



# **Queensland Future Fund (Titles Registry) Act 2021**

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Queensland

# Queensland Future Fund (Titles Registry) Act 2021

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# Queensland Future Fund (Titles Registry) Act 2021

**An Act to enable the performance of registry and other functions by a declared entity**

## **Part 1 Preliminary**

### **Division 1 Introduction**

#### **1 Short title**

This Act may be cited as the *Queensland Future Fund (Titles Registry) Act 2021*.

#### **2 Commencement**

- (1) Part 19 commences on 1 January 2022.
- (2) Any other provisions of this Act that are not in force on 1 July 2021 commence on a day to be fixed by proclamation.

#### **3 Main purpose of this Act and how it is to be achieved**

- (1) The main purpose of this Act is to support the State's contribution to the Queensland Future (Debt Retirement) Fund established under the *Queensland Future Fund Act 2020*.
- (2) The main purpose is to be primarily achieved by—
  - (a) declaring an entity in which the State has a financial interest to be the entity to whom functions relating to the

- land registry or water allocations register may be delegated under an Act; and
- (b) providing for the transfer of assets, liabilities, rights, responsibilities, obligations, operations and employees to the entity; and
  - (c) providing for the entity to collect and keep fees and other amounts relating to the land registry or water allocations register.
- (3) Other purposes of this Act are—
- (a) to ensure the entity mentioned in subsection (2)(a) properly performs the functions delegated to the entity under an Act; and
  - (b) to ensure the accuracy, availability, integrity and security of each register in the land registry and the water allocations register are not compromised by the delegation of functions to the entity mentioned in subsection (2)(a) under an Act.

## **Division 2                    Interpretation**

### **4            Definitions**

The dictionary in schedule 2 defines particular words used in this Act.

### **5            Meaning of *titles registry function***

A *titles registry function* is any of the following functions—

- (a) the functions of the registrar of titles under a titles registry Act that may be delegated to the operator under a titles registry Act;
- (b) the functions of the registrar of water allocations under the *Water Act 2000* that may be delegated to the operator under that Act.



## **6 References to functions**

In this Act—

- (a) a reference to a function includes a power; and
- (b) a reference to performing a function includes exercising a power.

# **Part 2 Operator**

## **7 Declaration of operator**

Queensland Titles Registry Pty Ltd ACN 648 568 101 is declared to be the operator for this Act.

## **8 Functions**

- (1) The operator has the following functions—
  - (a) to perform titles registry functions delegated to the operator, or other functions given to the operator, under a titles registry Act;
  - (b) to decide, collect and keep titles registry amounts;
  - (c) to act as the agent for the State or an official under an arrangement under section 46;
  - (d) to identify and pursue commercial arrangements that are not inconsistent with a function mentioned in paragraph (a), (b) or (c).
- (2) The operator may perform another function, or carry out an activity, only if the function or activity is not inconsistent with a function mentioned in subsection (1).

## **9 Operator's constitution**

- (1) The operator's constitution under the Corporations Act must include the functions of the operator mentioned in section 8(1).

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- (2) The operator must ensure its constitution under the Corporations Act is not inconsistent with a function of the operator mentioned in section 8(1).

## **10 Register of subdelegations by operator**

- (1) The operator must keep a register of subdelegations by the operator of a titles registry function delegated to the operator under a titles registry Act.
- (2) The register of subdelegations must include the following information for each subdelegation—
  - (a) the name of the person, or the title of the office of the person, to whom the titles registry function is subdelegated;
  - (b) a description of the titles registry function subdelegated and any conditions to which the subdelegation is subject.
- (3) The operator may—
  - (a) include any other information in the register of subdelegations the operator considers appropriate; and
  - (b) keep the register in the form the operator considers appropriate.
- (4) The operator must make the register of subdelegations available for inspection on request by an official.

# **Part 3 Titles registry amounts**

## **Division 1 Entitlement to collect and keep**

### **11 Amounts operator may collect and keep**

- (1) The operator is entitled to collect and keep the following amounts (each a *titles registry amount*)—

- 
- (a) titles registry fees;
  - (b) fees and charges applying under an agreement under—
    - (i) the *Land Act 1994*, section 285A; or
    - (ii) the *Land Title Act 1994*, section 198A.
- (2) A titles registry amount—
- (a) does not form part of the consolidated fund; and
  - (b) is a debt owing to the operator.

## Division 2                    Titles registry fees

### 12            Titles registry fees

- (1) This section applies in relation to a titles registry function performed under a titles registry Act.
- (2) The matters for which a fee is payable under the titles registry Act in relation to the titles registry function are provided for under schedule 1.
- (3) The amount of a fee for a matter mentioned in schedule 1 for a financial year (the *relevant financial year*) is—
  - (a) for the financial year starting on 1 July 2021—the amount stated in schedule 1 for the matter; or
  - (b) for the financial year starting on 1 July 2022 or later—the amount decided under section 13 for the relevant financial year.
- (4) A fee for a matter mentioned in schedule 1 and applying under subsection (3) is a *titles registry fee*.
- (5) This section applies in relation to a titles registry Act whether or not the titles registry Act expressly provides for this Act to make provision in relation to fees payable for titles registry functions performed under the titles registry Act.
- (6) This section does not affect the operation of any provision of a titles registry Act that provides—

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- (a) that no titles registry fee, or a reduced titles registry fee, is payable by a stated entity, for a stated matter or in stated circumstances including, for example, by an exemption; or
- (b) that the whole or a part of a titles registry fee may be waived for a stated entity, a stated matter or in stated circumstances.

