



# Foreign Ownership of Land Register Act 1988

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Queensland

# Foreign Ownership of Land Register Act 1988

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# Foreign Ownership of Land Register Act 1988

## An Act to provide for the disclosure of foreign ownership of land and for related purposes

### Part 1 Preliminary

#### 1 Short title

This Act may be cited as the *Foreign Ownership of Land Register Act 1988*.

#### 2 Definitions

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

#### 4 Interpretation

- (1) In this Act—
  - (a) a person who directly or indirectly controls an interest in land shall be deemed to have acquired that interest; and
  - (b) a reference to acquire includes a reference to agreeing to acquire.
- (2) For the purposes of this Act, the time of acquisition of an interest in land is taken to be—
  - (a) if the interest is acquired as the result of the granting of a lease of unallocated State land—the time when the lease commences; or
  - (b) if the interest is acquired under an agreement—the time of entry into possession of the interest; or

- (c) otherwise—the time when the event that gave rise to the acquisition occurred.
- (3) For the purposes of subsection (2)(b), the time of entry into possession in respect of an interest in land means the time under an agreement when the person acquiring the interest is entitled to—
  - (a) occupy, use and control that interest; or
  - (b) the rents and profits of that interest.

## **Part 2 Administration**

### **11 Register**

- (1) The registrar must maintain a register called the Foreign Ownership of Land Register.
- (2) The register may be kept in the form the registrar considers appropriate including, for example, in electronic form.
- (3) An approved form lodged with the registrar forms part of the register.
- (4) The registrar may do the following things in relation to the register—
  - (a) make a copy, in a way approved by the Minister for this section, of any part of the register;
  - (b) move particulars recorded in a particular part of the register to another part;
  - (c) delete particulars recorded in a particular part of the register if the registrar is satisfied the particulars have been accurately recorded in another part;
  - (d) destroy an approved form if a copy of the approved form has been made under paragraph (a).
- (5) A copy of a part of the register made under subsection (4)(a) and certified by the registrar as an accurate copy of that part of the register forms part of the register.

- (6) A copy of an approved form made under subsection (4)(a) and certified by the registrar as an accurate copy of the approved form is admissible as evidence of the approved form and the things in it.

### **13 Rectification of register**

Where the registrar is satisfied that there is an error or omission in the register or a failure to comply with this Act in respect of any approved form or acquisition, the registrar may do all things necessary to rectify the error, omission or failure.

### **14 Access to information in register**

- (1) A person may, on payment of the relevant titles registry fee and during the hours and on the days appointed by the registrar for that purpose—
- (a) obtain particulars of information recorded or contained in the register; and
  - (b) obtain extracts of particulars of information recorded or contained in the register; and
  - (c) on giving adequate notice to allow its preparation—obtain from the registrar copies of any statistical data available from the computerised information recorded in the register.
- (2) In this section—
- titles registry fee*, for a matter mentioned in subsection (1)(a), (b) or (c), means the fee payable for the matter under section 44C.

### **15 Delegations by registrar**

- (1) The registrar may delegate the registrar's powers under this Act to an appropriately qualified public service employee employed in the department.

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- (2) Also, the registrar may delegate the registrar's functions under this Act to the titles registry operator.
- (3) If a function of the registrar is delegated to the titles registry operator, the titles registry operator must subdelegate the function to an appropriately qualified employee of the titles registry operator.
- (4) The titles registry operator may impose conditions on a subdelegation under subsection (3) that are not inconsistent with any conditions to which the delegation to the titles registry operator is subject.
- (5) In this section—  
*function* includes power.

## **Part 3                      Notification of ownership**

### **18            Disclosure of acquisition**

- (1) A foreign person who acquires the legal estate of an interest in land must complete and lodge with the registrar a notification of ownership in relation to the interest not later than 90 days after the day of the acquisition.
- (2) However, a foreign person is not required to comply with subsection (1) if the legal estate of the interest in land is vested in the person as personal representative of a deceased person.
- (3) Also, a person beneficially entitled to an interest in land because of the death of a person is not required to comply with subsection (1) until all documents resulting in the interest vesting in the person have been lodged with the relevant registering authority.

