

Part 52 – Administrative Advices

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Part 52 – Administrative Advices

General Law

[52-0000]

A number of Acts provide for notices to be forwarded to the Registrar for deposit and entry in the registry. Authority to enter advices in the registry is contained in ss 29 and 34 of the *Land Title Act 1994* and s 281 of the *Land Act 1994*.

The purpose of these notices is to advise interested parties that a matter authorised under the relevant Act exists. These notices are entered as administrative advices on the relevant title for the lot the subject of the notice.

The entry of an administrative advice may prevent further dealings with the land being registered. This is determined by the legislation authorising the entry of the administrative advice.

Deposit and removal fees will apply unless there is statutory exemption.

Administrative Advices Which May Prevent Registration of Dealings

Notice under Miscellaneous Legislation

[52-0005]

Entered on title – ADMIN NOTING.

In some instances the legislation under which a notice of this type was entered may prevent registration of a dealing. For general information about notices under miscellaneous legislation see [52-0280].

The following notice is one example that may prevent registration of a dealing.

Notice of Suspension of Attorney's Powers under the *Guardianship and Administration Act 2000*

A Notice of Suspension is given to the Registrar where the Adult Guardian, under the provisions of the *Guardianship and Administration Act 2000*, temporarily suspends the powers of an attorney for a person with impaired decision making capacity (the person) and appoints the Public Trustee as attorney for financial matters for the person during the period of suspension.

A Form 14 – General Request with a copy of the Notice of Suspension and a Certificate of Authority appointing the Public Trustee as the attorney is required to be deposited. The Notice of Suspension is recorded on the relevant title.

The notice will remain on the title until the person is no longer the holder of the interest.

²Notice of Action under the *Land Title Act 1994*

[52-0010]

Entered on title – NTCE OF ACTN.

The following procedures relate to administrative advices notified in respect of caveats lodged under Part 7 Division 2 of *Land Title Act 1994* (the Act).

Section 126 of the Act makes provision for caveats to lapse. Exceptions to the lapsing provisions are set out in s 126(1) of the Act. For further information on these exceptions, see ¶[11-0170].

To prevent the lapsing of a caveat, a caveator must start a proceeding in a Court of competent jurisdiction to establish the interest claimed under the caveat. The caveator must also notify the Registrar within specified time limits that a proceeding has been started, and identify the proceeding. The notification is lodged as a notice of action. For further information on the specified time limits, see ¶[11-0190].

The notification must be by way of Form 14 – General Request which must clearly identify the caveat, the court action identifier of the proceeding, and all relevant titles. A copy (see [60-1030]) of the originating proceeding issued out of a court of competent jurisdiction and showing the court action number must be deposited with the Form 14. No lodgement fee is payable. A copy of a court order that establishes an interest claimed under a caveat may be used in lieu of a copy of the originating proceeding even if the court order was made before the caveat was lodged. A copy of the originating proceeding or a copy of a court order deposited with a caveat is not considered sufficient to ‘notify the Registrar’ as provided for in s 126(4)(b) of the Act.

The entry of a notice of action as an administrative advice on a title does not automatically prevent a caveat from lapsing, as there are other factors which determine the effect of a notice of action, namely:

- (a) whether the notice was lodged within the prescribed time; and
- (b) whether the claim and grounds are reflected in the proceedings.

If either of the above factors is not met, the notice will not have any effect on the caveat. A requisition will be issued for the notice to be withdrawn from the registry within seven days. If a deficiency other than those mentioned above is found in the notice during examination, a requisition will be issued for rectification within twenty eight days. For further information see ¶[11-2010] and part 60 – Miscellaneous, esp ¶[60-0030].

Removal

If a dealing being registered has the effect of removing a caveat from the title, the Registrar will also remove any notice of action which is associated with that caveat.

²Caveatee’s Notice under ss 126(2) and (3) of the *Land Title Act 1994*

[52-0020]

Entered on title – NOTICE.

The caveatee under a lodged caveat may serve a notice on the caveator to commence a proceeding in a court of competent jurisdiction, within 14 days of service of the notice, to establish the interest claimed in the caveat (s 126(2) of the *Land Title Act 1994*). For the purpose of the above provision, the notice is taken to be served on the caveator if it was served on the solicitors firm that lodged the caveat and the caveat was signed by a solicitor from that firm.

The Act defines a caveatee as a registered proprietor of the lot, or someone (other than the caveator) who has an interest in the lot.

Section 126(3) of the Act further requires a caveatee to notify the Registrar within 14 days of the service of such notice on the caveator. The notification to the Registrar must be made by way of a Form 14 – General Request. A lodgement fee is not applicable. A copy of the notice which was sent to the caveator must be deposited with the notification to the Registrar.

The notification by the caveatee to the Registrar must provide:

- (a) sufficient information to link the land and the caveat to the notice; and
- (b) details of how the notice was served (by post, by hand, by fax, etc) on the caveator to determine lapsing provisions under the Act.

No deposit fee is payable.

If the caveator does not commence a proceeding within the 14 day period and notify the Registrar, the caveat will lapse (s 126(5) of the *Land Title Act 1994*).

Removal

When a dealing being registered has the effect of removing a caveat from title, the Registrar will also remove any caveatee's notice which is associated with the caveat.

¹Notice of Pecuniary Penalty Order under the *Criminal Proceeds Confiscation Act 2002*

[52-0030]

Entered on title – CONF PROFITS.

