

Disclosure Instructions and Search Authority

ConnollySuthers

CONNOLLY SUTHERS LAWYERS

DISCLOSURE INSTRUCTIONS AND SEARCH AUTHORITY

Trust Account:



Disclosure Instructions and Search Authority

INSTRUCTIONS:

- **The Disclosure Instructions and Search Authority** should be completed if the Client has authorised and instructed Connolly Suthers to prepare the Seller Disclosure Statement.
- Only the Client should complete the Disclosure Instructions and Search Authority.
- If the answer to a question is 'unknown' and a search is available, please indicate if Connolly Suthers is authorised to conduct the relevant search as shown in the authority.
- If an answer is 'unknown' and a search is **not available**, the Client should consult with Connolly Suthers about what information is required to be included in the Seller Disclosure Statement.
- If the Client is not sure of how to answer a question or whether a particular arrangement or encumbrance needs to be disclosed, the Client should consult Connolly Suthers for legal advice.

NOTE: By completing this Authority, the Client:

- **authorises Connolly Suthers to carry out the searches stated in the Search Authority on their behalf; and**
- **agrees to pay Connolly Suthers the Professional Fee and Total Search Fee estimated in the Search Authority.**

Please complete the below information about the Property. This information will be used to prepare a Seller Disclosure Statement

PART 1 – SELLER AND PROPERTY DETAILS

Seller name:	<input type="checkbox"/>	_____
	<input type="checkbox"/>	Other: _____
Property address:		_____ _____
Lot on plan	Lot _____	Plan _____
	Description _____	Title reference _____
Is the Property included in: <input checked="" type="checkbox"/> a community titles scheme <input type="checkbox"/> a <i>Building Unit and Group Titles Act 1980 (BUGTA) scheme</i>		
<i>If either option is applicable, Part 6 must be completed</i>		

PART 2 – TITLE DETAILS, ENCUMBRANCES AND RESIDENTIAL TENANCY OR ROOMING ACCOMMODATION AGREEMENT

A Title Search and copy of the registered Survey Plan must be attached to the Seller Disclosure Statement. **Please complete the Search Authority (item 2.1 and 2.2).**

Unregistered Leases / Residential Tenancy or Rooming Accommodation Agreement

If a registered tenancy or rooming accommodation agreement will continue to apply to the Property after settlement please advise the relevant details.

Tenants Name: _____
Terms and Options: _____
Start of Term: _____
End of Term: _____
Current Rent: \$ _____
Bond: \$ _____
Last rental increase date: \$ _____

Unregistered Agreements (written or oral)

The following types of unregistered agreements (written or oral) need to be disclosed if they will continue to apply to the Property after settlement:

- Access agreement, opt-out agreement, deferral agreement or conduct and compensation agreement under the *Mineral and Energy Resources (Common Provisions) Act 2014*; or
- Unregistered charge, mortgage, easement or profit a prendre known, or reasonably expected to be known, to the Seller.

If the above unregistered agreements apply to the Property, the Client provides the following disclosure information:

Agreements in writing

a copy of the agreement, together with any relevant plans (if any), has been/will be provided to the Agent

Verbal (oral) agreements *(attach annexure if more room needed)*

Names of the parties to the agreement:

Terms of the agreement:

Any amounts payable by the owner of the Property:

NOTE: If the Client is unsure of whether a matter needs to be disclosed, the Client should contact Connolly Suthers for legal advice.

Statutory Encumbrances

A 'statutory encumbrance' means:

- A statutory charge over land arising from the non-payment of money to the Commonwealth, a State or local government; or
- A statutory right to keep infrastructure on the lot; or
- A statutory right to access land to repair or maintain infrastructure on the lot (for example, an easement for a local government facility, including, for example, sewerage pipes, under the *Local Government Act 2009*, section 144. A power to enter land for a telecommunications facility under the *Telecommunications Act 1997* (Cwlth), schedule 3.

NOTE: If a statutory encumbrance applies to the property, the Client must provide a description of the encumbrance and a copy of any plan showing the location of relevant infrastructure (if available).

The Client confirms that there are statutory encumbrances that affect the Property:

- No** **Yes** **Unknown/Search Required**
- The Client will provide a copy of any relevant infrastructure plan (if available)
- Connolly Suthers is authorised to obtain a search as outlined in the Search Authority (item 2.3).

If Yes, insert description of the statutory encumbrance:

NOTE: If the Client does not:

- know if there is a statutory encumbrance that affects the Property that is required to be disclosed; or
- have a copy of any relevant infrastructure plan,

then it is recommended that a search is undertaken. **Please complete the Search Authority (item 2.3).**

NOTE: If the Client is unsure of whether a matter needs to be disclosed, the Client should contact Connolly Suthers for legal advice.

