

# Part 52 – Administrative Advices

## Table of Contents

General Law .....	[52-0000]
Administrative Advices Which May Prevent Registration of Dealings	
Notice of Action under the <i>Land Title Act 1994</i> .....	[52-0010]
Caveatee's Notice under ss 126(2) and (3) of the <i>Land Title Act 1994</i> .....	[52-0020]
Notice of Pecuniary Penalty Order under the <i>Criminal Proceeds Confiscation Act 2002</i> .....	[52-0030]
Notice of Restraining Order under the <i>Drugs Misuse Act 1986</i> .....	[52-0040]
Registrar of Titles' Noting under the <i>Land Title Act 1994</i> .....	[52-0050]
<sup>1</sup> Notice of Offence under the <i>Foreign Ownership of Land Register Act 1988</i> .....	[52-0055]
Water Allocation Notice under the <i>Water Act 2000</i> .....	[52-0060]
Notice of Appointment of Administrator under the <i>Guardianship and Administration Act 2000</i> .....	[52-0070]
<sup>1</sup> Settlement Notice under the <i>Land Title Act 1994</i> .....	[52-0080]
Administrative Advices Which Do Not Prevent Registration of Dealings	
<sup>1</sup> Notice of Intention to Resume under the <i>Acquisition of Land Act 1967</i> .....	[52-0100]
<sup>1</sup> Notice under the <i>River Improvement Trust Act 1940</i> .....	[52-0110]
<sup>1</sup> Notice of Owner Builder Permit under the <i>Queensland Building Services Authority Act 1991</i> .....	[52-0120]
<sup>1</sup> Notice of Contaminated Land under the <i>Environmental Protection Act 1994</i> .....	[52-0130]
<sup>1</sup> Notice of Agreement under the <i>Nature Conservation Act 1992</i> .....	[52-0140]
<sup>1</sup> Notice of Site Registered under the <i>Queensland Heritage Act 1992</i> .....	[52-0150]
<sup>1</sup> Notice of Access Right under the <i>Sugar Industry Act 1999</i> .....	[52-0160]
<sup>1</sup> Notice of Cancellation of Sugar Access Right .....	[52-0165]
<sup>1</sup> Notice under the <i>Wet Tropics World Heritage Protection and Management Act 1993</i> .....	[52-0170]
Notices under the <i>Coastal Protection and Management Act 1995</i>	
<sup>1</sup> Compliance Notice .....	[52-0180]
<sup>1</sup> Compensation Notice .....	[52-0190]
<sup>1</sup> Reconfiguration Notice .....	[52-0200]
<sup>1</sup> Notices under the <i>Vegetation Management Act 1999</i>	
<sup>1</sup> Vegetation Management Notice .....	[52-0210]
<sup>1</sup> Compliance Notice .....	[52-0215]
Notices under the <i>Water Act 2000</i>	
<sup>1</sup> Notice of a Referable Dam .....	[52-0220]
Notice of Land and Water Management Plan .....	[52-0225]
<sup>1</sup> Notice of Private Water Supply Agreement .....	[52-0230]
Notice of Granting of Water Licence or Interim Water Allocation .....	[52-0235]
Notice of Distribution Operations Licence .....	[52-0240]
<sup>1</sup> Remedial Action Notice under the <i>Land Act 1994</i> .....	[52-0250]
<sup>1</sup> Change of Capabilities Notice under the <i>Land Act 1994</i> .....	[52-0260]
<sup>1</sup> Notice of Voluntary Environmental Agreement under the <i>State Development and Public Works Act 1971</i> .....	[52-0270]
Legislation .....	[52-1000]
Practice	
Administrative Advice Types .....	[52-2000]
Recording an Administrative Advice .....	[52-2010]
Removal of an Administrative Advice .....	[52-2020]
Forms	
General Guide to Completion of Forms .....	[52-4000]
Guide to Completion of Form 14	
Item 1 .....	[52-4010]
Item 2 .....	[52-4020]
Item 3 .....	[52-4030]
Item 4 .....	[52-4040]
Item 5 .....	[52-4050]
Item 6 .....	[52-4060]
Item 7 .....	[52-4070]
Case Law .....	[52-7000]
Fees .....	[52-8000]
Cross References and Further Reading .....	[52-9000]
Notes in text .....	[52-9050]

## 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 of Action under the *Land Title Act 1994*

[52-0010]

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). For further information on these exceptions, see ¶[11-0170].

To prevent the lapsing of a caveat, a caveator must start proceedings 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 proceedings have started, and identify those proceedings. The notification is lodged as a notice of action. For further information on the specified time limits, see ¶[11-0190].