### **18A        Disclosure of disposal of interest**

- (1) Subsection (2) applies if—



- (a) the legal estate of an interest in land is registered in the register, or recorded in the records of a relevant registering authority, in the name of a foreign person; and
  - (b) the foreign person disposes of the interest.
- (2) The foreign person must complete and lodge with the registrar a notification, in the approved form, in relation to the disposal not later than 90 days after the day on which the disposal takes place.

## **19 Notification of ceasing to be a foreign person**

- (1) This section applies if, on 30 June in a year—
- (a) the legal estate of an interest in land is registered in the register, or recorded in the records of a relevant registering authority, in the name of a foreign person; and
  - (b) the person is no longer a foreign person; and
  - (c) the person has not completed, and lodged with the registrar, a notification of ownership, in the approved form, in relation to the cessation.
- (2) The person must complete, and lodge with the registrar, a notification, in the approved form, in relation to the cessation by 30 September in the year.

Maximum penalty—20 penalty units.

## **20 Notification of becoming a foreign person**

- (1) This section applies if, on 30 June in a year—
- (a) the legal estate of an interest in land is recorded in the records of a relevant registering authority in the name of a person; and
  - (b) the person is a foreign person; and

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- (c) the person has not completed, and lodged with the registrar, a notification of ownership, in the approved form, in relation to the interest.
- (2) The person must complete, and lodge with the registrar, a notification of ownership, in the approved form, in relation to the interest by 30 September in the year.

Maximum penalty—20 penalty units.

## 21 Other registries and transitional

- (1) Every person required to lodge a notification of ownership or trustee notification of ownership with the registrar under section 18 shall be deemed to have complied with the requirements of that section if that person, within the period specified in that section, lodges with the relevant registering authority a duly completed notification of ownership or trustee notification of ownership, as the case may require, contemporaneously with such other documents as are required to be lodged with that registering authority to enable the registration or recording of the relevant acquisition.
- (2) Every document that is lodged with a registering authority after the commencement of the *Foreign Ownership of Land Register Act Amendment Act 1990* for the registration or recording of a dealing in respect of an acquisition of an interest in land to which section 18(1) or (3) applies, shall, even though the acquisition was made before the commencement of that Act, be accompanied by—
  - (a) a notification of ownership or trustee notification of ownership, as the case may require; or
  - (b) a certificate of exemption referred to in subsection (3); or
  - (c) evidence, in the approved form, that a notification of ownership or trustee notification of ownership has been lodged with the registrar;

in respect of that acquisition, contemporaneously with such other documents as are required to be lodged with that

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registering authority to enable the registration or recording of that acquisition.

- (3) Where an acquisition of an interest in land occurred prior to the commencement of this Act the registrar may, in the registrar's absolute discretion, issue in respect of that acquisition a certificate of exemption in the approved form, exempting that acquisition from the application of subsection (2)(a) and (c).
- (4) Despite any other Act or law to the contrary, a registering authority shall not register or record in its register or records any documents lodged with that registering authority after the commencement of this Act, in respect of an acquisition of an interest in land where the registering authority is not satisfied that subsection (2) has been complied with.
- (5) Every notification of ownership or trustee notification of ownership, as the case may be, lodged with a registering authority under this section shall be produced by that registering authority to the registrar within 30 days of the registration or recording of the acquisition in respect of which it was lodged with that registering authority.

## **22 Registrar may require additional information**

- (1) The registrar may, for the purpose of—
  - (a) ascertaining whether there is any liability on a person to lodge an approved form; or
  - (b) ascertaining whether a person is required to comply with this Act or whether the Act has been contravened or not complied with by a person in any respect; or
  - (c) enquiring into any matter connected with the administration of this Act;by notice in writing, require a person—
  - (d) to give information of a kind and in a form or manner specified in the notice or to produce records (or copies of records) of a kind specified in the notice (being information or records believed to be within the

knowledge, in the custody or under the control of the person) at a place and within a time specified in the notice, to the registrar or an officer authorised by the registrar and specified in the notice; or

