

Part 51 – Trusts

LAND TITLE PRACTICE MANUAL

Updated: 28 April 2026



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Part 51 – Trusts

[51-0000] General Law

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 2025*, 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

[51-0010] Bare Trust

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 2025*.

[51-0020] Deceased Estate

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 2025*, additional powers may be given to the trustee by the will.

[51-0030] Vesting Order

The Supreme Court has power, by virtue of s. 171 of the *Trusts Act 2025*, to vest property in a trustee on trusts for specific purposes.

[51-0040] Resulting Trust

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 the holder of the remainder interest, the legal estate will vest in the trustee with beneficial ownership in the life tenant and the holder of the remainder interest. But if the holder of the remainder interest disclaims their entitlement, the trustee will hold the property on a resulting trust for the settlor expectant on the death of the life tenant.

[51-0050] Constructive Trust

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

[51-0060] Discretionary Trust

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.

[51-0070] Unit Trust

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.

[51-0080] Property Trust

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.

[51-0090] Superannuation Fund

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.

[51-0091] Managed Investment Scheme

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.

[51-0100] Trusts Generally

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 2025* (or another Act).

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

[51-0110] The Settlor

The settlor is the person who creates the trust. Most trust deeds contain a settlor. The settlor must be a competent person. They must be under no legal disability:

- a. as to age (i.e. they must be over 18);
- b. as to soundness of mind; or
- c. which would prevent them from executing a legal document.

[51-0120] The Trustee

The trustee is the person in whom the legal estate vests when a trust is created. A trust must have a trustee (s. 27 of the *Trusts Act 2025*). There are various types of trustees, and each has unique requirements.

[51-0121] Trustee (an individual)

Section 27 of the *Trusts Act 2025* requires that there must be at least two individuals appointed as trustee, unless the terms of the trust instrument allow for the appointment of only one individual as trustee, or unless there was originally one individual appointed as trustee.

A trustee who is an individual must be over 18 (s. 13(1)(a) of the *Trusts Act*) and must have capacity to administer the trust (capacity is defined in s. 10 of the *Trusts Act*).

An individual appointed as trustee cannot be 'insolvent under administration' within the meaning of s. 9 of the *Corporations Act 2001* (Cth), which includes a bankrupt (s. 13(1)(b) of the *Trusts Act*).

Section 20 of the *Trusts Act* allows for the replacement of a trustee who loses capacity or becomes insolvent under administration, see Part [51-2075].

[51-0122] Trustee (a corporation)

Section 27(a) of the *Trusts Act 2025* provides that a company registered under the *Corporations Act 2001* (Cth) may be a trustee.

A trustee that is a corporation cannot be under administration or receivership, or have executed a Deed of Company Arrangement, or come within the definition of any other type of Chapter 5 body corporate under the *Corporations Act* (s. 13(1)(c) of the *Trusts Act*).

A company that is not a Trustee Company cannot be an executor (*In the Will of Docker* (1976) 27 FLR 345).

[51-0130] Trustee Company (Licensed Trustee Company)

A trustee company is a company that has been prescribed in Schedule 8AA of the *Corporations Regulation 2001* (Cth), as a trustee company (s. 601RAB of the *Corporations Act 2001* (Cth)). Some examples of trustee companies authorised under the Regulation include 'The Trust Company Limited' and 'Perpetual Limited'.

A trustee company is a 'trustee corporation' and may also be referred to as a 'licensed trustee company' (Schedule 1 *Trusts Act 2025*).

The Public Trustee of Queensland is also a trustee company by virtue of the *Public Trustee Act 1978* and the definition of 'trustee corporation' in the *Trusts Act 2025*.

A trustee company can be an executor (s. 5 of the *Trustee Companies Act 1968*).

[51-0140] Trustee of a Settlement

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

[51-0150] Trustee of a Deceased Trustee

A personal representative under a will, a grant of probate or letters of administration may assume the trusts of a deceased trustee, and in doing so becomes the trustee in the place of the deceased trustee.

[51-0160] Settlor or Appointor as Trustee

The settlor can appoint themselves 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 (the appointor) may appoint themselves unless the trust instrument does not allow such an appointment (s. 20(4) of the *Trusts Act 2025*).

[51-0170] Statutory Trustee

Where a person is beneficially entitled to an interest in the land, and carries out the functions of a trustee, without having actually been appointed by any instrument or document or any other Act to perform in that capacity, that person is a statutory trustee (s. 7(2) of the *Trusts Act 2025*). An example of this would be a life estate, in which case the life tenant is a statutory trustee.

The powers of a statutory trustee are restricted by the *Trusts Act*, see Part [51-0230].

[51-0175] Regulated Superannuation Funds

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.

[51-0180] Custodian Trustee

A custodian trustee appointed under s. 47 of the *Trusts Act 2025* should be recorded by a Form 1, see Parts [1-2390] or [1-2400].

