Part 25 – Foreign Ownership Information

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Part 25 – Foreign Ownership Information

General Law

Foreign Ownership of Land Register

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

Notification of Foreign Ownership

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

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

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

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

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

Exemptions from Notification

The following persons are exempt from the requirements of notification:

• a personal representative of a deceased person is not required to lodge a notification in respect of the interest in land vested in him/her as personal representative (s 18(5)(a) of the Foreign Ownership of Land Register Act 1988); and

• a person beneficially entitled to an interest in the land of a deceased person is not required to lodge a notification before lodgement of documents to vest the interest in the person (s 18(5)(b) of the Foreign Ownership of Land Register Act 1988).

Foreign Person Acquiring an Interest in Land

An obligation to notify is triggered upon a ‘foreign person’ ‘acquiring’ an ‘interest in land’. These terms are defined in schedule 1 of the Foreign Ownership of Land Register Act 1988.

‘Foreign person’ means:
• a foreign natural person – being a person who is not an Australian citizen within the meaning of the *Australian Citizenship Act* 2007 (Cth) and either whose continued presence in Australia is subject to a limitation as to time imposed by law or who is not domiciled in Australia;

• a foreign corporation – being an incorporated or unincorporated body that is formed outside Australia and its external territories;

• a corporation in which a foreign natural person or a foreign corporation holds a controlling interest or in which two or more foreign natural persons or foreign corporations hold an aggregate controlling interest.

‘Interest in land’ includes an estate or interest:

• in land and any improvements on the land;

• in a licence or permit granted under the *Land Act* 1994;

• in a miner’s homestead as defined in the *Land Act* 1994.

However, ‘interest in land’ does not include:

• a security interest in land;

• an estate or interest in an easement over land;

• the estate or interest of a lessee of freehold land or a sublessee of leasehold land where the term of a lease or a sublease, as the case may be, including those available under all options to renew, does not exceed 25 years;

• minerals, crude oil, natural gas, petroleum or petroleum deposits;

• certain land granted under the *Mineral Resources Act* 1989, the *Coal Mining Act* 1925, the *Petroleum Act* 1923 or the *Petroleum (Submerged Lands) Act* 1982;

• an agreement given force by an Act of Parliament for development of mineral deposits;

• a carbon abatement interest under the *Land Act* 1994 or *Land Title Act* 1994;

• a covenant under the *Land Act* 1994 or *Land Title Act* 1994;

• a plantation licence under the *Forestry Act* 1959; or

• a profit a prendre under the *Land Act* 1994 or *Land Title Act* 1994.

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

Penalties for Non-Compliance

Sections 24 and 25 of the *Foreign Ownership of Land Register Act* 1988 prescribe penalties for non-compliance or giving false or misleading information. Specified officers of a corporation that has committed an offence are also deemed to have committed an offence (s 26 of the *Foreign Ownership of Land Register Act* 1988.)
If a foreign person is convicted of an offence in respect of land, the land may be forfeited to the State (ss 29 to 37 of the *Foreign Ownership of Land Register Act* 1988). The Supreme Court may also make a restraining order passing management and control of an interest in land to a person named in the order (ss 38, 39 and 40 of the *Foreign Ownership of Land Register Act* 1988).

**Practice**

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

Images of the Form 25 are not available to the public.

**Forms**

**General Guide to Completion of Forms**

For general requirements for completion of forms see part 59 – Forms.
FOREIGN OWNERSHIP INFORMATION

1. Property Details

Lot     Plan     No.
11      RP       893999

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

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

2. Details to be completed by or on behalf of a foreign transferee / purchaser

PLEASE X WHICHEVER [ ] IS APPLICABLE ON THIS FORM

Foreign Country : SINGAPORE

Natural Person [ X ] OR Company/Corporation [ ]
Wholly Foreign Controlled [ ]

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

K J Brown

.......................................................... signature

M L Brady

.......................................................... signature

KAY JANE BROWN

.......................................................... full name

MICHAEL LAWRENCE BRADY

.......................................................... full name

COMMISSIONER FOR DECLARATIONS #63885

.......................................................... qualification

SOLICITOR

.......................................................... qualification

1/11/2007

Witness

Execution Date

15 Crombie Street, Inala Qld 4077

As authorised under relevant Oaths/Evidence Act

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

Privacy Statement

Collection of this information is authorised by Foreign Ownership of Land Register Act 1988 and is used to maintain the publicly searchable registers. For more information about privacy in DNRM see the department’s website.
Guide to Completion of Form 25

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

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

**Item 1**

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

**Item 2**

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

**Declaration**

The declarant may be any of the following:

- the foreign person/s identified as the transferee;
- a solicitor acting for the transferee (*Note*: the signature of the solicitor must still be witnessed in accordance with the relevant Oaths/Evidence Act); or
- a person authorised to execute documents on behalf of the foreign company/corporation in accordance with the articles of association of the company/corporation.

**Execution (Electronic Form)**

The requirements for the execution and certification are contained in the Participation Rules (Queensland) for electronic conveyancing.

**Cross References and Further Reading**

Nil.

**Notes in text**

*Note* 1 – This part does not apply to water allocations.