### 13 Deciding amount of titles registry fees

- (1) The operator must decide the amount of the fee for a matter mentioned in schedule 1 for a financial year, starting with the financial year starting on 1 July 2022.
- (2) The amount of a fee decided under subsection (1) for a matter for a financial year (the *relevant financial year*) must not be more than—
  - (a) for the relevant financial year starting on 1 July 2022—the amount of the fee for the matter stated in schedule 1, CPI indexed for the relevant financial year; or
  - (b) for a relevant financial year starting on 1 July 2023 or later—the amount of the fee for the matter for the previous financial year, CPI indexed for the relevant financial year.
- (3) In this section—

*CPI* means the all groups consumer price index for Brisbane published by the Australian Bureau of Statistics.

*CPI indexed*, for a financial year (the *relevant financial year*), means the addition of any amount that equates to any percentage increase in the CPI between the following quarters—

- (a) the March quarter for the financial year before the previous financial year to the relevant financial year;
- (b) the March quarter for the previous financial year to the relevant financial year.

## **14 Notice of amount of titles registry fees**

- (1) The operator must, at least 30 business days before the start of each financial year, starting with the financial year starting on 1 July 2022—
  - (a) give each official written notice of the amount of each titles registry fee for the financial year; and
  - (b) publish the amounts of each titles registry fee for the financial year on the operator’s website.
- (2) The operator may publish the amounts of each titles registry fee in another way the operator considers appropriate.

## **Division 3 Revocation of delegations**

### **15 Application of division**

- (1) This division applies if—
  - (a) all delegations of titles registry functions by each official to the operator are revoked; and
  - (b) the Minister administering the *Land Title Act 1994* declares, by gazette notice, that all delegations of titles registry functions by each official to the operator have been revoked and this division applies.
- (2) The day on which the gazette notice mentioned in subsection (1) is published is the *revocation day*.

### **16 Particular provisions of this Act no longer apply**

At the end of the revocation day, section 8(1)(b) and divisions 1 and 2 stop applying.

### **17 Effect of revocation on titles registry fees**

- (1) The matters for which a fee is payable under a titles registry Act in relation to a titles registry function performed after the revocation day are the matters provided for under schedule 1.

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- (2) The amount of a fee for a matter mentioned in schedule 1 for a financial year is—
  - (a) the amount prescribed by regulation; or
  - (b) if no amount is prescribed—the amount applying under section 12(3) for the matter at the start of the revocation day.
- (3) Fees payable in relation to a titles registry function performed after the revocation day are to be paid to the State.
- (4) This section applies in relation to a titles registry Act whether or not the titles registry Act expressly provides for this Act to make provision in relation to fees payable for titles registry functions performed under the titles registry Act.
- (5) This section does not affect the operation of any provision of a titles registry Act that provides—
  - (a) that no fee, or a reduced fee, is payable by a stated entity, for a stated matter or in stated circumstances including, for example, by an exemption; or
  - (b) that the whole or a part of a fee may be waived for a stated entity, a stated matter or in stated circumstances.

## **18 Effect of revocation on other amounts**

- (1) This section applies in relation to fees and charges applying under an agreement under—
  - (a) the *Land Act 1994*, section 285A; or
  - (b) the *Land Title Act 1994*, section 198A.
- (2) After the revocation day, the fees and charges are to be paid to the State.

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## Part 4                      **Transfer of assets and liabilities and other matters**

### **19            Minister may decide arrangements**

- (1) The Minister may decide the arrangements that are to apply to the State and the operator to help achieve the main purpose of this Act through the performance of the operator's functions mentioned in section 8(1).
- (2) For subsection (1), the Minister may decide—
  - (a) the most appropriate way for the State to hold an interest in the operator, including, for example, by deciding whether shares in the operator are to be transferred to another entity with or without consideration; and
  - (b) the assets, liabilities, rights, responsibilities, obligations and operations of the State or an official that are to be transferred to the operator; and
  - (c) anything else necessary or incidental to facilitate the operation of the operator in a way that achieves the main purpose of this Act.

### **20            Transfer notice**

- (1) For the purpose of an arrangement under section 19, the Minister may, by gazette notice (a *transfer notice*), do any of the following—
  - (a) transfer shares in the operator to a stated entity;
  - (b) transfer an asset or liability of the State to the operator;
  - (c) make provision about the consideration for shares or an asset or liability transferred under paragraph (a) or (b);
  - (d) provide whether and, if so, the extent to which the operator is the successor in law of the State;
  - (e) make provision for a legal proceeding that is being, or may be, taken by or against the State or an official to be continued or taken by or against the operator;

- (f) make provision for or about the issue, transfer or application of an instrument to the operator, including—
    - (i) whether the operator holds, or is a party to, an instrument; and
    - (ii) whether an instrument, or a benefit or right provided by an instrument, is taken to have been given to, by or in favour of the operator; and
    - (iii) whether a reference to an entity in an instrument is a reference to the operator; and
    - (iv) whether, under an instrument, an amount is or may become payable to or by the operator or other property is, or may be, transferred to or by the operator; and
    - (v) whether a right or entitlement under an instrument is held by the operator;
  - (g) make provision about an incidental, consequential or supplemental matter the Minister considers necessary or convenient for the purposes of the arrangement.
- (2) A transfer notice may include conditions applying to something done or to be done under the notice.
  - (3) If the Minister is satisfied it would be inappropriate for a particular matter to be stated in a transfer notice (for example, because of the size or nature of the matter), the Minister may provide for the matter by including a reference in the transfer notice to another document that is—
    - (a) signed by the Minister; and
    - (b) kept available, at a place stated in the transfer notice, for inspection by the persons to whom the matter relates.
  - (4) The transfer of a liability of the State under a transfer notice discharges the State from the liability, except to the extent stated in the notice.
  - (5) A transfer notice has effect despite any other law or instrument.