- (e) to attend before the registrar or an officer authorised by the registrar and specified in the notice at a time and place specified in the notice and there to give information and to produce records of a kind specified in the notice (being information or records believed to be within the knowledge, in the custody or under the control of the person) and to answer questions or to do all or any of those things.
- (2) The registrar or an officer authorised by the registrar under subsection (1) may require information sought under this section to be given, verbally on oath or in writing by statutory declaration, as the case may be, and for that purpose the registrar, that officer or any justice may administer an oath or take a declaration.
  - (3) The registrar or an officer authorised by the registrar under subsection (1) may cause to be made copies of or extracts from the whole or part of the information or records produced under subsection (1).
  - (4) A notice under subsection (1) which requires a person to give information to, to attend before or to produce records to an officer authorised by the registrar under subsection (1) may specify that officer by name or by the office that the officer holds.
  - (5) Even though a notice issued under subsection (1) requires a person to give information to, to attend before or to produce records to an officer whose name or office is specified in the notice, the registrar may at any time (without notice to the person to whom the notice was given) authorise another officer for that purpose to exercise any power or perform any duty that the other officer would be able to exercise or perform if the other officer were authorised under subsection (1).

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- (6) The regulations may prescribe scales of expenses to be allowed to persons whose attendance is required under this section.

### **23 Registrar may enter information**

Where in respect of an acquisition of an interest in land—

- (a) a notification of ownership is not lodged with the registrar under this Act; or
- (b) a notification of ownership lodged with the registrar is not complete in respect of any material particular;

the registrar may, in respect of that acquisition and until correct or more accurate particulars are provided to the registrar, record in the register such particulars as the registrar considers appropriate for that acquisition.

## **Part 4 Offences and penalties**

### **24 Offence not to comply with s 22**

- (1) A person who contravenes a requirement made of the person under section 22(1) commits an offence against this Act.

Maximum penalty—835 penalty units.

- (2) A person must not be convicted of an offence defined in subsection (1), if the court hearing the charge is satisfied—
- (a) that the defendant could not, by the exercise of reasonable diligence, have complied with the requirement to which the charge relates; or
  - (b) that the defendant complied with that requirement to the extent of the defendant's ability to do so.
- (3) A person is not excused from complying with a requirement under section 22 to give information or answer a question on the ground that the information or answer might tend to incriminate the person or make the person liable to a penalty.

- (4) Information given or an answer made by a person in complying with a requirement under section 22, which might tend to incriminate the person or make the person liable to a penalty, is not admissible against the person in any proceedings brought against the person in a court in Queensland with a view to the punishment of the person for an alleged offence except—
  - (a) proceedings in respect of an offence under this Act; or
  - (b) proceedings in respect of an offence in connection with verification of the information or answer by oath or affirmation.
- (5) If a person commits an offence defined in subsection (1)—
  - (a) the offence shall be a continuing offence and be deemed to continue for as long as the requirement in respect of which the offence was committed is not complied with; and
  - (b) the court may, upon convicting the person of the offence, in addition to any penalty that it may impose under subsection (1), order the person to pay a penalty of 100 penalty units for each day on which the offence is, under paragraph (a), deemed to have continued to the date of the person's conviction of the offence.
- (6) Subsection (5) applies even though the failure or conduct alleged against a defendant related to a particular time or a particular period.
- (7) If a person has been convicted of an offence against subsection (1), the court may, in addition to imposing a penalty that it may impose under subsection (1) and, where applicable, subsection (5), order the person to comply with the requirement in respect of which the offence was committed.
- (8) If a court makes an order under subsection (7), the court must specify in the order a place where and a time or period by or within which the order is to be complied with.
- (9) A person who contravenes an order made by a court under subsection (7) commits an offence against this Act.

Maximum penalty—1670 penalty units.

- (10) A person who after conviction of an offence defined in subsection (1) or this subsection (the *previous conviction*) continues to fail to comply with the requirement in respect of which the person incurred the previous conviction commits an offence against this Act.

Maximum penalty—170 penalty units for each day on which the person has continued to fail to comply with the requirement from the date of the last occurring previous conviction to the date of the person's conviction for the offence under this subsection last committed by the person.

- (11) If a person is convicted of an offence under subsection (1) and the court makes an order under subsection (7), the person must not be punished under subsection (10) for continuing to fail to comply with the requirement to which the order relates.

## **25 False or misleading statements**

- (1) A person must not give an answer, whether orally or in writing, that is false or misleading in a material particular to a question put to the person under section 22.

Maximum penalty—835 penalty units.

- (2) A person must not, in providing information under section 22, make a statement or representation that is false or misleading in a material particular.

Maximum penalty—835 penalty units.

