

³Part 25 – Foreign Ownership Information

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³Part 25 – Foreign Ownership Information

General Law

Foreign Ownership of Land Register

[25-0000]

The Foreign Ownership of Land Register is a public register of all land in Queensland held by foreign persons or foreign companies as defined in the *Foreign Ownership of Land Register Act* 1988.

Notification of Foreign Ownership

[25-0010]

Foreign persons and trustees of foreign persons who had an interest in land at the commencement of the Act were required, within 12 months after the commencement of the Act, to lodge a notification of foreign ownership (s 17 of the *Foreign Ownership of Land Register Act* 1988).

Foreign persons or trustees of foreign persons who acquire an interest in land must lodge a notification of foreign ownership within 90 days of the acquisition (s 18 of the *Foreign Ownership of Land Register Act* 1988).

If a foreign person or a trustee of a foreign person disposes of an interest in land, a notification of that disposal must be lodged within 90 days of the disposal (s 18A of the *Foreign Ownership of Land Register Act* 1988).

If a person or a trustee of a person ceases to be foreign, notification must be lodged within 90 days (s 19 of the *Foreign Ownership of Land Register Act* 1988).

A person who holds an interest in land and who subsequently becomes a foreign person or a trustee of a foreign person must lodge a notification within 90 days (s 20 of the *Foreign Ownership of Land Register Act* 1988).

Exemptions from Notification

[25-0020]

The following persons are exempt from the requirements of notification:

- a personal representative of a deceased person is not required to lodge a notification in respect of the interest in land vested in him/her as personal representative (s 18(5)(a) of the *Foreign Ownership of Land Register Act* 1988); and
- a person beneficially entitled to an interest in the land of a deceased person is not required to lodge a notification before lodgement of documents to vest the interest in the person (s 18(5)(b) of the *Foreign Ownership of Land Register Act* 1988).

Foreign Person Acquiring an Interest in Land

[25-0030]

An obligation to notify is triggered upon a ‘foreign person’ ‘acquiring’ an ‘interest in land’. These terms are defined in s 4 of the *Foreign Ownership of Land Register Act* 1988.

‘Foreign person’ means:

- a foreign natural person – being a person who is not an Australian citizen within the meaning of the *Australian Citizenship Act 1948* (Cth) and either whose continued presence in Australia is subject to a limitation as to time imposed by law or who is not domiciled in Australia;
- a foreign corporation – being an incorporated or unincorporated body that is formed outside Australia and its external territories;
- a corporation in which a foreign natural person or a foreign corporation holds a controlling interest or in which two or more foreign natural persons or foreign corporations hold an aggregate controlling interest.

The controlling provisions are complex, but seek to approximate the *Foreign Acquisitions and Takeovers Act 1975* (Cth) in that, essentially, over 50 percent foreign control is required (ss 5 and 6 of the *Foreign Ownership of Land Register Act 1988*).

‘Interest in land’ includes an estate or interest:

- in land and any improvements on the land;
- in a licence or permit granted under the *Land Act 1994*;
- in a lease or licence granted under s 64 of the *Harbours Act 1955* (continued under s 235(2) of the *Transport Infrastructure Act 1994*), unless the lease or licence is less than 1000 square metres of the bed, shore or banks of the sea or of any harbour;
- in a miner’s homestead as defined in the *Land Act 1994*.

However, ‘interest in land’ does not include:

- a security interest in land;
- an easement over land;
- a lease or a sub-lease where the term, including those available under all options to renew, does not exceed 25 years;
- minerals, crude oil, natural gas, petroleum or petroleum deposits;
- certain land granted under the *Mineral Resources Act 1989*, the *Coal Mining Act 1925*, the *Petroleum Act 1923* or the *Petroleum (Submerged Lands) Act 1982*; or
- an agreement given force by an Act of Parliament for development of mineral deposits.

‘Acquired’ is widely defined to include obtaining, gaining, receiving or acquiring by purchase, exchange, lease, will, devolution, operation of law, grant, gift or enforcement of a security.

Penalties for Non-Compliance

[25-0040]

Sections 24 and 25 of the *Foreign Ownership of Land Register Act 1988* prescribe penalties for non-compliance or giving false or misleading information. Specified officers of a corporation that has committed an offence are also deemed to have committed an offence (s 26 of the *Foreign Ownership of Land Register Act 1988*).