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- (6) A transfer notice has effect on the day it is published in the gazette or a later day and time stated in the notice.
- (7) If a transfer notice makes provision for a matter under subsection (1)(f) in relation to an instrument, the responsible entity for the instrument must take the action necessary to register or record the effect of the transfer notice, including—
- (a) updating a register or other record; and
  - (b) amending, cancelling or issuing an instrument.
- (8) In this section—
- instrument* includes—
- (a) an accreditation, allocation, approval, entitlement, exemption, licence, permit or other authority under an Act; and
  - (b) an application, certificate, manual, notice, plan or other document made, issued or given under an Act; and
  - (c) an agreement, including an oral agreement.

*responsible entity*, for an instrument, means the entity required or authorised by law to register or record matters in relation to the instrument.

## **21 Time within which Minister may act**

The Minister may not perform a function under this part on or after 1 July 2022.

## **22 Effect on legal relationships**

- (1) Nothing done under this part—
- (a) makes a relevant entity liable for a civil wrong or contravention of a law, including for a breach of a contract, confidence or duty; or
  - (b) makes a relevant entity in breach of any instrument, including an instrument prohibiting, restricting or

- regulating the assignment, novation or transfer of a right or liability or the disclosure of information; or
- (c) except as expressly provided under a transfer notice, is taken to fulfil a condition that—
- (i) terminates, or allows a person to terminate, an instrument or obligation; or
  - (ii) modifies, or allows a person to modify, the operation or effect of an instrument or obligation; or
  - (iii) allows a person to avoid or enforce an obligation or liability contained in an instrument or requires a person to perform an obligation contained in an instrument; or
  - (iv) requires any money to be paid before its stated maturity; or
- (d) releases a surety or other obligee, wholly or partly, from an obligation.
- (2) If, apart from this subsection, the advice, consent or approval of a person would be necessary to do something under this part, the advice is taken to have been obtained or the consent or approval is taken to have been given unconditionally.
- (3) If, apart from this subsection, giving notice to a person would be necessary to do something under this part, the notice is taken to have been given.
- (4) In this section—
- instrument*** includes an agreement, including an oral agreement.
- relevant entity*** means—
- (a) the State or an officer, employee or agent of the State; or
  - (b) the operator or an officer, employee or agent of the operator.

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**23 Non-liability for duty**

No duty under the *Duties Act 2001* is payable in relation to anything done under a transfer notice.

## **Part 5 Transfer of employees**

**24 Definition for part**

In this part—

*eligible employee* means a person—

- (a) who, immediately before the commencement, was a public service employee of the department (land titles); and
- (b) whose name is stated in a list of employees who are eligible employees for this part—
  - (i) signed by the chief executive of the department (land titles); and
  - (ii) available at the head office of the department (land titles) for inspection by employees stated in the list.

**25 Transfer of eligible employees to operator**

On the commencement—

- (a) an eligible employee becomes an employee of the operator; and
- (b) the eligible employee stops being employed as a public service employee; and
- (c) the records of the land registry, to the extent they relate to the employment of the eligible employee, become records of the operator.

## **26 Preserved employment conditions and rights**

The transfer of an eligible employee does not—

- (a) materially affect the employee's benefits, entitlements or remuneration; or
- (b) prejudice the employee's existing or accruing rights to superannuation or recreation, sick, long service or other leave; or
- (c) interrupt the employee's continuity of service, except that the employee is not entitled to claim the benefit of a right or entitlement more than once in relation to the same period of service; or
- (d) constitute a retrenchment, redundancy or termination of the employee's employment by the State; or
- (e) entitle the employee to a payment or other benefit because the employee is no longer employed by the State; or
- (f) require the State to make any payment in relation to the employee's accrued rights to recreation, sick, long service or other leave regardless of any arrangement between the State and the employee.

## **27 Right to return to public service**

An eligible employee may, within 12 months after the commencement, elect to return to being a public service employee by giving written notice to the chief executive officer of the operator.

## **28 Conditions on return to public service**

- (1) This section applies to an eligible employee who, under section 27, elects to return to being a public service employee.
- (2) On the eligible employee's return to the public service—

- 
- (a) the employee is taken not to have stopped being a public service employee when the employee was transferred under section 25; and
  - (b) the employee's service as a public service employee is taken to have continued while the employee was employed by the operator; and
  - (c) the employee's terms of employment are the same terms of employment that applied to the employee before the employee's transfer under section 25, subject to any changes in relevant laws or industrial instruments applying to the employee's employment.
- (3) Subsection (2) does not allow the eligible employee to claim the benefit of a right or entitlement more than once in relation to the same period of service.

## **Part 6                      Performance of titles registry functions**

### **Division 1                Preliminary**

#### **29            Application of part**

This part applies if an official has delegated a titles registry function of the official to the operator under a titles registry Act.

#### **30            Use of official's title**

- (1) For performing the titles registry function, the operator, or a person to whom the operator has subdelegated the titles registry function under the titles registry Act, may act under the title of the official.
- (2) Subsection (1) does not prevent the operator, or a person to whom the operator has subdelegated the titles registry

function under the titles registry Act, from acting under the name of the operator.

## **Division 2                      Roles**

### **31            Role of official**

The official is to monitor and review the performance of the titles registry function by the operator in the way and to the extent the official considers appropriate.

### **32            Role of operator**

The operator is responsible for ensuring that the titles registry function is properly performed by the person to whom the titles registry function has been subdelegated under the titles registry Act.

## **Division 3                      Directions**

### **33            Power to give directions**

- (1) The official may give the operator a direction about the performance of the titles registry function.
- (2) The official may act under subsection (1) only if the official is satisfied it is necessary to give the direction—
  - (a) to ensure the proper performance of titles registry functions delegated to the operator; or
  - (b) to ensure the official is able to properly perform the official's titles registry functions; or
  - (c) to ensure the accuracy, availability, integrity or security of a titles register.
- (3) The direction must be in writing but may be given orally if the official considers immediate action needs to be taken for a matter mentioned in subsection (2).

