

# Part 32 – Building Management Statements

LAND TITLE PRACTICE MANUAL

Updated: 21 June 2021



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# Part 32 – Building Management Statements<sup>1</sup>

## [32-0000] General Law

A building management statement (BMS) is an instrument/document by which the registered owners of lots or lessees under the *Land Act 1994* in a development agree to reciprocal provisions that benefit and burden their lots (s. 54A(2)(b) of the *Land Title Act 1994* and s. 294B(2)(b) of the *Land Act*).

A BMS is analogous to reciprocal easements with management covenants.

A BMS must provide for the supply of utility services, access, support and shelter and insurance arrangements. They may also contain provisions for a range of administrative matters as set out in s. 54C(2) of the *Land Title Act* and s. 294D(2) of the *Land Act*.

A BMS affecting freehold and non freehold land may be dealt with under s. 54J of the *Land Title Act* and s. 294J of the *Land Act*.

A BMS under the *Land Act* only applies to transport land as defined in Schedule 6 of the *Land Act* (s. 294A of the *Land Act*).

For a BMS to be registered it must:

- identify the lots to which it applies (s. 54A(2)(a) of the *Land Title Act* or s. 294B(2)(a) of the *Land Act*) (the term lot is taken to include common property s. 41C of the *Land Title Act*);

**and** have for freehold land:

- at least one of the lots entirely or partly **contained**, in one or more buildings; or
- at least one of the lots entirely or partly **containing**, one or more buildings (s. 54A(3) of the *Land Title Act*);

**and** have for transport land under the *Land Act*:

- each lot entirely or partly **contained**, in one or more buildings; or
- each lot entirely or partly **containing**, one or more buildings (s. 294B(3) of the *Land Act*);

**and** must comprise:

- at least two volumetric format lots; or
- one or more volumetric format lots **and** one or more standard format lots (s. 54B(2) of the *Land Title Act* or s. 294C(2) of the *Land Act*); (s. 54B(3) of the *Land Title Act* provides that in s. 54B a reference to standard format lot or volumetric format lot is taken to include a reference to common property, providing the common property is created on registration of a building format plan or volumetric format plan);

**and,**

- the lots must form a single continuous area of land (s. 54AA of the *Land Title Act* or s. 294BA of the *Land Act*).

A BMS may be registered even if all of the lots to which it applies are registered in the name of a single owner or lessee under the *Land Act*.

On registration, a reference to the BMS is recorded on the title for every lot involved. Examination undertaken by the Registrar will generally involve addressing compliance with the mandatory requirements only.

A BMS can be amended by registering an amendment, however, every owner of the lots or lessee under the *Land Act* to which it applies must sign the amendment. The lots to which it applies cannot be changed by amendment see part 13, esp. [13-2150].

A BMS is not automatically extinguished if one person becomes the registered owner or lessee under the *Land Act* of all the lots to which it applies. Extinguishment of a BMS only occurs on registration of an extinguishment signed by the registered owners or lessees under the *Land Act* of all lots involved see part 34, esp. [34-2000].

## [32-1000] Legislation

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

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

## [32-2000] Practice

### [32-2000] Requirements of Building Management Statement

A BMS that is to be registered against the title to the lots involved must be prepared in a Form 32 – Building Management Statement.

For further information see [32-0000].

A BMS must contain provisions that benefit and burden the lots to which it applies, and the lots must be wholly or partly contained in, or wholly or partly contain a building. The BMS must be signed by the registered owner or the lessee under the *Land Act 1994* of every lot. If the lots form part of a community titles scheme the body corporate of the scheme is taken to be the registered owner and may sign the statement (s. 54I(b) of the *Land Title Act 1994*).

Every BMS **must** contain provisions for the supply of services, access, support and shelter and insurance arrangements.

They **may** also contain provisions about:

- the establishment and operation of a management group;
- the imposition of levies and how levied amounts are to be kept and spent;
- property maintenance;
- architectural and landscaping standards;
- the resolution of disputes;
- rules for services and facilities common to lots;
- administrative arrangements;
- extinguishment;
- proposed future development.

Dispute resolution provisions, if included, may include referral for arbitration other than to a court, however, they may not preclude final determination by a court of competent jurisdiction. Optional provisions may be set out in an attached schedule or in a registered standard terms document.

Rights of access, support and shelter or any other right that is included in a BMS that would appear to be in the nature of an easement, operate and are effective without the registration of any further instrument/document.

### [32-2040] Amendment of Building Management Statement

A BMS may be amended by registering an amendment that is prepared in a Form 13 – Amendment (see [13-2150]).

### [32-2050] Extinguishment of Building Management Statement

A BMS may be extinguished or partially extinguished by registering an extinguishment in Form 34 – Extinguishment of Building Management Statement (see part 34).

## [32-4000] Forms

### [32-4000] General Guide to Completion of Forms

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

## BUILDING MANAGEMENT STATEMENT

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 Titles Queensland website.

**Lodger** (Name, address, E-mail & phone number)  
SMYTHE & CO.  
SOLICITORS  
45 ADELAIDE STREET  
BRISBANE QLD 4000  
info@smytheco.com.au  
(07) 3227 9850

**Lodger Code**  
490

### 1. Registered Owners/State Lessees

HIGHRISE DEVELOPMENT PTY LTD ACN 124 123 457

### 2. Lot on Plan Description of affected land

### Title Reference

LOT 143 ON SP900567  
LOT 144 ON SP900567

50002571  
50002572

### 3. Execution

The Registered Owners/State Lessees of the lots referred to in item 2 reciprocally grant and agree to the terms and conditions of the Building Management Statement contained in:- ~~\*the attached schedule; \*the attached schedule and document no. ....~~; \*document no. 700587641.

\* delete if not applicable

**Witnessing officer must be aware of his/her obligations under section 162 of the Land Title Act 1994**

..... signature (seal)  
or Full name  
..... full name of company  
to be shown  
..... qualification 20/11/2007  
**Execution Date**

### Witnessing Officer

(Witnessing officer must be in accordance with Schedule 1 of Land Title Act 1994 eg Legal Practitioner, JP, C Dec)

W Smith, Director  
WILLIAM THOMAS SMITH

P Jones, Secretary  
PAUL JOHN JONES

**Registered Owner's/  
State Lessee's Signature**

..... signature  
..... full name  
..... qualification

### Witnessing Officer

(Witnessing officer must be in accordance with Schedule 1 of Land Title Act 1994 eg Legal Practitioner, JP, C Dec)

/ /  
**Execution Date**

**Registered Owner's/  
State Lessee's Signature**



## Guide to Completion of Form 32

### [32-4010] Item 1

Insert the full name(s) of the registered owner(s) or lessee(s) under the *Land Act 1994* and refer to the lots in Item 2 by parcel number.

### [32-4020] Item 2

Insert the 'Lot on Plan' descriptions of all lots comprised in the BMS with a parcel reference to identify each with one or more of the registered owners or lessees under the *Land Act 1994* in Item 1.

### [32-4030] Item 3

The registered owner(s) or lessee(s) under the *Land Act 1994* must complete and execute as required.

### [32-4040] Duty

A duty notation is not required on a Form 32 – Building Management Statement.

[32-6000] deleted

## [32-7000] Case Law

Nil.

## [32-8000] Fees

Fees payable to the Titles Registry are subject to an annual review. Refer to the Titles Fee Calculator available online or see [60 8000].

## [32-9000] Cross References and Further Reading

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

Part 34 – Extinguishment of Building Management Statement

### [32-9050] Notes in text

Note <sup>1</sup> – This part 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.