

BUYER ENQUIRIES – Residential Contracts

Only standard searches, as set out, will be undertaken on this file unless we are notified to the contrary – please be aware of time restrictions.

Standard Searches: the searches that are covered by our professional fees are as follows:-

Title Searches, Registered Plan, Local Rates & Water Searches including special water meter read (if possible), Land Tax Clearance Certificate, Registered Encumbrance Search (if burdening the land), BCCM Form 13/Section 40 Body Corporate Certificate (if Body Corporate), CMS Search (if Body Corporate).

NOTE: Time limits apply to the exercise of some of the below Possible Rights and further that the ADL and REIQ contracts may have different time limits.

Particulars of Standard Searches – All conveyances

Buyers risk/concern	Possible Rights	Suggested timing	Search required
* Title Investigations Current title search	Termination – (if material defect). Compensation – (if material or immaterial defect and buyer gives notice prior to settling).	Now + settlement date	Standard
* Registered plan	Termination or damages – (if warranties inaccurate) including that the seller must be the registered owner at the time of settlement.	Now	
Registered encumbrances (e.g. easements), interests and administrative advices Real property description, title reference, encumbrances, registered leases, location of land, caveats, lot entitlement, by-laws, details of progressive development of the scheme, administrative advices.		Now	
* Land Tax Whether there are any outstanding amounts payable for land tax (which	Arrears of Land Tax are a defect in title which allows termination if not paid at settlement. Note that the commissioner may issue a notice requiring a buyer to pay part	Contract signed	Standard

Buyers risk/concern	Possible Rights	Suggested timing	Search required
may become payable by the buyer).	of the purchase price equal to the unpaid land tax directly to the commissioner.		
<p>* Rates search</p> <p>Rates information.</p> <p>Outstanding infrastructure charges will not generally be shown in a rates search. For details of outstanding infrastructure charges, a standard or full planning and development certificate must be obtained.</p> <p>A rates search may show outstanding notices issued and required to be disclosed under Local Law 17. However, the rates search may not fully show whether other Local Law 17 disclosure or maintenance obligations apply. Additional investigations are necessary.</p>	<p>Allows for adjustment in accordance with the contract</p> <p>Gold Coast City Council Local Law 17 (Maintenance of Works in Waterway Areas)</p> <p>If the property is in the Gold Coast City Council local government area, disclosure obligations, termination rights and/or ongoing maintenance obligations may apply.</p>	<p>Contract signed (takes 12 Business Days)</p>	Standard
<p>Local government Enquiries:</p> <p>Special water meter reading</p>	<p>No contractual termination rights. Results may be used for adjustment under clause 2.6.</p> <p>Allows for adjustment in accordance with the contract (particularly prevents liability for large water costs if leak has occurred or other high usage)</p>	<p>Contract signed (takes 14 days)</p>	Standard
<p>Personal Property Securities Register</p> <p>Details of any personal property affected by a registered security interest – important as assets you may be buying could be repossessed</p>	<p>Seller contractually sells the Property (Land, improvement and chattels) free from encumbrances. If a security interest is not released at settlement by delivery of a Release and Undertaking to Amend the register then it may entitle termination.</p>	<p>Now + settlement date</p>	Standard
<p>Form 13 Information Certificate (particularly advisable if instructions are not to</p>	<p>Termination under Contract for breach of warranty.</p> <p>Termination Rights:</p>	<p>Contract signed</p>	Standard

Buyers risk/concern	Possible Rights	Suggested timing	Search required
undertake a body corporate records search, which is more extensive and advisable) Levy information, by-laws, lot entitlements, insurances	<ul style="list-style-type: none"> for inaccuracy in Disclosure Statement for breach of implied warranty <p>Note: Time limits apply to the exercise of these possible rights.</p>		
Title Investigations Community management statement Real property description, title reference, encumbrances, registered leases, location of land, caveats, lot entitlement, by-laws, details of progressive development of the scheme, administrative advices.	Termination under Contract – (if material defect). Compensation – if material or immaterial defect and Buyer gives notice prior to settling). Termination or damages under Contract – (if warranties inaccurate) including that the Seller must be the registered owner at the time of settlement.	Contract signed	Standard
Building management statement			
Title search of common property See details in section 1 (as they apply to the common property)	A right of termination if reveals an undisclosed body corporate asset (such as a lease).		