- (4) If the direction is given orally, the official must confirm the direction by also giving the direction in writing as soon as practicable after giving the direction orally.
- (5) An arrangement entered into between the State and the operator may deal with the consequences of noncompliance with a direction given to the operator under this section.

## **Division 4 Administration**

### **34 Appointment of administrator**

- (1) The Minister administering the *Land Title Act 1994* may appoint an administrator to act in place of the operator for performing the operator's functions under section 8(1) for a period.
- (2) The Minister may act under subsection (1) only if the Minister is satisfied the appointment is necessary—
  - (a) to ensure the proper performance of titles registry functions delegated to the operator; or
  - (b) to ensure an official is able to properly perform titles registry functions not mentioned in paragraph (a); or
  - (c) to ensure the accuracy, availability, integrity or security of a titles register.
- (3) As soon as practicable after appointing the administrator, the Minister must publish, by gazette notice, the name of the administrator and the period for which the administrator is appointed.
- (4) The Minister must not delegate the Minister's function of appointing an administrator under this section.
- (5) The Minister may act under this section—
  - (a) whether or not a direction has been given under section 33; and
  - (b) whether or not a direction given under section 33 has been complied with.

### **35 Functions of administrator**

- (1) This section applies if an administrator is appointed under section 34 to act in place of the operator for performing the operator's functions under section 8(1) (the *relevant functions*) for a period.
- (2) The administrator has all the responsibilities, obligations and functions of the operator to the extent they relate to performing the relevant functions during the period.
- (3) Despite section 30, the administrator must perform the relevant functions under the name of 'administrator of (name of operator)'.
- (4) This Act and each relevant titles registry Act apply in relation to the administrator as if the administrator were the operator.
- (5) For subsection (4), each delegation of a titles registry function under a titles registry Act applies to the administrator in place of the operator.
- (6) However, despite a titles registry Act, the administrator—
  - (a) may revoke a subdelegation of the titles registry function; and
  - (b) may, but is not required to, subdelegate the titles registry function to another appropriately qualified employee of the operator.

### **36 Operator to help administrator**

If an administrator is appointed under section 34, the operator must give the administrator reasonable help to perform the administrator's functions under this division.

### **37 Costs of administration**

- (1) If an administrator is appointed under section 34, the costs of the administrator performing the administrator's functions under this division are payable by the operator.
- (2) The costs mentioned in subsection (1) include—



- 
- (a) the administrator's remuneration at a rate decided by the Minister administering the *Land Title Act 1994*; and
  - (b) costs reasonably incurred by the administrator in performing the operator's functions under section 8(1).
- (3) The State may recover the costs mentioned in subsection (1) that are unpaid by the operator as a debt.

### **38 Amounts received for operator**

Titles registry amounts and other amounts received by an administrator appointed under section 34, in relation to the performance of the operator's functions under section 8(1) during the period of the administration, are payable to the operator.

## **Division 5 Report about titles registry functions**

### **39 Information to be included in annual report**

- (1) The chief executive of the department (land titles) must ensure the department's annual report for a financial year includes information about the performance of titles registry functions by the operator in the financial year.
- (2) Without limiting subsection (1), the report must include information about any appointment of an administrator under section 34.
- (3) The operator must, if requested by the chief executive of the department (land titles), give information about the performance of titles registry functions by the operator in a financial year.
- (4) In this section—

*annual report* means annual report under the *Financial Accountability Act 2009*.

## Division 6                      Limitation of review

### 40            Limitation of review

- (1) This section applies to the following decisions—
  - (a) a decision of an official to give a direction under section 33;
  - (b) a decision of the Minister administering the *Land Title Act 1994* to appoint an administrator under section 34.
- (2) The *Judicial Review Act 1991*, part 4 does not apply to the decision.
- (3) Subject to subsection (4), the decision—
  - (a) is final and conclusive; and
  - (b) can not be challenged, appealed against, reviewed, quashed, set aside or called in question in any other way, under the *Judicial Review Act 1991* or otherwise (whether by the Supreme Court, another court, a tribunal or another entity); and
  - (c) is not subject to any declaratory, injunctive or other order of the Supreme Court, another court, a tribunal or another entity on any ground.
- (4) The *Judicial Review Act 1991*, part 5 applies to the decision to the extent it is affected by jurisdictional error.
- (5) In this section—

**decision** includes a decision, or conduct, leading up to or forming part of the process of making a decision.

## Part 7                              Operation of other laws

### 41            Application of particular State Acts

- (1) To the extent the operator is performing a titles registry function, the operator is—

- 
- (a) a unit of public administration under the *Crime and Corruption Act 2001*, section 20; and
  - (b) a public authority under the *Information Privacy Act 2009*, section 21; and
  - (c) a public authority under the *Public Records Act 2002*, schedule 2; and
  - (d) a public authority under the *Right to Information Act 2009*, section 16.
- (2) Also, the operator is a public entity under the *Human Rights Act 2019*, section 9, to the extent the operator is performing—
- (a) a titles registry function; or
  - (b) another function of a public nature under the *Human Rights Act 2019*, section 10.
- (3) The operator is an entity mentioned in subsection (1)(b), (c) and (d) only in relation to a document received, created or otherwise in the possession of the operator in performing the titles registry function.
- (4) For applying subsection (1)(b) and (d), a reference in the following provisions to the responsible Minister is a reference to the Minister administering the *Land Title Act 1994*—
- (a) the *Information Privacy Act 2009*, section 126;
  - (b) the *Right to Information Act 2009*, section 113.
- (5) This section applies despite a provision of an Act mentioned in subsection (1) or (2).

## **42 Corporations legislation displacement provision—Crime and Corruption Act 2001**

- (1) This section applies in relation to the application of the *Crime and Corruption Act 2001* to the operator as a unit of public administration under that Act.
- (2) The *Crime and Corruption Act 2001*, sections 38, 39, 40(4) and 40A(5) are declared to be Corporations legislation

displacement provisions for the Corporations Act, section 5G in relation to the Corporations Act, section 1317AAE.

