

Part 59 – Forms

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Part 59 – Forms

General Law

[59-0000]

Section 194 of the *Land Title Act* 1994 and s 444 of the *Land Act* 1994 empower the Chief Executive, Department of Environment and Resource Management to approve Forms required to be lodged in the Land Registry.

Section 10 of the *Land Title Act* 1994 provides that a lodged form must be in the appropriate form and comply with the directions of the Registrar about how the form is filled in and how information is to be included in or given with the form.

Legislation

[59-1000]

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

General Requirements for Land Registry Forms

[59-2000]

A form (other than a plan of survey) must meet the requirements of the *Land Title Regulation* 2005.

There must be margins free from printing and writing of not less than 10mm on all sides of the form.

Leave a space of not less than 35mm from the top edge of the form to accommodate any duty notation and dealing label.

The form must be clearly printed on one side of the sheet only and be produced in a way that is permanent and allows reproduction by photographic means to the satisfaction of the Registrar in a print size no smaller than 1.8mm (10 point). An electronic form that is produced by a firm must retain the Arial font (or a similar font acceptable to the Registrar) and other formatting embedded within fields of the original file obtained from the Land Registry Forms on Disk.

The whole of the Form, whether printed or processed, must appear on one side of one sheet only. Panels may be contracted or expanded to assist with this requirement, but **no panel may be removed** (ie, the item must be shown in full even if not used).

Forms must not be folded.

A Land Registry Form that has obviously been transmitted by facsimile and presented for lodgement may be accepted provided all the following criteria are met:

- all signatures are originally signed and dated on the form lodged; and
- the form is presented on plain white paper (ie, sensitised or coloured paper is not acceptable); and
- the completed form presented meets the quality standards of Land Registry Forms.

An Australian company name must in all circumstances be followed by its Australian Company Number or Australian Business Number, whether acquiring or disposing of an interest.

²Dealings with State leasehold land may require the deposit of the Minister's consent and any intimations or declarations required as a condition of the consent, original lease/licence, rental clearance, Form 24 or 25, etc, where applicable. In dealings with State leases the 'interest' should be shown as State Tenure and reference to the State lease or licence should appear in the lot/plan description.

Dealings with water allocations may require the deposit of a Notice of Existence of Water Supply Contract (Form ROP 13) and/or a Certificate from the Chief Executive of the Department of Environment and Resource Management and Form 24 where applicable. In dealings with water allocations the 'interest' should be shown as Water Allocation.

Items

[59-2010]

All numbered Items are to be completed, or if not applicable, to be either ruled through diagonally or marked N/A. (No panel is to be removed.)

Only in circumstances where there is insufficient space to include the necessary information in any item in any form, a Form 20 – Enlarged Panel may be used. For further information see part 20 – Schedule, Enlarged Panel, Additional Page, Declaration, or Standard Terms Document.

Optional Items marked * # to be deleted must be ruled through if they do not apply in a particular form. Initialling is not required for these deletions.

Fields within Items for parties acquiring interests should be used to record Given Name, Surname and Tenancy.

The full given name/s and surname/s of each individual must be shown.

Interests

[59-2020]

Shares in an Interest

An interest that is less than the whole (i.e. share) must be shown as a fraction and not expressed as a proportion or percentage, eg:

1/2 is acceptable, but 1:2 or 50% is not.

In cases where more than one share is involved, fractions should have a common denominator, eg:

6/12, 2/12, 1/12, 3/12.

Dealing with Different Types of Interests

Where a party holds different types of interests (for example, holds the fee simple in one lot and in another lot, a sub-lease interest in a State lease) and the party is desirous of dealing with both interests, a separate land registry form must be completed for each type of interest. However, where a combined form is inadvertently prepared, the form may be lodged only with prior approval of the Registrar. In every instance lodgement fees will be assessed on each interest.

Lodger

[59-2030]

The lodger details should contain the minimum information necessary for positive identification and contact by correspondence (mail).

The lodger code (if applicable) should always be shown.

Alterations

[59-2040]

Alterations to information entered on the form should be ruled through (**not** erased or obliterated by painting over) and initialled by the parties.

Annexures

[59-2050]

An annexure (for example a declaration, an enlarged panel or a schedule) must be prepared on a Form 20 and form part of the completed land registry form. Other documentation (for example an original will, certificate of death, Form 24 – Property Information (Transfer), Form 25 – Foreign Ownership) accompanying the land registry form are only deposited with the form.

For further information see part 20 – Schedule, Enlarged Panel, Additional Page, Declaration, or Standard Terms Document.

Binding

[59-2060]

The form and its supporting documents should be bound with one staple at the top, left corner.

¹Certificate of Title

[59-2070]

Any Certificate of Title that has been issued by the Registrar must be deposited with a dealing over that parcel of land (where applicable) for the purpose of cancellation.

If it is lost or destroyed an application must be made for its production to be dispensed with. See part 17 – Request for Substitute Instrument or to Dispense with Production of Instrument.

