



*Property Law Act 1974*

# Property Law Regulation 2013

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Queensland

# Property Law Regulation 2013

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# Property Law Regulation 2013

## 1 Short title

This regulation may be cited as the *Property Law Regulation 2013*.

## 2 Fees

The fees payable under the Act are stated in schedule 1.

## 2A Prescribed subordinate legislation—Act, s 57A

For section 57A(3) of the Act, the *Housing Regulation 2015*, section 6 is prescribed.

## 3 Prescribed mortgages—Act, s 85

- (1) For section 85 of the Act, a mortgage is a prescribed mortgage if it is a mortgage over residential land and the mortgagor's home is on the land.
- (2) For subsection (1)—
  - (a) it does not matter that a residence is also used for a business purpose if the residence is primarily used as the mortgagor's home; and
  - (b) if the power of sale is being exercised under section 84(1) of the Act in relation to a default mentioned in that section—the residence does not stop being the mortgagor's home only because the mortgagor stopped using the residence as the mortgagor's home—
    - (i) when the default occurred; or
    - (ii) within 6 months before the default occurred; and
  - (c) if the power of sale is being exercised under section 84A of the Act—the residence does not stop being the mortgagor's home only because the mortgagor stopped using the residence as the mortgagor's home—

- (i) when the residential land was disclaimed under the *Bankruptcy Act 1966* (Cwlth), section 133(1) or the Corporations Act, section 568(1); or
  - (ii) within 6 months before the disclaimer took effect.
- (3) In this section—

**home**, of a mortgagor, means a residence that is occupied by the mortgagor as the mortgagor's principal place of residence.

**residence** means a building, or part of a building, that is—

- (a) fixed to land; and
- (b) designed, or approved by a local government, for human habitation by a single family unit; and
- (c) used for residential purposes.

**residential land** means land, or the part of land, on which a residence is built, and includes the curtilage attributable to the residence if the curtilage is used for residential purposes.

#### 4 Repeal

The Property Law Regulation 2003, SL No. 183 is repealed.

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## Schedule 1      Fees

### section 2

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|---|---|-------|
| 1 | Lodging in the land registry any of the following for registration 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  | 74.00 |
| 2 | Copy of a document registered under part 18, division 3 of the Act that is—   |       |
|   | (a) an uncertified copy   | 36.45 |
|   | (b) a certified copy  | 72.85 |