Highly Recommended Searches – All Conveyances

Department of Environment and Science Determine if land is on the Environmental Management Register or Contaminated Land Register.* <small>*Note: This search does not provide all the information under the Environmental Protection Act 1994 (Qld) that could potentially give rise to a statutory right of termination.</small>	Termination or compensation under contract if seller fails to disclose notifiable activity or other circumstances that may lead to classification as contaminated. Termination must be exercised at least 2 business days prior to settlement. Claim for compensation must be made prior to settlement. Under statute, if Property is on one of the applicable registers a Buyer may terminate if the Seller does not give disclosure before agreeing to sell. Termination must be exercised prior to settlement or possession, whichever is the earlier, or, if Seller makes disclosure after the Contract,	Now	Yes <input type="checkbox"/> No <input type="checkbox"/>
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Buyers risk/concern	Possible Rights	Suggested timing	Search required
	within 21 business days of Seller's notice.		
Qld Transport and Main Roads <ul style="list-style-type: none"> • Roads • Port authority (only if on the river) • Rail <p>Current proposals, resumption information for roads, ports and rail.</p> <p>(Queensland Transport will not provide information on proposals for resumptions not currently approved)</p>	<p>Termination under Contract (at any time before settlement) if a current proposal in relation to 'transport infrastructure' that affects the land</p>	<p>Contract signed (takes 12 Business Days)</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>
Local government enquiries <p>Set out below are possible enquiries available through the local government</p>	<p>Enquiries may provide termination under contract if:</p> <ul style="list-style-type: none"> • Use of property is unlawful; • Services pass unlawfully over land. 		
Town planning search (limited) (only standard recommendation if not in a Community Titles Scheme)	See above	Contract signed	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>
<p>Town planning information (zoning, use, future use), summary of the provisions of planning scheme and regulatory provisions applying, any designations applying to the premises and information from infrastructure charges register.</p> <p>May show if the Property cannot be used as intended.</p>			
Sewerage and drainage plans <p>Position of sewerage and drainage pipes.</p> <p>May show if parts of the property cannot be used as intended.</p>	See above	Contract signed	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>

Buyers risk/concern	Possible Rights	Suggested timing	Search required
Building Notices Search (Property Notices Search in BCC) Information about show cause and enforcement notices	Termination under contract prior to settlement if a notice has issued prior to the Contract Date.	Contract signed	Yes <input type="checkbox"/> No <input type="checkbox"/>
QCAT Tree Register and minor civil dispute (fences) searches	Termination prior to settlement under statute if seller doesn't give a copy of any tree application or order prior to contract.		
Online search for orders www.qcat.qld.gov.au Details of orders in relation to trees and fences on the Property under the <i>Neighbourhood Disputes (Dividing Fences and Trees) Act 2011</i> (Qld)	Termination under contract may also be possible	Now and preferably also a second search just prior to settlement	Yes <input type="checkbox"/> No <input type="checkbox"/>
QCAT records for tree applications and dividing fences applications and orders Details of applications and orders in relation to trees and fences on the Property under the <i>Neighbourhood Disputes (Dividing Fences and Trees) Act 2011</i> (Qld). Note: Details of QCAT orders in relation to trees and fences can be searched online but details of applications can only be searched by attending the QCAT registry. Warning – this search of applications and notices can take some time to receive results (and may even be received after settlement). Search still advisable as may identify termination or other rights. Our letters and documents have more information.		Now and preferably also a second search just prior to settlement (if possible having regard to length of time to receive physical searches)	Yes <input type="checkbox"/> No <input type="checkbox"/>
Energex/Ergon <ul style="list-style-type: none"> • If the property is connected under normal tariff conditions; • if the property is connected under guarantee conditions and the amount of the guarantee; • if the property is not connected upon what conditions it may be connected; • whether there are any underground cables running through the property. 	If easement over cables is undisclosed: <ul style="list-style-type: none"> • termination under Contract if material; • compensation may be claimed (before settlement) if material (where Buyer doesn't terminate) or immaterial. 	Contract signed (takes 14 Business Days)	Yes <input type="checkbox"/> No <input type="checkbox"/>

