

## 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* provide that the Chief Executive of the Department administering the Act may approve Forms required to be lodged in the Titles Registry.

Section 7 of the Electronic Conveyancing National Law (Queensland) provides for forms to be lodged electronically under that Law, to be approved by the Registrar.

Section 10 of the Land Title Act and s. 286 of the Land Act provide that a lodged form must be in the appropriate form and comply with the directions of the Registrar about how the form is completed and how information is to be included in or given with the form.

### Electronic Conveyancing

[59-0010]

An electronic conveyancing document is a document that is lodged electronically under the Electronic Conveyancing National Law (Queensland).

A reference in the *Land Title Act 1994* to a document of a type that may be lodged or deposited under the Land Title Act includes reference to a document in the form of an electronic conveyancing document.

If the Land Title Act provides for a document to be signed or executed and the document is an electronic conveyancing document, the document must be digitally signed as provided for under the Electronic Conveyancing National Law (Queensland) and the Participation Rules (Queensland).

If a registry instrument, other than a plan of survey, is digitally signed in accordance with the Queensland Participation Rules for electronic conveyancing, the requirements of any other Queensland law relating to the execution, signing, witnessing, attestation or sealing of documents must be regarded as having been fully satisfied.

A document that is lodged as an electronic conveyancing document must be accompanied by a set of lodgement instructions identifying the nominated Responsible Subscriber and the order in which the documents are to be lodged. The lodgement instructions must be digitally signed by all subscribers to the transaction.

A document that is lodged as an electronic conveyancing document will have a label that is burnt into the image (similar to an Elodged document) and can be identified on the image of the document by the Office code of the relevant Electronic Lodgment Network Operator (e.g. “PX” for PEXA or “SY” for Sympli).

### National Mortgage Form

The National Mortgage Form was introduced on 29 May 2017 as part of a national initiative to standardise content and presentation of mortgages.

# Legislation

[59-1000]

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

Under the provisions of the Water Act, the Land Title Act applies to the registration of an interest or dealings for a water allocation on the water allocations register subject to some exceptions.

A relevant interest or dealing may be registered in a way mentioned in the Land Title Act and the Registrar of Water Allocations may exercise a power or perform an obligation of the Registrar of Titles under the Land Title Act:

- (a) as if a reference to the Registrar of Titles were a reference to the Registrar of Water Allocations; 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) with any other necessary changes.

### <sup>1, 3</sup>Reference to the Chief Executive in the *Land Act 1994*

The functions of the Chief Executive under the Land Act relating to the keeping of Registers are carried out by the Registrar of Titles under delegation given under s. 393 of that Act.

# Practice

## General Requirements for Titles Registry Forms

[59-2000]

A form (other than a plan of survey) must meet the requirements of the Land Title Regulation 2015.

With the exception of the National Mortgage Form, Priority Notice, Withdrawal of Priority Notice and Extension of Priority Notice, 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 (in dense blue or black ink) on one side of the sheet only and be produced in a way that is permanent and allows reproduction 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 department's web site.

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** (i.e., the item must be shown in full even if not used).

Forms must not be folded.

A Titles Registry Form that has obviously been transmitted electronically (e.g. 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 Titles Registry Forms.

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

An acronym must not be used if it is not in common use as it may be unclear to a person conducting a search of the public register. For example, ATF is not acceptable in place of “as trustee for” or “as trustee”, however ACN may be used in place of Australian Company Number and JP may be used in place of Justice of the Peace.

## Items/Panels

[59-2010]

All panels or numbered Items are to be completed, or if not applicable, to be either ruled through diagonally or marked N/A. (No panel/item 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, e.g.:

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

In cases where more than one share is involved, fractions must have a common denominator, e.g.:

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

### Dealing with Different Interest Types

The Registrar will allow one form to be used for multiple interest types provided:

- the parties in the transaction are the same for each interest; and

- the interests are either all of a primary nature or all of a secondary nature. For example a single transfer from A to B of a freehold lot and a State lease is acceptable as both interests are considered primary. However, a transfer from A to B of a freehold lot and transfer from A to B of a freehold lease (interest of a secondary nature) are not acceptable in a single form.

Where a single form is inadvertently prepared with primary and secondary interests, the form may be lodged only with prior approval of the Registrar.

Where a single form is used for multiple secondary interests separate lodgement fees will apply to each secondary interest as if each secondary interest was being dealt with in a separate form. Refer to the Titles Fee Calculator available online for more information.

