Trust Details Form

Refer to Part 1 – Transfer esp. [1-2380] to [1-2430] and Part 51 – Trusts esp. [51-4100].

## [20-2017] Responsible Entity Details Form

Refer to Part 51 – Trusts esp. [51-2105] and [51-4000].

## [20-2018] Body Corporate and Community Management (BCCM) Execution/Relevant Certificate

Refer to Part 45 – Community Title Schemes esp. [45-2060] and [45-2085].

## [20-2019] Lease Declaration

Refer to Part 7 – Leases esp. [7-4500] to [7-4550].

## [20-2020] Enlarged Panel

Please note that different requirements apply in relation to the use of a *Form 20 – Enlarged Panel* with the *National Mortgage Form*. For the requirements when using the *National Mortgage Form* please refer to Part 2 – Mortgage (National Mortgage Form) esp. [2-4010].

A *Form 20 – Enlarged Panel* must **only** be used when there is insufficient space to contain the necessary information in a panel in a form.

A Form 20 may be used for execution where there is insufficient space on the face of a form. For example, where the form is being executed by:

- a greater number of parties than is provided for by the form; or
- a corporation or an attorney where the space provided on the form is not sufficient for a multi-line attestation clause and the required signatures.

To clarify, where there is sufficient space for all parties to execute on the face of the form, a Form 20 should not be used for execution. Where there is insufficient space for all parties to sign on the face of the form, the spaces provided on the face of the form must be used and the remaining executions must be completed on a *Form 20 – Enlarged Panel*. The words 'see Enlarged Panel' should be included adjacent to the execution/s on the face of the form to reflect that additional executions have been completed on the Form 20 – Enlarged Panel.

Where an instrument or document is lodged with an execution or executions on a Form 20 and there was sufficient space for all parties to execute on the face of the form, the instrument or document will be requisitioned to seek an explanation as to why the Form 20 was used.

A Form 20 may also be required in order to include all of the information required in another panel. For example, Item 2 of a *Form 1 – Transfer*, the description of the land or water allocation, may not provide sufficient space to insert all of the

descriptions of the lots involved, so on the Form 1, Item 2 would be completed with 'see Enlarged Panel'. The *Form 20 – Enlarged Panel* would then contain the relevant panel heading of the Form 1 and set out the descriptions of the lots involved.

To assist timely registration of an instrument or document a form should not include, in the relevant item, more than 20 title references. However, in extenuating circumstances or when it is not practical, a person may apply in writing to the Registrar seeking relaxation.

A Form 20 can contain more than one enlarged panel. As is the situation for schedules, a Form 20 used for one or more enlarged panels must refer to at least one relevant title reference in the top centre of the page, show consecutive page numbering in the top right-hand corner and repeat the relevant item number and name.

## [20-2030] Additional Page

Where a schedule or an enlarged panel exceeds one page a [Form 20 – Additional Page](#) is to be used for the additional pages.

The additional page must repeat the relevant item number and name, refer to at least one relevant title reference in the top centre and show consecutive page numbering on the top right-hand corner.

## [20-2040] Declaration

Statutory declarations that are required as essential or supporting evidence for an instrument or a document should generally be prepared on a [Form 20 – Declaration](#). A Statutory Declaration (Queensland) can also be made using the [appropriate form](#) published by the Department of Justice and Attorney General.

Only statutory declarations that have been signed on paper in the physical presence of an authorised witness are able to be deposited with Titles Registry forms pursuant to sections 16C(6) and 31K(2) of the *Oaths Act 1867* (Qld).

Where a statutory declaration is signed in the physical presence of a witness, an authorised witness means:

- a justice of the peace (JP);
- a commissioner for declarations (Cdec);
- a notary public;
- a lawyer;
- a conveyancer, or another person authorised to administer an oath, under the law of the State, the Commonwealth or another State; or
- another person prescribed by regulation.

If a declaration is required from more than one person as supporting or essential evidence, separate declarations must be completed and deposited.

**[20-2050] – [20-2080] deleted**

## [20-2090] Standard Terms Document

See [14-2160].

# [20-4000] Forms

## [20-4000] General Guide to Completion of Forms

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



## ENLARGED PANEL

**Title Reference [12345201]**

### ENLARGED PANEL

**Item 2 Lot on Plan Description**

Lot 1 on RP812345  
Lot 5 on RP856304  
Lot 3 on RP804563  
Lot 4 on RP804563  
Lot 5 on RP804563  
Lot 7 on RP804563

**Title Reference**

12345201  
14235102  
16323051  
16323052  
16323053  
16323055

SAMPLE



Title Reference [Insert Title Reference]

**Oaths Act 1867**

**STATUTORY DECLARATION**

I, Insert Full Name, of Insert Address, in the **Insert State or Territory** solemnly and sincerely declare that:

1. ...
2. ...
3. ...
4. ...

and I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the Oaths Act 1867.

**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.**

**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.**

I state that\*1:

- ~~A. This declaration was made in the form of an electronic document.~~  
~~B. This declaration was electronically signed.~~  
~~C. This declaration was made, signed and witnessed under part 6A of the Oaths Act 1867~~  
D. This Declaration was physically signed in the physical presence of the witness.

.....  
**Signature**

..... / ..... / .....  
**Execution Date**

.....  
**Declarant's Signature**

.....  
**Full Name**

.....  
**Type of Witness\*2**

.....  
**Name of Law Practice /  
Witness's Place of Employment\*3**

*The footnotes are to assist in the completion of the form and should be deleted once complete.*

\*1Only statutory declarations that have been signed on paper in the physical presence of an authorised witness are able to be deposited with Titles Registry forms pursuant to sections 16C(6) and 31K(2) of the Oaths Act 1867 (Qld).

\*2Insert the witness's capacity that makes them eligible to witness the statutory declaration. For example, Australian legal practitioner, lawyer, justice of the peace, commissioner for declarations, notary public, government legal officer etc. Refer to section 16B of the Oaths Act 1867 for more information.

\*3If the Witness is not a justice of the peace or a commissioner for declarations, insert the name of the law practice for the Australian legal practitioner or the name of the government department of the government legal officer. Strike through if not applicable e.g., if it is witnessed by a justice of the peace or a commissioner for declarations. Refer to section 13E(2) of the Oaths Act 1867 for more information.

## [20-7000] Case Law

### [20-7000] Documents

In *Re Westpac Banking Corporation* [1987] 1 Qd R 300, it was decided that a registered document can contain covenants and conditions as well as other provisions which could not be classified as covenants and conditions.

The provisions of any registered document which are incorporated into another instrument, whether they be covenants and conditions or other types of provisions, will be deemed to be set out in full in that instrument.

## [20-8000] Fees

No fees are payable for the lodgement of a Form 20.

## [20-9000] Cross References and Further Reading

For further assistance in relation to preparation of statutory declarations refer to the relevant chapter for the Form in question:

Part 1 – Transfer

Part 2 – Mortgage (National Mortgage Form)

Part 5, 5A, 6 – Transmission Applications

Part 7 – Lease/Sub-lease

Part 9 – Easement

Part 13 – Amendment of Lease, Easement, Mortgage, Covenant, Profit a prendre or Building Management Statement

Part 14 – General Request

Part 23 – Priority Notice, Extension of Priority Notice and Withdrawal of Priority Notice

Part 60 - Miscellaneous