The notification must clearly identify the caveat, the court action identifier of the proceedings, and all relevant titles. An office copy of the originating proceedings issued out of a court of competent jurisdiction and showing the court action number must also be deposited. No deposit fee is payable.

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.

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

[52-0020]

The caveatee under a lodged caveat may serve a notice on the caveator to commence proceedings 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*). 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 may be made by way of a Form 14 – General Request or in the form of a letter or a declaration. 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 proceedings 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.

**<sup>1</sup>Notice of Pecuniary Penalty Order under the *Criminal Proceeds Confiscation Act 2002***

[52-0030]

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]).

**<sup>1</sup>Notice of Restraining Order under the *Drugs Misuse Act 1986***

[52-0040]

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***

[52-0050]

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, or for notifications not readily covered by legislation.

### **<sup>1</sup>Notice of Offence under the Foreign Ownership of Land Register Act 1988**

[52-0055]

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*.

No other instrument 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).

### **Water Allocation Notice under the *Water Act 2000***

[52-0060]

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 allocation's 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
- until the interest mentioned in the notice is recorded on the register.

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, under a 'not current' status.

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

[52-0070]

### **Tribunal Orders**

Under the provisions of the *Guardianship and Administration Act 2000* (the Act) Queensland's Guardianship and Administration Tribunal may appoint an administrator for a matter involving an interest in land. 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 a title from its date of lodgement in the registry until an expiry date, if stated. Generally, documents which are executed by a registered proprietor previous to the date of the administrator's appointment, or after its termination, will be registered. 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.

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 Courts and Supreme Courts to appoint an administrator. The notification must be accompanied by the sealed court order.

### **Removal**

Advices under the *Guardianship and Administration Act 2000* may be removed if requested and 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.

## **<sup>1</sup>Settlement Notice under the *Land Title Act 1994***

[52-0080]

See part 23 – Settlement Notices.

## **Administrative Advices Which Do Not Prevent Registration of Dealing**

### **<sup>1</sup>Notice of Intention to Resume under the *Acquisition of Land Act 1967***

[52-0100]

A constructing authority, within the meaning of the *Acquisition of Land Act 1967* (the Act), may resume freehold land or an interest in freehold 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 is required to serve a notice of intention to resume 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.

The constructing authority is required to forward a copy of the notice to the Registrar for noting in the register (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.

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.

#### **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 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.

#### **<sup>1</sup>Notice under the *River Improvement Trust Act 1940***

[52-0110]

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.

#### **<sup>1</sup>Notice of Owner Builder Permit under the *Queensland Building Services Authority Act 1991***

[52-0120]

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).

#### **<sup>1</sup>Notice of Contaminated Land under the *Environmental Protection Act 1994***

[52-0130]

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).

**<sup>1</sup>Notice of Agreement under the *Nature Conservation Act 1992***

[52-0140]

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 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).

**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).

**<sup>1</sup>Notice of Site Registered under the *Queensland Heritage Act 1992***

[52-0150]

Where the Queensland Heritage Council has, under *Queensland Heritage Act 1992* (the Act), entered a place of significance to Queensland's cultural heritage in the heritage register, the minister for the administering department must notify the Registrar (s 42(1) of the Act).

**<sup>1</sup>Notice of Access Right under the *Sugar Industry Act 1999***

[52-0160]

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

#### **<sup>1</sup>Notice of Cancellation of Sugar Access Right**

[52-0165]

An access right recorded on a title may be cancelled. The land-holder whose land is affected by an access right may, by agreement, cancel the access right. A party to an access right may apply to the Land Court to cancel the access right.

A request may be made to the Registrar to remove the administrative advice from the title.

#### **Cancellation by Agreement**

When 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**

When 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.

#### **<sup>1</sup>Notice under the *Wet Tropics World Heritage Protection and Management Act 1993***

[52-0170]

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).

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

##### **<sup>1</sup>Compliance Notice**

[52-0180]

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).

### **<sup>1</sup>Compensation Notice**

[52-0190]

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).

### **<sup>1</sup>Reconfiguration Notice**

[52-0200]

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 *Integrated Planning Act 1997*, 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***

### **<sup>1</sup>Vegetation Management Notice**

[52-0210]

Section 20B of the *Vegetation Management Act 1999* (the Act) authorises the chief executive of the department administering the Act to make a property map of assessable vegetation (a map). A map is required to identify land by way of vegetation categories. The category types are defined in the Schedule to the Act. Section 70B of the Act requires the chief executive to give the Registrar written notice of the creation of a map as soon as practicable.

