



*Land Title Act 1994*

# Land Title Regulation 2015

Current as at 1 July 2019

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Queensland

# Land Title Regulation 2015

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# Land Title Regulation 2015

## 1 Short title

This regulation may be cited as the *Land Title Regulation 2015*.

## 2 Commencement

This regulation commences on 1 December 2015.

## 3 Definitions

The dictionary in schedule 3 defines particular words used in this regulation.

## 4 Lodging instruments

- (1) A document in paper form may be lodged—
  - (a) at the offices of the land registry mentioned in schedule 1, part 1 during business hours; or
  - (b) at the offices of the land registry mentioned in schedule 1, part 2 at the times decided by the chief executive.
- (2) The chief executive must give a notice to the public of the times when a document in paper form may be lodged at the offices of the land registry mentioned in subsection (1)(b).
- (3) An electronic document, other than an electronic conveyancing document, may be lodged in the land registry through an electronic interface or other system made available for the purpose of electronic lodgement.

## 5 Forms

- (1) This section applies to a form to be lodged in the land registry, either in paper form or electronically, other than an electronic conveyancing document.

- (2) A form, other than a plan of survey, must—
  - (a) for a paper form—
    - (i) be printed on paper that is—
      - (A) international sheet size A4; and
      - (B) white bond of a density at least 80gm to a square metre; and
    - (ii) have all pages of the form and all attachments securely bound together in a way stated in the land title practice manual or otherwise approved by the registrar; and
  - (b) be free from discolouration and blemishes; and
  - (c) have clear margins no smaller than 10mm on all sides; and
  - (d) have a clear space no smaller than 90mm wide and 35mm deep at the top right-hand corner of the form for a duty imprint; and
  - (e) be completed on 1 side only; and
  - (f) comply with the following—
    - (i) use type size no smaller than 1.8mm (10 point);
    - (ii) if subparagraph (i) does not apply—
      - (A) for a paper form—the form is printed in a way that is permanent; and
      - (B) the form can be reproduced to produce a copy satisfactory to the registrar.
- (3) A plan of survey in paper form must be printed on paper that is—
  - (a) international sheet size A3; and
  - (b) of a density at least 130gm to a square metre.
- (4) An alteration on a form must be made by—
  - (a) striking through the printing or writing intended to be altered so the original printing or writing is still legible; and

- (b) having each party to the form and each witness initial the alteration to the form.
- (5) However, the registrar may accept a form that does not comply with subsection (4)(b) if the registrar is satisfied it is not reasonable to require each party to the form and each witness to initial the alteration to the form.

## 6 Fees

- (1) The fees payable under the Act are stated in schedule 2.
- (2) If an instrument (the *rejected instrument*) is rejected by the registrar under section 157(1) of the Act, the fee paid for lodging the instrument is forfeited.
- (3) Subsection (4) applies if—
  - (a) the rejected instrument changes the ownership of more than 1 lot or an interest in more than 1 lot; and
  - (b) the lodgement fee paid for the rejected instrument included an amount for each additional lot; and
  - (c) the instrument is relodged within 1 year of the instrument being rejected.
- (4) The fee payable for the relodgement of the instrument is the fee that would be payable if the instrument related to only 1 lot.
- (5) Subsection (6) applies if—
  - (a) the lodgement fee paid for the rejected instrument included an additional fee for the transfer of a fee simple, or a lease under the *South Bank Corporation Act 1989*; and
  - (b) the instrument is relodged within 1 year of the instrument being rejected.
- (6) The additional fee is not payable for the relodgement of the instrument.
- (7) A fee is not payable for the lodgement and registration of an instrument that relates to—

- (a) the acquisition by the State of an interest in land; or
- (b) the release or surrender by the State of an interest in land, other than a fee simple interest.

## **7 Repeal**

The Land Title Regulation 2005, SL No. 98 is repealed.



# **Schedule 1      Offices of the land registry**

section 4

## **Part 1**

Brisbane

## **Part 2**

Beenleigh

Bundaberg

Caboolture

Cairns

Gold Coast

Gympie

Ipswich

Kingaroy

Mackay

Maryborough

Nambour

Rockhampton

Roma

Toowoomba

Townsville

## Schedule 2 Fees

section 6(1)

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1 Creating an indefeasible title or, on request, a separate indefeasible title (other than a deed of grant)—for each indefeasible title created under section 37 or 57 of the Act	73.00
2 Lodging—	
(a) an instrument that changes ownership of a lot or an interest in a lot—	
(i) to record the death of an individual who is a joint tenant—	
(A) for 1 lot	36.00
(B) for each additional lot	nil
(ii) other than in the circumstances mentioned in subparagraph (i)—	
(A) for 1 lot	192.00
(B) for each additional lot	36.00
(b) a request to record a change of name of an individual, or to correct the name of an individual, who is the owner of a lot or an interest in a lot—	
(i) for 1 lot	36.00
(ii) for each additional lot	nil
(c) a plan of survey or an explanatory format plan—	
(i) for the plan	383.00
(ii) for each lot or interest surveyed or defined	28.00
(d) for establishing a community titles scheme—a request to record the first community management statement for the scheme	192.00