## Part 8 Miscellaneous

### 43 Exchange of information

- (1) The operator may ask an official for any information relevant to the operator performing a function mentioned in section 8(1)(a), (b) or (c).
- (2) An official may ask the operator for any information relevant to the operator performing a function of the official.
- (3) The official or operator is authorised to give the information requested under subsection (1) or (2).
- (4) Also, the official is authorised to give information to the operator in relation to achieving the main purpose of this Act as mentioned in section 3(2)(b).
- (5) To remove any doubt, it is declared that this section authorises the use and disclosure of personal information within the meaning of the *Information Privacy Act 2009*, section 12.

*Note—*

See the information privacy principles stated in the *Information Privacy Act 2009*, schedule 3, sections 10(1)(c) and 11(1)(d).

### 44 Operator's duty to disclose information

- (1) This section applies in relation to a matter relating to a titles registry function performed by the operator for an official if—
  - (a) the matter is the subject of a proceeding; or
  - (b) the operator believes, or ought reasonably to believe, the matter may become the subject of a proceeding.
- (2) However, this section does not apply in relation to a matter that is the subject of a proceeding to which the operator is a party.

- 
- (3) The operator has a duty to disclose to the official all information about the matter in the possession or control of the operator.
  - (4) The duty continues until—
    - (a) if the matter is or becomes the subject of a proceeding—the proceeding is finally decided or otherwise ends; or
    - (b) otherwise—the matter is no longer in effect or the operator reasonably believes it will otherwise no longer become the subject of a proceeding.

#### **45 Protection from liability**

- (1) A person employed by the operator is not civilly liable for an act done or omission made honestly and without negligence in performing a function of the operator mentioned in section 8(1)(a), (b) or (c).
- (2) An administrator appointed under section 34 is not civilly liable for an act done or omission made honestly and without negligence in performing a function of the administrator under part 6, division 4.
- (3) If subsection (1) or (2) prevents civil liability attaching to a person, the liability attaches instead to the State.
- (4) Despite the *Public Sector Act 2022*, section 267, an employee of the operator or an administrator appointed under section 34 is not a prescribed person under section 267 of that Act.

#### **46 Agency arrangement**

The State or an official may enter into an arrangement with the operator for the operator to act as the agent of the State or official including, for example, in relation to the following matters—

- (a) legal proceedings relating to a titles register;
- (b) functions of the official under the Electronic Conveyancing National Law (Queensland);

- (c) another matter relating to a titles register.

#### **47 Regulation-making power**

- (1) The Governor in Council may make regulations under this Act.
- (2) A regulation may provide for a maximum penalty of 20 penalty units for a contravention of a regulation.

## **Part 9 Repeal and transitional provisions**

### **Division 1 Repeal**

#### **48 Repeal**

The following regulations are repealed—

- Foreign Ownership of Land Register Regulation 2013, SL No. 152
- Land Title Regulation 2015, SL No. 145.

### **Division 2 Transitional provisions**

#### **49 Application of s 11**

Section 11 applies to a fee or charge that becomes payable under a titles registry Act or an agreement after the commencement even if—

- (a) the matter for which the fee or charge becomes payable happened before the commencement; and
- (b) for a fee or charge payable under an agreement mentioned in section 11(1)(b)—the agreement was entered into before the commencement.

**50 Fees or charges payable before the commencement**

- (1) This section applies in relation to a fee or charge that—
  - (a) became payable under a titles registry Act or an agreement mentioned in section 11(1)(b) before the commencement; and
  - (b) immediately before the commencement, had not been paid by the person required to pay it; and
  - (c) but for this section, would on the commencement be a titles registry amount under section 11.
- (2) The fee or charge continues to be payable to, and recoverable as a debt by, the State.

## Schedule 1      Titles registry fees

sections 12 and 17

### Part 1                      Fees relating to land registry under Land Act 1994

#### Division 1                Interpretation

##### 1                      Interpretation

(1) In this part—

- (a) a reference to the Act is a reference to the *Land Act 1994*; and
- (b) a word that is used in the *Land Act 1994* has the same meaning as it has in that Act.

(2) Also, in this part—

***administrative advice*** means an advice that is an administrative advice under the manual of land practice kept under section 286A of the Act.

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

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

***licence*** means—

- (a) a licence under the Act; or
- (b) a plantation licence.

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

- (a) the particulars recorded in the appropriate register that are necessary to do any of the following in relation to the transaction—



- (i) complete each document 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 document, as to whether the document may be lodged electronically.

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

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

***permit to occupy*** means a permit to occupy unallocated State land, a reserve or a road issued under section 177 of the Act.

***road licence*** means a licence over a road issued under section 103 of the Act.

## Division 2 Fees payable

<b>Matter for which fee payable</b>	<b>Amount \$</b>
1 Lodging—	
(a) a document that changes the lessee of a lease, the licensee of a licence or the holder of an interest in a lease or licence—	
(i) to record the death of an individual who is a joint tenant—	
(A) for 1 lease or licence	37.00
(B) for each additional lease or licence	nil

<b>Matter for which fee payable</b>	<b>Amount \$</b>
(ii) other than in the circumstances mentioned in subparagraph (i)—	
(A) for 1 lease or licence	197.00
(B) for each additional lease or licence	37.00
(b) a request to record a change of name of an individual, or to correct the name of an individual, who is a lessee of a lease, a licensee of a licence or a holder of an interest in a lease or licence—	
(i) for 1 lease or licence	37.00
(ii) for each additional lease or licence	nil
(c) a surrender of a lease, trustee lease, road licence, occupation licence or permit to occupy	nil
(d) a standard terms document under section 318 of the Act	nil
(e) a plan of survey—	
(i) for the plan	394.00
(ii) for each lot or interest surveyed or defined	29.00
(f) a request—	
(i) to cancel registration of a writ of execution under section 388 of the Act	nil
(ii) to register a discharge or satisfaction of a writ of execution under section 389 of the Act	197.00
(g) a request—	
(i) to cancel registration of an enforcement warrant under section 61SX of the <i>Forestry Act 1959</i>	nil
(ii) to register a discharge or satisfaction of an enforcement warrant under section 61SY of the <i>Forestry Act 1959</i>	197.00