Buyers risk/concern	Possible Rights	Suggested timing	Search required
	No right if easement is a proposed easement.		
Court Registers – Supreme, District and Federal Courts and QCAT shows: <ul style="list-style-type: none"> • If an action has been commenced by or against the seller; • the nature of any action commenced; • copies of all originating summons, interlocutory proceedings, orders, appeals, bills of costs and writs. 	Termination under contract if there is a judgment, order or writ issued affecting the property, including where seller is bankrupt	Contract signed	Yes <input type="checkbox"/> No <input type="checkbox"/>
Bankruptcy register The bankruptcy register should provide information concerning name of bankrupt, dates of bankruptcy, and orders.	Termination under Contract if Seller is bankrupt.	Contract signed	Yes <input type="checkbox"/> No <input type="checkbox"/>
Telco search Major telecommunication network cables (including Optic Fibre) belonging to Telstra, Optus, UEComm, AAPT and PowerTel and other providers that pass through the Property and information on communications network that may impact on the Property.	No contractual termination rights.	Now	Yes <input type="checkbox"/> No <input type="checkbox"/>
Mining and other geothermal tenures (online) Details of mining, petroleum, gas storage or geothermal tenures granted Note: access agreements with holders of mining, petroleum, gas and other geothermal tenures on the land or on adjoining property are binding on successors in title. These agreements will not appear on the register and inquiries should be made of the Seller.	No contractual termination rights (unless an access agreement).	Contract signed	Yes <input type="checkbox"/> No <input type="checkbox"/>
Australian Securities and Investment Commission (if corporate seller or buyer)	Termination under contract if a breach of a warranty		

Buyers risk/concern	Possible Rights	Suggested timing	Search required
Company search Details of seller corporation including directors, ABN		Now + settlement date	Yes <input type="checkbox"/> No <input type="checkbox"/>
Organisation & Business Names search Organisation name, ABN, type of company, registration date and whether the organisation holds a professional licence or registration.		Now	Yes <input type="checkbox"/> No <input type="checkbox"/>
Pool Safety Register This search shows whether there is: <ul style="list-style-type: none"> • a pool on the land; • a current pool safety certificate for the property; • a revocation notice for a pool safety certificate under s 246AG <i>Building Act 1975</i> (Qld). 	If there is a pool on the land and no pool safety certificate was given at Contract, the Contract is subject to the Buyer being satisfied that a pool safety certificate can be issued. The Buyer, acting reasonably may terminate if no pool safety certificate issues prior to the Pool Safety Inspection Date under Contract. If there is a revocation notice under s246AG <i>Building Act 1975</i> (Qld) issued prior to Contract, Buyer may terminate.	Now	Yes <input type="checkbox"/> No <input type="checkbox"/>
Transport Noise Corridor Search If the Property is in a noise corridor, the Queensland Development Code requires buildings to achieve certain levels of noise mitigation through the use of appropriate materials for the floor, walls, roof, windows and doors where they are located in the corridor.	No contractual termination rights if the property is in a noise corridor.	Now (A search should be undertaken early in the conveyance so that a buyer can exercise other termination rights if necessary.)	Yes <input type="checkbox"/> No <input type="checkbox"/>

