



Land Sales Act 1984

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Queensland

Land Sales Act 1984

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Land Sales Act 1984

An Act to regulate certain sales of land

Part 1 Preliminary

1 Short title

This Act may be cited as the *Land Sales Act 1984*.

2 Objects of Act

The objects of this Act are—

- (a) to facilitate property development in Queensland; and
- (b) to protect the interests of consumers in relation to property development; and
- (c) to ensure that proposed lots are clearly identified; and
- (d) to achieve the objects mentioned in paragraphs (a) to (c) without imposing procedural obligations on local governments or MEDQ in addition to their or its obligations under the Planning Act or the Economic Development Act.

3 Application of Act generally

- (1) This Act applies to the sale of a proposed lot if, when the proposed lot becomes a lot, it will be situated in Queensland.
- (2) For subsection (1), it does not matter where the contract for the sale was entered into.
- (3) This Act does not apply to the sale of a proposed lot if—
 - (a) the sale is part of a large transaction; or

(b) the sale arises from the reconfiguration of land into not more than 5 lots.

(4) In this section—

large transaction means the sale of 6 or more proposed lots if—

- (a) the seller of each proposed lot is the same person; and
- (b) the buyer of each proposed lot is the same person; and
- (c) the sale is the subject of—
 - (i) a single contract; or
 - (ii) 2 or more contracts entered into within 24 hours.

reconfiguration, in relation to land, means reconfiguration by subdivision or amalgamation.

4 Act does not apply to particular State leasehold land

(1) A regulation may declare that, subject to any stated conditions, this Act does not apply to the whole or part of land the subject of—

- (a) a stated miners homestead under the *Land Act 1994*, chapter 8, part 7, division 2; or
- (b) a stated lease or a stated class of lease under the *Land Act 1994*.

(2) If a person contravenes a condition to which a declaration under subsection (1) is subject, the Supreme Court may, on the application of a buyer under a contract for the sale of a proposed lot to which the declaration relates, order the person to comply with the condition.

5 Relationship with Fair Trading Inspectors Act 2014

(1) The *Fair Trading Inspectors Act 2014* (the **FTI Act**) enacts common provisions for this Act and particular other Acts about fair trading.

- (2) Unless this Act otherwise provides in relation to the FTI Act, the powers that an inspector has under that Act are in addition to and do not limit any powers the inspector may have under this Act.
- (3) In this section—
inspector means a person who holds office under the FTI Act as an inspector for this Act.

6 Definitions

The dictionary in schedule 1 defines particular terms used in this Act.

Part 2 Sale of proposed lots

Division 1 Preliminary

7 References to things done by or in relation to buyer or seller

- (1) This section applies in relation to a provision of this part that refers to—
 - (a) a thing required or permitted to be done by or in relation to a buyer or seller of a lot or proposed lot; or
 - (b) a thing having been done by or in relation to a buyer or seller of a lot or proposed lot.
- (2) The thing may be done, or the thing may have been done, by or in relation to the buyer or seller either—
 - (a) personally; or
 - (b) through an agent who is authorised to act for the buyer or seller in relation to the thing.

8 Restriction on selling State leasehold land

- (1) A person may sell a proposed lot that is State leasehold land, other than a development lease, only if—
 - (a) the chief executive under the *Land Act 1994* has made a subdivision offer for the proposed subdivision of the lot under section 176A of that Act; and
 - (b) the lessee of the land has accepted the subdivision offer as mentioned in the *Land Act 1994*, section 176F.

Maximum penalty—200 penalty units or 1 year's imprisonment.

- (2) A person may sell a proposed lot that is a development lease only if the Minister has consented, under the *Land Act 1994*, section 290J, to a plan of subdivision for the development lease dividing the development lease into proposed lots.

Maximum penalty—200 penalty units or 1 year's imprisonment.

- (3) A contract for the sale of a proposed lot entered into in contravention of subsection (1) or (2) is void.
- (4) Any person who paid an amount under a contract mentioned in subsection (3) may recover the amount, together with any interest accrued on the amount since it was paid, as a debt from the person to whom the amount was paid.
- (5) In this section—

development lease means an existing development lease issued under the *Land Act 1962*, part 9, division 1 that is taken to be a term lease under the *Land Act 1994*, section 476.

Division 2 Disclosure requirements

9 Application of div 2 if option granted

- (1) Section 10, as modified by this section, applies if a person grants an option (the *option*) to another person—
 - (a) to purchase a proposed lot; or

- (b) to sell a proposed lot.
- (2) For subsection (1)—
 - (a) section 10(1) requires the seller to give the documents mentioned in section 10(1)(a) or (b) to the buyer in relation to the option as if a reference to a contract for the sale of a proposed lot being entered into were a reference to an option to purchase or sell the proposed lot being granted; and
 - (b) any right of termination under section 10 relating to the giving of the documents applies in relation to—
 - (i) the option; and
 - (ii) a contract entered into by the seller and buyer for the sale to the buyer of the proposed lot arising from the option.
- (3) If the seller and buyer enter into a contract for the sale to the buyer of the proposed lot arising from the option, section 10(1) does not require the seller to give the documents to the buyer.
- (4) If the buyer is not a party to the contract for the sale of the proposed lot arising from the option, the seller must comply with section 10 before entering into the contract for the sale.
- (5) In this section—

buyer means the person who is granted an option to purchase, or grants an option to sell, the proposed lot.

seller means the person who grants an option to purchase, or is granted an option to sell, the proposed lot.

10 Documents to be given by seller to buyer

- (1) The seller of a proposed lot must give the proposed buyer of the lot, before the proposed buyer enters into a contract for the sale of the lot—
 - (a) a disclosure plan and disclosure statement for the proposed lot; or

[s 11]

- (b) a copy of the plan of survey for the proposed lot approved by the relevant local government under the Planning Act or by MEDQ under the Economic Development Act.
- (2) The seller of a proposed lot does not fail to give the buyer a disclosure plan or disclosure statement under subsection (1)(a) merely because the plan or statement, although substantially complete as at the day the contract is entered into, contains inaccuracies.
- (3) If the seller of a proposed lot fails to comply with subsection (1), the buyer may terminate the contract for the sale of the lot by written notice given to the seller before the contract is settled.
- (4) In this section—

disclosure plan means a disclosure plan complying with section 11.

disclosure statement means a disclosure statement complying with section 12.

11 Requirements for disclosure plan

- (1) A disclosure plan may comprise 1 or more documents and must include—
 - (a) for a proposed lot intended to be a volumetric format lot—the volumetric format lot particulars for the lot; or
 - (b) for a proposed lot intended to be a standard format lot—the relevant lot particulars for the lot.
- (2) A disclosure plan must be prepared by a cadastral surveyor.

Example of a document that may comprise or form part of a disclosure plan—

 - a draft plan of survey
- (3) The disclosure plan must be substantially complete.
- (4) In this section—

appropriate contour intervals means contour intervals of not more than—

- (a) for a proposed lot of not more than 2000m²—50cm in height; or
- (b) for a proposed lot of more than 2000m²—1m in height.

existing surface contours, of a proposed lot for which there is no operational work, means the surface contours of the lot at the time the disclosure plan for the lot is prepared.

relevant lot particulars, for a proposed lot intended to be a standard format lot, means the following—

- (a) the proposed number of the lot;
- (b) the total area of the lot;
- (c) a description of the dimensions of the lot as bearings and distances;
- (d) identification of the proposed orientation of the lot by reference to north;
- (e) if there is operational work for the lot—
 - (i) contour maps of the lot showing the surface contours, with appropriate contour intervals, as at the completion of the work; and
 - (ii) the location of any retaining walls forming part of the work; and
 - (iii) the height of any retaining walls forming part of the work or, if the height varies across the length of the wall, the height of the lowest and highest points of the wall and the average height of the wall; and
 - (iv) the following information about any fill that is part of the work—
 - (A) the depth of the fill;
 - (B) whether the compaction of the fill will be done in accordance with Australian Standard AS 3798-2007, and the level of inspection and testing services carried out;

- (C) if the compaction of the fill will not be done in accordance with that Australian Standard, the nature of the departure from the standard.
- (f) if there is no operational work for the lot—contour maps of the lot showing the existing surface contours, with appropriate contour intervals.

standard format lot see the *Land Title Act 1994*, schedule 2.

volumetric format lot see the *Land Title Act 1994*, schedule 2.

volumetric format lot particulars, for a proposed lot intended to be a volumetric format lot, means the following—

- (a) the proposed number of the lot;
- (b) an isometric representation of the lot;
- (c) the area of the projected footprint of the lot;
- (d) the level of the ground surface in approximate values for illustrating the location of the lot in relation to that level;
- (e) identification of the proposed orientation of the lot by reference to north;
- (f) if the lot is proposed to contain a building or be located in a building—the floor level on which the lot is proposed to be located.

