



Queensland

# Land Title Regulation 2022

## Subordinate Legislation 2022 No. 124

made under the

*Land Title Act 1994*

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## **1 Short title**

This regulation may be cited as the *Land Title Regulation 2022*.

## **2 Commencement**

This regulation commences on 20 February 2023.

## **3 Definition**

In this regulation—

*required instrument* see section 4.

## **4 Meaning of *required instrument***

Each of the following instruments or other documents is a *required instrument*—

- (a) an instrument of transfer for a lot;
- (b) an instrument of mortgage for a lot;
- (c) an instrument releasing a mortgage of a lot;
- (d) a caveat for a lot;
- (e) a request to withdraw a caveat lodged over a lot;
- (f) a priority notice for a lot;
- (g) a request to extend a priority notice over a lot;
- (h) a request to withdraw a priority notice over a lot;
- (i) an application to be registered as a personal representative for a registered owner of a lot who has died.

## **5 Required instruments that must be lodged or deposited using Electronic Lodgment Network**

- (1) A required instrument must be lodged or deposited using an Electronic Lodgment Network if it is an instrument or document that may be lodged electronically under the

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Electronic Conveyancing National Law (Queensland), section 7.

- (2) However, subsection (1) does not apply to a required instrument that—
- (a) can not be prepared, lodged or deposited using an Electronic Lodgment Network because—
    - (i) the Electronic Lodgment Network does not have the functionality to prepare, lodge or deposit the required instrument; or
    - (ii) on the day a subscriber attempts to lodge or deposit the required instrument using the Electronic Lodgment Network to complete a transaction, circumstances beyond the control of the subscriber prevent the lodgement or deposit; or

*Examples—*

- 1 A subscriber does not, on a day the subscriber attempts to complete the transaction, have access to the internet for the whole of the day.
  - 2 The Electronic Lodgment Network, on a day a subscriber attempts to complete the transaction, is unavailable for use for the whole of the day.
- (b) can not be accepted or processed by the system used in the land registry because the system does not have the functionality to accept or process instruments or other documents lodged or deposited using an Electronic Lodgment Network; or
  - (c) is required to be prepared, lodged or deposited with—
    - (i) another instrument or document and the other instrument or document can not be lodged or deposited using an Electronic Lodgment Network for a reason mentioned in paragraphs (a)(i) or (b); or

*Example—*

A transfer of a lot in fee simple that must be lodged with a plan of survey and the plan can not be lodged using an Electronic Lodgment Network.

- (ii) another required instrument to which subsection (3) applies; or
  - (d) replaces another required instrument that—
    - (i) is rejected, withdrawn, or permitted to be withdrawn, by the registrar under section 157 or 159 of the Act; and
    - (ii) is part of a transaction for which an associated financial transaction, within the meaning of the Electronic Conveyancing National Law (Queensland), section 3, has been completed; or
  - (e) gives effect to a transaction that is not an ELN lodgement or ELN transfer within the meaning of the *Duties Act 2001*, section 156D.
- (3) Also, subsection (1) does not apply to a required instrument if a party to the required instrument is an individual—
- (a) who is not a subscriber; and
  - (b) who is not represented by either of the following for the purpose of completing a transaction to which the instrument relates—
    - (i) an Australian legal practitioner within the meaning of the *Legal Profession Act 2007*, section 6(1); or
    - (ii) an incorporated legal practice within the meaning of the *Legal Profession Act 2007*, section 111.
- (4) In this section—

***Electronic Lodgment Network*** has the same meaning given by the Electronic Conveyancing National Law (Queensland), section 13.

***subscriber*** see the Electronic Conveyancing National Law (Queensland), section 3.

## **6 Transitional provision—required instrument executed before commencement**

Despite section 5, a required instrument that was executed by a party in hard copy form before the commencement can not

be lodged or deposited using an Electronic Lodgment Network.

ENDNOTES

- 1 Made by the Governor in Council on 8 September 2022.
- 2 Notified on the Queensland legislation website on 9 September 2022.
- 3 The administering agency is the Department of Resources.

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