Section 197 of the *Criminal Proceeds Confiscation Act 2002* authorises Queensland courts to levy pecuniary penalty orders against persons. Formerly, similar provisions were included in s 101 of the now repealed *Crimes (Confiscation) Act 1989* (the repealed Act). Pecuniary penalty orders have the effect of charging property with the payment of money. Upon production of evidence of a penalty order from the courts, the Registrar entered an administrative advice in the register.

Section 40 of the repealed Act included authority for Queensland courts to make orders restraining dealings with property. Upon production of evidence from the court, the Registrar entered an administrative advice in the register. This practice no longer applies. The current procedure is for such orders to be filed with a caveat (see part 11, esp ¶[11-0066]).

¹Notice of Restraining Order under the *Drugs Misuse Act 1986*

[52-0040]

Entered on title – RESTR ORDER.

Restraining orders under the *Drugs Misuse Act 1986* authorised by courts were issued with a view to impede a person from dealing with a property. Upon production of such a court order, the Registrar entered an administrative advice in the land registry.

This practice no longer applies. The current procedure is for such orders to be filed with a caveat (see part 11, esp ¶[11-0066]).

Registrar of Titles Noting under the *Land Title Act 1994* or *Land Act 1994*

[52-0050]

Entered on title – RT NOTING.

Section 34 of the *Land Title Act 1994* allows the Registrar to keep information that the Registrar considers necessary or desirable for the effective or efficient operation of the register. Similar provisions are also included in the *Water Act 2000*, and in s 281 of the *Land Act 1994*. Such information may include information given to the Registrar by another entity.

At the discretion of the Registrar, a noting will be recorded against a title for matters that are considered pertinent to the register.

¹Notice of Offence under the *Foreign Ownership of Land Register Act 1988*

[52-0055]

Entered on title – RT NOTING.

Section 11 of the *Foreign Ownership of Land Register Act 1988* (the Act) requires the Registrar to maintain a Foreign Ownership of Land Register. If a person is about to be or has been charged with an offence under the Act, a restraining order can be issued in respect of that person's interest in land (s 38 of the Act). The order is then recorded by the Registrar in the relevant land register as a Registrar of Titles Noting under the *Land Title Act 1994* or the *Land Act 1994*.

No other instrument or document can be registered with respect to that interest without the consent of the Minister, or until the order has been revoked or discharged (s 38(7) of the Act).

^{2, 3}Water Allocation Notice under the *Water Act 2000*

[52-0060]

Entered on title – 101B NOTICE.

Under the provisions of the *Water Act 2000* (the Act) when the chief executive of the department administering the Act prepares a resource operations plan (ROP), the chief executive must also publish a notice stating where copies of the draft plan are available. The public notice makes provision for existing interest holders to notify the chief executive that they intend to take action to have their interest recorded on the water allocations register (s 101(1)(b) of the Act).

When a ROP commences, any notices which have been given to the chief executive under s 101(1)(b) of the Act are entered by the Registrar of Water Allocations against the affected water allocation titles. Such notices remain effective until the earlier of:

- sixty business days from the date that the water allocation is recorded on the water allocation register; or
- the recording on the register of the interest mentioned in the notice.

During its currency, a notice may impede registration of dealings (s 150A of the Act).

Removal

Notices under s 101(1)(b) of the Act will appear on searches of affected titles for a period of one hundred days with a status of 'current', unless they are withdrawn or otherwise accounted for. The period after the expiry of sixty business days is a grace period, which is allowed for administrative purposes.

Any notice which remains on the water allocation title as current after the expiry of one hundred days from its date of lodgement will be automatically removed from title. Such notices once removed will only appear in historical searches, with a 'not current' status.

Notice of Appointment of Administrator under the *Guardianship and Administration Act 2000*

[52-0070]

Entered on title – APPT ADMIN.

Tribunal Orders

Under the provisions of the *Guardianship and Administration Act 2000* (the Act), the Queensland Civil and Administrative Tribunal may appoint an administrator for a matter involving an interest in land of a person with impaired decision making capacity. The administrator must notify the Registrar (s 21 of the Act) and provide a copy of the Tribunal's order.

Subject to specific terms which may be included in the Tribunal's Order, a notice will affect transactions in the name of the person and signed during the period of the order. Documents executed during the currency of the advice will be scrutinised to ensure that they are signed by the administrator, or sanctioned by the Tribunal. The notice will remain recorded on the title until the interest is no longer held by the person.

Sections 27 and 32A of the Act provide mechanisms for notifying the Registrar of changes to the authority of appointed administrator/s.

Court Orders

Chapter 11 Part 3 of the Act also authorises Queensland's District Court and Supreme Court to appoint an administrator. The notification must be accompanied by a copy of the court issued order (see [60-1030] for information about depositing supporting documentation).

Removal

Advices under the *Guardianship and Administration Act 2000* may be removed if requested and if the request is accompanied by a Tribunal/court order. The Registrar will remove the advice from the title when the interest affected is disposed of.

²Settlement Notice under the *Land Title Act 1994*

[52-0080]

Entered on title – SETTLMNT NTC.

See part 23 – Settlement Notice.

¹Notice of Road Licence under the *Land Act 1994*

[52-0090]

Entered on title – ROAD LICENCE

Where a road licence has issued under the provisions of s 103(1)(a) of the *Land Act 1994* and it is not the subject of a registered covenant, a notation is entered on the title for the road licence and the title of the adjoining land.

Transfer

To comply with the *Land Act 1994*, the road licence and the adjoining land must remain in the same ownership. Therefore, where the ownership of the adjoining land is changing (for example by a transfer, record of death or a transmission application), the following applies:

- (a) the transfer or other form must also include the details of the road licence; or

- (b) the transfer or other form must be accompanied by the appropriate form to also change the ownership of the road licence, to be registered at the same time.