Upon appointment, Section 48(1) 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, are vested in the managing trustees (s. 49(2) of the *Trusts Act*).

Any document executed by a custodian trustee must contain the written direction of the managing trustees, (s. 50(2) of the *Trusts Act*). If the managing trustee(s) has changed since the custodian trustee's appointment, a copy of the deed or instrument appointing the new managing trustee(s) must be deposited with the document as evidence, see Part [60-1030].

Managing trustees have the power to appoint new managing trustees, but once appointed, a custodian trustee can only have their trusteeship terminated in accordance with s. 56 of the *Trusts Act*.

[51-0190] Local Government Trustee

Section 16 of the *Trusts Act 2025* 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.

[51-0191] Managed Investment Schemes

Under s. 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. For further information see Part [51-2105].

[51-0200] Trusts with more than four Trustees

Trusts may have more than four trustees in certain circumstances, the validity of the appointment of more than four trustees will depend on the date on which the trustees were appointed.

[51-0200-1] Trusts that appointed more than four Trustees on or after 28 April 2026

A trust cannot have more than four trustees (s. 14 of the *Trusts Act 2025*) unless:

- the trust is a Charitable Trust (s.14(1)(a) of the *Trusts Act*);
- the trust is a Self-managed Superannuation Fund (SMSF) (s.14(1)(b) of the *Trusts Act*);
- the trustee is a Custodian Trustee (s. 14(4) of the *Trusts Act*); or
- a court has approved the appointment of more than four trustees (s. 15 of the *Trusts Act*).

[51-0200-2] Trusts that appointed more than four Trustees prior to 28 April 2026

Any valid appointment of more than four trustees prior to 28 April 2026 remains valid (s. 224 of the *Trusts Act 2025*).

A trust that was authorised to have more than four trustees under the *Trusts Act 1973* by approval of the Minister (s. 11 of the *Trusts Act 1973*) prior to 28 April 2026, remains valid (s. 225(2) of the *Trusts Act 2025*).

[51-0210] The Beneficiary

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 holds the beneficial interest in the property. The beneficiary can be a minor, an adult, or 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](#).

A trustee may be one of the beneficiaries, but a **sole** trustee cannot be the **sole** beneficiary. Where there is a sole trustee who is the sole beneficiary, no trust exists, because the interests have merged, meaning there is no separation of the legal and beneficial interests.

Depending on the terms of the trust instrument, a beneficiary may not have an immediate right in relation to the property however they will have rights as against the trustee in respect of the administration of the trust.

[51-0220] Trustee's Powers

The *Trusts Act 2025* gives wide powers to a trustee in dealing with trust property and there are only certain powers that can be restricted by the trust instrument.

[51-0230] Trustee's Powers under the *Trusts Act 2025*

A trustee has all of the powers of an absolute owner in relation to trust property (s. 82(1) of the *Trusts Act*).

A trustee's powers are therefore only subject to the same limits as those of an absolute owner, or any limits prescribed in the trust instrument (s. 82(3) of the *Trusts Act*).

However, there are some powers of a trustee which cannot be excluded by the trust instrument, these include to:

- sell the trust property (s. 82(2)(a))
- lease the trust property, or renew, extend, or vary an existing lease of the trust property (s. 82(2)(b));
- mortgage trust property, or renew, extend or vary a mortgage of the trust property (s. 82(2)(c)); and
- settle a debt or claim in relation to the trust property (s.82(2)(e)).

The general powers given by s. 82(2) as outlined above, are the minimum powers of a trustee and apply even if the trust instrument purports to restrict or modify such powers.

An exception to is that the powers of a statutory trustee are limited without court approval (s. 216 of the *Trusts Act*).

The Registrar of Titles takes a non-intrusive approach to trusts as it is the duty of the trustee to ensure that they have the power to engage in any transaction. Lodgement of an instrument or document in the titles registry is confirmation to the Registrar that the trustee has the power to enter into the transaction.

[51-0240] Trustee's Powers under the *Trusts Act 1973* (Transitional Provisions)

The *Trusts Act 2025* commenced on 28 April 2026 and repealed the *Trusts Act 1973* (s. 220 *Trusts Act 2025*). Any transactions or events regulated by the *Trusts Act 2025* that occurred prior to the Act's commencement, may be subject to the transitional provisions contained in Part 17 of the *Trusts Act 2025*.

Where transitional provisions apply, trustees should ensure any dealing lodged in the titles registry complies with the relevant provisions in Part 17 of the *Trusts Act*. Where appropriate, a letter confirming the circumstances and detailing the application of a provision in Part 17 of the *Trusts Act* should be deposited with the dealing.

[51-0250] Power to invest (including the purchase of land)

Section 69(1) of the *Trusts Act 2025* authorises a trustee to invest trust funds in any form investment, including the purchase of land, unless the terms of the trust instrument limit this power, see part [51-0230].

