

# <sup>3</sup>Part 32 – Building Management Statements

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### <sup>3</sup>Part 32 – Building Management Statements

## General Law

[32-0000]

Building management statements are an innovation to land title law in Queensland. They were introduced by amendments to the *Land Title Act* 1994 that commenced on 13 July 1997.

A building management statement (BMS) is analogous to reciprocal easements with management covenants.

A BMS is an instrument by which the registered owners of lots in a development agree to reciprocal provisions that benefit and burden their lots (s 54A(2)(b) of the *Land Title Act* 1994).

For a BMS to be registered the instrument must:

- identify the lots to which it applies (s 54A(2)(a) of the *Land Title Act* 1994);

**and** have:

- at least one of the lots entirely or partly **contained**, in one or more buildings; or
- at least one of the lots entirely or partly **containing**, one or more buildings (s 54A(3) of the *Land Title Act* 1994);

**and** must comprise:

- at least two volumetric lots; or
- one volumetric lot and one standard lot (s 54B(2) of the *Land Title Act* 1994);

**and**,

- the lots must form a single continuous area of land (s 54AA of the *Land Title Act* 1994).

A BMS may be registered even if all of the lots to which it applies are registered in the name of a single owner.

Every BMS must provide for the supply of utility services, access, support and shelter and insurance arrangements. They may also contain provisions for a range of administrative matters as set out in s 54C(2) of the *Land Title Act* 1994.

On registration, a reference to the BMS is recorded on the indefeasible title for every lot involved. Examination for validity undertaken by the Registrar will generally involve compliance with the mandatory requirements only.

A BMS can be amended by registering an instrument that amends it, however, every owner of the lots to which it applies must sign the amendment. The lots to which it applies cannot be changed by amendment see part 13, esp ¶[13-2150].

A BMS is not automatically extinguished if one person becomes the owner of all the lots to which it applies. Extinguishment of a BMS only occurs on registration of an instrument signed by the registered owners of all lots involved see part 34, esp ¶[34-2000].

# Practice

## Requirements of Building Management Statement

**[32-2000]**

A BMS that is to be registered against the indefeasible title to the lots involved must be prepared in a Form 32 – Building Management Statement.

For further information see ¶[32-0000].

### The Lots Involved

**[32-2010]**

A BMS must contain provisions that benefit and burden the lots to which it applies and the lots must be wholly or partly contained in, or wholly or partly contain a building. The BMS must be signed by the registered owner of every lot. If the lots form part of a community titles scheme the body corporate of the scheme is taken to be the registered owner and may sign the statement (s 54I(b) of the *Land Title Act 1994*).

### Provisions

**[32-2020]**

Every BMS **must** contain provisions for the supply of services, access, support and shelter and insurance arrangements.

They **may** also contain provisions about:

- the establishment and operation of a management group;
- the imposition of levies and how levied amounts are to be kept and spent;
- property maintenance;
- architectural and landscaping standards;
- the resolution of disputes;
- rules for services and facilities common to lots;
- administrative arrangements;
- extinguishment;
- proposed future development.

Dispute resolution provisions, if included, may include referral for arbitration other than to a court, however, they may not preclude final determination by a court of competent jurisdiction. Optional provisions may be set out in an attached schedule or in a registered standard terms document.

Rights of access, support and shelter or any other right that is included in a BMS and that is in the nature of an easement, operate and are effective without the registration of any further instrument.

## Examination and Registration

[32-2030]

An examination of a BMS is undertaken to establish compliance with essential requirements. This will include:

- (a) ensuring that the appropriate number and type(s) of lots are involved; and
- (b) the names of all registered owners of affected lots are accurate and the owners have executed the instrument; and
- (c) that the supply of services, access, support and shelter and insurance arrangements are included among the provisions.

After ensuring all essential requirements have been complied with, each BMS is recorded on the indefeasible title for every lot disclosed in it.

If a Certificate of Title has been issued for any or all of the lots, it must be produced.

## Amendment of Building Management Statement

[32-2040]

A BMS may be amended by registering an instrument of amendment that is prepared in a Form 13 – Amendment (see ¶[13-2150]).

## Extinguishment of Building Management Statement

[32-2050]

A BMS may be extinguished or partially extinguished by registering an instrument of extinguishment in Form 34 – Extinguishment of Building Management Statement (see part 34).

## Forms

### General Guide to Completion of Forms

[32-4000]

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

Dealing Number



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**Privacy Statement**

Collection of this information is authorised by the Land Title Act 1994 and Land Act 1994 is used to maintain the publicly searchable registers in the land registry. For more information about privacy see the department's website.

**Lodger** (Name, address, E-mail & phone number)

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**Lodger Code**  
490

**1. Registered Owners/State Lessees**

HIGHRISE DEVELOPMENT PTY LTD ACN 124123 457

2. Lot on Plan	Description of affected land	County	Parish	Title Reference
	LOT 143 ON SP900567	STANLEY	NORTH BRISBANE	50002571
	LOT 144 ON SP900567	STANLEY	NORTH BRISBANE	50002572

**3. Execution**

The Registered Owners/State Lessees of the lots referred to in item 2 reciprocally grant and agree to the terms and conditions of the Building Management Statement contained in:- ~~\*the attached schedule;~~ \*document no. 700587641.

\* delete if not applicable

**Witnessing officer must be aware of his/her obligations under section 162 of the Land Title Act 1994**

..... signature  
..... full name  
..... qualification

(seal)  
or Full name  
of company  
to be shown  
20/11/2007  
**Execution Date**

W Smith, Director  
WILLIAM THOMAS SMITH  
  
P Jones, Secretary  
PAUL JOHN JONES

**Witnessing Officer**

(Witnessing officer must be in accordance with Schedule 1 of Land Title Act 1994 eg Legal Practitioner, JP, C Dec)

**Registered Owner's/  
State Lessee's Signature**

..... signature  
..... full name  
..... qualification

/ /  
**Execution Date**

**Registered Owner's/  
State Lessee's Signature**

**Witnessing Officer**

(Witnessing officer must be in accordance with Schedule 1 of Land Title Act 1994 eg Legal Practitioner, JP, C Dec)

## Guide to Completion of Form 32

### Item 1

[32-4010]

Insert the full name(s) of the registered owner(s) and refer to the lots in Item 2 by parcel number.

### Item 2

[32-4020]

Insert the 'Lot on Plan' descriptions of all lots comprised in the BMS with a parcel reference to identify each with one or more of the registered owners in Item 1.

### Item 3

[32-4030]

The registered owner(s) must complete and execute as required.

### Duty

[32-4040]

There is no duty payable on a Form 32 – Building Management Statement.

¶[32-6000] deleted

## Case Law

[32-7000]

Nil.

## Fees

[32-8000]

Fees payable to the land registry are subject to an annual review.

See the current *Land Title Regulation 2005* – Schedule 2, item numbers 2(h) and 2(m).

## Cross References and Further Reading

[32-9000]

Part 13 – Amendment of Lease, Easement, Mortgage, Covenant, Profit a prendre or Building Management Statement

Part 34 – Extinguishment of Building Management Statements

### Notes in text

[32-9050]

Note<sup>3</sup> – This part is not applicable to water allocations or the Water Allocations Register.