Optional searches – All conveyances

Buyers risk/concern	Possible Rights	Suggested timing	Search required (tick response)
Computer Inventory of Survey Plans search (Radial search) (available from Department of Natural Resources, Mines and Energy or its distributors) May point to previous surveys which can then be obtained	Termination under contract if material defect Compensation if buyer completes and defect material or immaterial. Claim for compensation must be notified prior to settlement.	Contract signed	Optional Yes <input type="checkbox"/> No <input type="checkbox"/>
Queensland Building and Construction Commission Details of insurance cover for the property	No contractual termination rights.	Contract signed	Optional Yes <input type="checkbox"/> No <input type="checkbox"/>
Vegetation Management (State) Details of: <ul style="list-style-type: none"> requirements under the <i>Vegetation Management Act 1999</i> (Qld) for clearing vegetation whether land is high risk and clearing is subject to protected plants framework under <i>Nature Conservation Act 1992</i> (Qld) 	No contractual termination rights.	Contract signed	Optional (but advisable if property is being purchased for development) Yes <input type="checkbox"/> No <input type="checkbox"/>
Protected Plants (State) (Search in Department of Environment and Heritage Protection) Details of high risk areas for protected plants.	No contractual termination rights.	Contract signed	Optional (but advisable if Property is being purchased for development) Yes <input type="checkbox"/> No <input type="checkbox"/>
Town planning (standard) As per limited town planning advice above, however additional information obtained will generally only be relevant for future development or checking compliance of existing development Per limited search (see above) plus copy of decision notices for current and declined development	Termination under Contract (at any time before settlement) if outstanding development approval condition which, if complied with, would constitute a material mistake or omission in Seller's title (e.g. requirement for grant of easement).	Contract signed (takes 12 Business Days)	Optional (but advisable if you intend to develop or need to check development is compliant) Yes <input type="checkbox"/> No <input type="checkbox"/>

Buyers risk/concern	Possible Rights	Suggested timing	Search required (tick response)
<p>approvals and copy of infrastructure agreements.</p> <p>See Booklet regarding circumstances where this search might be necessary to reveal obligations attached to the Property which could be significant.</p>			
<p>Town planning (full)</p> <p>As per standard town planning advice above, however Council will be bound by the information provided in the certificate which can provide additional protection if you are considering future development.</p> <p>Per standard search (see above) plus statement re fulfilment or non-fulfilment of any current development conditions, details of infrastructure agreements, advice of prosecutions for development offences.</p> <p>See Booklet regarding circumstances where this search might be necessary to reveal obligations attached to the Property which could be significant.</p>	<p>Termination under Contract (at any time before settlement) if outstanding development approval condition which, if complied with, would constitute a material mistake or omission in Seller's title (e.g. requirement for grant of easement).</p>	<p>Contract signed (takes 30 Business Days)</p>	<p>Optional (but advisable if you intend to develop or need to check development is compliant)</p> <p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>
<p>Building approval search</p> <p>Details of building approvals and inspections</p>	<p>No contractual termination rights for lack of building approvals.</p>	<p>Now</p>	<p>Optional (but advisable if you intend to build or renovate)</p> <p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>
<p>Health Department search</p> <p>Whether the property is registered with the Health Department and any contraventions</p>	<p>No contractual termination rights.</p>	<p>Contract signed</p>	<p>Optional (but advisable if business conducted)</p> <p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>

Buyers risk/concern	Possible Rights	Suggested timing	Search required (tick response)
Heritage search Whether property listed on heritage register or any heritage agreements in existence	Contractual termination right (at any time before settlement) if listed on register or is affected by <i>Queensland Heritage Act 1992</i> (Qld)	Contract signed	Optional (relevant if building more than 50 years old) Yes <input type="checkbox"/> No <input type="checkbox"/>
Online Planning and Development System search (availability depends on Local Government area) Some Local Governments provide free online searches that provide some, but not necessarily all, Development Application materials and decisions. The information may not be complete and is not warranted by Council. The information shows applications (whether approved or not) and approvals and may include development conditions that run with the land (i.e. bushfire management plans and other ongoing conditions of approval).	Potential termination under Contract (at any time before settlement) if outstanding development approval condition which, if complied with, would constitute a material mistake or omission in Seller's title (e.g. requirement for grant of easement).	Contract signed	Optional (but advisable, particularly if a standard or full town planning search is not being conducted or development is intended) Yes <input type="checkbox"/> No <input type="checkbox"/>
Flood search (Brisbane City Council has online flood search and State Government Flood Checker has historical data) Whether the property has flooded and the level of the last flood	No contractual termination rights.	Now	Optional (but advisable if land located near a waterway or in a flood prone area or you intend to build on land) Yes <input type="checkbox"/> No <input type="checkbox"/>
Vegetation Protection Orders (For Brisbane this is under Natural Assets Local Law.) Details of whether vegetation on the Property is protected vegetation or subject to an order.	No contractual termination rights.	Contract signed	Optional (but advisable for purchase of properties near waterways, bushland or is rural to be developed) Yes <input type="checkbox"/> No <input type="checkbox"/>