12 Requirements for disclosure statement

- (1) A disclosure statement for a proposed lot must be signed by the seller and state the following—
 - (a) that the seller has given the buyer a disclosure plan for the proposed lot under section 10;
 - (b) whether a development approval has been granted for—
 - (i) reconfiguring a lot for the proposed lot; or
 - (ii) any operational work for the proposed lot;
 - (c) that the seller must—

-
- (i) settle the contract for the sale of the proposed lot not later than 18 months after the buyer enters into the contract for the sale of the lot; and
 - (ii) give any other documents required to be given to the buyer under section 14(3) at least 14 days before the contract is settled.
 - (2) The disclosure statement must be substantially complete.
 - (3) In this section—
development approval means—
 - (a) a development approval under the Planning Act; or
 - (b) a PDA development approval under the Economic Development Act.

13 Variation of disclosure plan by further statement

- (1) This section applies if the contract for the sale of a proposed lot has not been settled and—
 - (a) the seller becomes aware that information in the disclosure plan was inaccurate as at the day the contract was entered into; or
 - (b) the disclosure plan would not be accurate if now given as a disclosure plan.
- (2) The seller must, at least 21 days before the contract is settled, give the buyer a further document (the *further statement*)—
 - (a) rectifying the information in the disclosure plan; and
 - (b) explaining, in plain English, the differences between the information in the disclosure plan and the information in the further statement.

Example—

The depth of fill required for the lot has changed from that disclosed in the disclosure plan. The further statement must rectify the information by indicating the new depth of fill and explain, in plain English, that the depth of fill has changed and identify what the new depth of fill is.

- (3) The further statement must be—

- (a) signed by the seller; and
 - (b) prepared by a cadastral surveyor.
- (4) The buyer may terminate the contract if—
- (a) it has not already been settled; and
 - (b) the buyer would be materially prejudiced, if compelled to complete the contract, given the extent to which the disclosure plan was, or has become, inaccurate; and
 - (c) the termination is effected by written notice given to the seller within 21 days, or a longer period agreed between the buyer and seller, after the seller gives the buyer the further statement.
- (5) Subsections (1) to (4) continue to apply after the further statement is given on the basis that the disclosure plan is taken to be constituted by the disclosure plan and any further statement.
- (6) If the seller fails to comply with this section, the buyer may terminate the contract by written notice given to the seller if—
- (a) the contract has not already been settled; and
 - (b) the buyer would be materially prejudiced, if compelled to complete the contract, given the extent to which the disclosure statement was, or has become, inaccurate.

Division 3 Settlements

14 Settlement and documents to be given before settlement

- (1) The seller of a proposed lot must settle the contract for the sale of the lot not later than 18 months after the buyer enters into the contract for the sale of the lot.
- (2) Subsection (3) applies if the seller of a proposed lot does not give the buyer a copy of the plan of survey for the proposed lot, approved by the relevant local government under the Planning Act or by MEDQ under the Economic Development Act, before the buyer enters the contract for the sale of the lot.

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- (3) The seller must give the buyer of the proposed lot, at least 14 days before the contract is settled—
- (a) a copy of the plan of survey for the lot registered under the *Land Act 1994* or *Land Title Act 1994* (**registered plan**); and
 - (b) a statement prepared by a cadastral surveyor to the effect that there are no differences between the information contained in the registered plan and the information contained in the disclosure plan for the lot given to the buyer under section 10.
- (4) For subsection (3)(b), if the information contained in the disclosure plan is rectified by a further statement given to the buyer under section 13, the reference to the information contained in the disclosure plan means the information as rectified.
- (5) If the seller fails to comply with subsection (1) or (3), other than because of the buyer's default, the buyer may terminate the contract for the sale of the proposed lot by written notice given to the seller before the contract is settled.

Division 4 Amounts held in trust accounts

15 Definitions for div 4

In this division—

prescribed trust account, for a recognised entity, means—

- (a) if the recognised entity is a law practice—a trust account kept by the practice under the *Legal Profession Act 2007*; or
- (b) if the recognised entity is the public trustee—a common fund held by the public trustee under the *Public Trustee Act 1978*; or
- (c) if the recognised entity is a real estate agent—a trust account kept by the agent under the *Agents Financial Administration Act 2014*.

recognised entity means any of the following—

- (a) a law practice;
- (b) the public trustee;
- (c) a real estate agent.

16 Payment of particular amounts

This division applies to the following amounts—

- (a) an amount paid towards the purchase of a proposed lot under a contract for the sale of the lot (other than an amount paid at settlement);
- (b) an amount paid under another instrument (whether legally binding or not) relating to the sale of a proposed lot.

Examples of instruments for paragraph (b)—

- an option to purchase
- an instrument providing for an expression of interest

17 Amounts paid under s 16 to be held in prescribed trust account

- (1) The person to whom the amount is paid must pay the amount directly to—
 - (a) if the contract or instrument states the amount is to be paid to either of the following recognised entities, the recognised entity—
 - (i) a law practice at its office in Queensland;
 - (ii) a real estate agent carrying on the business of a real estate agent; or
 - (b) if paragraph (a) does not apply, the public trustee.

Maximum penalty—200 penalty units or 1 year's imprisonment.

- (2) An amount paid to a recognised entity mentioned in subsection (1)(a) or (b) must be—

- (a) held by the entity in a prescribed trust account; and
- (b) dealt with by the entity in accordance with this division and the law governing the operation of the entity's prescribed trust account.

Maximum penalty—200 penalty units or 1 year's imprisonment.

- (3) An amount paid to a law practice under this section is taken to be trust money under the *Legal Profession Act 2007*, part 3.3.

18 Disposal of amount held in prescribed trust account

- (1) A recognised entity that is paid an amount under section 17(1) must hold the amount in the entity's prescribed trust account until a party to the contract or instrument becomes entitled, under this part or otherwise according to law, to a repayment or payment of the amount.

Maximum penalty—200 penalty units or 1 year's imprisonment.

- (2) On a party becoming entitled to a repayment or payment of the amount, the recognised entity must dispose of the amount in accordance with the law governing the operation of the entity's prescribed trust account.

Maximum penalty—200 penalty units or 1 year's imprisonment.

- (3) Subsections (1) and (2) apply despite anything in the contract or instrument under which the amount was paid to the recognised entity.

19 Investment of amount held in prescribed trust account

- (1) A recognised entity that holds an amount paid under section 17(1) in a prescribed trust account may invest the amount if—

- (a) either of the following applies—

- (i) the contract or instrument authorises the investment;
 - (ii) the parties to the contract or instrument give the entity their consent to the investment by signed written notice; and
- (b) the investment is carried out in accordance with the law governing the operation of the prescribed trust account.
- (2) An amount invested as mentioned in subsection (1) is taken to be an amount in the prescribed trust account.
- (3) Any proceeds of an investment of an amount as mentioned in subsection (1) must be paid into the prescribed trust account, unless the proceeds are further invested as mentioned in subsection (1).