## Lodger

[59-2030]

The lodger details must contain the minimum information necessary for positive identification and contact by mail, electronic mail and telephone. However, in extenuating circumstances the Registrar may approve this panel to remain uncompleted, if requested in writing prior to lodgement and there is a substantive reason.

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

### Amending Lodger details

Only the lodger of the instrument or document can request a change to the lodger details. The request must be made before the dealing is registered. Lodger details can be changed by sending the request using our online enquiry form or by email or letter.

## Alterations and Minor Corrections to Titles Registry Forms

[59-2040]

### General

In this part the following applies:

*Alteration* means change to some detail which may alter the nature and effect of the instrument or document or is of a substantial nature—for example:

- adding or deleting a lot;
- adding or deleting a party;
- adding or deleting an interest;
- adding or deleting a middle name of a party;
- changing a title reference other than by one digit or a transposition of two digits;
- inserting or changing the tenancy or shares of parties.

*Minor correction* means a change to correct a minor error—for example, a correction of:

- a digit or a transposition of two digits in a title reference;
- a digit or a transposition of two digits in a plan number;
- the spelling of part of the name of an individual or corporation;

- a digit or a transposition of two digits in an Australian Company Number.

An *alteration* or a *minor correction* must be made in the following manner:

- a deletion must be ruled through and not erased or obliterated by painting over;
- any addition must be clearly printed in the correct item.

*Titles registry forms* do not include the following:

- Form 21 – Survey Plan (Main Plan);
- Form 21A – Survey Plan (Additional Sheet)
- Form 21B – Survey Plan (Administration Sheet)
- Form 24 – Property Information (Transfer);
- Form 24A - Property Information (Transmission Application);
- Form 25 – Foreign Ownership Information;
- Form CMS (Community Management Statement); or
- Power of Attorney instrument.

Section 5(4) of the Land Title Regulation 2015 requires each party and each witness to a Titles Registry form to initial any alteration. However, as the Registrar has discretion under s. 10 of the *Land Title Act 1994* to waive a requirement relating to a form where it is considered reasonable to do so, the Registrar will not usually require a witness to initial a change to a form. The witness will be required to initial an alteration where it may impact on their responsibilities under s. 162 of the Land Title Act or s. 311 of the *Land Act 1994*. It is advisable to have the alteration initialled by the witness if there is doubt on whether or not the alteration impacts on the witness's responsibilities.

The Registrar may require further evidence to substantiate who has made an alteration or a minor correction to an instrument or document and the nature of their authority.

If there is doubt on whether a change is considered an alteration or a minor correction, it is advisable to have the changes made in accordance with the practice for an alteration.

### **Alterations or Minor Corrections Made Before Lodgement**

The following applies whether the alteration or minor correction was made before or after execution.

#### **Alterations Made Before Lodgement**

An *alteration* made to a form before lodgement must be initialled by:

- each party to the form who executed the document—except where the change is of no consequence to a party, then that party's initial is not required, for example inserting or changing the tenancy of transferees would not require the transferor's initials.  
**Note:** A solicitor who signed on behalf of a party is not a party to the form; or

- a person authorised to alter the instrument or document—provided that a statement about the alteration is deposited with the instrument or document when lodged (see below).

#### **Minor Corrections Made Before Lodgement**

A *minor correction* made before lodgement must be initialled by at least:

- one of the parties to the form who executed the document; or
- a solicitor for one of the parties; or
- another person authorised to make a minor correction to the instrument or document—in this case, a statement about the minor correction must be deposited with the instrument or document when lodged (see below).

#### **Alterations or Minor Corrections Made After Lodgement**

##### **Alterations Made After Lodgement**

The practice stated above for *alterations* made before lodgement, also applies to *alterations* made to an instrument or document after lodgement, that is, where a dealing is under requisition. However, additional requirements apply to:

- adding a party—the following are required:
  - the additional party must execute the instrument or document; and
  - the lodger must provide a letter requesting that the dealing be withdrawn and re-lodged under s. 159 of the *Land Title Act 1994* or s. 308 of the *Land Act 1994*.
- withdrawing a lot or an interest from the instrument or document before the dealing is registered—the lodger must also provide a letter requesting that the dealing be withdrawn only so far as relates to the lot/interest
- adding a lot or an interest to an instrument or document before the dealing is registered—the following are required:
  - the instrument or document must be re-executed by all parties—if the instrument or document is unable to be re-executed a written submission, supported by a statutory declaration stating the facts, must be deposited; and
  - any additional lodgement fee for extra lot/interest must be paid; and
  - the lodger must provide a letter requesting that the dealing be withdrawn and re-lodged under s. 159 of the *Land Title Act* or s. 308 of the *Land Act*.