[51-0260] Sale of Land

Section 82(2)(a) of the *Trusts Act 2025* authorises a trustee to sell trust property, see part [51-0230].

The consent of a life tenant (where applicable) is required to a sale by a trustee.

The Court has the power to appoint a trustee for the purpose of selling property pursuant to s. 37 of the *Property Law Act 2023*.

[51-0270] Leases

[51-0270-1] As Lessor

See Part 7 – Lease/Sub-lease esp. [7-0010].

[51-0270-2] As Lessee

See Part 7 – Lease/Sub-lease esp. [7-0020].

[51-0280] Mortgages

[51-0280-1] As Mortgagor

See Part 2 – Mortgage (National Mortgage Form) esp. [2-0050].

[51-0280-2] As Mortgagee

See Part 2 – Mortgage (National Mortgage Form) esp. [2-0100].

[51-0300] Appropriation

An appropriation made under Division 3 of the *Trusts Act 2025* must be accompanied by a statutory declaration from the trustee stating:

- an appropriation has occurred in the course of administering the estate; and
- the provisions of s. 88 of the *Trusts Act* have been complied with (i.e. all persons interested in the appropriation have been notified); and
- a search of court records reveals no application has been made to the court to vary the appropriation.

Where notice of a proposed appropriation is required (s. 88 of the *Trusts Act*), the appropriation cannot be effected until the expiry of 2 months after service of the notice (s. 89(2) of the *Trusts Act*), or such extended time as is allowed by the court.

[51-0310] Death of Mortgagee Trustee

The correct procedure to be followed on the death of a mortgagee who holds as sole trustee as disclosed by the mortgage document is set out in Part [51-2080].

[51-0330] Schedule of Trusts in a Form 20 – Trust Details Form

The Form 20 – Trust Details Form containing the Schedule of Trusts in Item 2 is not an ‘instrument or document’. The registrable ‘instrument or document’ is the Form 1 – Transfer to Trustees.

In the case of land to be held under a Form 1 – Transfer to Trustees for any unincorporated body or club, if the Schedule of Trusts in Item 2 of the Form 20 – Trust Details Form sets out the powers given to the trustee without reference to the rules of the club, there is no necessity to lodge a certified copy of such rules. However, if the Schedule of Trusts in Item 2 of the Form 20 – Trust Details Form simply states that the trustee is to hold in accordance with the rules of the club, then a certified copy of the rules should be produced.

[51-0350] Trustee Company

The *Trustee Companies Act 1968* gives those companies listed in schedule 8AA of the *Corporations Regulations 2001* (Cth) some of the powers previously reserved solely to the Public Trustee of Queensland.

Individuals may join with a trustee company to apply for a grant of representation or may authorise a trustee company to apply for letters of administration with the will annexed (s. 6 of the Trustee Companies Act).

Similarly, in intestate estates, an individual entitled to a grant of representation may join with a trustee company to apply for representation, or may authorise the trustee company to apply for representation in its own name (s. 7 of the Trustee Companies Act).

In any estate where the gross value does not exceed \$100,000 and no person has applied for administration in Queensland, the trustee company may file in the court an election to administer the estate. The trustee company is then deemed to be the executor of the will or administrator of the estate (s. 12 of the Trustee Companies Act).

Where an administrator dies leaving part of the estate unadministered and the value does not exceed \$100,000, a trustee company may file an election to administer the property left unadministered, in lieu of applying for letters of administration *de bonis non*. It is then deemed the administrator of the estate left unadministered (s. 13 of the Trustee Companies Act).

Section 20 of the Trustee Companies Act permits any executor or administrator with the consent of the court to appoint a trustee company as executor or administrator in their place.

Legacies in favour of minors may be paid to a trustee company (s. 26 of the Trustee Companies Act). Where land is devised to a person and the debts, liabilities, funeral or administration expenses of the testator cannot be satisfied without recourse to the land or where the land is devised to a minor, the trustee company administering the estate is entitled to have transmission entered up to it as 'trustee', and has power to mortgage the land, sell the land at public auction or for the best price obtainable thereafter, or lease the land (s. 30 of the Trustee Companies Act). Whenever a trustee company is administering an estate, production of a certificate of appointment is all that is required as evidence of its authority (s. 39 of the Trustee Companies Act).

A trustee company, by s. 28 of the Trustee Companies Act, has power to sell trust land at public auction, by private contract if not sold after being offered at public auction or with the beneficiaries' consents in writing. It can also purchase land, subdivide land for the purpose of sale, exchange trust property and make appropriations.

In general, the powers in the Trustee Companies Act approximate those in the *Public Trustee Act 1978*, and the *Trusts Act 2025* fills in any gaps.