Maximum penalty for subsection (3)—200 penalty units or 1 year's imprisonment.

Division 5 Other provisions

20 Termination under this part

- (1) This section applies if the buyer terminates a contract under this part.
- (2) The seller must, within 14 days after the termination, repay to the buyer—
 - (a) any amount paid to the seller or the seller's agent towards the purchase of the lot; and
 - (b) any interest that accrued on the amount while it was held by the seller or the seller's agent.
- (3) However, if the amount or interest is held by an entity in a trust account kept as required under an Act, the requirement under subsection (2) applies subject to compliance with the law governing the entity's trust account.
- (4) An amount repayable under subsection (2) may be recovered as a debt.

21 Security instruments

- (1) This section applies if an instrument is received from the buyer of a proposed lot as security for the payment of an amount under the contract for the sale of the lot—
- (a) by a recognised entity on behalf of the seller; or
 - (b) by any other person on behalf of the seller; or
 - (c) by the seller.

Example of an instrument for subsection (1)—

bank guarantee

- (2) For subsection (1)(a), the recognised entity must keep the instrument at the prescribed place until—
- (a) the instrument is returnable to the buyer according to law; or
 - (b) the instrument is given to the issuer of the security in exchange for the amount it secures.

Maximum penalty—200 penalty units or 1 year's imprisonment.

- (3) The amount given in exchange for the instrument under subsection (2)(b) is trust money.
- (4) The amount given must be—
- (a) held by the recognised entity who held the instrument in the entity's prescribed trust account; and
 - (b) dealt with by the recognised entity in accordance with this part and the law governing the operation of the entity's prescribed trust account.

Maximum penalty—200 penalty units or 1 year's imprisonment.

- (5) For subsection (1)(b), the person must give the instrument directly to a recognised entity.

Maximum penalty—200 penalty units or 1 year's imprisonment.

- (6) For subsection (1)(c), the seller must give the instrument directly to a recognised entity.

Maximum penalty—200 penalty units or 1 year's imprisonment.

- (7) If the instrument is given to a recognised entity under subsection (5) or (6), subsections (2), (3) and (4) apply as if the instrument were received from the buyer by the recognised entity on behalf of the seller as provided in subsection (1)(a).

- (8) In this section—

prescribed place means—

- (a) for a recognised entity that is a law practice—an office of the practice in Queensland; or
- (b) for a recognised entity that is the public trustee—an office of the public trustee in Queensland; or
- (c) for a recognised entity that is a real estate agent—the office of the real estate agency in which the agent carries on the business of a real estate agent.

Part 3 Miscellaneous provisions

22 Contracting out prohibited

A contract for the sale of a proposed lot is void to the extent to which it purports to exclude, restrict or otherwise change the effect of a provision of this Act.

23 Responsibility for acts or omissions of representatives

- (1) In this section—

representative means—

- (a) of a corporation—an executive officer, employee or agent of the corporation; or

(b) of an individual—an employee or agent of the individual.

state of mind of a person includes—

- (a) the person’s knowledge, intention, opinion, belief or purpose; and
 - (b) the person’s reasons for the intention, opinion, belief or purpose.
- (2) Subsections (3) and (4) apply in a proceeding for an offence against this Act.
- (3) If it is relevant to prove a person’s state of mind about a particular act or omission, it is enough to show—
- (a) the act was done or omitted to be done by a representative of the person within the scope of the representative’s actual or apparent authority; and
 - (b) the representative had the state of mind.
- (4) An act done or omitted to be done for a person by a representative of the person within the scope of the representative’s actual or apparent authority is taken to have been done or omitted to be done also by the person, unless the person proves the person could not, by the exercise of reasonable diligence, have prevented the act or omission.

24 Evidentiary provision

In a proceeding for an offence against this Act, a copy of a contract or other instrument purporting to relate to the sale or purchase of a proposed lot and produced on behalf of the complainant is admissible in evidence as if it were the original contract or instrument.

25 Delegations

- (1) The chief executive of the department may delegate the chief executive’s powers under this Act to an appropriately qualified public service employee.

(2) In this section—

appropriately qualified includes having the qualifications, experience or standing appropriate to the exercise of the power.

Example—

a person's classification level in the public service

26 Regulation-making power

- (1) The Governor in Council may make regulations under this Act.
- (2) A regulation may impose a penalty of no more than 20 penalty units for contravention of a regulation.

Part 4 Transitional provisions

Division 1 Transitional provision for Sustainable Planning and Other Legislation Amendment Act 2012

27 Application of s 27 as amended by Act No. 3 of 2012

- (1) Section 27 as amended by the *Sustainable Planning and Other Legislation Amendment Act 2012*, section 22B applies to an instrument relating to the sale of a proposed lot if—
 - (a) the instrument is in force, and settlement has not been effected, immediately before commencement; or
 - (b) the instrument is made on or after commencement.
- (2) Subsection (1)(a) applies—
 - (a) regardless of whether the sunset period ended or ends before, on or after commencement; and

- (b) even if an action for specific performance of the purchaser's obligations under the instrument has been started by the vendor, but not completed, before commencement.
- (3) Subsections (1)(a) and (2) apply despite the *Acts Interpretation Act 1954*, section 20.
- (4) In this section—

commencement means the commencement of the *Sustainable Planning and Other Legislation Amendment Act 2012*, section 22B.

sunset period means the 3½ year period mentioned in section 27(1)(b) or, if that period is extended by a regulation made under section 28, the extended period.

Division 2 **Transitional provisions for Land Sales and Other Legislation Amendment Act 2014**

Note—

The following provisions provide for the continued application of part 3 of this Act as in force before the commencement to particular contracts for the sale of particular proposed lots—

- the *Body Corporate and Community Management Act 1997*, section 444
- the *Building Units and Group Titles Act 1980*, section 141
- the *South Bank Corporation Act 1989*, section 140.

28 **Definitions for div 2**

In this division—

amendment Act means the *Land Sales and Other Legislation Amendment Act 2014*.

commencement means the commencement of this division.

contract includes agreement as defined under old section 6.

e-conveyancing see the *Property Law Act 1974*, section 58A.

lot includes allotment as defined under old section 6.

new, in relation to a provision, means the provision as in force immediately after the commencement.

old, in relation to a provision, means the provision as in force at any relevant time before the commencement.

29 Continuation of particular rights of prosecution

- (1) This section applies if a person is alleged to have committed, before the commencement, an offence against a provision of old part 2.
- (2) Proceedings for the offence may be continued or started and the court may hear and decide the proceedings, as if the amendment Act had not been enacted.
- (3) This section applies despite the Criminal Code, section 11.

30 Application of old s 8(2)

Old section 8(2) continues to apply in relation to an agreement made in contravention of old section 8(1) or (1A) before the commencement.

31 Disclosure requirements

- (1) New part 2, division 2 applies only in relation to a contract for the sale of a proposed lot entered into after the commencement.

Note—

See also section 38.

- (2) Old sections 9 and 10 continue to apply in relation to a contract for the sale of a proposed lot entered into before the commencement as if the amendment Act had not been enacted.

