

Buyer Searches List – Residential Contracts including Community Title

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If being used for a matter outside Queensland jurisdiction, consider local law. NB: if the law is not Australian Law then consider the Policy coverage terms regarding the Foreign Law exclusion.

NOTE:

Additional searches may be required and the suggested timing of the searches must be modified to suit the transaction. Where the transaction involves non-residential land (such as rural land), a contract other than the REIQ Contract for Houses and Residential Land (16th edition) or the REIQ Contract for Residential Lots in a Community Titles Scheme (12th edition) or the transfer of additional property, licences, registrations or interests (such as a water licence), the rights available to the buyer will depend on the relevant contract being used.

Approximate Costs are indicative only. Practitioners should insert approximate costs that reflect the variation in costs that may arise due to different search providers, different local government area of property and fee increases.

Rights set out below refer to standard contract provisions – practitioner to check for any amendments to Contract including the effect of any special conditions and update as necessary.

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This list is not exhaustive of enquiries that can be undertaken. Other enquiries may be necessary depending upon the nature, location and use of the property. If you have any issues of particular concern in buying the property that may affect your decision to proceed you should contact us as soon as possible as there may be other searches that we can conduct that may assist.

While some of the searches listed below provide no contractual rights, you may wish to order some of the searches during any applicable cooling off or due diligence period. Even if you order searches immediately they may not be received before the end of any applicable cooling off or due diligence period.

Please see the Buyer Letter and Booklet for more information, including circumstances where it might be necessary to order additional standard and optional searches having regard to the nature and location of the property, special conditions, obligations attached to the Property and your proposed use of the property in order to ensure that your rights are protected.

Please complete and return as soon as possible.

Standard searches – All conveyances

Buyers risk/concern	Rights	Suggested timing	Approx. cost	Search required (tick response)
Title Investigations	Termination – (if material defect).			Standard
Current title search	Compensation – (if material or immaterial defect and buyer gives notice prior to settling).	Now + settlement date	\$36.20 /search	We will require these searches in order to properly advise you on the contract and your rights.
Registered plan	Termination or damages – (if warranties inaccurate) including that the seller must be the registered owner at the time of settlement.	Now	\$37.15	
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	\$60.80 /search	Yes <input type="checkbox"/> No <input type="checkbox"/>

Buyers risk/concern	Rights	Suggested timing	Approx. cost	Search required (tick response)
<p>Department of Environment and Science</p> <p>Determine if land is on the Environmental Management Register or Contaminated Land Register.*</p> <p>*Note: This search does not provide all the information under the <i>Environmental Protection Act 1994</i> that could potentially give rise to a statutory right of termination.</p>	<p>Termination or compensation under contract if seller fails to disclose notifiable activity or other circumstances that may lead to classification as contaminated.</p> <p>Termination must be exercised at least 2 business days prior to settlement.</p> <p>Claim for compensation must be made prior to settlement.</p> <p>Under statute, if property is on one of the applicable registers a buyer may terminate if no prior disclosure by the seller. Termination must be exercised prior to settlement or possession whichever is the earlier, or, if seller makes disclosure after the contract, within 21 business days of seller's notice.</p>	Now	\$82.98	<p>Standard</p> <p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>
<p>Land Tax</p> <p>Whether there are any outstanding amounts payable for land tax(which may become payable by the buyer).</p>	<p>Arrears of Land Tax are a defect in title which allows termination if not paid at settlement.</p> <p>Note that the commissioner may issue a notice requiring a buyer to pay part of the purchase price equal to the unpaid land tax directly to the commissioner.</p>	Contract signed	\$59.52	<p>Standard</p> <p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>
<p>Qld Transport and Main Roads</p> <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>	Contract signed (takes 12 Business Days)	\$48.27	<p>Standard</p> <p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>
<p>Local government enquiries</p> <p>Set out below are some of the enquiries available through the local government</p>	<p>Enquiries may provide termination under contract (at any time before settlement) if:</p> <ul style="list-style-type: none"> Use of property is unlawful; Services pass unlawfully over land. 			
<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 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.</p> <p>Additional investigations are necessary. See the Report for more detail.</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 and/or ongoing maintenance obligations may apply.</p>	Contract signed (takes 12 Business Days)	<p><u>BCC</u> (incl. water) \$313.68</p> <p><u>Moreton RC</u> (incl. water) \$392.90 House \$311.99 Land</p> <p><u>Sunshine RC</u> (incl. water) \$302.28 House \$221.37 Land</p>	<p>Standard</p> <p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>
<p>• Town planning search</p> <p>(limited)(only standard</p>		Contract signed	<u>BCC</u> \$284.95	<p>Standard</p> <p>Yes <input type="checkbox"/></p>