[51-0370] *Associations Incorporation Act 1981*

The *Associations Incorporation Act 1981* permits the incorporation of certain associations, provided the requirements of the Act are satisfied. The Act defines an association as an association, society, or body that is formed or carried on for a lawful purpose. It excludes:

- an association with fewer than seven individual members;
- a corporation;
- a partnership within the meaning of the *Partnership Act 1891*;
- an industrial organisation within the meaning of the *Industrial Relations Act 1990*;
- a parents and citizens association formed under the *Education (General Provisions) Act 1989*;
- an association formed or carried on for the purpose of providing financial gain for its members;
- an association which is provided for in a special Act that:
 - incorporates:
 - i. the association's governing body; or
 - ii. the trustees holding property for the association; or
 - provides that the association may sue or be sued, or hold property, in the name of the association or an officer of the association; or
 - otherwise specially regulates the affairs of the association;
- an association, the main purpose of which is the holding of property:
 - in which the members have a disposable interest; or
 - that the members have a right to divide between all or some of them; or
 - for use by some or all of its members or among persons claiming through, or nominated by, some or all of its members; or
 - for distribution of that property, or of the income from the property, among some or all of its members or among persons claiming through, or nominated by, some or all of its members; and
- an association which has an object of raising a fund by subscription of its members to make loans to them.

Once an application for incorporation has been granted, a certificate of incorporation is issued by the Office of Fair Trading and the association thereupon becomes a body corporate having the name shown. The association is then able to hold property in its own name. This certificate of incorporation must be deposited with any instrument or document that will record the incorporated association as a registered owner or the holder of an interest. For information about options for the deposit of supporting documentation see [60-1030].

Where an incorporated association has transitioned to a company registered under the *Corporations Act 2001*, a Form 14 – General Request to Record Change of Name must be deposited. (See [14-2035] for further information).

[51-0400] Delegation of a Trustee’s powers under s. 95 of the *Trusts Act 2025*

In certain circumstances where a trustee is unable to act (e.g. because of physical infirmity), s. 95 of the Trusts Act allows the trustee to temporarily delegate their powers to an individual or a Trustee Company.

A delegation under s. 95 of the Act can only be used for a limited time, and in circumstances which are narrower in scope than those available under a power of attorney. For this reason, where a trustee needs to delegate their powers, the trustee may consider a power of attorney to be a more appropriate method in the circumstances. For more information on trustees appointing an attorney to act as trustee under a power of attorney, see Part [16-2030].

[51-0400-1] When can a trustee’s powers be delegated

A trustee’s powers can only be delegated under s. 95(1) of the Trusts Act if the trustee:

- a. is absent, or is about to be absent, from the State; or
- b. is, or may be about to become, because of physical infirmity, temporarily incapable of performing the duties of a trustee.

The delegate only has authority in these circumstances for a defined period, which cannot exceed 12 months (see Part [51-0400-5]).

[51-0400-2] Who can be a delegate for a trustee

A trustee may delegate their power to:

- a. another individual who resides in the State; or
- b. a Trustee Company that carries on business in the State (see Part [51-0130]); or
- c. the Public Trustee.

However, the delegate must not be excluded from acting, meaning they cannot be:

- a. if an individual, the trustee’s only co-trustee (s. 95(2)(a) of the Trusts Act); or
- b. a person who cannot be appointed as a trustee under s. 13(1) of the Trusts Act.

[51-0400-3] Effect of delegation of a trustee’s powers

While the delegation is in effect (see Part [51-0400-5]), a delegate has the same powers, authorities, discretions, duties and liabilities as the trustee, except they cannot further delegate the power of the trustee (s. 97 of the Trusts Act).

[51-0400-4] Requirements for the delegation of a trustee’s powers

To be a valid delegation, there must be an instrument of delegation (s. 95(4) of the Trusts Act), which contains, at a minimum, the following:

- a. the circumstances in which the delegation is to operate; and
- b. the signatures of the trustee and the delegate.

In addition, the notice requirements under s. 99 of the Trusts Act that must be complied with.

[51-0400-5] Period the delegation is in effect

A delegation cannot be in effect for a period of more than 12 months, and the specific date a delegation commences, and ends will depend on the construction of the instrument of delegation, refer to s. 96 of the Trusts Act.

[51-1000] Legislation

Application of the *Land Title Act 1994* to the *Water Act 2000*^{2,3}

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 Parts [0-8100] and [0-8200] and [0-8300].

[51-2000] Practice

[51-2000] Introduction

Generally, a trust arises when, by virtue of a deed, will or other instrument or document, the legal owner (the trustee) is bound to hold the property for the benefit of a beneficiary (often for a stated purpose).

Legislation Covering Trusts

[51-2010] Primary

- *Trusts Act 2025*
- *Land Title Act 1994*
- *Land Act 1994*
- *Public Trustee Act 1978*
- *Trustee Companies Act 1968*
- *Succession Act 1981*
- *Partnership Act 1891*

[51-2020] Secondary

- *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

[51-2022] Transfer

It is not compulsory for a trust to be disclosed on the freehold land register however for a person to hold an interest in a State lease or sublease of a State lease as trustee, a transfer to, or instrument creating or vesting the interest in the person as trustee 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 an original Form 20 - Trust Details Form is deposited, copies of the document(s) that created the trust referred to in the Form 20 – Trust Details Form should not be deposited.