Buyers risk/concern	Possible Rights	Suggested timing	Search required (tick response)
Powerlink Information concerning the Authority's future interest in the property, easements and transmission lines	If easement over cables is undisclosed: • termination under Contract if material; • compensation may be claimed (before settlement) if material (where Buyer doesn't terminate) or immaterial. No right if easement is a proposed easement.	Contract signed	Optional (generally only necessary for large rural or commercial properties) Yes <input type="checkbox"/> No <input type="checkbox"/>
Coastal Development Approval (Historical Tidal Works Approvals) <ul style="list-style-type: none"> historical tidal works approvals issued prior to 18 November 2005; the date of any approval issued nature of the works approved. 	No contractual termination rights.	Contract signed	Optional (advisable if the property has a jetty or other construction over water) Yes <input type="checkbox"/> No <input type="checkbox"/>
Coastal management search Whether the land is within a coastal management control district or an erosion-prone area and therefore the provisions of the <i>Coastal Protection and Management Act 1995</i> (Qld) applies.	No contractual termination rights. Right to terminate under <i>Coastal Protection and Management Act 1995</i> (Qld) – requires notice at least 14 days prior to settlement of an undischarged coastal protection notice under s59 or an undischarged tidal works notice under s60.	Contract signed	Optional (if property is located in a coastal area (beach or harbour area) this search is advisable) Yes <input type="checkbox"/> No <input type="checkbox"/>
World heritage list Whether property listed on the heritage list.	Termination under Contract (at any time before settlement) if on World Heritage List or affected by <i>Queensland Heritage Act 1992</i> (Qld).	Now	Optional Yes <input type="checkbox"/> No <input type="checkbox"/>
National heritage listing Information on indigenous, natural and historic sites on the register	Termination under Contract (at any time before settlement) if on World Heritage List or affected by <i>Queensland Heritage Act 1992</i> (Qld).	Contract signed	Optional Yes <input type="checkbox"/> No <input type="checkbox"/>
Queensland Heritage Register search Whether property is listed on heritage register or any heritage agreements in existence	Termination under Contract (at any time before settlement) if affected by <i>Queensland Heritage Act 1992</i> (Qld).	Contract signed	Optional Yes <input type="checkbox"/> No <input type="checkbox"/>
ATSI Cultural Heritage Register and Database	No contractual termination rights.	Contract signed	Optional Yes <input type="checkbox"/> No <input type="checkbox"/>

Buyers risk/concern	Possible Rights	Suggested timing	Search required (tick response)
(DNRME) Whether property listed on heritage register or any heritage agreements in existence			
Environment Protection and Biodiversity Conservation Act 1999 (Cth) Information about protection of world and national heritage places, wetlands of international importance, biodiversity conservation, threatened and migratory species, marine areas and parks and nuclear actions.	No contractual termination rights.	Now	Optional (but advisable if buying vacant land for development) Yes <input type="checkbox"/> No <input type="checkbox"/>
Unexploded Ordnance (UXO) (Department of Defence) Details of whether a site may have potential UXO contamination.	No contractual termination rights.	Contract signed	Optional (generally only necessary for non-urban properties) Yes <input type="checkbox"/> No <input type="checkbox"/>
Fish Habitats (Department of National Parks, Sport and Racing) Details of whether a site may be affected by a declared fish habitat area (which may limit coastal development).	No contractual termination rights	Contract signed	Optional (if property is located in a coastal area (beach or harbour area) this search is advisable) Yes <input type="checkbox"/> No <input type="checkbox"/>
Biosecurity Act - Register of Prohibited Matter and Restricted Matter Permits Details of biosecurity risks present on property.	No contractual termination rights.	Contract signed	Optional (if Property is located in an agricultural area this search is advisable) Yes <input type="checkbox"/> No <input type="checkbox"/>
Dial before you Dig Shows the presence of infrastructure on the Property.	Termination – (if material defect). Compensation – (if claimed before settlement and defect is material, where Buyer doesn't terminate, or immaterial).	Contract signed	Optional Yes <input type="checkbox"/> No <input type="checkbox"/>