- (3) A person (including the agent of a foreign person) must not, in giving the registrar information by completing a notification of ownership make any answer, statement or representation that is false or misleading in a material particular.

Maximum penalty—835 penalty units.

- (4) It is a defence to a charge under subsection (1) or (2) to prove that the defendant believed on reasonable grounds that the answer, statement or representation was neither false nor misleading.

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- (5) It is a defence to a charge under subsection (3) to prove that when the answer, statement or representation was given or made, the defendant believed on reasonable grounds the answer, statement or representation was neither false nor misleading.
- (6) For the purposes of this Act, a notification of ownership or other approved form that is incorrectly completed in a material particular is not a duly completed form.

## **27 General penalty**

- (1) A person who contravenes a provision of this Act commits an offence against this Act.
- (2) Where no penalty is expressly provided, a person who commits an offence against this Act is liable to a maximum penalty of—
  - (a) for a first offence—835 penalty units; or
  - (b) for a second or subsequent offence—1670 penalty units.

## **28 Proceedings for offences**

- (1) A prosecution for an offence against this Act shall be by way of summary proceedings under the *Justices Act 1886* upon the complaint of the registrar or any person authorised in writing in that behalf by the Minister.
- (2) The authority of a person to make a complaint in respect of an offence against this Act shall be presumed until the contrary is proved.
- (3) Proceedings for an offence against this Act may be instituted within 12 months after the commission of the offence or within 6 months after the commission of the offence comes to the knowledge of the complainant, whichever is the later period.



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## Part 6                      Miscellaneous

### 41        Searches

- (1) An officer responsible for keeping or maintaining records available to be searched by the public must allow the registrar, or a person authorised by the registrar, to search the records and make copies of or take extracts from a relevant record, free of charge.
- (2) In this section—  
*relevant record* means—
  - (a) a document of title; or
  - (b) a document or other record relating to—
    - (i) the acquisition or disposal of an interest in land; or
    - (ii) another matter in which the registrar is or may, for the purposes of this Act, be interested.

### 42        Service of documents

- (1) This section applies if—
  - (a) a document is required or permitted under this Act to be served on a corporation; and
  - (b) the corporation is not likely to receive the document if it is served in a way provided for under the *Acts Interpretation Act 1954*, part 10.
- (2) The document may be served on the corporation by—
  - (a) delivering it personally to each of 2 directors of the corporation who reside in the State; or
  - (b) sending it by post to each of 2 directors of the corporation who reside in the State at the address of the directors last known to the person serving the document; or

- (c) by sending it electronically to the email address of the corporation in accordance with the *Electronic Transactions (Queensland) Act 2001*.

### **43 Evidentiary provisions**

In any proceedings under this Act—

- (a) it shall not be necessary to prove the appointment of the Minister, the registrar or a delegate of the registrar to do an act or take a proceeding; and
- (b) a signature purporting to be that of the Minister, the registrar or a delegate of the registrar shall be taken to be the signature it purports to be until the contrary is proved; and
- (c) a document purporting to be a copy of or an extract (certified by the registrar) from a document lodged in the land registry shall upon its production in that proceeding be evidence and, in the absence of evidence to the contrary, conclusive evidence of—
  - (i) in the case of an office copy—the last document and its contents; or
  - (ii) in the case of an extract—the matters contained in the document; and
- (d) a certificate purporting to be that of the registrar as to the time when a document of or from which an office copy or extract has been produced in evidence, was lodged in the land registry shall be evidence and, in the absence of evidence to the contrary, conclusive evidence of the fact and time of the lodgement of the document; and
- (e) proof of exemption from a provision of the Act shall be upon the person who relies on the exemption; and
- (f) it shall not be necessary to prove the authority of a person to do an act or take a proceeding in the absence of evidence to the contrary.

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#### **44 Protection from liability**

- (1) Liability at law shall not attach to the Crown or any person on account of any act or thing—
  - (a) done or omitted to be done under this Act; or
  - (b) done or omitted to be done bona fide for the purposes of this Act and without negligence.
- (2) However, this section does not apply to an employee of the titles registry operator in relation to performing a titles registry function by the employee under the *Queensland Future Fund (Titles Registry) Act 2021*.

*Note—*

See the *Queensland Future Fund (Titles Registry) Act 2021*, section 45 in relation to protection from liability for employees of the titles registry operator.