PART 3 – LAND USE, PLANNING AND ENVIRONMENT

Zoning

All zoning of the Property must be disclosed.

- Zoning (if known by the Client): _____
- Connolly Suthers is authorised to obtain a search as outlined in the Search Authority (item 3.1).

Transport Infrastructure Proposal

Has a notice been issued to the Client by a Commonwealth, State or local government entity about a transport infrastructure proposal to locate transport infrastructure on the Property or to alter the dimensions of the Property? *(select one)*

- No** **Yes** **Unknown/Search Required**
- The Client will provide a copy of **any** document received (including a notice, order, proposal or correspondence) to Connolly Suthers
- Connolly Suthers is authorised to obtain a search as outlined in the Search Authority (item 3.2).

Notice of Transport of Intention to Resume

Is the Property affected by a notice of intention to resume the Property or any part of the Property? *(select one)*

- No** **Yes** **Unknown/Search Required**
- The Client will provide a copy of **any** document received (including the notice, order, proposal or correspondence) to Connolly Suthers
- Connolly is authorised to obtain a search as outlined in the Search Authority (item 3.3).

Contamination and Environmental Protection

Is the Property recorded on the Environmental Management Register or Contaminated Land Register? (select one)

- No Yes **Unknown/Search Required**
Connolly Suthers is authorised to obtain a search as outlined in the Search Authority (item 3.4).

Contaminated Land Notices

Please select if any of the following notices are, or have been given:

- A notice under section 408(2) of the *Environmental Protection Act 1994* (for example), land is contaminated, show cause notice, requirement for site investigation, clean up notice or site management plan).
 A notice under section 369C(2) of the *Environmental Protection Act 1994* (the property is a place or business to which an environmental enforcement order applies).
 A notice under section 347(2) of the *Environmental Protection Act 1994* (the property is a place or business to which a prescribed transitional environmental program applies).

Note: If one or more of the above options is selected, the Client should seek legal advice from Connolly Suthers about their obligations under the Environmental Protection Act 1994 (Qld).

Tree Orders and Applications

Is the Property affected by an application to Queensland Civil and Administrative Tribunal (QCAT), or order made by QCAT in relation to a tree on the land? (select one)

- No Yes **Unknown/Search Required**
The Client will provide a copy of any document received (including the order, or application) to Connolly Suthers.
Connolly Suthers is authorised to obtain a search as outlined in the Search Authority (item 3.5).

Heritage

Is the Property heritage listed in Queensland or on the World heritage list? (select one)

- No Yes **Unknown/Search Required**
Connolly Suthers is authorised to obtain a search as outlined in the Search Authority (item 3.5).

PART 4 – BUILDINGS AND STRUCTURES

Pools

Is there a pool on the Property: Yes No

If the Property is a lot in a Community Titles Scheme or BUGTA scheme, is there a shared pool? Yes No

If there is a pool on the Property select one:

- A pool compliance certificate is available and will be provided by the Client to Connolly Suthers
 A pool compliance certificate is available and the Client authorises Connolly Suthers to obtain a copy of the pool compliance certificate as outlined in the Search Authority (item 4.1)
 A notice of no pool safety certificate will be given by the Client

Unlicensed Building Work

Has building work been carried out on the Property within the last 6 years under an owner builder permit? (select one)

- No Yes **Unknown/Search Required**
The Client should seek legal advice about giving a notice under section 47 of the *Queensland Building and Construction Commission Act 1991*.
Connolly Suthers is authorised to obtain a search as outlined in the Search Authority (item 4.2).

Notices and Orders

Is there an unsatisfied show cause notice or enforcement notice under sections 246AG, 247 or 248 of the *Building Act 1975* or under sections 167 or 168 of the *Planning Act 2016*? (select one)

- No Yes **Unknown/Search Required**
The Client will provide a copy of the notice or order to Connolly Suthers.
Connolly Suthers is authorised to obtain a search as outlined in the Search Authority (item 4.3).

Have you received a notice or order, that remains in effect, from the Commonwealth, State or local government, a court or tribunal or other competent authority, that requires work to be done or money to be spent in relation to the Property? (select one)

- No Yes **Unknown/Search Required**
The Client will provide a copy of the notice or order to Connolly Suthers.
Connolly Suthers is authorised to obtain a search as outlined in the Search Authority (item 4.3).