Buyers risk/concern	Possible Rights	Suggested timing	Search required (tick response)
	Termination or damages – (if any warranties inaccurate).		
Inland Rail (www.inlandrail.artc.com.au/route) Details of inland rail freight line.	Termination under Contract (at any time before settlement) if a current proposal in relation to ‘transport infrastructure’ that affects the land.	Contract signed	Optional <small>(but advisable if Property is located in SEQ Queensland between Goondiwindi and Brisbane)</small> Yes <input type="checkbox"/> No <input type="checkbox"/>

Additional optional searches – Community title schemes (Units, townhouses, etc)

Buyers risk/concern	Possible Rights	Suggested timing	Search required (tick response)
Local government Enquiries Certificate of Classification Whether the classification of the building allows you to use the premises for your intended use (for example, if purchasing for permanent residence as opposed to temporary letting, that this use is allowed under the certificate of classification).	Termination under Contract if there is no certificate of classification issued at settlement (where a certificate is required) for a failure to give vacant possession.	Now	Yes <input type="checkbox"/> No <input type="checkbox"/>
Body Corporate Records Search Only if the Property is subject to the <i>Building Units and Group Titles Act 1980</i> (Qld) or the <i>Body Corporate and Community Management Act 1997</i> (Qld). A review of body corporate records to identify issues not covered by Form 13 Certificate including Levy information, by-laws, lot entitlement, insurances,	Termination under Contract for breach of warranty and if materially prejudiced. Termination rights: <ul style="list-style-type: none"> for inaccuracy in Disclosure Statement for breach of implied warranty. Note: Time limits apply to the exercise of these rights	Contract signed	Yes <input type="checkbox"/> No <input type="checkbox"/>

Buyers risk/concern	Possible Rights	Suggested timing	Search required (tick response)
details of management and letting agreement, referee's orders, special levies, or where the minutes disclose works required due to building defects such as structural issues, water leak issues, combustible cladding or concrete cancer.			
Body Corporate Orders (Form 3 BCCM) from Body Corporate Commissioner Details of Orders made against a particular community title scheme	Termination under Contract if an order requires work to be done or money spent on the lot or common property Compensation under Contract only if the order was issued prior to Contract:	Contract signed	Standard Yes <input type="checkbox"/> No <input type="checkbox"/>
Old Fire and Rescue Search (This only applies to commercial buildings and units) Whether a fire safety report has been issued for the Property, whether the Property complies.	No contractual termination rights.	Contract signed	Optional: Yes <input type="checkbox"/> No <input type="checkbox"/>

Buyer arranged searches – strongly advised to obtain

Search / Enquiry	Buyers risk/concern	Suggested timing	Search required (tick response)
Pest inspection/building inspection Only of benefit after contract date, if standard or special condition in contract. Information concerning the condition of the property.	Termination under contract only if a reasonable buyer would consider the report unsatisfactory	Contract signed	Optional (although you are strongly advised to obtain report) You must arrange these reports
Survey Identify the boundaries of the land, the area and location of improvements.	Termination under contract if material defect Compensation under contract if buyer completes and defect material or immaterial. Claim for compensation must be notified prior to settlement.	Contract signed	Optional (although you are strongly advised to obtain a survey) You must arrange a surveyor to

Search / Enquiry	Buyers risk/concern	Suggested timing	Search required (tick response)
			conduct a survey, if you choose to

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