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 their own right whilst holding the land as an undisclosed trustee and they wish 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 Part [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.

[51-2025] Request to Vest in Trustee by Order made under the *Trusts Act 2025* or another Act

Section 173(1)(b) of the *Trusts Act* states that a vesting order vests the property in:

- i. in the person named, as trustees or otherwise, in the order; or
- ii. if more than 1 person is named, as trustee or otherwise, in the order – the persons named in the order, as joint tenant.

Accordingly, the court order determines the capacity in which the property is to be held. The name(s) and capacity (e.g. 'trustee') on any request to register a vesting order must be identical to those in the vesting order itself, or the request will not be capable of registration.

A copy of the vesting order must be deposited with any request (s. 174(1)(a) of the Trusts Act), see Part [60-1030].

[51-2027] Execution by an Attorney for an Undisclosed Trustee

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'.

[51-2030] Transfer to Trustees

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.

[51-2040] Instrument or Document Required to Record a Transfer to Trustees

Where the instrument in writing that creates 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 Part [1-2380]). The Form 20 – Trust Details Form containing the schedule of trusts is separate from the transfer instrument or document.

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 Part [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.

[51-2043] Deposit of Trust Document

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 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 Part [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
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

DESCRIPTION OF TRUST DOCUMENT ETC.	TITLES REGISTRY REQUIREMENTS
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 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).

[51-2046] Vesting in Trustees

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 2025* or another Act.

[51-2049] Instrument or Document Required to Record Vesting in Trustees

A Request to Vest must be in a Form 14. The vesting order made under the *Trusts Act 2025* and either an original Form 20 – Trust Details Form (see Part [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 Part [60-1030].

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].

[51-2050] Recording of replacement Trustees in particular circumstances

Section 20 of the *Trusts Act 2025* deals with the appointment of a new trustee in circumstances where a trustee (whether original, substituted, appointed by the court or otherwise):

- is dead (s. 20(1)(a) of the Trusts Act);
- declares by instrument, that the trustee wishes to be discharged from all or part of the trusts reposed in the trustee (s.20(1)(b) of the Trusts Act);
- refuses to act as trustee (s.20(1)(c) of the Trusts Act);
- is unfit to act as trustee (s.20(1)(d) of the Trusts Act);
- is incapable of acting as trustee, including, for example, because of having impaired capacity for administering the trust (s.20(1)(e) of the Trusts Act);
- becomes an insolvent under administration, e.g. a bankrupt (s.20(1)(f) of the Trusts Act);
- is disqualified from managing corporations in certain circumstances (s. 20(1)(g) of the Trusts Act);
- is a corporation that:
 - i. stops carrying on business (s.20(1)(h)(i) of the Trusts Act);
 - ii. becomes a Chapter 5 body corporate (s.20(1)(h)(ii) of the Trusts Act); or
 - iii. is deregistered or otherwise ceases to exist; (s.20(1)(h)(iii) of the Trusts Act); or
- is removed under the trust instrument (s.20(1)(i) of the Trusts Act).

When a new trustee is appointed because a trustee is removed in the circumstances above, the instrument or document applicable is a Form 1 – Transfer, together with the deposit of relevant evidence. See Part 1, esp. [1-2400] to [1-2425].

[51-2060] Authority for only one Trustee (an individual)

Where a trustee or trustees retire, are replaced, or otherwise ceases to act as trustee, and a sole trustee (an individual) remains or is appointed, the authority for a sole individual trustee must be contained within the trust instrument, or there must have been only one trustee appointed originally (s. 27(c) of the *Trusts Act 2025*), see Part [51-0121].

It is the duty of the trustee or their legal representative to determine that the trust instrument authorises a sole trustee, or that a sole trustee was originally appointed.

[51-2065] Removal of Trustee without a New Appointment

If it is only intended to record the removal of a trustee (without the replacement of that trustee by another trustee) the instrument or document applicable is:

- to record the death of the trustee (if not the last surviving trustee), a Form 4 – Request to Record Death, which may include the recording of the deaths of several trustees if applicable; or
- in all other instances where at least one trustee will remain, a Form 14 – General Request.

Where there will be a sole trustee (an individual) after the removal of a trustee, see Part [51-2060].

[51-2070] Retirement of Trustee without a new appointment

Section 30(1)(a) of the *Trusts Act 2025* allows a trustee to be discharged without replacement if there remains (s. 30(1)(b) of the *Trusts Act*):

- i. if the trustees are individuals, at least two individuals to act as trustee(s), see Part [51-0121]; or
- ii. if the trustee is an individual and the trust is authorised to have only one trustee, see Part [51-2060]; or
- iii. the remaining trustee will be a corporation or a trustee company, see Parts [51-0122] and [51-0130].