##### **Minor Corrections Made After Lodgement**

The practice stated above for *minor corrections* made before lodgement, also applies to *minor corrections* made to an instrument or document after lodgement, that is, where a dealing is under requisition.

#### **Statement by Authorised Person**

A statement providing information about an *alteration* or a *minor correction* that is required to be deposited with an instrument or document may be made by:

- a solicitor for either party to the instrument or document; or
- at least one person who was authorised to make changes.

The statement must include:

- the title reference and the form number/name; and
- the name of the authorised person/s and the name of their firm, institution or settlement agency; and
- the details of the alteration and/or minor correction; and
- the name of the party represented where the statement is signed by a solicitor; and
- the signature of the person/s who made the statement.

A pro forma Form 20 – Schedule with relevant blank fields is shown below and is available on the department’s web site.

**Title reference:** .....

**Form being altered or corrected:** .....

**Name of authorised person or solicitor:** .....

**Name of authorised person’s firm or employer (legal practice, commercial lender or settlement agency):**  
.....

**Item/s being altered or corrected:** .....

**Details of alteration or correction:** .....

**Party represented (where signed by solicitor):** .....

.....  
**Authorised person’s or Solicitor’s Signature**

The statement may be on either letterhead or a Form 20 – Schedule, if the authorised person is a solicitor or an employee (whether authorised directly or by chain of authority) of a legal practice, a commercial lender or a settlement agency.

If the authorised person is not one of the above, the statement must be on a Form 20 – Schedule.

## **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 Titles Registry form. Other documentation (for example an original will, certificate of death, Form 24 – Property Information (Transfer), Form 25 – Foreign Ownership) accompanying the Titles 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 may be bound with one staple at the top left corner. An original will must not be stapled or otherwise attached to another document including by a paper clip.



[59-2070] deleted

# 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 and Version 1 of Forms 21A, 29 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
- 10 October 2011 – Form 24 Version 5 and Form 24A Version 2 commenced
- 1 March 2012 – Version 4 of Form 24 and Version 1 of Form 24A no longer acceptable
- 14 December 2012 – Version 3 of Form 21 and Version 1 of Forms 36, 37, 38 and 38A commenced.
- 10 May 2013 – Version 6 of Form 5A, Version 7 of Form 6 and Version 5 of Form 23 commenced.
- 31 May 2013 – Version 1 of Forms 39 and 40 commenced.
- 27 September 2013 – Version 1 of Forms 41 and 42 commenced
- 11 December 2013 – Version 1 of Form 2 (Electronic) and Form 3 (Electronic) commenced.
- 21 March 2014 – Version 4 of Form 25 commenced
- 1 July 2014 – Version 6 of Form 24 commenced
- 25 May 2015 – Version 1 of Form 11 (Electronic), Form 14 (Electronic) and Form 23 (Electronic) commenced
- 1 December 2015 – Version 4 of Form 21, Version 1 of Form 21B, Version 2 of Form 38 and Version 1 of Form 38B commenced
- 1 December 2015 – County and Parish fields removed from Forms 1,2,3,4,5,5A,6,7,8,9,10,11,12,13,14,15, 17,18,19,23,29,30,31,32,33,34,36,37,39,40,41,42 and Form CMS
- 21 March 2016 – Version 7 of Form 24 and Version 3 of Form 24A commenced