See [1-2095] for information about a transfer of a road licence.

Plan of Subdivision

Where a plan of subdivision of adjoining land is lodged and the relevant title is noted with a road licence administrative advice, the following will apply.

- the noting will not prevent registration of the plan.
- the noting will be brought forward to only the new title for every lot that adjoins/abuts the road licence.
- the road licence must be allocated on the back of the plan in a similar manner as other administrative advices.

Intended lodgers should address the issue of the road licence with State Land Asset Management prior to lodging the plan, otherwise any following transfer may experience lengthy delays when lodged.

Administrative Advices Which Do Not Prevent Registration of Dealing

¹Notice of Intention to Resume under the *Acquisition of Land Act 1967*

[52-0100]

Entered on title – NOTC INT RES.

A constructing authority, within the meaning of the *Acquisition of Land Act 1967* (the Act), may resume freehold land, an interest in freehold land or native title rights and interests in State land, for the purposes set out in the Schedule to the Act. The Act defines a constructing authority as the State, a local government, or a person authorised by an Act to take land for any purpose.

When a constructing authority proposes to resume, it shall serve a notice of intention to resume (NIR) upon any and every person who, to the knowledge of the constructing authority:

- (a) will be entitled to claim compensation under the Act in respect of the taking of the land concerned; or
- (b) is a mortgagee of the land.

²If the subject of the notice is freehold land or an interest in freehold land, the constructing authority shall forward a copy of the notice to the Registrar for noting on the relevant title (s 7(4) of the Act). The notice must specify the purpose for which the land to be taken is required, and state the description of the land.

³If the subject of the notice is native title rights and interests in State land, the relevant area of the department administering the Act will forward a copy of the notice to the Registrar for noting on the title. In these cases s 280 of the *Land Act 1994* is relied on as it provides discretionary powers for the chief executive to record anything that the chief executive considers to be recorded to ensure the registers are usable records of State Land.

Notices of intention to resume are also authorised by provisions included in the *Transport Planning and Coordination Act 1994* and the *State Development and Public Works Organisation Act 1971*. Notices under these Acts may relate to non-freehold land.

A NIR from a constructing authority (usually the Department of Transport and Main Roads or a local government) may contain preliminary information identifying the area of land that is to be taken. Typically this is a design plan and the NIR will refer to the area shown on that plan but subject to final design and survey. The first “taking of land” notice which is published in the government gazette will often also refer to the area taken as shown on the design plan. At a later date when the survey is completed, an amending “taking of land” notice is published in the government gazette. The second notice forms the basis of the resumption document lodged in the registry.

Details of the resumption, including the purpose are given in a taking of land/taking of easement notice made by the constructing authority and published in the government gazette. The notice determines the name of the constructing authority that is recorded on the title and the manner in which the taken land is to be held.

If the registered owner lodges a plan of subdivision following the deposit of an NIR the surveyor must allocate which lots are affected by the notice. The Registrar will record the NIR against the relevant titles created for those lots.

Removal

If a constructing authority amends or discontinues a resumption action, it is required to file with the land registry a notice of the amendment or discontinuance (s 7(4A) of the Act).

The Registrar will also remove notices of intention to resume from the register when recording a resumption which fully satisfies the requirements of a constructing authority.

¹Notice under the *River Improvement Trust Act 1940*

[52-0110]

Entered on title – RIV IMP NOT.

Section 7 of the *River Improvement Trust Act 1940* (the Act) authorises the creation of River Improvement Trusts as bodies corporate. The individual bodies corporate are identified and named in the regulations to the Act. Section 11 of the Act authorises a trust for a river improvement area to issue an improvement notice. The notice is in relation to river banks, and is served on the occupier and the owner of affected land.

Section 11A of the Act requires a trust to notify the Registrar that an improvement notice has been issued, or ceased to subsist or to operate.

¹Notice under the *Land Valuation Act 2010*

[52-0115]

Entered on title – DSI/OFFSET.

Under s 258 of the *Land Valuation Act 2010* the Valuer-General may notify the Registrar that a site improvement deduction applies to the land. If notified under this provision the Registrar will enter a noting against the relevant titles.

Under s 282 of the *Land Valuation Act 2010* the Valuer-General may notify the Registrar that an offsets allowance applies to the land. If notified under this provision the Registrar will enter a noting against the relevant titles.

Lodgement fees are not applicable.

Removal

On notification by the Valuer-General, the Registrar must remove the notices under the *Land Valuation Act* 2010 from the register (ss 259 and 283).

Lodgement fees are not applicable.

¹Notice of Owner Builder Permit under the *Queensland Building Services Authority Act 1991***[52-0120]**

Entered on title – OWNER BUILDR.

Where the Queensland Building Services Authority (the Authority) has issued a permit to the owner of land to carry out building work, the Authority must notify the Registrar of the granting of such permit (s 46(1) of the Act). If the Authority becomes aware that building work has been carried out by the land owner when a permit should have been, but was not obtained under s 44 of the Act, it must also notify the Registrar of the carrying out of the building work without a permit (s 46(2) of the Act).

Removal

Notices under s 46(1) or (2) of the Act will be removed by the Registrar on the expiry of seven years from the initial entry in the Register (s 46(4) of the Act) when another dealing is being registered. However, owner builder advices may also be removed on written request from the Authority (s 46(5) of the Act).

