

FOREIGN OWNERSHIP OF LAND REGISTER ACT AMENDMENT ACT

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Queensland



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ELIZABETHAE SECUNDAE REGINAE

No. 106 of 1990

An Act to amend the Foreign Ownership of Land Register
Act 1988-1989 in certain particulars

[ASSENTED TO 18TH DECEMBER, 1990]

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

1. Short title. This Act may be cited as the *Foreign Ownership of Land Register Act Amendment Act 1990*.

2. Principal Act and amended citation. (1) In this Act the *Foreign Ownership of Land Register Act 1988-1989* is referred to as the Principal Act.

(2) The Principal Act as amended by this Act may be cited as the *Foreign Ownership of Land Register Act 1988-1990*.

3. Amendment of s. 4. Interpretation. Section 4 of the Principal Act is amended by omitting from paragraph (1) of the definition "interest in land" the expression "3" and substituting the expression "25".

4. Amendment of s. 14. Access to information in register. Section 14 of the Principal Act is amended—

(a) by numbering the existing provision as subsection (1);

(b) by adding at the end of the section the following subsection:—

"(2) The Registrar shall not, without the written authorization of the Minister, provide to a person particulars of information recorded or contained in the register that would disclose or lead to the disclosure of the address of the principal place of residence of a consul or a member of the staff of an embassy.";

(c) by omitting from subsection (1) as so numbered by this Act the words "A person" and substituting the words "Subject to subsection (2), a person".

5. Amendment of s. 18. Disclosure of acquisition. Section 18 of the Principal Act is amended—

(a) in subsection (1), by omitting all words from and including the words "A person" to and including the words "this Act," and substituting the words "A foreign person who acquires the legal estate of an interest in land (other than as trustee for a foreign person or a foreign trust) after the commencement of the *Foreign Ownership of Land Register Act Amendment Act 1990*,";

(b) in subsection (3), by omitting the words "(as trustee) after the commencement of this Act," and substituting the words "(as trustee for a foreign person or a foreign trust) after the commencement of the *Foreign Ownership of Land Register Act Amendment Act 1990*,";

(c) in subsection (4), by inserting after the words "land shall," the words "for the purposes of this Act,".

6. **New s. 18A.** The Principal Act is amended by inserting after section 18 the following section:—

“**18A. Disclosure of disposal of interest.** (1) Where the legal estate of an interest in land is registered or recorded in the register or records of a relevant registering authority—

(a) in the name of a foreign person;

or

(b) in the name of a person who is the trustee for a foreign person or a foreign trust,

and the legal estate is disposed of, the person in whose name the legal estate is registered or recorded shall, in respect of the legal estate, lodge a notification of that disposal in the prescribed form with the Registrar not later than 90 days after the date on which that disposal took place.

(2) Where—

(a) the legal estate of an interest in land is registered or recorded in the register or records of a relevant registering authority in the name of a person who is not a foreign person, as trustee for a foreign person or a foreign trust;

(b) an interest other than the legal estate in that land is disposed of;

and

(c) as a result of that disposal, the person in whom the legal estate of that interest in land was vested no longer holds the legal estate as trustee for a foreign person or a foreign trust,

the person in whose name the legal estate was registered or recorded shall, in respect of the legal estate, lodge a notification of that disposal in the prescribed form with the Registrar not later than 90 days after the date on which that disposal took place.”.

7. **Amendment of s. 19. Notification upon ceasing to be a foreign person.** Section 19 of the Principal Act is amended in subsection (1)—

(a) in paragraph (a), by inserting after the word “trustee” the words “for a foreign person or a foreign trust”;

(b) in paragraph (b), by inserting after the words “name of a” the words “person, who is not a foreign person, as”.

8. **Amendment of s. 21. Other registries and transitional.** Section 21 of the Principal Act is amended—

(a) in subsection (2)—

(i) by omitting the words “this Act” where they first occur and substituting the words “the *Foreign Ownership of Land Register Act Amendment Act 1990*”;

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(ii) by inserting after the words “interest in land” the words “to which subsection (1) or (3) of section 18 applies,”;

(iii) by omitting the words “this Act,” and substituting the words “that Act,”.

(b) by omitting from subsection (4) the word “unless” and substituting the words “where the registering authority is not satisfied that”.