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- (3) However, if, at any time before the settlement of the contract for the sale of the proposed lot, the parties to the contract agree to settle the sale using e-conveyancing, old sections 9 and 10 are to be read with the following changes—
- (a) old section 9(5) is omitted and the following provision inserted—
- ‘(5) If the vendor or the vendor’s agent contravenes this section, other than subsection (3)(a), (b) or (h), the purchaser may avoid the instrument relating to the sale by written notice given to the vendor or vendor’s agent before the settlement of the sale of the allotment.’;
- (b) old section 10(1)(a) is omitted and the following provision is inserted—
- ‘(a) the sale of the proposed allotment has not been settled;’;
- (c) old section 10(3)(b)(ii) is omitted and the following provision inserted—
- ‘(ii) settle the sale of the allotment.’;
- (d) old section 10(4)(a) is omitted and the following provision inserted—
- ‘(a) for a contravention of subsection (2)—before the settlement of the sale of the allotment; or’

32 Application of new s 14 and old s 10A to contracts

- (1) New section 14 applies only in relation to a contract for the sale of a proposed lot entered into after the commencement.
- (2) Old section 10A continues to apply after the commencement in relation to a contract for the sale of a proposed lot entered into before the commencement as if the amendment Act had not been enacted.
- (3) However, if, at any time before the settlement of the contract, the parties to the contract agree to settle the sale using e-conveyancing, old section 10A is to be read with the following changes—

[s 33]

- (a) old section 10A(1) is omitted and the following provision inserted—

‘(1) The vendor of a proposed allotment must settle the sale of the allotment not later than 18 months after the purchaser enters upon the purchase of the allotment.’;
- (b) old section 10A(4) is omitted and the following provision inserted—

‘(4) If the vendor contravenes this section, the purchaser may avoid the instrument relating to the sale by written notice given to the vendor before the sale is settled.’
- (4) The purchaser may avoid the contract under old section 10A(4) for a contravention of the section by the vendor (including as it is applied under subsection (3)) only if the contravention arose other than because of the purchaser’s default.

33 Application of new pt 2, div 4

New part 2, division 4 applies only in relation to amounts paid under a contract for the sale of a proposed lot entered into after the commencement.

34 Application of old ss 11 and 12 to existing contracts

- (1) Old sections 11 and 12 continue to apply in relation to amounts paid under a contract for the sale of a proposed lot entered into before the commencement as if the amendment Act had not been enacted.
- (2) However, if, at any time before the settlement of the contract, the parties to the contract agree to settle the sale using e-conveyancing—
 - (a) old section 11(1) is to be read by omitting ‘, without becoming entitled in terms of the instrument to receive a registrable instrument of transfer in exchange therefor’ and inserting ‘(but excluding an amount payable at settlement)’; and

(b) old section 11 is to be read by omitting section 11(3).

35 Application of old s 11A to existing contracts

- (1) Old section 11A continues to apply in relation to a contract for the sale of a proposed lot entered into before the commencement as if the amendment Act had not been enacted.
- (2) However, if, at any time before the settlement of the contract, the parties to the contract agree to settle the sale using e-conveyancing, old section 11A(2) is to be read by omitting ‘before the registrable instrument of transfer for the allotment is given to the purchaser’ and inserting ‘before the sale of the allotment is settled’.

36 Existing declarations under old s 18

A declaration in effect under old section 18 immediately before the commencement is, from the commencement, taken to be a declaration under new section 4.

37 Undecided applications under old s 19

- (1) Except to the extent provided under subsection (3), an application under old section 19 that has not been decided at the commencement lapses at the commencement.
- (2) Subsection (3) applies if, at the commencement—
 - (a) a contract is conditional on an application being granted under old section 19(2); and
 - (b) the application has not been decided.
- (3) The application is taken to be granted without any condition being imposed under old section 19(2A).

38 Application of new pt 2 if existing decision about exemption

- (1) New part 2 does not apply to the sale of a proposed lot forming part of the reconfiguration of land into not more than 5 lots even if the chief executive—
 - (a) refused to grant an exemption for the reconfiguration under old section 19; or
 - (b) granted an exemption under old section 19 for the reconfiguration subject to conditions.

- (2) In this section—

reconfiguration, in relation to land, means reconfiguration by subdivision or amalgamation.

Schedule 1 Dictionary

section 6

buyer, of a proposed lot, means a person who signs a contract for the sale of the lot intended to bind the person (absolutely or conditionally) to buy the lot.

cadastral surveyor means a cadastral surveyor within the meaning of the *Surveyors Act 2003*.

Economic Development Act means the *Economic Development Act 2012*.

executive officer, of a corporation, means a person who is concerned with, or takes part in, the corporation's management, whether or not the person is a director or the person's position is given the name of executive officer.

law practice means any of the following, within the meaning of the *Legal Profession Act 2007*, that has an office in Queensland—

- (a) an Australian legal practitioner who is a sole practitioner but not a barrister under that Act;
- (b) a law firm;
- (c) an incorporated legal practice;
- (d) a multi-disciplinary partnership.

lot—

- (a) means land the boundaries of which are shown on a plan of survey registered under the *Land Act 1994* or *Land Title Act 1994*; but
- (b) does not include a lot to which any of the following Acts apply—
 - (i) the *Body Corporate and Community Management Act 1997*;
 - (ii) the *Building Units and Group Titles Act 1980*;

(iii) the *South Bank Corporation Act 1989*.

MEDQ means MEDQ under the Economic Development Act.

operational work see the Planning Act, schedule 2.

Planning Act means the *Planning Act 2016*.

prescribed trust account, for part 2, division 4, see section 15.

proposed lot—

- (a) means land that will become a lot on the registration of a plan of survey under the *Land Act 1994* or *Land Title Act 1994*; but
- (b) does not include a proposed lot to which any of the following Acts apply—
 - (i) the *Body Corporate and Community Management Act 1997*;
 - (ii) the *Building Units and Group Titles Act 1980*;
 - (iii) the *South Bank Corporation Act 1989*.

public trustee means the public trustee under the *Public Trustee Act 1978*.

real estate agent means a real estate agent carrying on business as a real estate agent under the *Property Occupations Act 2014*.

recognised entity, for part 2, division 4, see section 15.

reconfiguring a lot see the Planning Act, schedule 2.

seller, of a proposed lot, means a person who signs a contract for the sale of the lot intended to bind the person (absolutely or conditionally) to sell the lot.

State leasehold land means land leased under the *Land Act 1994* or a miners homestead under the *Land Act 1994*.

1 Index to endnotes

- 2 Key
- 3 Table of reprints
- 4 List of legislation
- 5 List of annotations
- 6 Information about retrospectivity

2 Key

Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amd	= amendment	prov	= provision
t			
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No. [X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renu	= renumbered
		m	
ins	= inserted	rep	= repealed
lap	= lapsed	(retro	= retrospectively
)	
notf	= notified	rv	= revised version
d			
num	= numbered	s	= section

Key	Explanation	Key	Explanation
o in c	= order in council	sch	= schedule
om	= omitted	sdiv	= subdivision
orig	= original	SIA	= Statutory Instruments Act 1992
p	= page	SIR	= Statutory Instruments Regulation 2012
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered
		m	
prev	= previous		

3 Table of reprints

A new reprint of the legislation is prepared by the Office of the Queensland Parliamentary Counsel each time a change to the legislation takes effect.

The notes column for this reprint gives details of any discretionary editorial powers under the **Reprints Act 1992** used by the Office of the Queensland Parliamentary Counsel in preparing it. Section 5(c) and (d) of the Act are not mentioned as they contain mandatory requirements that all amendments be included and all necessary consequential amendments be incorporated, whether of punctuation, numbering or another kind. Further details of the use of any discretionary editorial power noted in the table can be obtained by contacting the Office of the Queensland Parliamentary Counsel by telephone on 3003 9601 or email legislation.queries@oqpc.qld.gov.au.

From 29 January 2013, all Queensland reprints are dated and authorised by the Parliamentary Counsel. The previous numbering system and distinctions between printed and electronic reprints is not continued with the relevant details for historical reprints included in this table.