Section 70B also requires the chief executive to give the Registrar written notice of the issuing of a development approval under the *Integrated Planning Act 1997* for a vegetation clearing application (an approval).

The Registrar must keep records in a way that a search of the register the subject of an approval or a map will show that an approval has been issued, or a map has been made (s 70B(4) of the Act).

#### **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).

#### **<sup>1</sup>Compliance Notice**

[52-0215]

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 give a copy of the notice to the Registrar (s 55A(2) of the Act).

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.

### **Advices under the *Water Act 2000***

#### **<sup>1</sup>Notice of a Referable Dam**

[52-0220]

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 (s 1007(4A) of the Act).

#### **Notice of Land and Water Management Plan**

[52-0225]

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(6) of the Act will notify the Registrar to enter a notification on the water allocation title.

### **<sup>1</sup>Notice of Private Water Supply Agreement**

[52-0230]

Where an owner 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 owner 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).

### **Notice of Granting of Water Licence or Interim Water Allocation**

[52-0235]

Section 1007(2A) 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(2B) of the Act).

### **Notice of Distribution Operations Licence**

[52-0240]

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).

### **<sup>1</sup>Remedial Action Notice under the *Land Act 1994***

[52-0250]

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.

## <sup>1</sup>Change of Capabilities Notice under the *Land Act 1994*

[52-0260]

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.

## <sup>1</sup>Notice of Voluntary Environmental Agreement under the *State Development and Public Works Act 1971*

[52-0270]

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).

# 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), 151(1) and (5) 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 entered in the Automated Titles System is set out below. The list is referenced under the entry which appears on a printed title search:

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

- **NTCE OF ACTN** (Lodgement of Notice of Action under *Land Title Act* 1994), see ¶[52-0010] – **NOA**
- **OWNER BUILDR** (Owner Builder Permit under the *Queensland Building Services Authority Act* 1991), see ¶[52-0120] – **OBN**
- **REM ACT NOT** (Remedial Action Notice under the *Land Act* 1994), see ¶[52-0250] – **RAN**
- **RESTR ORDER** (Restraining Order under the *Drugs Misuse Act* 1986), see ¶[52-0040] – **RSO**
- **RIV IMP NOT** (Notice under the *River Improvement Trust Act* 1940), see ¶[52-0110] – **RIT**
- **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**
- **SETTLMNT NTC** (Settlement Notice under the *Land Title Act* 1994), see ¶[52-0080] – **STN**
- **TRAM EASE** (Access Right under the Sugar Industry Acts), see ¶[52-0160] – **STE**
- **VEG NOTICE** (Vegetation Management Notice the *Vegetation Management Act* 1999), see ¶[52-0210] – **VMN**
- **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], ¶[52-0225], ¶[52-0230], ¶[52-0240] – Notice of Referrable Dam, Notice of Land and Water Management Plan, Notice of Private Water Supply Agreement, Notice of Distribution Operations Licence – **WAA**
- **WATER NOTICE** (Water Licence Notice under the *Water Act* 2000), see ¶[52-0235] – **WLN**
- **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]

An administrative advice must be lodged with a Form 14 – General Request, unless otherwise provided for (eg caveatee’s notice). On lodgement, the administrative advice is allocated a dealing number and entered against the title/s affected by the advice.

Administrative advices for settlement notices, notices of action, caveatee's notices, and notices enrolled 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.

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

<sup>2</sup>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.

<sup>2</sup>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 – Forms, esp ¶[59-2000].

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**

FEE SIMPLE

**5. Applicant**

QUEENSLAND BUILDING SERVICES AUTHORITY

**6. Request**

I hereby request that: 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]

#### <sup>2</sup>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.

The entire panel of Item 2 must be completed. All information needed to complete Item 2 will appear on a search of the title.

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

#### 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.

All information needed to complete Item 2 will appear on a search of the water allocation title.

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

### Item 3

[52-4030]

Insert full name of registered proprietor/lessee.

### Item 4

[52-4040]

Insert interest – fee simple, water allocation or State leasehold.

### Item 5

[52-4050]

Insert full name of applicant.

### Item 6

[52-4060]

Insert details of the request.

**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:

- <sup>2</sup>*Land Title Regulation 2005* – Schedule 2, item number 6; and
- *Water Regulation 2002* – Schedule 16, item number 17.

**Cross References and Further Reading****[52-9000]**

Part 49 – Water Allocations

**Notes in text****[52-9050]**

Note <sup>1</sup> – This numbered section is not applicable to water allocations or the Water Allocations Register.

Note <sup>2</sup> – This paragraph or statement is not applicable to water allocations or the Water Allocations Register.