The instrument or document required is a Form 14 – General Request to record retirement of trustee.

[51-2080] Death of Sole Trustee

Upon the death of a sole trustee (last continuing trustee), whether or not the trust is recorded in the Register, the trust property automatically vests in the Public Trustee of Queensland (s. 38(1) of the *Trusts Act 2025*), see Part [1-2430].

The appointment of the new trustee may be recorded in one the following ways:

- where the Public Trustee will be acting in relation to the trust (s. 38(2)(a) of the *Trusts Act*), see Part [1-2430-1];
- a new trustee may be appointed e.g. by an Appointor under the terms of the trust deed (s. 40 of the *Trusts Act*), see Part [1-2430-2];
- the trust property can be vested in the holder of a grant of representation (s. 41 of the *Trusts Act*), see Part [1-2430-3]; or
- the personal representative of the sole trustee can appoint a new trustee (s. 21 of the *Trusts Act*), see Part [1-2430-4].

If the death of the sole trustee occurred prior to 28 April 2026, see Part [51-2080-1].

The documentation required to effect the vesting is a Form 1 – Transfer, together with supporting evidence (see Part 1, esp. [1-2430]). Lodgement fees are applicable and a duty notation is required.

[51-2080-1] Death of sole trustee prior to 28 April 2026

Pursuant to s. 236 of the *Trusts Act 2025* where the last continuing trustee (sole trustee) died prior to 28 April 2026, the provisions of s. 16 of the *Trusts Act 1973* apply.

Upon the death of a sole trustee, whether or not the trust is recorded in the Register, the trust property automatically vests in the Public Trustee of Queensland (s. 16(2) of the *Trusts Act 1973*).

The personal representative of the sole trustee can request that they be recorded as trustee upon deposit of evidence that they have notified the Public Trustee in writing in accordance with s. 16(2)(b) of the *Trusts Act 1973*. The land then vests in them as trustee (s. 15 of the *Trusts Act 1973*).

The documentation required is a Form 1 – Transfer, together with supporting evidence (see Part 1, esp. [1-2430-5]).

However, where the property has vested in the Public Trustee of Queensland under s. 16(2) of the Trusts Act 1973 and there is no one willing or able to appoint a new trustee, the Public Trustee may request to be recorded as trustee in the Titles Registry. In this instance a Form 1 – Transfer to vest is required to be registered. Evidence of death of the trustee must be deposited.

Lodgement fees are applicable and a duty notation is required.

[51-2090] Second Trustee Nominated to Take After Death of First

A testator may appoint a trustee of their will, and specify that on the death of that trustee another person will assume the office of trustee. If the Form 5 or 5A – Transmission by Death to the first trustee is recorded in the Register and the first trustee dies, a Form 14 – General Request requesting registration of the second trustee should be lodged. Evidence of the death of the first trustee should be annexed to a declaration identifying the applicant with the second trustee named under the will deposited with the Form 5 or 5A – Transmission by Death.

There is no divesting from the Public Trustee required in this case as the deceased trustee was not the last sole surviving trustee.

[51-2100] Recording more than four Trustees

A trust with more than four trustees can only be recorded on title if:

- the trust is a Charitable Trust (s.14(1)(a) of the *Trusts Act 2025*);
- the trust is a Self-managed Superannuation Fund (s.14(1)(b) of the Trusts Act);
- the trustee is a Custodian Trustee (s. 14(4) of the Trusts Act);
- a court has made an order approving the appointment of more than four trustees of the trust (s. 15 of the Trusts Act); or
- a certificate of approval was given by the Minister under the now repealed s. 11(3)(b) of the *Trusts Act 1973*, and:
 - i. the certificate was given prior to 28 April 2026 (s. 225(2) of the Trusts Act 2025); and
 - ii. the certificate was still in effect prior to 28 April 2026 (s. 225(1)(b) of the Trusts Act 2025).

Where there are more than four trustees, evidence of the following type must be deposited with the relevant instrument:

- a. **Letter** - if the authority is other than a court order or approval from the Minister, a letter from the Trustee or the Trustee's legal representative, confirming the trust is of a type that is authorised to have more than four trustees (e.g. a charitable trust);
- b. **Court Order** - the court order which authorises more than four trustees, see Part [60-1030]; or
- c. **Certificate of Approval from the Minister** – the certificate of approval given by the Minister approving more than four trustees prior to 28 April 2026, see Part [60-1030].

Note, for a Form 1 - Transfer, these requirements are in addition to the requirements set out in Part [51-2040].

[51-2105] Recording of a Responsible Entity

A 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 the Australian Securities and Investments Commission (ASIC) and will have an Australian Registered Scheme Number (ARSN).

The *Corporations Act 2001* (Cth) requires a responsible entity for a registered managed investment scheme to ensure that the scheme property is clearly identified as scheme property.