Reprint No.	Amendments to	Effective	Reprint date
1	none	2 July 1993	20 July 1993
2	1995 Act No. 58	28 November 1995	6 June 1996

Reprint No.	Amendments to	Effective	Reprint date
2A	1996 Act No. 56	20 November 1996	15 January 1997
3	1997 Act No. 40	25 August 1997	31 October 1997
3A	1997 Act No. 82	5 December 1997	16 December 1997
4	1997 Act No. 82	5 December 1997	23 March 1998
4A	1999 Act No. 63	10 March 2000	10 March 2000
4B	2001 Act No. 99	19 December 2001	2 January 2002
4C	2001 Act No. 99	1 March 2002	8 March 2002
4D	2002 Act No. 13	24 April 2002	3 May 2002

Reprint No.	Amendments included	Effective	Notes
4E	2003 Act No. 64	16 October 2003	
4F	2004 Act No. 11	1 July 2004	
4G	2003 Act No. 70	1 August 2004	
4H	2005 Act No. 14	22 April 2005	
4I	2005 Act No. 24	31 May 2005	
4J	2006 Act No. 10	15 March 2006	R4J withdrawn, see R5
5	—	15 March 2006	
5A	2007 Act No. 24	1 July 2007	
5B	2009 Act No. 36	18 December 2009	
5C	2011 Act No. 44	6 December 2011	
5D	2012 Act No. 3	15 February 2012	

Current as at	Amendments included	Notes
1 February 2013	2012 Act No. 43	
1 November 2013	2013 Act No. 51	
1 December 2014	2014 Act No. 8 2014 Act No. 22 2014 Act No. 46	
3 July 2017	2016 Act No. 27	

4 List of legislation

Land Sales Act 1984 No. 41

date of assent 9 May 1984
ss 1–2 commenced on date of assent
remaining provisions commenced 1 July 1985 (proc pubd gaz 25 May 1985 p 878)
amending legislation—

Land Sales Act Amendment Act 1985 No. 43

date of assent 24 April 1985
ss 1–2 commenced on date of assent
remaining provisions commenced 1 July 1985 (proc pubd gaz 25 May 1985 p 878)

Land Sales Act Amendment Act (No. 2) 1985 No. 105

date of assent 18 December 1985
ss 1–2 commenced on date of assent
remaining provisions commenced 21 December 1985 (proc pubd gaz 21 December 1985 p 2218)

Statute Law (Miscellaneous Provisions) Act 1989 No. 103 s 3 sch

date of assent 25 October 1989
commenced on date of assent

Justice Legislation (Miscellaneous Amendments) Act 1991 No. 42 ss 1–3 sch

date of assent 5 August 1991
commenced on date of assent

South Bank Corporation Amendment Act 1991 No. 67 ss 1–2, 29 sch 2

date of assent 24 October 1991
ss 1–2 commenced on date of assent
remaining provisions commenced 5 June 1992 (proc pubd gaz 5 June 1992 p 1033)

Justice Legislation (Miscellaneous Provisions) Act 1992 No. 40 pts 1, 3

date of assent 14 August 1992

s 124 commenced 2 July 1993 (1993 SL No. 203)
remaining provisions commenced on date of assent

Lands Legislation Amendment Act 1992 No. 64 ss 1–3 sch 1

date of assent 7 December 1992
ss 1–2 commenced on date of assent
remaining provisions commenced on 26 March 1993 (1993 SL No. 88)

Statute Law (Miscellaneous Provisions) Act (No. 2) 1992 No. 68 ss 1–3 sch 2

date of assent 7 December 1992
commenced on date of assent

Consumer Law (Miscellaneous Provisions) Act 1993 No. 82 pts 1, 6, sch 1

date of assent 17 December 1993
commenced on date of assent

Building Units and Group Titles Act 1994 No. 69 ss 1–2, 229 sch 2

date of assent 1 December 1994
ss 1–2 commenced on date of assent
remaining provisions never proclaimed into force and rep 1995 No. 58 s 5(1) sch 7

Land Act 1994 No. 81 ss 1–2, 527 sch 5

date of assent 1 December 1994
ss 1–2 commenced on date of assent
remaining provisions commenced 1 July 1995 (1995 SL No. 185)

Statute Law Revision Act (No. 2) 1995 No. 58 ss 1–2, 4 sch 1

date of assent 28 November 1995
commenced on date of assent

Consumer Law and Other Justice Legislation (Miscellaneous Provisions) Act 1996 No. 56 pts 1, 12

date of assent 20 November 1996
commenced on date of assent

Body Corporate and Community Management Act 1997 No. 28 ss 1–2, 295 sch 3

date of assent 22 May 1997
ss 1–2 commenced on date of assent
remaining provisions commenced 13 July 1997 (1997 SL No. 210)

Land Sales and Land Title Amendment Act 1997 No. 40 s 1 pt 2

date of assent 25 August 1997
commenced on date of assent

Justice and Other Legislation (Miscellaneous Provisions) Act (No. 2) 1997 No. 82 ss 1, 2(1), 3 sch

date of assent 5 December 1997
commenced on date of assent (see s 2(1))

Equity and Fair Trading (Miscellaneous Provisions) Act 1999 No. 63 pts 1, 9

date of assent 6 December 1999
ss 1–2 commenced on date of assent
remaining provisions commenced 10 March 2000 (2000 SL No. 36)

Property Agents and Motor Dealers Act 2000 No. 62 ss 1–2, 601 sch 2

date of assent 24 November 2000

ss 1–2 commenced on date of assent

remaining provisions commenced 1 July 2001 (2001 SL No. 54)

Corporations (Ancillary Provisions) Act 2001 No. 45 ss 1–2, 29 sch 3

date of assent 28 June 2001

ss 1–2 commenced on date of assent

sch 3 commenced 15 July 2001 (see s 2(2) of Act 2001 No. 45 (Qld) and Corporations Act 2001 No. 50 (Cwlth) and proc pubd Cwlth of Australia gaz 13 July 2001, No. S285)

remaining provision commenced immediately before 15 July 2001 (see s 2(1) of Act 2001 No. 45 (Qld) and Corporations Act 2001 No. 50 (Cwlth) and proc pubd Cwlth of Australia gaz 13 July 2001, No. S285)

Duties Act 2001 No. 71 ss 1–2(1), 551 sch 1

date of assent 13 November 2001

ss 1–2 commenced on date of assent

remaining provisions commenced 1 March 2002 (2002 SL No. 10)

Land Sales Amendment Act 2001 No. 99

date of assent 19 December 2001

commenced on date of assent

Tourism, Racing and Fair Trading (Miscellaneous Provisions) Act 2002 No. 13 ss 1, 124 sch

date of assent 24 April 2002

commenced on date of assent

Integrated Planning and Other Legislation Amendment Act 2003 No. 64 ss 1, 2(3)(c), pt 6

date of assent 16 October 2003

ss 1–2 commenced on date of assent

remaining provisions commenced on date of assent (see s 2(3)(c))

Surveyors Act 2003 No. 70 ss 1–2, 206 sch 2

date of assent 22 October 2003

ss 1–2 commenced on date of assent

remaining provisions commenced 1 August 2004 (2004 SL No. 127)

Legal Profession Act 2003 No. 97 ss 1, 2(2), 380 sch 1

date of assent 3 December 2003

ss 1–2 commenced on date of assent

remaining provisions never proclaimed into force and rep 2004 No. 11 s 642

Legal Profession Act 2004 No. 11 ss 1, 2(2), 596 sch 1

date of assent 31 May 2004

ss 1–2 commenced on date of assent

remaining provisions commenced 1 July 2004 (2004 SL No. 106)

Tourism, Fair Trading and Wine Industry Development (Miscellaneous Provisions) Act 2005 No. 14

date of assent 22 April 2005
commenced on date of assent

Tourism, Fair Trading and Wine Industry Development Legislation Amendment Act 2005 No. 24 s 1, pt 6

date of assent 31 May 2005
commenced on date of assent

Property Agents and Motor Dealers and Other Acts Amendment Act 2006 No. 10 ss 1, 89 sch 2

date of assent 15 March 2006
commenced on date of assent

Legal Profession Act 2007 No. 24 ss 1–2, 770 sch 1

date of assent 28 May 2007
ss 1–2 commenced on date of assent
remaining provisions commenced 1 July 2007 (2007 SL No. 151)

Sustainable Planning Act 2009 No. 36 ss 1–2, 872 sch 2

date of assent 22 September 2009
ss 1–2 commenced on date of assent
remaining provisions commenced 18 December 2009 (2009 SL No. 281)