¹Notice of Contaminated Land under the *Environmental Protection Act 1994***[52-0130]**

Entered on title – CONTAM LAND.

The *Environmental Protection Act 1994* (the Act) makes provision for the administering authority to maintain various registers. One such register is the contaminated land register.

Section 422(1) of the Act requires the chief executive of the administering authority to give written notice to the Registrar of particulars of land that has been recorded in the contaminated land register.

The administering authority must also notify the Registrar when a change is made to the particulars recorded about land recorded in the contaminated land register.

Removal

When land is removed from the contaminated land register, the administering authority must notify the Registrar (s 422(4) of the Act).

¹Notice of Agreement under the *Nature Conservation Act 1992***[52-0140]**

Entered on title – NATURE REFUGE NOTING.

Under s 45 of the *Nature Conservation Act 1992* (the Act), a land-holder and the minister administering the Act can enter into an agreement in relation to the land-holder's land.

If a conservation agreement is entered into in relation to specified private land (which is defined as land other than State land), then the chief executive of the administering authority must give the Registrar notice of the agreement (s 134 of the Act).

A nature refuge noting will be recorded on a title in the Easements, Encumbrances and Interests schedule.

A conservation agreement that is recorded by the Registrar is binding on the landholder, the landholder's successors in title and other persons who have an interest in the title (s 51 of the Act).

A deposit fee is not applicable.

Removal

When a conservation agreement is terminated, the chief executive must notify the Registrar (s 134(4) of the Act). The Registrar must remove the particulars from his records (s 134(5) of the Act).

¹Notice of Site Registered under the *Queensland Heritage Act 1992*

[52-0150]

Entered on title – HERITAGE SITE.

Under s 174 of the *Queensland Heritage Act 1992* (the Act) the chief executive notifies the Registrar if:

- a place is entered in the Queensland heritage register as a State heritage place or an archaeological place; or
- the chief executive, under section 80 of the Act, enters into a heritage agreement that attaches to land; or
- the chief executive, under section 80(3) of the Act, changes a heritage agreement to state that it attaches to the land the subject of the agreement.

While the heritage agreement has effect and is recorded on title, the agreement is binding on the registered owner.

¹Notice of Access Right under the *Sugar Industry Act 1999*

[52-0160]

Entered on title – ACCESS RIGHT or TRAM EASE.

Where a permit to pass or cane railway easement under s 63 of the *Sugar Industry Act 1999* is granted, the grantee must give the Registrar a signed notice in the form of a request to record an administrative advice within 28 days of the grant (ss 70(2) and 71(2) of the *Sugar Industry Act 1999*).

For a **permit to pass** the notice must:

- state the permit to pass has been granted; and
- identify the parties to the permit and the land affected; and
- be accompanied by a copy of the permit to pass.

For a **cane railway easement** the notice must:

- state the cane railway easement has been granted; and
- identify the parties to the easement and the land affected.

Alternatively, a cane railway easement may be notified to the Registrar by lodging for registration a properly completed Form 9 – Easement.

A notice of an access right granted under a repealed Act is shown on a search of a title as 'TRAM EASE'. A notice of an access right granted under the *Sugar Industry Act 1999* is shown on the title as 'ACCESS RIGHT'.

¹Notice of Relinquishment or Cancellation of Sugar Access Right

[52-0165]

Relinquishment

Where an access right is relinquished by the grantee, a request to remove the administrative advice may be lodged in the land registry. A copy of the relinquishment document must be deposited with the request (s 70(2) or s 71(2) of *Sugar Industry Act 1999*).

Cancellation by Agreement

Where a land-holder whose land is affected by an access right and the holder of the access right have cancelled the right by agreement under s 72(1) of the *Sugar Industry Act 1999*, a request to cancel the administrative advice may be lodged in the land registry. Evidence of the agreement must be deposited with the request.

Cancellation by Order of the Land Court

Where the Land Court makes an order to cancel a sugar access right under s 72(2) of the *Sugar Industry Act 1999*, a request to cancel the right may be lodged in the land registry. A copy of the order must be deposited with the request.

¹Notice under the *Wet Tropics World Heritage Protection and Management Act 1993*

[52-0170]

Entered on title – WET TROPICS.

Under the provisions of the *Wet Tropics World Heritage Protection and Management Act 1993* (the Act) the Wet Tropics Management Authority (the Authority) prepares management plans for the wet tropics area and notifies the Registrar that a management plan has been approved.

Under the Act, a management plan may be noted against private land. Private land is defined as freehold land, or land held under a lease or licence under any Act.

Removal

On notification by the Authority, the Registrar must remove the particulars of the land from the registrar's records on:

- (a) the repeal of a management plan over private land, or
- (b) the removal of private land from the operation of a management plan (s 66(4) of the Act).

¹Notices under the *Coastal Protection and Management Act 1995*

¹Compliance Notice

[52-0180]

Entered on title – COAST PROT.

Section 59 of the *Coastal Protection and Management Act 1995* (the Act) authorises the chief executive of the administering authority to issue coastal protection notices in respect of land that is within declared coastal management districts. The notices direct persons associated with affected land to take specific steps to protect the land.

Section 60 of the Act further authorises the chief executive to issue tidal works notices in respect of land. The notifications are sent to persons deemed to be responsible for existing tidal works, and direct such persons to comply with requirements set out in the notice.

Written notification of the issue of either type of notice must be given to the Registrar for entry in the registry (s 63(2) of the Act).

Removal

Once the requirements of either notice mentioned above have been complied with, the chief executive must give written notice for the removal of the earlier notice to the Registrar (s 63(5) of the Act).