Section 601GB of the Corporations Act provides that a scheme constitution must be lodged with ASIC upon application to register the scheme.

It is not necessary for the scheme constitution to be deposited with the instrument recording the responsible entity. Instead, an original Form 20 – Responsible Entity Details Form should be deposited. For further information about completing the Form 20 - Responsible Entity Details Form refer to [51-4200].

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

[51-2115] Dealing by Trustee

Dual Capacity

A person who holds an interest in a lot in their own right and who is also a trustee of an interest in another lot cannot transfer or otherwise deal with both interests in one form. Dealings must be by way of a separate form for each estate.

However, one Form 1 – Transfer is acceptable where a person in their own right purchases a share in a lot and also purchases another share as trustee, in the same lot.

[51-2130] As Mortgagor

See Part 2 – Mortgage (National Mortgage Form), esp. [2-0050].

[51-2140] As Mortgagee

See Part 2 – Mortgage (National Mortgage Form), esp. [2-0100].

Trustee Registered Under a Transmission by Death

[51-2150] Where Death Occurred Before 1 January 1982

Previously, where the death occurred before 1 January 1982 (the date of promulgation of the *Succession Act 1981*), trustees were registered under 'old style transmissions' with certain limitations after the designation 'trustee'. For example, as 'devisee in trust', 'devisee in trust with power of sale', 'trustee', 'trustee by implication' or 'trustee for the purpose of carrying out the terms of a contract of sale'.

In addition, the Public Curator (as he then was) was registered as 'trustee under s. 53A of the *Public Curator Act 1915*'. Since the *Public Trustee Act 1978* repealed this section, no further cases of this kind will occur unless they were executed during the currency of the former Act and have not yet been lodged.

Occasionally a will may neglect to appoint an executor as trustee or, if there is an appointment as trustee, it may neglect to direct the legal estate to the trustee, and yet the will then proceeds to give powers and set out duties to be performed by a trustee. In such cases, the trustee would have been registered as 'trustee by implication'. An entry on the Register of 'trustee by implication' must be examined in conjunction with the will.

In the case of an 'old style transmission', where the trustee is registered as 'trustee for the purpose of carrying out the terms of a contract of sale', the trustee can only execute a Form 1 – Transfer to the purchaser named in the contract. If the contract is rescinded, a new transmission in favour of the person entitled under the will should be lodged with evidence of the rescission of the contract of sale.

[51-2160] Where Death Occurred on or After 1 January 1982

In deaths occurring on or after 1 January 1982, the 'old style' limitations on the designation 'trustee' are no longer used and the trustee is now recorded by the Form 5 or 5A – Transmission by Death as 'personal representative'.

[51-2200] Trust on Deed of Grant

When a deed of grant issues to grantees as trustees, a declaration of trust is received with the deed of grant. This is given a Dealing number after the deed of grant issues and the trustee is recorded in the Register. No fees apply. Any changes in the composition of the named trustees should be by a Form 1 – Transfer recording new trustees, accompanied by a copy of the Order in Council authorising the change.

When a deed of grant issues to trustees generally, and not individually, for public purposes and no other purpose whatsoever under s. 35 of the *Land Act 1994*, no declaration of trust is required to be lodged. An endorsement is entered in the Register, e.g. 'held upon trust, [etc]'. The Minister's written approval authorising an action must be deposited with the dealing for any dealings with the land.

[51-2210] Incorporation of Association

The various circumstances leading to registration of an incorporated association in the registry and the necessary documentation in relation thereto are set out below.

[51-2220] Change of Name of Incorporated Association

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.

[51-2230] Amalgamation of Two or More Incorporated Associations

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.

[51-2240] Incorporation of a Body Presently Holding Letters Patent under the *Religious Educational and Charitable Institutions Act 1861*

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.

[51-2250] Cancellation and Vesting of Property

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.

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.

[51-2260] Property Held on Trust for Incorporated Association Prior to Incorporation

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 a certified copy of the certificate of incorporation issued by the Office of Fair Trading.

[51-2300] Execution by a delegate under s. 95 of the *Trusts Act 2025*

A delegate exercising the powers of a Trustee under s. 95 of the *Trusts Act* can execute an instrument or document, provided the delegation is valid and in effect at the time of execution. For the specific requirements for an execution by a delegate and examples, see Part [61-3400]. For more information on the delegation of a Trustee's power under s. 95, see Part [51-0400].

[51-4000] Forms

[51-4000] General Guide to Completion of Forms

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

GENERAL REQUEST

Duty Imprint

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.

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

[51-4010] Item 1

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

[51-4020] Item 2

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

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

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

[51-4030] Item 3

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

[51-4040] Item 4

Insert the relevant interest, e.g. 'fee simple'.

[51-4050] Item 5

The applicant is the incorporated association.

[51-4060] Item 6

The Request should be substantially as shown in the example.

[51-4070] Item 7

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)
 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 on trust.

3. Name of Trust (if applicable)

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 2025* 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.