PART 5 – RATES AND SERVICES

Rates

Please confirm, from your last rates notice:

Amount of rates in that notice (without any applicable discounts): \$ _____

Date range for that notice: _____

OR (*select one*)

- the Property is currently a rates exempt lot
- no separate assessment of rates is issued by a local government for the Property
- Connolly Suthers is authorised to obtain a search as outlined in the Search Authority (item 5.1)

Water Service Charges

Please confirm, for your last water services notice:

Amount of charges for water services for the Property: \$ _____

Date range for that notice: _____

If there is no separate water services notice issued for the lot, please provide an estimate of the total amount payable for water services: \$ _____ and date range: _____

- Connolly Suthers is authorised to obtain a search as outlined in the Search Authority (item 5.2)

Note: the Client is required to disclose the total amount of **water service charges** payable for the property (not including water consumption) as stated in the **most recent water notice** from a **registered water service provider**. For rural properties, you can check if a water supplier is a registered water service provider on the Queensland Open Data website here:

<https://www.data.qld.gov.au/dataset/service-providers-register/resource/bf61b1eb-fe8b-4c90-9699-86b35cc43fc2>

PART 6 – COMMUNITY TITLES SCHEME AND BUGTA SCHEME (if applicable)

Community Titles Scheme

The following documents must be attached to the Seller Disclosure Statement:

- a copy of the community management statement; and
- body corporate certificate OR explanatory statement

The Client confirms their instructions as follows (*select one*):

- the Client will provide a copy of the community management statement and body corporate certificate OR explanatory statement by: _____

OR

- the Client authorises and instructs Connolly Suthers to:
 - (a) obtain a search of the community management statement as outlined in Search Authority (item 6.1); and
 - (b) request the body corporate certificate in accordance with the **attached** Client Authority: Body Corporate Certificate as outlined in the Search Authority (item 6.2).

BUGTA Scheme

A body corporate certificate OR explanatory statement must be attached to the Seller Disclosure Statement.

The Client confirms their instructions as follows (*select one*):

- the Client will provide a copy of body corporate certificate OR explanatory statement by: _____

OR

- the Client authorises and instructs Connolly Suthers to request the body corporate certificate as outlined in the Search Authority (item 6.2).

The Client: _____

Date: ___/___/___

SEARCH AUTHORITY

This Search Authority states the relevant searches that the Client is authorising Connolly Suthers and/or third party service provider to undertake.

NOTE: The Client is responsible to pay the Total Search Fee and the InfoTrack Service Fee of \$13.20.

Search	Details/Source	Estimated Return Time	Search Fee	Client Authority
2.1 Title Search (mandatory)	Info Track	1 day	\$36.52	<input checked="" type="checkbox"/>
2.2 Survey Plan (mandatory)	Info Track	1 day	\$38.56	<input checked="" type="checkbox"/>
2.3 Statutory encumbrances	Info Track _____	1 day _____ days	\$64.37 \$ _____	<input type="checkbox"/> <input type="checkbox"/>
3.1 Zoning	Townsville City Council Burdekin Shire	1 day 1 day	\$0.00 \$0.00	<input type="checkbox"/> <input type="checkbox"/>
3.2 Transport Infrastructure Proposal	Info Track _____	5 days _____ days	\$67.01 \$ _____	<input type="checkbox"/> <input type="checkbox"/>
3.3 Notice of Intention to Resume	Info Track _____	5 days _____ days	\$67.01 \$ _____	<input type="checkbox"/> <input type="checkbox"/>
3.4 Contaminated Land Register / Environmental Management Register	Info Track	1 day	\$76.01	<input type="checkbox"/> <input type="checkbox"/>
3.5 Tree Order / Application	Info Track QCAT search Tree Register	1-10 days 1 day	\$32.42/Seller \$26.72	<input type="checkbox"/> <input type="checkbox"/>
3.6 Heritage Listing	Info Track	1 day	\$77.79	<input type="checkbox"/> <input type="checkbox"/>
4.1 Pool Compliance Certificate	QBBC.qld.gov.au online	1 day	\$0.00	<input type="checkbox"/>
4.2 Owner Builder Permit	QBCC.qld.gov.au online	1 day	\$26.72	<input type="checkbox"/>
4.3 Notices and Orders	Townsville City Council Burdekin Shire Council	10 working days 10 working days	\$0.00 \$150.00	<input type="checkbox"/> <input type="checkbox"/>
5.1 Rates Search	Townsville City Council Burdekin Shire Council _____	5 business days 10 business days	\$202.50 \$165.00	<input type="checkbox"/> <input type="checkbox"/>
5.2 Water Service Search	Townsville City Council Burdekin Shire	5 days 7 working days	\$136.50 \$80.00	<input type="checkbox"/> <input type="checkbox"/>
6.1 Community Management Statement	Info Track _____	1 day _____ days	\$64.37 \$ _____	<input type="checkbox"/> <input type="checkbox"/>
6.2 Body Corporate Certificate	Info Track	5 days	\$132.04	
Service Fee			\$13.20	
Total Search Fee			\$ _____	