

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)</i> scheme			
<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

The Client will provide a copy of any relevant infrastructure plan (if available)

☐ Unknown/Search Required

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

The Client will provide a copy of any document received (including a notice, order, proposal or correspondence) to Connolly Suthers

☐ Unknown/Search Required

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

The Client will provide a copy of any document received (including the notice, order, proposal or correspondence) to Connolly Suthers

☐ Unknown/Search Required

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? <i>(select one)</i>		
<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> 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:		
<input type="checkbox"/> A notice under section 408(2) of the <i>Environmental Protection Act 1994</i> (for example), land is contaminated, show cause notice, requirement for site investigation, clean up notice or site management plan).		
<input type="checkbox"/> A notice under section 369C(2) of the <i>Environmental Protection Act 1994</i> (the property is a place or business to which an environmental enforcement order applies).		
<input type="checkbox"/> A notice under section 347(2) of the <i>Environmental Protection Act 1994</i> (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 <u>legal advice from Connolly Suthers</u> about their obligations under the <i>Environmental Protection Act 1994 (Qld)</i>.		
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? <i>(select one)</i>		
<input type="checkbox"/> No	<input type="checkbox"/> Yes The Client will provide a copy of any document received (including the order, or application) to Connolly Suthers.	<input type="checkbox"/> Unknown/Search Required 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? <i>(select one)</i>		
<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> 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:		
		<input type="checkbox"/> Yes <input type="checkbox"/> No
If the Property is a lot in a Community Titles Scheme or BUGTA scheme, is there a shared pool?		
		<input type="checkbox"/> Yes <input type="checkbox"/> No
If there is a pool on the Property select one:		
<input type="checkbox"/> A pool compliance certificate is available and will be provided by the Client to Connolly Suthers		
<input type="checkbox"/> 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)		
<input type="checkbox"/> 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? <i>(select one)</i>		
<input type="checkbox"/> No	<input type="checkbox"/> Yes The Client should seek legal advice about giving a notice under section 47 of the <i>Queensland Building and Construction Commission Act 1991</i> .	<input type="checkbox"/> Unknown/Search Required 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 <i>Building Act 1975</i> or under sections 167 or 168 of the <i>Planning Act 2016</i> ? <i>(select one)</i>		
<input type="checkbox"/> No	<input type="checkbox"/> Yes The Client will provide a copy of the notice or order to Connolly Suthers.	<input type="checkbox"/> Unknown/Search Required 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? <i>(select one)</i>		
<input type="checkbox"/> No	<input type="checkbox"/> Yes The Client will provide a copy of the notice or order to Connolly Suthers.	<input type="checkbox"/> Unknown/Search Required 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:
- obtain a search of the community management statement as outlined in Search Authority (item 6.1); and
 - 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	\$64.37	<input type="checkbox"/>
		_____ days	\$ _____	<input type="checkbox"/>
3.1 Zoning	Townsville City Council	1 day	\$0.00	<input type="checkbox"/>
	Burdekin Shire	1 day	\$0.00	<input type="checkbox"/>
3.2 Transport Infrastructure Proposal	Info Track	5 days	\$67.01	<input type="checkbox"/>
		_____ days	\$ _____	<input type="checkbox"/>
3.3 Notice of Intention to Resume	Info Track	5 days	\$67.01	<input type="checkbox"/>
		_____ days	\$ _____	<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	1-10 days	\$32.42/Seller	<input type="checkbox"/>
	Tree Register	1 day	\$26.72	<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	10 working days	\$0.00	<input type="checkbox"/>
	Burdekin Shire Council	10 working days	\$150.00	<input type="checkbox"/>
5.1 Rates Search	Townsville City Council	5 business days	\$202.50	<input type="checkbox"/>
	Burdekin Shire Council	10 business days	\$165.00	<input type="checkbox"/>
5.2 Water Service Search	Townsville City Council	5 days	\$136.50	<input type="checkbox"/>
	Burdekin Shire	7 working days	\$80.00	<input type="checkbox"/>
6.1 Community Management Statement	Info Track	1 day	\$64.37	<input type="checkbox"/>
		_____ days	\$ _____	<input type="checkbox"/>
6.2 Body Corporate Certificate	Info Track	5 days	\$132.04	
Service Fee			\$13.20	
Total Search Fee			\$ _____	