<b>Matter for which fee payable</b>	<b>Amount \$</b>
(h) another document	197.00
2 Examination of a sketch plan that is part of a lodged document	37.00
3 Search for—	
(a) the current details of a lease, licence, permit or reserve—	
(i) if the information is generated for an entity mentioned in section 284(4) of the Act or section 61TS(4) of the <i>Forestry Act 1959</i>	16.75
(ii) otherwise	20.45
(b) the historical details of a lease or licence—	
(i) if the information is generated for an entity mentioned in section 284(4) of the Act or section 61TS(4) of the <i>Forestry Act 1959</i>	26.25
(ii) otherwise	30.10
4 Obtaining an image of—	
(a) a lease, licence or permit to occupy—	
(i) if the image is generated for an entity mentioned in section 284(4) of the Act or section 61TS(4) of the <i>Forestry Act 1959</i>	16.75
(ii) otherwise	20.45
(b) another document	39.85
5 Obtaining a copy of particulars mentioned in section 284(1)(b) of the Act or section 61TS(1)(b) of the <i>Forestry Act 1959</i>	37.15
6 Requisition of a document lodged or deposited under section 305(1) of the Act or section 61TQ(1) of the <i>Forestry Act 1959</i>	37.00

## Schedule 1

<b>Matter for which fee payable</b>	<b>Amount \$</b>
7 Search of a statement of registered dealing or administrative advice against a lease or licence	3.35
8 Investigative search of a register (not including providing a copy of a document)—	
(a) if no computer programming is required—for each hour or part of an hour	128.10
(b) if computer programming is required—	
(i) for each hour or part of an hour not involving computer programming time	128.10
(ii) for each hour or part of an hour involving computer programming time (excluding any part of an hour for which a fee under subparagraph (i) applies)	357.85
9 Depositing an administrative advice or a request to remove an administrative advice, other than by the State	29.00
10 Preparation and giving of a notice of the lodgement of a caveat under the Act or the <i>Forestry Act 1959</i>	37.00
11 Provision of lodgement support service bundle 1 to an ELN in relation to a conveyancing transaction	16.75
12 Provision of lodgement support service bundle 2 to an ELN in relation to a conveyancing transaction	13.25

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## **Part 2**                      **Fees relating to land registry under Land Title Act 1994**

### **Division 1**                **Preliminary**

#### **2**            **Application of part**

- (1) This part provides for fees payable under a titles registry Act in relation to titles registry functions relating to the land registry under the *Land Title Act 1994*.
- (2) Generally, the fees are payable for matters mentioned in division 2.
- (3) However, if division 3 provides for a matter in relation to a titles registry function performed under a titles registry Act that is also provided for under division 2—
  - (a) the reference to the matter in division 2 does not apply in relation to the performance of the function; and
  - (b) the fee payable in relation to the performance of the function is for the matter provided for under division 3.

### **Division 2**                **General fees**

#### **Subdivision 1**        **Interpretation**

#### **3**            **Interpretation**

- (1) In this division—
  - (a) a reference to the Act is a reference to the *Land Title Act 1994*; and
  - (b) a word that is used in the *Land Title Act 1994* has the same meaning as it has in that Act.
- (2) Also, in this part—

***administrative advice*** means an advice that is an administrative advice under the manual of land title practice kept under section 9A of the Act.

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

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

***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.

## Subdivision 2 Fees payable

<b>Matter for which fee payable</b>	<b>Amount \$</b>
1 Creation of 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	75.00

Matter for which fee payable	Amount \$
2 Lodging—	
(a) an instrument that changes the 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	37.00
(B) for each additional lot	nil
(ii) other than in the circumstances mentioned in subparagraph (i)—	
(A) for 1 lot	197.00
(B) for each additional lot	37.00
(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	37.00
(ii) for each additional lot	nil
(c) a plan of survey or an explanatory format plan—	
(i) for the plan	394.00
(ii) for each lot or interest surveyed or defined	29.00
(d) for establishing a community titles scheme—a request to record the first community management statement for the scheme	197.00
(e) for an established community titles scheme—a request to record a new community management statement for the scheme	96.00
(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 ( <i><b>name reservation</b></i> ) under section 115F of the Act	96.00
(ii) to extend a name reservation under section 115G of the Act	96.00

## Schedule 1

<b>Matter for which fee payable</b>	<b>Amount \$</b>
(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	37.00
(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	197.00
(i) a request to note the lapsing of a caveat under section 126(5) 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) any other instrument	197.00
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	37.00
(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	37.00
4 Examination of a sketch plan that is part of a lodged document	37.00
5 Obtaining a certified copy of a document mentioned in section 35(1)(b) of the Act	37.15
6 Obtaining an image of—	
(a) a certificate of title—	
(i) if the image is generated for an entity mentioned in section 35(4) of the Act	16.75