¹Compensation Notice

[52-0190]

Entered on title – COAST PROT.

Under Chapter 5 Part 1 of the Act, the owner of an interest in land may be entitled to monetary compensation if the existing use that could have been made of affected land is changed by a prohibition imposed by a coastal plan, or by the declaration of a coastal management district. When compensation has been paid, notification of the compensation is provided to the Registrar for recording on the relevant title (s 158 of the Act).

¹Reconfiguration Notice

[52-0200]

Entered on title – RT NOTING.

Section 188(5) of the Act provides that the chief executive of the administering authority may notify the Registrar that a development approval, mentioned in s 188(3) of the Act, for the reconfiguration, under the *Sustainable Planning Act 2009*, has been made for a lot in a coastal management district. If notified under the above provision the Registrar will enter a Registrar of Titles Noting (see ¶[52-0050]).

The Registrar will not register a plan of subdivision dealing with the reconfiguration of the lot until the chief executive has issued a development permit for the application.

Removal

Where the Registrar has recorded a notice under s 188 (5) of the Act and the chief executive becomes aware that the information no longer applies or has been changed, the chief executive will notify the Registrar to update the register.

Notices under the *Vegetation Management Act 1999*

¹Vegetation Management Notice

[52-0210]

Entered on title – VEG NOTICE.

Under s 70B of the *Vegetation Management Act 1999* (the Act) the chief executive of the department administering the Act must give the Registrar written notice where:

- a property map of assessable vegetation is made; or
- a developmental approval under the *Sustainable Planning Act 2009* is issued; or
- a referral agency developmental approval is issued.

Where the notice to the Registrar is relating to the issue of a referral agency development approval, the notice must include any concurrence agency conditions.

Removal

If a map is replaced or revoked, or an approval is cancelled, the chief executive must give the Registrar written notice (s 70B(5) of the Act). The Registrar must adjust or remove the particulars shown in the register (s 70B(6) of the Act).

¹Compliance Notice

[52-0215]

Entered on title – COMPLIANCE.

Section 55 of the *Vegetation Management Act 1999* (the Act) allows the chief executive and authorised officers of the department administering the Act to issue compliance notices. A compliance notice is sent when an authorised officer reasonably believes that a person is committing, or has committed a vegetation clearing offence.

If a compliance notice is issued, the chief executive must notify the Registrar that a compliance notice has been given (s 55A(1) of the Act). The Registrar once notified must keep records showing the compliance notice has been given to a person.

A compliance notice under the Act attaches to land, and has effect in relation to each successor in title to the land (s 55(11) of the Act).

Removal

When a compliance notice has been complied with, withdrawn or terminated, written notice must be given to the Registrar for it to be removed from the register (s 55A(5) of the Act). Such notices should be from an authorised officer of the department administering the Act.

Notices under the *Water Act 2000*

¹Notice of a Referable Dam

[52-0220]

Entered on title – WATER NOTICE.

Where the chief executive of the department administering the *Water Act 2000* (the Act) directs by notice the owner of a referable dam to take steps where there is danger of failure of the dam

the chief executive must give a copy of the notice to the Registrar for recording in the register over the land on which the dam is located (s 1007(3) of the Act).

Removal

If the chief executive is satisfied the notice has been complied with or is no longer required, the chief executive must ask the Registrar to remove the notice from the register.

^{2,3}Notice of Land and Water Management Plan

[52-0225]

Entered on title – LAND & WATER.

Where a land and water management plan, required for a water allocation under Chapter 2 Part 3 Division 3 Subdivisions 4 to 6 of the *Water Act 2000* (the Act), has not been approved by the chief executive of the administering department, the chief executive under s 1007(5) and (6) of the Act will notify the Registrar to enter a notification on the water allocation title.

¹Notice of Private Water Supply Agreement

[52-0230]

Entered on title – WATER ADVICE.

Where a holder of land (including a lessee or licensee) has taken on self management of water supplied to their land and entered into a written agreement under the provisions of Chapter 8 Part 4A of the *Water Act 2000* (the Act) the holder who has entered into such an agreement must give the chief executive of the department administering the Act a copy of the agreement. The chief executive must give the Registrar notice of the agreement (s 1001 of the Act).

An amendment made to a private water supply agreement may also be recorded. The Registrar is notified under s 1003 of the Act.

Removal

If a private water supply agreement is cancelled, as soon as practicable after the cancellation, the parties to the agreement must give the chief executive notice of the cancellation. The chief executive must give the Registrar notice of the cancellation. The Registrar must remove the particulars of the agreement from the register (s 1001 of the Act).

¹Notice of Granting of Water Licence or Interim Water Allocation

[52-0235]

Entered on title – WATER NOTICE.

Section 1007(3) of the *Water Act 2000* (the Act) requires the chief executive of the administering department to give the Registrar notice of the granting of a water licence, or an interim water allocation. The section further requires the chief executive to identify the land to which such grants attach.

The Registrar enters the notification on the title to the relevant land (s 1007(4) of the Act).

2,3 Notice of Distribution Operations Licence**[52-0240]**

Entered on title – WATER ADVICE.

Where a distribution operations licence (DOL) applies to a water allocation, s 127B(2) of the Act makes provision for the chief executive of the administering department to give notice to the Registrar that the water allocation is one to which a DOL applies. Section 1007(7) of the Act requires the Registrar to enter notices given under s 127B(2) against the titles to affected water allocations.

Removal

If a water allocation is one to which a DOL no longer applies, the chief executive must notify the Registrar (s 127C(4) of the Act). The Registrar must remove the DOL notice from affected water allocations (s 1007(8) of the Act).

