

Guide to completing *Form 1—Transfer*

Transfer of freehold land

The following information will assist you to complete and lodge Land Registry *Form 1—Transfer* to transfer freehold land. This guide only applies to transfers of the whole interest of a freehold lot from an individual(s) or corporation—the transferor(s)—to another individual(s) or corporation—the transferee(s).

Important Information

While individuals in Queensland may undertake their own property transactions, only legal practitioners are qualified to provide legal advice. Therefore, discussions with the Department of Environment and Resource Management's (DERM) officers will be limited to explaining the requirements of Land Registry forms and procedures.

Parties electing to undertake their own property transactions must assume responsibility for ensuring the accuracy and legal correctness of lodged documents.

Property transactions can potentially involve complex legal considerations; it may therefore be prudent for parties to seek professional legal advice.

How to complete the form

Lodger details: Insert name, postal address, email address and telephone number for correspondence purposes.

Item 1 Under 'Interest being transferred, insert 'Fee simple'.

Item 2 Insert the lot on plan description, county, parish and title reference as they appear on the title search. The reference to the plan must show the correct prefix (e.g. RP, BUP, GTP, SP).

Example

2. Lot on Plan Description	County	Parish	Title Reference
Lot 27 on RP204939	Stanley	South Brisbane	16723144

Item 3 Insert the full name of the transferor(s)—that is, the registered owner(s)—as shown on the title search. Tenancy need not be shown.

Item 4 Insert details of the consideration. Consideration refers to the actual terms or basis of the transfer of the property (e.g. for a monetary amount, for natural love and affection, pursuant to a court order or pursuant to an agreement etc.) It is not acceptable to insert 'Nil'. Where the consideration is monetary, the amount must be shown in Australian dollars. Where the consideration is not monetary (e.g. pursuant to an order under the *Family Law Act 1975*, a contract of sale or an agreement), the details of the order/contract/agreement (including the date) must also be shown. The order, contract or agreement will usually need to be deposited to support the transfer and/or calculate any additional lodgement fees.

Item 5 Insert the full name(s) of the transferee(s). Where there are two or more transferees, the tenancy **must** be stated (i.e. joint tenants or tenants in common). If transferees are tenants in common, the shares of each tenant must be stated. Shares must be stated in fractions and not as percentages.

Example

5. Transferee Given Names	Surname/Company name and number	(include tenancy if more than one)
Terence James	Brown	as joint tenants
Maureen Frances	Brown	

Item 6 The transferor(s) and transferee(s) must execute (sign and date) where indicated. All parties, other than the exceptions listed below, must sign the document in the presence of a properly qualified witness (e.g. Justice of the Peace, Commissioner for Declarations or solicitor). Each signature is required to be witnessed separately.

A witness is not required for the following executions by a corporation:

- where the corporation is either the transferor or the transferee and signed by the corporation's office holders in a manner authorised by law or by an instrument constituting the corporation or regulating the affairs of the corporation (e.g. under the common seal and signed by the company director and the company secretary)
- where the corporation is a transferee and its attorney is acting as executor.

Qualified witnesses are required by law to take reasonable steps to ensure that the person whose signature they witness on a Land Registry form is entitled to sign the form. Therefore, each signatory must provide the witness with evidence of their entitlement to sign the form. The types of documentary evidence considered acceptable for this purpose include but are not limited to:

- a local government rates notice showing ownership of the property
- a recently issued current title search statement showing the name of the transferor(s)
- a recently issued Titles Registry registration confirmation statement
- a current certificate of title, if one exists.

Each signatory must also provide, to the satisfaction of the witness, photographic proof of their identity (e.g. a passport or a driver licence).

Note: The executions of all transferors and all transferees (or transferee's solicitor) must appear on Form 1, if there is adequate space. However, where space does not permit, *Form 20—Schedule/enlarged panel/additional page/declaration* must be used in conjunction with Form 1. The title reference, item number, page numbering and heading must also appear on Form 20.

How to lodge the form

Lodgement in the Titles Registry occurs only after settlement. You may lodge Form 1 in person, between 8.30 am and 4.30 pm on business days, at a DERM service centre with lodgement facilities. Alternatively you may post the form to any lodgement service centre. Locations of service centres can be found on the DERM website <www.derm.qld.gov.au>.

You should deposit the following with Form 1:

- *Form 24—Property information (transfer)*
- the relevant certificate of title, if one exists
- *Form 25—Foreign ownership information*, if the transferee is a foreign person as defined in the *Foreign Ownership of Land Register Act 1989*.

Form 1 and Form 24 must be presented to the Office of State Revenue (Queensland Treasury) for stamping **prior** to lodgement.

The forms should not be folded.

Fees

A regulatory fee is payable for lodging Form 1, unless there is a statutory exemption. Additional fees may apply based on the number of lots being transferred and/or the consideration. An additional fee will apply if the document is lodged through the post. Contact Titles Registration Customer Service to obtain current fee information or refer to the online fee calculator <www.nrw.qld.gov.au/property/titles/feecalculator.html>. You can pay by cash, cheque or EFTPOS (savings or cheque account, not credit).

Further information

For further information relevant to Form 1 refer to customer information sheets *Lodgement and processing of Land Registry documents*, *Completing Land Registry forms* and *Complying with Titles Registry requisition notices*. If then you still have further enquiries about Land Registry Form 1, contact Titles Registration Customer Service by telephone on (07) 3405 6900 or by email <brisbane.titling.operations@derm.qld.gov.au>. Land Registry forms and customer information sheets are available on the DERM website <www.derm.qld.gov.au>.

For further information about Form 24, refer to the guide to completing Form 24 and the appropriate agency mentioned in the guide.

For further information about stamping requirements, contact Queensland Treasury, Office of State Revenue Client Contact Centre by telephone on 1300 300 734 or visit the website <www.osr.qld.gov.au>.

For information about Form 25, contact the foreign ownership officer of DERM by telephone on (07) 3227 7262.