#### **44A Approved forms**

The registrar may approve forms for use under this Act.

#### **44B Particular trustees to give information about beneficiaries**

- (1) This section applies to a person who holds an interest, other than the legal estate, in land as trustee for another person (a *beneficiary*).
- (2) The person must, for the purposes of this Act, on request of a legal estate trustee for the land, give the legal estate trustee the following details for each beneficiary—
  - (a) the beneficiary's name;
  - (b) the beneficiary's usual place of residence;
  - (c) details of the interest held for the beneficiary;
  - (d) whether or not the beneficiary is a foreign person.
- (3) In this section—

*legal estate trustee*, in relation to land mentioned in subsection (1), means a person who holds the legal estate of an interest in the land.

#### **44C Fees for titles registry functions**

The fees provided under the *Queensland Future Fund (Titles Registry) Act 2021* are payable in relation to a titles registry function performed under this Act.

*Note—*

See the *Queensland Future Fund (Titles Registry) Act 2021*, part 3.

#### **45 Regulations**

The Governor in Council may make regulations, not inconsistent with this Act, with respect to—

- (a) regulating the duties of the registrar and other officers employed in the administration of this Act; and
- (b) regulating the form of reports under this Act, and the procedure to be followed in respect of those reports; and
- (c) the form of the register and the particulars to be entered in the register; and
- (d) all matters required or permitted by this Act to be prescribed and in respect of which no other means of prescription are provided; and
- (e) all matters that in the Governor in Council's opinion are necessary or convenient for the proper administration of this Act or to achieve the objects and purposes of this Act.

## Part 7 **Transitional provisions for Land, Explosives and Other Legislation Amendment Act 2019**

### 46 **Definitions for part**

In this part—

*amended*, in relation to a section, means as in force from the commencement.

*amended Act* means the Act as in force from the commencement.

*previous*, in relation to a section, means as in force immediately before the commencement.

*previous Act* means the Act as in force immediately before the commencement.

*repealed*, in relation to a section, means as in force immediately before its repeal.

### 47 **Declarations under repealed section 6(2) continued in force**

- (1) This section applies to a person—
  - (a) in relation to whom the Minister made a declaration under repealed section 6(2) in relation to a particular interest; and
  - (b) who, immediately before the commencement, was not a foreign person in relation to the interest because of the declaration; and
  - (c) who, at the commencement, would otherwise be a foreign person under the amended Act.
- (2) The declaration continues in force for the person in relation to the particular interest.

- (3) While the declaration continues in force, the person is taken not to be a foreign person in relation to the interest.
- (4) The person must notify the registrar of any change in the circumstances on which the declaration was based as soon as practicable after the change happens.
- (5) The Minister may cancel the declaration if satisfied that, because of a change in the circumstances on which the declaration was based, it is no longer appropriate for the person to be taken not to be a foreign person.

#### **48 Applications for declarations under s 6(4)**

- (1) This section applies to an application under repealed section 6(4) made, but not decided, before the commencement.
- (2) The application is taken to be withdrawn.

#### **49 Obligation to notify under repealed s 17 continued**

- (1) Despite its repeal, repealed section 17 continues to apply to a person in relation to the legal estate of an interest in land if, immediately before the commencement, the person had not complied with a requirement under the section to lodge a notification of ownership in relation to the interest.
- (2) For the purpose of subsection (1), a reference in repealed section 17(3) to a trustee notification of ownership is taken to be a reference to a notification of ownership.

#### **50 Obligation to notify under repealed s 18 continued**

- (1) Despite its repeal, repealed section 18 continues to apply to a person who acquired an interest in land before the commencement if, immediately before the commencement, the person had not complied with a requirement under the section to lodge a notification of ownership in relation to the interest.

- (2) For the purpose of subsection (1), a reference in repealed section 18(3) to a trustee notification of ownership is taken to be a reference to a notification of ownership.

## **51 Application of s 19 to particular persons**

- (1) This section applies if—
- (a) at the commencement, the legal estate of an interest in land is registered in the register, or recorded in the records of a relevant registering authority, in a person's name; and
  - (b) on the commencement, the person ceases to be a foreign person in relation to the interest.
- (2) Section 19 applies to the foreign person as if a reference in section 19(2) to the day on which the person ceases to be a foreign person were a reference to the day on which the person becomes aware the person ceased to be a foreign person under the amended Act.