Holidays and Other Legislation Amendment Act 2011 No. 44 pts 1, 4

date of assent 6 December 2011
commenced on date of assent

Sustainable Planning and Other Legislation Amendment Act 2012 No. 3 ss 1, 2(2), pt 4A

date of assent 17 February 2012
ss 1–2 commenced on date of assent
remaining provisions commenced 15 February 2012 (see s 2(2))

Economic Development Act 2012 No. 43 ss 1–2, 221 sch 1

date of assent 11 December 2012
ss 1–2 commenced on date of assent
remaining provisions commenced 1 February 2013 (2012 SL No. 1)

Directors' Liability Reform Amendment Act 2013 No. 51 ss 1–2(1), pt 36

date of assent 29 October 2013
ss 1–2 commenced on date of assent
remaining provisions commenced 1 November 2013 (see s 2(1))

Fair Trading Inspectors Act 2014 No. 8 ss 1–2, ch 6 pt 4

date of assent 13 March 2014
ss 1–2 commenced on date of assent
remaining provisions commenced 1 December 2014 (2014 SL No. 247)

Property Occupations Act 2014 No. 22 ss 1–2, 287 sch 2 pt 2

date of assent 21 May 2014
ss 1–2 commenced on date of assent
remaining provisions commenced 1 December 2014 (2014 SL No. 250)

Land Sales and Other Legislation Amendment Act 2014 No. 46 pts 1, 7

date of assent 26 September 2014

ss 1–2 commenced on date of assent

remaining provisions commenced 1 December 2014 on the commencement of the Property Occupations Act 2014, part 7 (see s 2)

Planning (Consequential) and Other Legislation Amendment Act 2016 No. 27 pts 1, 30

date of assent 25 May 2016

ss 1–2 commenced on date of assent

pt 30 commenced 3 July 2017 (automatic commencement under AIA s 15DA(2))

5 List of annotations

Objects of Act

s 2 ins 1997 No. 40 s 4

amd 1999 No. 63 s 70; 2009 No. 36 s 872 sch 2; 2011 No. 44 s 10; 2012 No. 43 s 221 sch 1; 2014 No. 46 s 38

Application of Act generally

s 3 prev s 3 amd 1989 No. 103 s 3 sch

om R1 (see RA s 36)

pres s 3 ins 2014 No. 46 s 39

Act does not apply to particular State leasehold land

s 4 prev s 4 amd 1985 No. 43 s 4; 1989 No. 103 s 3 sch

om 1992 No. 40 s 122

pres s 4 ins 2014 No. 46 s 39

Relationship with Fair Trading Inspectors Act 2014

s 5 prev s 5 amd 1993 No. 82 s 3 sch 1; 1997 No. 40 s 5

om 2014 No. 46 s 39

pres s 5 (prev s 5A) ins 2014 No. 8 s 129

renum 2014 No. 46 s 40

Definitions

s 6 amd 1997 No. 40 s 6(7)–(13); 1999 No. 63 s 71(1); 2014 No. 46 s 41(3)–(4)

Note—prev s 6 contained definitions for this Act. Definitions are now located in schedule 1 (Dictionary). Annotations for definitions contained in prev s 6 are located in annotations for sch 1.

Meaning of purchaser

s 6A (prev) s 6(2)–(3) renum 1999 No. 63 s 71 (6), (9)

amd 1999 No. 63 s 71(7)–(8)

om 2014 No. 46 s 42

PART 2—SALE OF PROPOSED LOTS

pt hdg amd 1997 No. 40 s 7

sub 2014 No. 46 s 43

Division 1—Preliminary

div hdg ins 2014 No. 46 s 43

References to things done by or in relation to buyer or seller

s 7 prev s 7 amd 1985 No. 105 s 5; 1995 No. 58 s 4 sch 1
om 1997 No. 40 s 8
pres s 7 ins 2014 No. 46 s 43

Part not to apply to large transactions

s 7A ins 1992 No. 40 s 124
sub 1993 No. 82 s 35
amd 1997 No. 40 s 9
om 2014 No. 46 s 43

Restriction on selling State leasehold land

s 8 amd 1985 No. 43 s 6; 1985 No. 105 s 6; 1992 No. 40 s 125; 1993 No. 82 s 3 sch 1; 1997 No. 40 s 10; 2003 No. 64 s 123; 2009 No. 36 s 872 sch 2; 2011 No. 44 s 12; 2012 No. 43 s 221 sch 1
sub 2014 No. 46 s 43

Division 2—Disclosure requirements

div hdg ins 2014 No. 46 s 43

Application of div 2 if option granted

s 9 amd 1985 No. 105 s 7; 1997 No. 40 s 11; 1999 No. 63 s 72; 2003 No. 64 s 124; 2003 No. 70 s 206 sch 2; 2005 No. 14 s 2 sch; 2009 No. 36 s 872 sch 2; 2011 No. 44 s 13; 2012 No. 43 s 221 sch 1
sub 2014 No. 46 s 43

Documents to be given by seller to buyer

s 10 amd 1985 No. 43 s 7
sub 1985 No. 105 s 8
amd 1992 No. 40 s 126; 1992 No. 64 s 3 sch 1
sub 1997 No. 40 s 12
amd 1999 No. 63 s 73; 2009 No. 36 s 872 sch 2; 2011 No. 44 s 14; 2012 No. 43 s 221 sch 1
sub 2014 No. 46 s 43

Purchaser must be given registrable instrument of transfer and other documents

s 10A ins 1997 No. 40 s 12
amd 1999 No. 63 s 74; 2003 No. 64 s 125; 2003 No. 70 s 206 sch 2; 2009 No. 36 s 872 sch 2; 2011 No. 44 s 15; 2012 No. 43 s 221 sch 1
om 2014 No. 46 s 43

Requirements for disclosure plan

s 11 amd 1985 No. 43 s 8; 1985 No. 105 s 9; 1995 No. 58 s 4 sch 1; 1996 No. 56 s 123; 1997 No. 40 s 13; 2000 No. 62 s 601 sch 2; 2004 No. 11 s 596 sch 1; 2007 No. 24 s 770 sch 1; 2014 No. 22 s 287 sch 2 pt 2
sub 2014 No. 46 s 43

Limit on deposit amount

s 11A ins 1997 No. 40 s 14

om 2014 No. 46 s 43

Requirements for disclosure statement

s 12 amd 1985 No. 43 s 9

sub 1985 No. 105 s 10

amd 1996 No. 56 s 124; 1997 No. 40 s 15; 2007 No. 24 s 770 sch 1

sub 2014 No. 46 s 43

amd 2016 No. 27 s 287

Variation of disclosure plan by further statement

s 13 prev s 13 amd 1985 No. 43 s 10; 1985 No. 105 s 11

om 1997 No. 40 s 16

pres s 13 ins 2014 No. 46 s 43

Division 3—Settlements

div hdg ins 2014 No. 46 s 43

Settlement and documents to be given before settlement

s 14 prev s 14 sub 1985 No. 43 s 11

amd 1985 No. 105 s 12

om 1997 No. 40 s 16

amd 1997 No. 82 s 3 sch (amdt inoperative as prov previously om)

pres s 14 ins 2014 No. 46 s 43

Division 4—Amounts held in trust accounts

div hdg ins 2014 No. 46 s 43

Definitions for div 4

s 15 prev s 15 amd 1985 No. 43 s 12; 1985 No. 105 s 13

om 1997 No. 40 s 16

pres s 15 ins 2014 No. 46 s 43

Payment of particular amounts

s 16 prev s 16 om 1985 No. 105 s 14

pres s 16 ins 2014 No. 46 s 43

Amounts paid under s 16 to be held in prescribed trust account

s 17 sub 2014 No. 46 s 43

Disposal of amount held in prescribed trust account

s 18 sub 1985 No. 105 s 15

amd 1992 No. 40 s 127; 1994 No. 81 s 527 sch 5; 1995 No. 58 s 4 sch 1; 1997 No. 40 s 17

sub 2014 No. 46 s 43

Investment of amount held in prescribed trust account

s 19 amd 1985 No. 43 s 13; 1985 No. 105 s 16; 1991 No. 42 s 3 sch; 1992 No. 40 s 128; 1992 No. 68 s 3 sch 2; 1995 No. 58 s 4 sch 1; 1996 No. 56 s 125; 1997 No. 40 s 18

sub 2014 No. 46 s 43

Division 5—Other provisions

div hdg ins 2014 No. 46 s 43

Termination under this part

s 20 prev s 20 sub 1985 No. 105 s 17
 amd 1992 No. 40 s 129; 1995 No. 58 s 4 sch 1; 2001 No. 45 s 29 sch 3
 om 2014 No. 46 s 44
 pres s 20 ins 2014 No. 46 s 43