- 29 May 2017 – National Mortgage Form (NMF) commenced
- 30 June 2017 – Form 38, Form 38A and Form 38B no longer used following the decommissioning of the eSurvey system
- 17 July 2017 – Version 7 of Form 5A and Version 8 of Form 6 commenced
- 18 September 2017 – Version 8 of Form 24 commenced
- 16 October 2017 (1 January 2018) – Version 1 of Priority Notice Form approved (accepted for deposit from 1 January 2018)
- 16 October 2017 (1 January 2018) – Version 1 of Extension of Priority Notice Form approved (accepted for deposit from 1 January 2018)
- 16 October 2017 (1 January 2018) – Version 1 of Withdrawal of Priority Notice Form approved (accepted for deposit from 1 January 2018)
- 1 January 2018 – Form 23 Version 1 (Settlement Notice) no longer accepted for deposit irrespective of when signed (replaced with Priority Notice mechanism)
  - Version 1 of Priority Notice Form (electronic) accepted for deposit
  - Version 1 of Extension of Priority Notice Form (electronic) accepted for deposit
  - Version 1 of Withdrawal of Priority Notice Form (electronic) accepted for deposit
- 5 March 2018 – Form 2 – Mortgage (version 4) forms executed by all parties after this date no longer accepted (forms executed by at least one party prior to this date still accepted)
- 24 April 2018 – Version 1 of Form 5 Transmission Application by Personal Representative (electronic) approved
  - Version 1 of Form 20 Trust Details Form (electronic) approved
- 27 April 2018 – Version 7 of Form 5 and Version 8 of Form 5A commenced
- 30 September 2018 – Version 6 of Form 5 and Version 7 of Form 5A no longer accepted
- 1 October 2019 – Form 17, Form 19 and Form 22 no longer used following the discontinuance of Paper Certificates of Title
- 24 April 2020 – Version 1 of Form 18A Registered Owners/Lessee's Consent to Survey Plan and Version 1 of Form 18B Planning Body Approval of Survey Plan commenced
- 24 April 2020 – Version 2 of Form 21B commenced
- 8 June 2020 – Version 1 of Form 21Z (Plan Cover Sheet) commenced
- 1 July 2020 – Version 7 of Form 13 and Version 5 of Form 25 commenced
- 30 November 2020 – Version 4 of CMS commenced
  - Version 1 of Form 18C Planning Body Community Management Statement Notation commenced
  - Version 2 of Form 21Z commenced.
- 1 January 2021 – Version 6 of Form 13 executed by all parties after this date no longer accepted (forms executed by at least one party on or before this date still accepted)
  - Version 4 of Form 25 signed after this date no longer accepted (forms signed on or before this date still accepted)
- 28 February 2021 – Version 3 of CMS signed after this date no longer accepted (forms signed on or before this date still accepted)
  - Version 1 of Form 21Z no longer accepted for deposit after this date.

## List of Forms

### Paper Forms

Form 1	Version 5	Transfer
Form 3	Version 4	Release of Mortgage
Form 4	Version 5	Request to Record Death
Form 5	Version 7	Transmission Application by Personal Representative (Grant in Queensland or Queensland recognised grant)
Form 5A	Version 8	Transmission Application by Personal Representative (No Grant in Queensland or no Queensland recognised grant)
Form 6	Version 8	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 7	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 18	Version 5	General Consent
Form 18A	Version 1	Registered Owners/Lessees Consent to Survey Plan
Form 18B	Version 1	Planning Body Approval of Survey Plan
Form 18C	Version 1	Planning Body Community Management Statement Notation
Form 20	Version 2	Schedule/Enlarged Panel/Additional Page/Declaration
Form 21	Version 4	Survey Plan (Main Plan)
Form 21A	Version 1	Survey Plan (Additional Sheet)
Form 21B	Version 2	Survey Plan (Administration Sheet)
Form 21Z	Version 2	Plan Cover Sheet
Form 24	Version 8	Property Information (Transfer)
Form 24A	Version 3	Property Information (Transmission Application)
Form 25	Version 5	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
Form 36	Version 1	Carbon Abatement Interest
Form 37	Version 1	Surrender of Carbon Abatement Interest
Form 39	Version 1	High-density Development Easement
Form 40	Version 1	Surrender of High-density Development Easement
Form 41	Version 1	Indigenous Cultural Interest
Form 42	Version 1	Surrender of Indigenous Cultural Interest
CMS	Version 4	Format for Community Management Statement
NMF	Version 1.5	National Mortgage Form
PNN	Version 1	Priority Notice Form
PNE	Version 1	Extension of Priority Notice Form
PNW	Version 1	Withdrawal of Priority Notice Form

### Electronic Conveyancing (electronic) Forms

Form 1	Version 2	Transfer (electronic)
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Form 3	Version 2	Release of Mortgage (electronic)
Form 5	Version 1	Transmission Application by Personal Representative (electronic)
Form 11	Version 2	Caveat (electronic)
Form 14	Version 1	General Request (electronic)
Form 20	Version 1	Trust Details Form (electronic)
Form 24	Version 3	Property Information (Transfer) (electronic)
Form 25	Version 2	Foreign Ownership Information (electronic)
NMF	Version 1.5	Mortgage Form (electronic)
PNN	Version 1	Priority Notice Form (electronic)
PNE	Version 1	Extension of Priority Notice Form (electronic)
PNW	Version 1	Withdrawal of Priority Notice Form (electronic)

## Cross References and Further Reading

[59-9000]

Nil.

### Notes in text

[59-9050]

Note<sup>1</sup> – This numbered section, paragraph or statement does not apply to water allocations.

Note<sup>2</sup> – This numbered section, paragraph or statement does not apply to State land.

Note<sup>3</sup> – This numbered section, paragraph or statement does not apply to freehold land.