1,3 Remedial Action Notice under the *Land Act 1994***[52-0250]**

Entered on title – REM ACT NOT.

Section 214 of the *Land Act 1994* (the Act) allows the minister administering the Act to give a State lessee or licensee a written notice to take remedial action in respect of their land.

The department will provide notification to the Registrar that a State lessee or licensee has been given notice to take remedial action. If a lessee or licensee does not carry out the remedial action required within the time stated in the notice, the tenure may be terminated.

No fee is payable for recording or removing a remedial action notice from the register.

1,3 Change of Capabilities Notice under the *Land Act 1994***[52-0260]**

Entered on title – CAPB NOTICE.

The minister administering the *Land Act 1994* (the Act) may, under s 130A(1) of the Act, request the Registrar to note in the register against a lease that:

- independent assessment of the applicant's or transferee's financial and managerial capabilities has been made in relation to the lease; or
- the lease is a lease that will have a significant impact on the environment or the economic and social development of a locality, a region or the State; and involve a high level of investment, a substantial development period and lease conditions requiring extensive development.

Removal

Section 130A(9) allows the minister to remove a note made under the section if, having regard to the significant development to which the lease relates, the Minister considers its removal is appropriate.

¹Notice of Voluntary Environmental Agreement under the *State Development and Public Works Act 1971*

[52-0270]

Entered on title – VOL ENV AGR.

Where the Coordinator-General has entered into a voluntary environmental agreement in relation to land under s 76T of the *State Development and Public Works Act 1971* (the Act), the Coordinator-General must give the Registrar written notice of the agreement (s 76U(1) of the Act). An agreement in relation to land may, under s 76T of the Act, contain terms that are binding on registered owners of land and a registered owner's successors in title.

Removal

As soon as practical after an agreement ends, the Coordinator-General must give the Registrar written notice. The Registrar must remove the particulars of the agreement from the register (s 76U(5) of the Act).

Notices under Miscellaneous Legislation

[52-0280]

Entered on title – ADMIN NOTING.

Where an Act requires an entity or agency to notify the Registrar to enter an advice on title but there is not sufficient need to create a separate administrative advice type, an 'Administrative Notice Miscellaneous' will be used. The following are examples:

¹Notice of Affected Area under *Planning (Urban Encroachment—Milton Brewery) Act 2009*

Under the provisions of s 9 of the *Planning (Urban Encroachment—Milton Brewery) Act 2009* (the Act) an applicant for a development approval for land within the designated affected area must give notice to the Registrar to record a notation on the title of the affected land.

If the development application is refused the applicant must request the Registrar to remove the notice.

No fee is payable for recording or removing a notice from the register under the provision of the Act.

¹Notice of Compulsory Acquisition of Native Title Rights and Interests under the *Acquisition of Land Act 1967*

A request to record a notation on a title that native title rights and interests have been compulsorily acquired by a constructing authority (or a similar authority so authorised by an Act to compulsorily acquire land) may be lodged by the relevant area of the department administering the *Acquisition of Land Act 1967*. A copy of the gazettal notice is required to be deposited with the request.

A deposit fee is not applicable.

Notice of Disclaimer of Onerous Property of a Bankrupt under the *Bankruptcy Act 1966* (Cth)

Where the Registrar is notified under the provisions of s 133(3) of the *Bankruptcy Act 1966* (Cth) that a trustee of a bankrupt has disclaimed onerous freehold land or a lease or a licence under the *Land Act 1994*, a noting to this effect will be made on the relevant title.

A deposit fee is not applicable.

¹Notice of Licence Agreement under the *Transport Infrastructure Act 1994*

Where a licence is granted or there is a variation of a licence under the provisions of s 303AB(1) of the *Transport Infrastructure Act 1994*, the chief executive administering that Act must give the Registrar a written notice of the licence for recording on the title to the relevant land (s 303AB(3) of the *Transport Infrastructure Act 1994*).

A deposit fee is not applicable.

¹Notice of Pre-Acquisition Declaration under *Lands Acquisition Act 1989 (Cth)*

A notification may be given to the Registrar to enter a noting that a pre-acquisition declaration has been made under the provisions of s 38 of the *Lands Acquisition Act 1989 (Cth)*. The request must be accompanied by a copy of the pre-acquisition declaration.

A deposit fee applies.

¹Notice of Dedication of Low Impact Future Act under *Native Title Act 1993 (Cth)*.

A notification may be given to the Registrar to enter a noting that land or water is dedicated as low impact further act under the provisions of s 24LA of the *Native Title Act 1993 (Cth)*.

A deposit fee is not applicable.

¹Notice of Native Title Determination under the *Native Title Act 1993 (Cth)*

[52-0290]

Entered on title – NT DETERM.

Where a native title determination has been made under the *Native Title Act 1993 (Cth)* a request by the department administering the *Native Title (Queensland) Act 1993* is made to the Registrar to enter a noting against relevant titles.

Legislation

[52-1000]

Application of the *Land Title Act 1994* to the *Water Act 2000*

Under the provisions of ss 150(1) and 151 of the *Water Act 2000*, subject to the exceptions provided in ss 150(2) and 151(1) of the *Water Act 2000*, the *Land Title Act 1994* applies to the registration of an interest or dealings for a water allocation on the water allocations register.