The Certificate of Title is not required to be deposited for any dealing to which the person entitled to hold the title is not a party. This includes the title to the servient tenement when a surrender of an easement is executed by the grantee only.

Current Forms

[59-4000]

Chronological List of Dates of Effect – Based on Date of Signing of the Particular Form/Version

- 1 September 1986 – *Real Property Act* Panel Forms commenced
- 1 May 1992 – Form 100s commenced
- 24 April 1994 – *Land Title Act* forms commenced (*Real Property Act* repealed)
- 1 August 1994 – *Real Property Act* forms no longer acceptable
- 24 October 1994 – *Land Title Act* Version 2 forms commenced
- 1 December 1994 – Forms executed in Version 1 not acceptable
- 6 February 1995 – Form 23 Version 1 (Settlement Notice) commenced
- 30 October 1995 – Form 24 Version 1, Form 23 Version 2 and Version 3 of Forms 1, 4, 5, 6, 7, 13 and 18 commenced
- 1 January 1996 – Common Form 100, Version 1 of Form 23 and Version 2 of Forms 1, 4, 5, 6, 7, 13, 18 are no longer acceptable
- 12 July 1997 – Version 4 of Form 13, Version 2 of Form 21, Forms 21A, 26 to 34 and CMS commenced
- 13 September 1997 – Form 21 Version 1 no longer acceptable
- 1 December 1997 – Form 13 Version 3 no longer acceptable
- 18 February 2000 – Form 7 Version 4 commenced
- 1 July 2000 – Form 7 Version 3 no longer acceptable
- 1 September 2002 – Form 24 Version 2 commenced
- 1 September 2003 – Version 2 of Forms 20, 25, 29 to 34 and CMS, Version 3 of Forms 2, 3, 5A, 8 to 12, 14 to 17, 19, 23 and 24, Version 4 of Forms 1, 4, 5, 6 and 18, Version 5 of Forms 7 and 13 commence
- 1 December 2003 – Version 1 of Forms 20, 25, 29 to 34 and CMS, Version 2 of Forms 2, 3, 5A, 8 to 12, 14 to 17, 19, 23 and 24, Version 3 of Forms 1, 4, 5, 6 and 18, Version 4 of Forms 7 and 13 no longer acceptable
- 1 April 2006 – Version 4 of Form 5A, Version 5 of Forms 5 and 6 commence
- 1 July 2007 – Version 1 of Form 24A, Version 3 of Forms 25, 29 to 34 and CMS, Version 4 of Forms 2, 3, 8 to 12, 14 to 17, 19, 23 and 24, Version 5 of Forms 1, 4, 5A and 18, Version 6 of Forms 5 to 7 and 13 commence
- 1 October 2007 – Versions of forms prior to those that commenced 1 July 2007 no longer acceptable

List of Forms

Form 1	Version 5	Transfer
Form 2	Version 4	Mortgage
Form 3	Version 4	Release of Mortgage
Form 4	Version 5	Request to Record Death
Form 5	Version 6	Transmission Application by Personal Representative (Grant in Queensland)
Form 5A	Version 5	Transmission Application by Personal Representative (No Grant in Queensland)
Form 6	Version 6	Transmission Application for Registration as Devisee/Legatee
Form 7	Version 6	Lease/Sub-Lease
Form 8	Version 4	Surrender of Lease
Form 9	Version 4	Easement
Form 10	Version 4	Surrender of Easement
Form 11	Version 4	Caveat
Form 12	Version 4	Request to Register Writ/Warrant of Execution
Form 13	Version 6	Amendment
Form 14	Version 4	General Request
Form 15	Version 4	Request to Amalgamate
Form 16	Version 4	Request to Register Power of Attorney/Revocation of Power of Attorney
Form 17	Version 4	Request for Substitute Instrument/Dispense with Production of Instrument
Form 18	Version 5	General Consent
Form 19	Version 4	Application for Title
Form 20	Version 2	Schedule/Enlarged Panel/Additional Page/Declaration
Form 21	Version 2	Plan of Survey
Form 21A	Version 1	Additional Sheet (Plan of Survey)
Form 22	Version 1	Certificate of Title
Form 23	Version 4	Settlement Notice
Form 24	Version 4	Property Information (Transfer)
Form 24A	Version 1	Property Information (Transmission Application)
Form 25	Version 3	Foreign Ownership Information
Form 29	Version 3	Profit a prendre
Form 30	Version 3	Mortgage Priority
Form 31	Version 3	Covenant
Form 32	Version 3	Building Management Statement
Form 33	Version 3	Release of Covenant/Profit a prendre
Form 34	Version 3	Extinguishment of Building Management Statement
CMS	Version 3	Format for Community Management Statement

Cross References and Further Reading

[59-9000]

Nil.

Notes in text

[59-9050]

Note¹ – This numbered section is not applicable to water allocations or the Water Allocations Register.

Note² – This paragraph or statement is not applicable to water allocations or the Water Allocations Register.