If a foreign person is convicted of an offence in respect of land, the land may be forfeited to the State (ss 29 to 37 of the *Foreign Ownership of Land Register Act 1988*). The Supreme Court

may also make a restraining order passing management and control of an interest in land to a person named in the order (ss 38, 39 and 40 of the *Foreign Ownership of Land Register Act* 1988).

Practice

[25-2000]

Notifications required under the *Foreign Ownership of Land Register Act* 1988 are completed on a Form 25 – Foreign Ownership Information in cases where the transferee/beneficiary in a Form 1, version 3 – Transfer and a Form 6, version 3 – Transmission by Death are foreign persons.

Forms

General Guide to Completion of Forms

[25-4000]

For general requirements for completion of forms see part 59 – Forms, esp ¶[[59-2000].

1. Property Details

Lot	Plan	No.
11	RP	893999

This form is only required to be completed by or on behalf of a foreign person or company as defined in the Foreign Ownership of Land Register Act (Note: a foreign person does not include persons who have permanent residency status in Australia and are domiciled in Australia.)

This form must accompany:

- Land Registry Form 1 - Transfer (of freehold or state lease) and Form 24 - Property Information (Transfer); or
- Form 6 - Transmission Application to a devisee/legatee (of freehold or state lease) and Form 24A - Property Information (Transmission Application); or
- Form 7 - Lease (of freehold) where the term of the lease is 25 years or more.

2. Details to be completed by or on behalf of a foreign transferee / purchaser PLEASE X WHICHEVER [] IS APPLICABLE ON THIS FORM

Foreign Country : SINGAPORE

Natural Person [X] **OR** Company/Corporation Wholly Foreign Controlled [] **OR** Company/Corporation Partly Foreign Controlled []
 % Foreign:
 Country of Foreign Shareholders

What is to be the prime use of the land and / or development?

RESIDENTIAL

(eg. agricultural, forestry, mining, manufacturing, wholesale & retail trade, transport & storage, communication, residential, etc.)

If for residential purposes, is land

Vacant	YES [X]	NO []
Owner Occupied	YES []	NO [X]
Rented for Investment	YES []	NO [X]

Is land to be further developed **YES [X]** **NO []**

If **YES**, the amount of capital proposed to be invested in development

Total	\$ 680,000.00
Your Share	\$ 680,000.00

The anticipated number of persons to be employed during development 10 after development 0.....

Time scale for completion of proposed development..... years 3 months

I declare that JAMES RONALD MURRAY and HELEN MARGARET MURRAY is a foreign person / company within the meaning of the Act and that particulars contained in this form are to the best of my knowledge true and correct.

K J Brown
..... signature

KAY JANE BROWN
..... full name

COMMISSIONER FOR DECLARATIONS #63885
..... qualification

Witness
As authorised under relevant *Oaths/Evidence Act*

1/11/2007
Execution Date

M L Brady
.....
Signature of declarant
MICHAEL LAWRENCE BRADY
.....
Full name of declarant
SOLICITOR
.....
Cnr Crombie Avenue & Barclay Street
Surfers Paradise Qld 4217
.....

Business address and profession of the declarant where the declarant is not the foreign person named above

Privacy Statement

Collection of this information is authorised by Foreign Ownership of Land Register Act 1988 and is used to maintain the publicly searchable registers in the land registry. For more information about privacy see the department's website.

Guide to Completion of Form 25

[25-4010]

The information collected on Form 25 is required for entry on the Foreign Ownership of Land Register, which is a public register of all land in Queensland held by a foreign person or foreign company as defined in the *Foreign Ownership of Land Register Act 1988*.

This Form, if required to be completed, is to be attached, together with a Form 24, to Form 1 – Transfer and with a Form 24A to Form 6 – Transmission Application for Registration as Devisee/Legatee.

Item 1

[25-4020]

Insert lot and plan number as per Item 2 on Forms 1 or 6.

Item 2

[25-4030]

Where there is more than one foreign person or foreign company purchasing a property, it will be assumed that they are the same nationality unless otherwise stated.

Declaration

[25-4040]

The declarant may be any of the following:

- the foreign person/s identified as the transferee;
- a solicitor acting for the transferee; or
- a person authorised to execute documents on behalf of the foreign company/corporation in accordance with the articles of association of the company/corporation.

Cross References and Further Reading

[25-9000]

Nil.

Notes in text

[25-9050]

Note³ – This part is not applicable to water allocations or the Water Allocations Register.