Under s 151(3) of the *Water Act 2000* an interest or dealing mentioned in s 150 may be registered in a way mentioned in the *Land Title Act 1994* and the Registrar of Water Allocations may exercise a power or perform an obligation of the Registrar of Titles under the *Land Title Act 1994*:

- (a) as if a reference to the Registrar of Titles were a reference to the Registrar appointed under Chapter 2 Part 4 Division 6 of the *Water Act 2000*; and
- (b) as if a reference to the freehold land register were a reference to the water allocations register; and
- (c) as if a reference to freehold land or land were a reference to a water allocation; and
- (d) as if a reference to a lot were a reference to a water allocation; and

- (e) as if a reference to an indefeasible title were a reference to a title; and
- (f) with any other necessary changes.

Practice

Administrative Advice Types

[52-2000]

A list of the administrative advices which at present are recorded in the Automated Titles System is set out below. The list is referenced under the entry which appears on a printed title search:

- ^{2,3}**101B NOTICE** (Water Allocation Notice under the *Water Act* 2000), see ¶[52-0060] – **WAN**
- ¹**ACCESS RIGHT** (Access Right under the Sugar Industry Acts), see ¶[52-0160] – **SAR**
- **ADMIN NOTING** (Notice under miscellaneous legislation), see ¶[52-0005] and [52-0280] – **ANM**
- **APPT ADMIN** (Appointment of Administrator Notification under the *Guardianship and Administration Act* 2000), see ¶[52-0070] – **APA**
- ^{1,3}**CAPB NOTICE** (Change of Capabilities Notice under the *Land Act* 1994), see ¶[52-0260] – **CCN**
- ¹**COAST PROT** (Notice under the *Coastal Protection and Management Act* 1995), see ¶[52-0180 to 52-0200] – **CPN**
- ¹**COMPLIANCE** (Compliance Notice under the *Vegetation Management Act* 1999), see ¶[52-0215] – **COM**
- ¹**CONF PROFITS** (Order under the *Criminal Proceeds Confiscation Act* 2002/Pecuniary Penalty Order), see ¶[52-0030] – **CPR**
- ¹**CONTAM LAND** (Notice of contaminated land under the *Environmental Protection Act* 1994), see ¶[52-0130] – **CLN**
- ¹**DSI/ OFFSET** (Notice under the *Land Valuation Act* 2010), see ¶[52-0115] – **LVA**
- ¹**HERITAGE SITE** (Site registered under the *Queensland Heritage Act* 1992), see ¶[52-0150] – **HRS**
- ^{2,3}**LAND & WATER** (Land and Water Management Plan under the *Water Act* 2000), see ¶[52-0225] – **WMP**
- ^{1,2}**NATURE REFUGE NOTING** (Agreement under the *Nature Conservation Act* 1992), see ¶[52-0140]
- ¹**NOTC INT RES** (Notice of Intention to Resume under the *Acquisition of Land Act* 1967), see ¶[52-0100] – **NIR**
- ²**NOTICE** (Caveatee's Notice under the *Land Title Act* 1994), see ¶[52-0020] – **NOT**

- ²**NTCE OF ACTN** (Lodgement of Notice of Action under *Land Title Act 1994*), see ¶[52-0010] – **NOA**
- ¹**NT DETERM** (Notice of Native Title Determination under the *Native Title Act 1993* (Cth)), see ¶[52-0290] – **NTD**
- ¹**OWNER BUILDR** (Owner Builder Permit under the *Queensland Building Services Authority Act 1991*), see ¶[52-0120] – **OBN**
- ^{1,3}**REM ACT NOT** (Remedial Action Notice under the *Land Act 1994*), see ¶[52-0250] – **RAN**
- ¹**RESTR ORDER** (Restraining Order under the *Drugs Misuse Act 1986*), see ¶[52-0040] – **RSO**
- ¹**RIV IMP NOT** (Notice under the *River Improvement Trust Act 1940*), see ¶[52-0110] – **RIT**
- ¹**ROAD LICENCE** (Notice of Road Licence under the *Land Act 1994*), see ¶[52-0090] – **RDL**
- **RT NOTING** (Registrar of Titles Noting under *the Land Title Act 1994*), see ¶[52-0050] and ¶[52-0055] – Registrar of Titles Noting under *the Land Title Act 1994* and Offence under the *Foreign Ownership of Land Register Act 1988* – **RTN**
- ^{1,2}**SETTLMNT NTC** (Settlement Notice under the *Land Title Act 1994*), see ¶[52-0080] – **STN**
- ¹**TRAM EASE** (Access Right under the Sugar Industry Acts), see ¶[52-0160] – **STE**
- ¹**VEG NOTICE** (Vegetation Management Notice the *Vegetation Management Act 1999*), see ¶[52-0210] – **VMN**
- ¹**VOL ENV AGR** (Voluntary Environmental Agreement under the *State Development and Public Works Act 1971*), see ¶[52-0270] – **VEA**
- **WATER ADVICE** (Water Act Advice under the *Water Act 2000*), see ¶[52-0220], ¶[52-0230], [52-0240] – Notice of Referrable Dam, Notice of Private Water Supply Agreement and Notice of Distribution Operations Licence – **WAA**
- ¹**WATER NOTICE** (Water Licence Notice under the *Water Act 2000*), see ¶[52-0235] – Notice of Granting of Water Licence or Interim Water Allocation – **WLN**
- ¹**WET TROPICS** (Notice under the *Wet Tropics World Heritage Protection and Management Act 1993*), see ¶[52-0170] – **WTN**

Note – Enquiries relating to an administrative advice should be directed to the relevant authority or department administering the legislation or issuing the notice.

The registry will not provide any further detail other than that disclosed on the notice.