	\$
(e) for an established community titles scheme—a request to record a new community management statement for the scheme	93.00
(f) an application—	
(i) to reserve a name as the identifying name to be shown in the community management statement for a proposed community titles scheme (a <i>name reservation</i> ) under section 115F of the Act	93.00
(ii) to extend a name reservation under section 115G of the Act	93.00
(iii) to withdraw a name reservation under section 115G(3)(a) of the Act	nil
(g) a request to record a change of the address for service of a body corporate recorded on an indefeasible title for common property	36.00
(h) a request—	
(i) to cancel registration of a writ of execution under section 118 of the Act	nil
(ii) to register a discharge or satisfaction of a writ of execution under section 119 of the Act	192.00
(i) an application for a certificate of title under section 42 of the Act	nil
(j) a standard terms document under section 169(1) of the Act	nil
(k) a request to remove from an indefeasible title a lease or easement that has expired or a profit a prendre that has expired or otherwise ended	nil
(l) a request to note the lapsing of a caveat under section 126(5) of the Act	nil
(m) any other instrument	192.00
3 Additional fee for lodging a transfer if the consideration is more than \$180,000—	
(a) for a transfer of a fee simple—for each \$10,000 or part of \$10,000 more than \$180,000	36.00

## Schedule 2

	\$
(b) for a transfer of a lease under the <i>South Bank Corporation Act 1989</i> —for each \$10,000 or part of \$10,000 more than \$180,000	36.00
4 Examining sketch plans that are part of an instrument	36.00
5 Depositing, extending or withdrawing a priority notice under section 139(1), 141(1) or 143(1) of the Act	36.00
6 Depositing or removing an administrative advice, other than an advice deposited, or removed, by the State	28.00
7 Preparing and giving written notice of lodgement of a caveat under section 123 of the Act	36.00
8 Requisitioning an instrument or document lodged or deposited under section 156(1) of the Act	36.00
9 Search for—	
(a) an indefeasible title, if the information is generated—	
(i) for an entity mentioned in section 35(4) of the Act	16.30
(ii) otherwise	19.90
(b) the historical details of a title, if the information is generated—	
(i) for an entity mentioned in section 35(4) of the Act	25.55
(ii) otherwise	29.25
10 Copy of—	
(a) a certificate of title, if the image is generated—	
(i) for an entity mentioned in section 35(4) of the Act	16.30
(ii) otherwise	19.90
(b) a plan of survey, if the image is generated—	
(i) for an entity mentioned in section 35(4) of the Act	17.70
(ii) otherwise	21.30

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(c) any other instrument or document, including a community management statement	38.75
11 Search of a statement of registered dealing, community titles scheme or administrative advice against an indefeasible title	3.25
12 Investigative search of the register by an employee of the department (not including providing a copy of a document)—	
(a) if no additional computer programming time is required—for each hour or part of an hour	124.60
(b) if additional computer programming time is required—for each hour or part of an hour	348.00
13 Certifying a copy of a document mentioned in section 35(1)(b) of the Act	36.15
14 Providing lodgement support service bundle 1 to an ELN in relation to a conveyancing transaction	16.30
15 Providing lodgement support service bundle 2 to an ELN in relation to a conveyancing transaction	12.90

## Schedule 3 Dictionary

### section 3

*Act, repealed s 142* means section 142 of the Act as in force immediately before the commencement of the *Land and Other Legislation Amendment Act 2017*, section 39.

*administrative advice* means an advice that is an administrative advice under the land title practice manual.

*conveyancing transaction* see the Electronic Conveyancing National Law (Queensland), section 3.

*ELN* see the Electronic Conveyancing National Law (Queensland), section 3.

*land title practice manual* means the manual of land title practice kept under section 9A of the Act.

*lodgement support service bundle 1*, for a conveyancing transaction, means—

- (a) the particulars recorded in the freehold land register that are necessary to do any of the following in relation to the transaction—
  - (i) complete each instrument that may be lodged for the transaction;
  - (ii) identify anything in the register that is changed, lodged, noted, recorded or registered; and
- (b) confirmation, for each completed instrument, as to whether the instrument may be lodged electronically.

*lodgement support service bundle 2*, for a conveyancing transaction, means—

- (a) the particulars recorded in the freehold land register that are necessary to complete each instrument that may be lodged for the transaction; and
- (b) confirmation, for each completed instrument, as to whether the instrument may be lodged electronically.