Signature

PServant

Signer Name

Andrew Peter Servant

Signer Authority

Delegated officer of Queensland City Council

Entity (if applicable)

Queensland City Council

Execution Date

11/05/2026

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)
 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 20/08/2019) and Jennifer Snadman who is a minor (date of birth 08/05/2021) until they reach the age of 21.

3. Name of Trust (if applicable)

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 2025* 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.

Signature	<u>W Snadman</u>
Signer Name	<u>William Snadman</u>
Signer Authority	<u>Trustee (Individual)</u>
Entity (if applicable)	<u></u>
Execution Date	<u>11/05/2026</u>

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)
 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 (if applicable)

The Jones Family Discretionary Trust

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

20/12/2024

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

Clause 4 of the Deed dated 20 December 2017

6. Trustees

Peter James Jones
Mary Sue Jones

7. Declaration

The Trustee states that:

- the information contained in this Form 20 – Trust Details Form is true and correct; and
- where applicable – any change in Trustee(s) is authorised by the Trust Document, the *Trusts Act 2025* or another authorising law; and
- 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.

Signature

W Sykes

Signer Name

Walter Paul Sykes

Signer Authority

Legal Practitioner

Entity (if applicable)

Big Law Firm

Execution Date

11/05/2026

[51-4100] Guide to Completion of Form 20 – Trust Details Form

[51-4110] Title Reference

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

[51-4120] Item 1

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.

[51-4130] Item 2

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.

[51-4140] Item 3

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

[51-4150] Item 4

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.

[51-4160] Item 5

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.

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. * Example: Clause 4 of the 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'.

[51-4170] Item 6

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'.

[51-4180] Item 7

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 see Part [51-2043].

Title Reference [51111011]

1. Name of Scheme Constitution

FIRST PLACE BALANCED PROPERTY FUND

2. Date of Scheme Constitution

2/09/2024

3. Name of Managed Investment Scheme and Australian Registered Scheme Number (ARSN)

FIRST PLACE BALANCED PROPERTY FUND ARSN 111 222 333

4. Name of Responsible Entity and Australian Company Number (A.C.N.)

FIRST PLACE PROPERTY LTD A.C.N 999 888 777

5. Declaration

The Responsible Entity signatory states that:

1. the information contained in this Form 20 – Responsible Entity Details Form is true and correct; and
2. the transaction and any change in Responsible Entity (if any) is authorised by the Scheme Constitution, the *Corporations Act 2001* (Cth), and any other legislation applicable to Managed Investment Schemes; and
3. any applicable duty under the *Duties Act 2001* has been accounted for.

Where a Solicitor signs on behalf of a Responsible Entity the Solicitor makes the above statements either from their own personal knowledge, or from information or assurances provided by the Responsible Entity.

Signature



Signer Name

Andrew James Taylor

Signer Authority

Legal Practitioner acting for the Responsible Entity

Execution Date

21/11/2024

[51-4200] Guide to Completion of Form 20 – Responsible Entity Details Form

[51-4210] Title Reference

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

[51-4220] Item 1

Insert the name of the Scheme Constitution. If the constitution is unnamed insert: 'Constitution for [name of Managed Investment Scheme]'.

[51-4230] Item 2

Insert the date of the Scheme Constitution.

[51-4230] Item 3

Insert the name of the Managed Investment Scheme and the Australian Registered Scheme Number (ARSN) for that scheme.

[51-4240] Item 4

Insert the name of the Responsible Entity and its Australian Company Number (ACN).

[51-4250] Item 5

The form must be signed by a company officer of the Responsible Entity or a Solicitor acting on behalf of the Responsible Entity.

Where a Solicitor is not signing on behalf of the Responsible 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 certain circumstances in Parts [50-2030] to [50-2050].

If an attorney is signing on behalf of the Responsible Entity, 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].

[51-5000] eConveyancing

[51-5010] Electronic Conveyancing and Electronic Conveyancing Document

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.

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). 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.

[51-5100] Scope Restrictions

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

[51-5200] Prescribed Requirements – Trust Details Form

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).

[51-5300] Attachments – Trust Details Form

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.

Where there are more than four trustees being recorded as trustees of the same trust, an attachment will need to be included with a Form 1, see Part [1-5300-1].

[51-5400] Execution and Certification

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

[51-5600] Electronic Form

[51-5610] Approved Electronic Form

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).

The Form 20 – Trust Details Form (electronic) is not an attachment to a Form 1 (electronic) and it cannot be provided as an attachment to a Form 1 (electronic) or as a separate dealing.

The Subscriber must 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 page 3 of Electronic Form Example 2 in Part [1-5600-3]).

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:

[51-5620] Electronic Form Example

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 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]).

[51-5700] Electronic Form Notes for Completion

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>Example:</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>

[51-8000] Fees

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

[51-9000] Cross References and Further Reading

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

[51-9050] Notes in text

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

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

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