<b>Matter for which fee payable</b>	<b>Amount \$</b>
(ii) otherwise	20.45
(b) a plan of survey—	
(i) if the image is generated for an entity mentioned in section 35(4) of the Act	18.20
(ii) otherwise	21.90
(c) any other instrument or document, including a community management statement	39.85
7 Search for—	
(a) an indefeasible title—	
(i) if the information is generated for an entity mentioned in section 35(4) of the Act	16.75
(ii) otherwise	20.45
(b) the historical details of a title—	
(i) if the information is generated for an entity mentioned in section 35(4) of the Act	26.25
(ii) otherwise	30.10
8 Preparation and giving of written notice of lodgement of a caveat under the Act	37.00
9 Depositing—	
(a) a priority notice under section 139(1) of the Act	37.00
(b) a request to extend or withdraw a priority notice under section 141(1) or 143(1) of the Act	37.00
10 Depositing an administrative advice, or a request to remove an administrative advice, other than by the State	29.00
11 Requisition of an instrument or other document lodged or deposited under section 156(1) of the Act	37.00
12 Search of a statement of registered dealing, community titles scheme or administrative advice against an indefeasible title	3.35
13 Investigative search of a register (not including providing a copy of a document)—	

## Schedule 1

<b>Matter for which fee payable</b>	<b>Amount \$</b>
(a) if no computer programming is required—for each hour or part of an hour	128.10
(b) if computer programming is required—	
(i) for each hour or part of an hour not involving computer programming time	128.10
(ii) for each hour or part of an hour involving computer programming time (excluding any part of an hour for which a fee under subparagraph (i) applies)	357.85
14 Provision of lodgement support service bundle 1 to an ELN in relation to a conveyancing transaction	16.75
15 Provision of lodgement support service bundle 2 to an ELN in relation to a conveyancing transaction	13.25

## **Division 3            Additional or alternative fees**

### **Subdivision 1        Interpretation**

#### **4            Interpretation**

In this division—

- (a) a reference to the Act is a reference to the Act for which the fees are stated; and
- (b) a word that is used in the Act for which the fees are stated has the same meaning as it has in that Act.

## Subdivision 2 Fees for Building Units and Group Titles Act 1980

<b>Matter for which fee payable</b>	<b>Amount \$</b>
1 Lodging in the land registry—	
(a) a plan or a plan of amalgamation mentioned in section 11 of the Act—	
(i) lodgement fee	394.00
(ii) additional fee for each lot in the plan	29.00
(b) a notice of conversion under section 12 of the Act	133.00
(c) a request to register an order, made under section 25(7A)(c) of the Act, directing an amendment of a building units plan	133.00
(d) a notification of a proposed extinguishment of a plan under section 26(1)(a) of the Act	133.00
(e) a notification of an amendment of, addition to or repeal of by-laws under section 30(3) of the Act	133.00
(f) a copy of a referee's order or the tribunal's order under section 112(1)(a) of the Act	133.00
(g) another document under the Act	37.00
2 Furnish of copies of a registered plan or amendment of a registered plan under section 14 of the Act	29.00
3 Application to—	
(a) reserve a name under section 120(1) of the Act	96.00
(b) extend the period for which a name is reserved under section 120(3) of the Act	96.00

### **Subdivision 3 Fees for Foreign Ownership of Land Register Act 1988**

<b>Matter for which fee payable</b>	<b>Amount \$</b>
1 Obtaining a title search statement of the details of interests in land held by a person recorded in the register	20.45
2 Preparation and extraction of statistical data from computerised information recorded in the register—	
(a) if no computer programming is required—for each hour or part of an hour	128.10
(b) if computer programming is required—	
(i) for each hour or part of an hour not involving computer programming time	128.10
(ii) for each hour or part of an hour involving computer programming time (excluding any part of an hour for which a fee under subparagraph (i) applies)	357.85

### **Subdivision 4 Fees for Property Law Act 1974**

<b>Matter for which fee payable</b>	<b>Amount \$</b>
1 Lodging in the land registry any of the following under part 18, division 3 of the Act—	
(a) an agreement in writing, deed, conveyance or other instrument, other than a lease for less than 3 years, affecting an estate in land	
(b) a will or devise affecting an estate in land	
(c) another instrument, record or document	76.00

<b>Matter for which fee payable</b>	<b>Amount \$</b>
2 Obtaining a copy of a document registered in the land registry under part 18, division 3 of the Act that is—	
(a) an uncertified copy	37.00
(b) a certified copy	75.00

## **Subdivision 5 Fees for South Bank Corporation Act 1989—general**

<b>Matter for which fee payable</b>	<b>Amount \$</b>
1 Lodging in the land registry—	
(a) a plan for the subdivision or amalgamation of land under section 41(4) of the Act	51.00
(b) a stratum plan	121.00
(c) a boundary adjustment plan	121.00
(d) a stratum plan of subdivision	121.00
(e) the schedule mentioned in section 42(7) of the Act	79.00
(f) a stratum plan of amalgamation	121.00
(g) a plan mentioned in section 48(2) of the Act	51.00
(h) an instrument mentioned in section 48(2)(b) of the Act	79.00
(i) a management statement	79.00
(j) an amendment of a management statement	79.00
(k) a request to terminate a management statement	79.00
2 Additional fee for lodging, in the land registry, a plan mentioned in item 1(a), (b) or (c) that contains more than 9 lots—for each additional lot	15.85

<b>Matter for which fee payable</b>	<b>Amount \$</b>
3 Additional fee for lodging, in the land registry, an instrument mentioned in section 48(2)(b) of the Act that contains more than 9 easements—for each additional easement	15.85

### **Subdivision 6 Fees for South Bank Corporation Act 1989—modified Building Units and Group Titles Act**

<b>Matter for which fee payable</b>	<b>Amount \$</b>
1 Lodging in the land registry—	
(a) a leasehold building units plan, a leasehold plan of amalgamation or a leasehold plan of resubdivision under the modified Building Units and Group Titles Act—	
(i) lodgement fee	126.00
(ii) additional fee if the plan contains more than 9 lots—for each additional lot	15.85
(b) a notice of conversion under section 12 of the modified Building Units and Group Titles Act	79.00
(c) a request under section 26B of the modified Building Units and Group Titles Act	79.00
(d) a notification of an amendment of, addition to or repeal of by-laws under section 30(3) of the modified Building Units and Group Titles Act	79.00
(e) a copy of a referee's order or the tribunal's order under section 112(1)(a) of the modified Building Units and Group Titles Act	133.00