## **52 Application of s 20 to particular persons**

- (1) This section applies if—
- (a) immediately before the commencement, the legal estate of an interest in land was recorded in the records of a registering authority in the name of a person who was not a foreign person under the unamended Act; and
  - (b) on the commencement, the person is a foreign person in relation to the interest.
- (2) Section 20 applies to the person as if a reference in section 20(2) to the day on which the person becomes a foreign person were a reference to the day on which the person becomes aware the person is a foreign person under the amended Act.

## **Part 8**

# **Transitional provision for Queensland Future Fund (Titles Registry) Act 2021**

### **53 Forms continue**

- (1) This section applies to a form approved by the registrar under this Act as in force before the commencement if the form is in force immediately before the commencement.
- (2) From the commencement, the form is taken to be a form approved by the registrar under section 44A.



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# Schedule 1      Dictionary

## section 2

***acquire*** includes obtain, gain, receive or acquire—

- (a) by purchase, exchange or lease; and
- (b) by will, devolution or operation of law; and
- (c) by grant or gift; and
- (d) by enforcement of a security.

***agreement*** means any agreement, whether formal or informal and whether express or implied.

***approved form*** means a form approved under section 44A.

***corporation*** see the Corporations Act, section 57A.

***director***, in relation to a corporation, includes—

- (a) any person occupying or acting in the position of director of the corporation, by whatever name called and whether or not validly appointed to occupy or duly authorised to act in the position; and
- (b) any person under whose directions or instructions the directors of the corporation are accustomed to act.

***foreign person*** see the *Duties Act 2001*, section 234.

***foreign trust*** see the *Duties Act 2001*, section 237.

***interest in land*** includes an estate or interest—

- (a) in land and any improvements on the land; and
- (b) in a licence or permit granted under the *Land Act 1994*; and
- (c) in a miners homestead within the meaning of the *Land Act 1994*;

but does not include—

- (d) a security interest in land; or

- (e) an estate or interest in an easement over land; or
- (f) the estate or interest of a lessee of freehold land or a sublessee of leasehold land where the term of the lease or the sublease, as the case may be, including all options given under the lease or sublease, as the case may be, does not exceed 25 years; or
- (g) an estate or interest in the minerals (within the meaning of the *Mineral Resources Act 1989*) or in petroleum (within the meaning of the *Petroleum and Gas (Production and Safety) Act 2004*) contained in or beneath any land; or
- (h) any authority, however called, relating to land (other than a market garden, business or residence area) granted under the *Mineral Resources Act 1989*, the *Coal Mining Safety and Health Act 1999*, the *Geothermal Energy Act 2010*, the *Greenhouse Gas Storage Act 2009*, the *Petroleum Act 1923*, the *Petroleum and Gas (Production and Safety) Act 2004* or the *Petroleum (Submerged Lands) Act 1982*; or
- (i) any estate or interest granted under any agreement, authorised to be made for and on behalf of the State and specifically given the force of law by an Act of Parliament as though the agreement were an enactment of that Act, for the purpose of the development of mineral deposits or purposes incidental and consequent on the development of mineral deposits; or
- (j) a carbon abatement interest under the *Land Act 1994* or *Land Title Act 1994*; or
- (k) a covenant under the *Land Act 1994* or *Land Title Act 1994*; or
- (l) a plantation licence under the *Forestry Act 1959*; or
- (m) a profit a prendre under the *Land Act 1994* or *Land Title Act 1994*.

***notification of ownership*** means a notice in the approved form about an interest in land held by a foreign person.

***register*** means the register maintained under section 11.

**registering authority** means the person responsible for keeping a register for dealings in land.

**registrar** means the registrar of titles under the *Land Title Act 1994*.

**security interest** means any mortgage, encumbrance or other charge on land created for securing a loan or the payment of an annuity or sum of money other than a loan, but does not include an interest created by a transfer by way of security of the legal estate of an interest in land.

**titles registry function** see the *Queensland Future Fund (Titles Registry) Act 2021*, section 5.

**titles registry operator** means the operator under the *Queensland Future Fund (Titles Registry) Act 2021*.

**unallocated State land** see the *Land Act 1994*.

**voting power** see the *Foreign Acquisitions and Takeovers Act 1975* (Cwlth), section 22.