Security instruments

s 21 prev s 21 amd 1985 No. 43 s 14; 1997 No. 28 s 295 sch 3; 1997 No. 40 s 19;
 2005 No. 14 s 2 sch
 om 2014 No. 46 s 44
 pres s 21 ins 2014 No. 46 s 43

PART 3—MISCELLANEOUS PROVISIONS

pt hdg prev pt 3 hdg om 2014 No. 46 s 44
 pres pt 3 hdg (prev pt 4 hdg) renum 2014 No. 46 s 45

Contracting out prohibited

s 22 prev s 22 amd 1985 No. 43 s 15; 1985 No. 105 s 18; 2002 No. 13 s 124 sch
 om 2014 No. 46 s 44
 pres s 22 (prev s 31) sub 1993 No. 82 s 36
 amd 1997 No. 40 s 24
 sub 2014 No. 46 s 46
 renum 2014 No. 46 s 51

Responsibility for acts or omissions of representatives

s 23 prev s 23 amd 1985 No. 43 s 16; 1985 No. 105 s 19; 1995 No. 58 s 4 sch 1;
 1997 No. 40 s 20; 1997 No. 82 s 3 sch; 2000 No. 62 s 601 sch 2; 2004 No. 11 s
 596 sch 1; 2007 No. 24 s 770 sch 1; 2014 No. 22 s 287 sch 2 pt 2
 om 2014 No. 46 s 44
 pres s 23 (prev s 32A) ins 1997 No. 40 s 27
 renum 2014 No. 46 s 51

Evidentiary provision

s 24 prev s 24 amd 1985 No. 43 s 16A
 sub 1985 No. 105 s 20
 amd 1997 No. 40 s 21; 2007 No. 24 s 770 sch 1
 om 2014 No. 46 s 44
 pres s 24 (prev s 34) amd 1985 No. 105 s 28; 1997 No. 40 s 28
 sub 2014 No. 46 s 48
 renum 2014 No. 46 s 51

Delegations

s 25 prev s 25 amd 1985 No. 43 s 17; 1985 No. 105 s 21; 2002 No. 13 s 124 sch
 om 2014 No. 46 s 44
 pres s 25 (prev s 35) amd 1985 No. 105 s 29
 sub 1992 No. 40 s 131
 amd 1993 No. 82 s 3 sch 1; 2006 No. 10 s 89 sch 2
 renum 2014 No. 46 s 51

Regulation-making power

s 26 prev s 26 sub 1985 No. 43 s 18

amd 1985 No. 105 s 22
om 1997 No. 40 s 22
amd 1997 No. 82 s 3 sch (amdt inoperative as prov previously om)
pres s 26 (prev s 36) ins 1992 No. 40 s 131
amd 1995 No. 58 s 4 sch 1
sub 2014 No. 46 s 50
renum 2014 No. 46 s 51

PART 3A—ENFORCEMENT

pt hdg ins 1996 No. 56 s 126
om 2014 No. 8 s 130

Division 1—Inspectors

div hdg ins 1996 No. 56 s 126
om 2014 No. 8 s 130

Division 2—Inspectors’ powers

div hdg ins 1996 No. 56 s 126
om 2014 No. 8 s 130

Division 3—Other enforcement matters

div hdg ins 1996 No. 56 s 126
om 2014 No. 8 s 130

PART 4—TRANSITIONAL PROVISIONS

pt hdg ins 2014 No. 46 s 52

Division 1—Transitional provision for Sustainable Planning and Other Legislation Amendment Act 2012

div hdg ins 2014 No. 46 s 52

Application of s 27 as amended by Act No. 3 of 2012

s 27 orig s 27 amd 1985 No. 43 s 19; 1985 No. 105 s 23
sub 1997 No. 40 s 23
amd 2012 No. 3 s 22B (retro)
om 2014 No. 46 s 44
prev s 27 (orig s 37) ins 1995 No. 58 s 4 sch 1
exp 28 May 1996 (see orig s 37(3))
pres s 27 (prev s 37) ins 2012 No. 3 s 22C (retro)
amd 2014 No. 46 s 53
renum 2014 No. 46 s 53

Division 2—Transitional provisions for Land Sales and Other Legislation Amendment Act 2014

div hdg ins 2014 No. 46 s 54

Definitions for div 2

s 28 orig s 28 om 1985 No. 105 s 24
prev s 28 ins 2001 No. 99 s 3
amd 2005 No. 24 s 41
om 2014 No. 46 s 44
pres s 28 ins 2014 No. 46 s 54

Continuation of particular rights of prosecution

s 29 prev s 29 om 2014 No. 46 s 44
pres s 29 ins 2014 No. 46 s 54

Application of old s 8(2)

s 30 orig s 30 om 1985 No. 105 s 25
prev s 30 ins 1996 No. 56 s 126
om 2014 No. 8 s 130
pres s 30 ins 2014 No. 46 s 54

Inspector's identity card

s 30A ins 1996 No. 56 s 126
om 2014 No. 8 s 130

Production of inspector's identity card

s 30B ins 1996 No. 56 s 126
om 2014 No. 8 s 130

Entry of place by inspector

s 30C ins 1996 No. 56 s 126
om 2014 No. 8 s 130

Warrants

s 30D ins 1996 No. 56 s 126
om 2014 No. 8 s 130

Warrants—applications made otherwise than in person

s 30E ins 1996 No. 56 s 126
amd 1997 No. 82 s 3 sch
om 2014 No. 8 s 130

Inspector's general powers in a place

s 30F ins 1996 No. 56 s 126
amd 1997 No. 82 s 3 sch
om 2014 No. 8 s 130

Power to require name and address

s 30G ins 1996 No. 56 s 126
om 2014 No. 8 s 130

Procedure after thing seized

s 30H ins 1996 No. 56 s 126
om 2014 No. 8 s 130

Obstructing etc. inspectors

s 30I ins 1996 No. 56 s 126
om 2014 No. 8 s 130

Compensation

s 30J ins 1996 No. 56 s 126
om 2014 No. 8 s 130

Disclosure requirements

s 31 ins 2014 No. 46 s 54

Giving of notices

s 31A ins 1985 No. 43 s 20
sub 1985 No. 105 s 26
om 1995 No. 58 s 4 sch 1

Extension of period specified in s 15 or 27

s 31B ins 1985 No. 43 s 20
sub 1985 No. 105 s 26
amd 1995 No. 58 s 4 sch 1
om 1997 No. 40 s 25

Application of new s 14 and old s 10A to contracts

s 32 prev s 32 amd 1985 No. 105 s 27
sub 1992 No. 40 s 130
amd 1997 No. 40 s 26
om 2014 No. 46 s 47
pres s 32 ins 2014 No. 46 s 54