Recording an Administrative Advice

[52-2010]

Where a notice is to be given to the Registrar under the provisions of an Act a Form 14 – General Request must be lodged, unless another form is appropriate, for example a Form 23 – Settlement Notice. The form must identify all lots the subject of the notice and details of the legislative authority. Where required, the request must be accompanied by any relevant supporting documentation. On lodgement, the notice is allocated a dealing number and entered against the relevant title/s.

Administrative advices for settlement notices, notices of action, caveatee's notices, and notices of appointment of an administrator under the *Guardianship and Administration Act 2000* may be entered by or on behalf of the person taking the action.

All other administrative advices must be entered by or on behalf of the relevant government department, agency or statutory authority or another entity authorised under the relevant legislation.

A duty notation is not required but a deposit fee applies unless there is a statutory exemption.

^{1,2}The certificate of title, if issued, is not required to be deposited.

Removal of an Administrative Advice

[52-2020]

An administrative advice may only be removed by the lodgement of a Form 14 – Request to remove administrative advice, unless otherwise provided for by legislation. An authorised delegate of the authority that lodged the original administrative advice notice must execute the Form 14. Where necessary, supporting evidence must also be deposited.

A duty notation is not required but a lodgement fee applies unless there is a statutory exemption.

^{1,2}The certificate of title, if issued, is not required to be deposited.

Forms

General Guide to Completion of Forms

[52-4000]

For general requirements for completion of forms see part 59.

Dealing Number



OFFICE USE ONLY

Privacy Statement

Collection of this information is authorised by the Land Title Act 1994 the Land Act 1994 and the Water Act 2000 and is used to maintain the publicly searchable registers in the land registry and the water register. For more information about privacy see the department's website.

1. Nature of request

ADMINISTRATIVE ADVICE

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

Queensland Building Services Authority
11 Edmondstone Street
South Brisbane Qld 4101
mail@qbsa.com.au
(07) 3225 2800

Lodger Code

2. Lot on Plan Description

LOT 3 ON RP24687

County

STANLEY

Parish

WARNER

Title Reference

16072084

3. Registered Proprietor/State Lessee

WAYNE ROBERT DERN
LINDA ANN DERN

4. Interest

NOT APPLICABLE

5. Applicant

QUEENSLAND BUILDING SERVICES AUTHORITY

6. Request

I hereby request that: a notation be made pursuant to ss46(1) and 46(2) of the *Queensland Building Services Authority Act 1992*, an Owner Builder Permit has been issued in relation to the land described above

File reference v 2.5/20478675.doc.

7. Execution by applicant

B Mayberry

BRIAN WILLIAM MAYBERRY FOR GENERAL MANAGER
7/9/2007

Execution Date

.....
Applicant's or Solicitor's Signature

Note: A Solicitor is required to print full name if signing on behalf of the Applicant

Guide to Completion of Form 14

Item 1

[52-4010]

Insert nature of request, ie ‘administrative advice’.

Item 2

[52-4020]

Each lot the subject of the notice must be fully identified with a lot on plan description and a title reference.

^{1,2}Freehold Description

The description of the relevant lot/s should always read ‘Lot [no.] on [plan reference]’. Plan references must contain the appropriate prefix (eg ‘SP’ for a survey plan, ‘RP’ for a registered plan, ‘BUP’ for a building units plan, ‘GTP’ for a group titles plan or the relevant letters for Crown plans). The area of the lot/s is not shown.

eg	Lot on Plan Description	County	Parish	Title reference
	Lot 27 on RP 204939	Stanley	South Brisbane	11223078

^{2,3}Water Allocation Description

A water allocation should be identified as ‘Water Allocation’, ‘Allocation’ or ‘WA’. A water allocation has no reference to County or Parish, hence these fields are not completed. All plans referring to water allocations are administrative plans. Administrative plan is abbreviated to AP as the prefix of the plan identifier.

eg	Lot on Plan Description	County	Parish	Title reference
	WA 27 on AP 7900			46012345

^{1,3}State Tenure Description

The description of the relevant State tenure should always read ‘Lot [no.] on [plan reference]’. Plan references must contain the appropriate prefix (e.g. ‘CP’ for a crown plan).

eg	Lot on Plan Description	County	Parish	Title reference
	Lot 27 on CP LIV1234	Livingstone	Cawarral	40567123

Item 3

[52-4030]

Insert full name of registered proprietor/holder. However, where the name is considered not relevant to the notice, ‘Not Applicable’ may be inserted provided approval has been given by the Registrar prior to lodgement or a written submission stating the reasons, is deposited with the form.

Item 4

[52-4040]

Insert interest – fee simple, water allocation or State leasehold. Not Applicable may also be inserted.

Item 5

[52-4050]

Insert full name of applicant.

Item 6

[52-4060]

Insert full details of the request including reference to the provisions of relevant authorising legislation.

Item 7

[52-4070]

Complete and execute where indicated.

Case Law

[52-7000]

Nil.

Fees

[52-8000]

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

- ^{1,2}*Land Title Regulation 2005* – Schedule 2, item number 6;
- ^{1,3}*Land Regulation 2009* – Schedule 11, item number 15; and
- ^{2,3}*Water Regulation 2002* – Schedule 16, item number 17.

Cross References and Further Reading

[52-9000]

Part 49 – Water Allocations

Notes in text

[52-9050]

Note¹ – This numbered section, paragraph or statement does not apply to water allocations.

Note² – This numbered section, paragraph or statement does not apply to State land.

Note³ – This numbered section, paragraph or statement does not apply to freehold land.