<b>Matter for which fee payable</b>	<b>Amount \$</b>
(f) a document required to be lodged in the registry under the modified Building Units and Group Titles Act, other than a document mentioned in paragraphs (a) to (e)	15.85
2 Furnish of copies of a registered leasehold building units plan or amendment of a registered leasehold building units plan under section 14 of the modified Building Units and Group Titles Act	29.00
3 Application to—	
(a) reserve a name under section 120(1) of the modified Building Units and Group Titles Act	96.00
(b) extend the period for which a name is reserved under section 120(3) of the modified Building Units and Group Titles Act	96.00

## **Part 3                      Fees relating to water    allocations register**

### **Division 1                      Preliminary**

#### **5                      Interpretation**

- (1) In this part—
- (a) a reference to the Act is a reference to the *Water Act 2000*; and
  - (b) a word that is used in the *Water Act 2000* has the same meaning as it has in that Act.
- (2) Also, in this part—
- administrative advice* means an advice that is an administrative advice under the manual of land title practice kept under the *Land Title Act 1994*, section 9A.

*deposit* means lodge with the registrar other than for registration.

*priority notice* see the *Land Title Act 1994*, section 139(1).

*standard terms document* see the *Land Title Act 1994*, section 168.

## Division 2 Fees payable

<b>Matter for which fee payable</b>	<b>Amount \$</b>
1 Creation of, on request, a title or separate title for a water allocation, other than under section 146 or 147 of the Act—for each title created	75.00
2 Lodging—	
(a) an instrument that changes ownership of a water allocation or an interest in a water allocation—	
(i) to record the death of an individual—	
(A) for 1 water allocation	37.00
(B) for each additional water allocation	nil
(ii) with an instrument changing ownership of a lot or an interest in a lot, other than in the circumstances mentioned in subparagraph (i)—for each water allocation	37.00
(iii) otherwise—	
(A) for 1 water allocation	197.00
(B) for each additional water allocation	37.00
(b) a certificate of a dealing with a water allocation	197.00



<b>Matter for which fee payable</b>	<b>Amount \$</b>
(c) a request to record a change of name of an individual, or to correct the name of an individual, who holds a water allocation or an interest in a water allocation—	
(i) for 1 water allocation	37.00
(ii) for each additional water allocation	nil
(d) a request—	
(i) to cancel the registration of a writ of execution for a water allocation	nil
(ii) to register a discharge or satisfaction of a writ of execution for a water allocation	197.00
(e) a request to note the lapsing of a caveat claiming an interest in a water allocation	nil
(f) a standard terms document for a water allocation	nil
(g) a request to remove from the title for a water allocation a lease that has expired or otherwise ended	nil
(h) any other instrument relating to a water allocation	197.00
3 Depositing—	
(a) a priority notice for a water allocation	37.00
(b) a request to extend or withdraw a priority notice for a water allocation	37.00
4 Depositing an administrative advice, or a request to remove an administrative advice, other than by the State	29.00
5 Preparation and giving of a notice of the lodgement of a caveat under the Act	37.00
6 Search for—	
(a) a current title for a water allocation—	

<b>Matter for which fee payable</b>	<b>Amount \$</b>
(i) if the information is generated for an entity who provides a service of conducting searches on behalf of other persons	16.75
(ii) otherwise	20.45
(b) the historical details of a title for a water allocation—	
(i) if the information is generated for an entity who provides a service of conducting searches on behalf of other persons	26.25
(ii) otherwise	30.10
7 Obtaining an image of an instrument relating to a water allocation lodged with the registrar	39.85
8 Search of a statement of a registered dealing or an administrative advice against a title for a water allocation	3.35
9 Investigative search of the water allocations register (not including providing a copy of a document)—	
(a) if no computer programming is required—for each hour or part of an hour	128.10
(b) if computer programming is required—	
(i) for each hour or part of an hour not involving computer programming time	128.10
(ii) for each hour or part of an hour involving computer programming time (excluding any part of an hour for which a fee under subparagraph (i) applies)	357.85
10 Obtaining a certified copy of a water allocation or a registered instrument relating to a water allocation	37.15
11 Requisition of an instrument or document relating to a water allocation lodged with the registrar	37.00

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## Schedule 2 Dictionary

## section 4

**department (land titles)** means the department in which the *Land Title Act 1994* is administered.

**eligible employee**, for part 5, see section 24.

**fee** includes tax.

**land registry** means the land registry under the *Land Act 1994* or the *Land Title Act 1994*.

**official** means—

- (a) the registrar of titles; or
- (b) the registrar of water allocations.

**operator** means the entity declared to be the operator for this Act under section 7.

**registrar of titles** means the registrar of titles under the *Land Title Act 1994*.

**registrar of water allocations** means the registrar of water allocations under the *Water Act 2000*.

**revocation day**, for part 3, division 3, see section 15(2).

**titles register** means—

- (a) a register included in the land registry; or
- (b) the water allocations register.

**titles registry Act** means an Act that—

- (a) authorises or requires something to be deposited, lodged, noted, recorded or registered in the land registry or the water allocations register; or
- (b) confers a function on an official.

**Examples—**

- the *Building Units and Group Titles Act 1980*
- the Electronic Conveyancing National Law (Queensland)

- the *Foreign Ownership of Land Register Act 1988*
- the *Land Act 1994*
- the *Land Title Act 1994*
- the *Water Act 2000*

***titles registry amount*** see section 11.

***titles registry fee*** see section 12(4).

***titles registry function*** see section 5.

***transfer notice*** see section 20(1).

***water allocations register*** means the water allocations register under the *Water Act 2000*.