Executive officers must ensure corporation complies with Act

s 32B ins 1997 No. 40 s 27
om 2013 No. 51 s 90

Application of new pt 2, div 4

s 33 prev s 32 om 2014 No. 46 s 47
pres s 32 ins 2014 No. 46 s 54

Application of old ss 11 and 12 to existing contracts

s 34 ins 2014 No. 46 s 54

Application of old s 11A to existing contracts

s 35 ins 2014 No. 46 s 54

Approval of forms

s 35A ins 1995 No. 58 s 4 sch 1
om 2014 No. 46 s 49

Existing declarations under old s 18

s 36 ins 2014 No. 46 s 54

Undecided applications under old s 19

s 37 ins 2014 No. 46 s 54

Application of new pt 2 if existing decision about exemption

s 38 ins 2014 No. 46 s 54

SCHEDULE—AMENDMENTS OF AUCTIONEERS AND AGENTS ACT 1971

sch amd 1985 No. 43 s 21
om 1992 No. 40 s 132

SCHEDULE 1—DICTIONARY

sch 1 Note—definitions for this Act were originally located in prev s 6.
ins 2014 No. 46 s 55
def *agreement* ins 1993 No. 82 s 34
amd 1996 No. 56 s 122

om from prev s 6 2014 No. 46 s 41(1)
def *allotment* ins 1997 No. 40 s 6(2)
om from prev s 6 2014 No. 46 s 41(1)
def *approved form* ins 1995 No. 58 s 4 sch 1
om from prev s 6 2014 No. 46 s 41(1)
def *authority* ins 2011 No. 44 s 11
om from prev s 6 2012 No. 43 s 221 sch 1
def *building units plan* amd 1985 No. 43 s 5
om from prev s 6 2014 No. 46 s 41(1)
def *buyer* ins 2014 No. 46 s 41(2)
reloc 2014 No. 46 s 41(4)
def *cadastral surveyor* ins 2003 No. 70 s 206 sch 2
reloc 2014 No. 46 s 41(4)
def *compliance permit* ins 2009 No. 36 s 872 sch 2
om from prev s 6 2014 No. 46 s 41(1)
def *development permit* ins 2003 No. 64 s 122(2)
amd 2009 No. 36 s 872 sch 2
om from prev s 6 2014 No. 46 s 41(1)
def *disclosure plan* ins 1997 No. 40 s 6(2)
om from prev s 6 2014 No. 46 s 41(1)
def *disclosure statement* ins 1997 No. 40 s 6(2)
om from prev s 6 2014 No. 46 s 41(1)
def *Economic Development Act* ins 2012 No. 43 s 221 sch 1
reloc 2014 No. 46 s 41(4)
def *executive officer* ins 2013 No. 51 s 89
reloc 2014 No. 46 s 41(4)
def *group titles plan* amd 1985 No. 43 s 5
om from prev s 6 2014 No. 46 s 41(1)
def *land held from the Crown for an estate of leasehold* ins 1985 No. 105 s 4
amd 1994 No. 81 s 527 sch 5; 1995 No. 58 s 4 sch 1
om from prev s 6 1997 No. 40 s 6(1)
def *land registration authority* ins 1992 No. 40 s 123
om from prev s 6 1992 No. 64 s 3 sch 1
def *law practice* ins 2014 No. 46 s 41(2)
reloc 2014 No. 46 s 41(4)
def *leasehold building units plan* ins 1991 No. 67 s 29 sch 2
om from prev s 6 2014 No. 46 s 41(1)
def *licensed surveyor* ins 1997 No. 40 s 6(2)
om from prev s 6 2003 No. 70 s 206 sch 2
def *Local Authority* ins 1985 No. 43 s 5
om from prev s 6 1992 No. 40 s 123
def *lot* sub 2014 No. 46 s 41(1)–(2)
reloc 2014 No. 46 s 41(4)
def *MEDQ* ins 2012 No. 43 s 221 sch 1
reloc 2014 No. 46 s 41(4)
def *operational work* ins 2003 No. 64 s 122(2)
amd 2009 No. 36 s 872 sch 2
reloc 2014 No. 46 s 41(4)

amd 2016 No. 27 s 288(3)
def *PDA development approval* ins 2012 No. 43 s 221 sch 1
om from prev s 6 2014 No. 46 s 41(1)
def *PDA development condition* ins 2012 No. 43 s 221 sch 1
om from prev s 6 2014 No. 46 s 41(1)
def *plan* sub 1991 No. 67 s 29 sch 2
om from prev s 6 2014 No. 46 s 41(1)
def *Planning Act* ins 1997 No. 40 s 6(2)
sub 1999 No. 63 s 71(2)–(3)
amd 2009 No. 36 s 872 sch 2
reloc 2014 No. 46 s 41(4)
sub 2016 No. 27 s 288(1)–(2)
def *prescribed trust account* ins 2014 No. 46 s 41(2)
reloc 2014 No. 46 s 41(4)
def *proposed allotment* ins 1997 No. 40 s 6(2)
om from prev s 6 2014 No. 46 s 41(1)
def *proposed lot* amd 1997 No. 28 s 295 sch 3; 1999 No. 63 s 71(4)
sub 2014 No. 46 s 41(1)–(2)
reloc 2014 No. 46 s 41(4)
def *public trustee* ins 2014 No. 46 s 41(2)
reloc 2014 No. 46 s 41(4)
def *purchase* om from prev s 6 2014 No. 46 s 41(1)
def *real estate agent* ins 1997 No. 40 s 6(2)
amd 2000 No. 62 s 601 sch 2; 2014 No. 22 s 287 sch 2 pt 2
sub 2014 No. 46 s 41(1)–(2)
reloc 2014 No. 46 s 41(4)
def *recognised entity* ins 2014 No. 46 s 41(2)
reloc 2014 No. 46 s 41(4)
def *reconfiguring a lot* ins 2003 No. 64 s 122(2)
amd 2009 No. 36 s 872 sch 2
reloc 2014 No. 46 s 41(4)
amd 2016 No. 27 s 288(3)
def *registered lot* sub 1991 No. 67 s 29 sch 2; 1997 No. 28 s 295 sch 3
om from prev s 6 2014 No. 46 s 41(1)
def *registrable instrument of transfer* ins 1985 No. 43 s 5
amd 1985 No. 105 s 4; 1992 No. 40 s 123; 1992 No. 64 s 3 sch 1; 1997 No. 40 s
6(3)–(4); 2001 No. 71 s 551 sch 1
om from prev s 6 2014 No. 46 s 41(1)
def *registrar* amd 1985 No. 43 s 5
sub 1992 No. 40 s 123
om from prev s 6 2014 No. 46 s 41(1)
def *relevant freehold land* amd 1992 No. 40 s 123; 1992 No. 64 s 3 sch 1; 1995 No.
58 s 4 sch 1
om from prev s 6 1997 No. 40 s 6(1)
def *relevant land* om from prev s 6 1997 No. 40 s 6(1)
def *relevant leasehold land* amd 1985 No. 105 s 4; 1992 No. 40 s 123; 1992 No. 64
s 3 sch 1
om from prev s 6 1997 No. 40 s 6(1)

def *sell* amd 1997 No. 40 s 6(5)
om from prev s 6 2014 No. 46 s 41(1)
def *seller* ins 2014 No. 46 s 41(2)
reloc 2014 No. 46 s 41(4)
def *State leasehold land* ins 1997 No. 40 s 6(2)
reloc 2014 No. 46 s 41(4)
def *subdivision application* ins 1997 No. 40 s 6(2)
amd 1999 No. 63 s 71(5)
om from prev s 6 2003 No. 64 s 122(1)
def *UDA development approval* ins 2011 No. 44 s 11
om from prev s 6 2012 No. 43 s 221 sch 1
def *UDA development condition* ins 2011 No. 44 s 11
om from prev s 6 2012 No. 43 s 221 sch 1
def *ULDA Act* ins 2011 No. 44 s 11
om from prev s 6 2012 No. 43 s 221 sch 1
def *vendor's agent* amd 1997 No. 40 s 6(6)
om from prev s 6 2014 No. 46 s 41(1)

6 Information about retrospectivity

Retrospective amendments that have been consolidated are noted in the list of legislation and list of annotations. From mid-2013 any retrospective amendment that has not been consolidated is noted on the cover page.

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