Buyers risk/concern	Rights	Suggested timing	Approx. cost	Search required (tick response)
<p>recommendation if not in a Community Titles Scheme)</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>			<p><u>Moreton RC</u> \$297.95</p> <p><u>Sunshine RC</u> \$278.95</p>	No <input type="checkbox"/>
<p>• Sewerage and drainage plans</p> <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><u>BCC</u> \$70.65</p> <p><u>Sunshine RC</u> \$144.44 + \$16.50 for each additional page</p> <p><u>Moreton RC</u> \$136.59</p>	<p>Standard</p> <p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>
<u>Online Search</u>	Less detailed reliable summary		\$19.45	If 'No' above, online search? <input type="checkbox"/>
<p>• Building Notices Search (Property Notices Search in BCC)</p> <p>Information about show cause and enforcement notices</p>	Termination under contract prior to settlement if a notice has issued prior to the Contract Date.	Contract signed	<p><u>BCC</u> \$131.33</p> <p><u>Sunshine RC</u> \$233.95</p> <p><u>Moreton RC</u> \$300.00</p>	<p>Standard</p> <p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>
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.			
<p>Online search for orders www.qcat.qld.gov.au</p> <p>Details of orders in relation to trees and fences on the property under the <i>Neighbourhood Disputes (Dividing Fences and Trees) Act 2011 (Qld)</i></p>	Termination under contract may also be possible	Now and preferably also a second search just prior to settlement	Free if you don't have online access to the link provided	<p>Standard (plus also standard over common property if property is in a community titles scheme)</p> <p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>Extra Settlement Search? Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>
<p>Search QCAT records for tree and dividing fences applications</p> <p>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 (Qld)</i>.</p>		Now and preferably also a second search just prior to settlement (if possible having regard to length of time to receive physical searches)	\$28.58	<p>Standard (plus also standard over common property if property is in a community titles scheme)</p> <p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>

Buyers risk/concern	Rights	Suggested timing	Approx. cost	Search required (tick response)
				Extra Settlement Search? 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 if material (where Buyer doesn't terminate) or immaterial. No right if easement is a proposed easement.	Contract signed (takes 14 Business Days)	Energex \$80.07	Standard Yes <input type="checkbox"/> No <input type="checkbox"/>
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	<u>Federal Court</u> \$26.00 <u>Supreme / District Court</u> \$26.00 <u>Magistrate's Court</u> \$55.70 <u>QCAT</u> \$45.95	Standard Federal Court <input type="checkbox"/> Supreme/District Court <input type="checkbox"/> Magistrate's Court <input type="checkbox"/> QCAT <input type="checkbox"/>
Bankruptcy register The bankruptcy register should provide information concerning name of bankrupt, dates of bankruptcy, and orders.	Termination under contract if judgment, order or writ issued affecting the property, including where seller is bankrupt.	Contract signed	\$40.15	Standard 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	\$145.22	Standard (although unlikely to be relevant for a community titles scheme) Yes <input type="checkbox"/> No <input type="checkbox"/>
Personal Property Securities Register Details of any personal property affected by a registered security interest – important as assets you may be buying could be repossessed	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.	Now + settlement date	\$17.95/ search (Need 3 if searching a company properly).	Standard (if personal property forms part of the transaction or if corporate seller) Yes <input type="checkbox"/> No <input type="checkbox"/> Extra Settlement Search? 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	No contractual termination rights (unless an access agreement). See: https://www.business.qld.gov.au/industry/mining/mining-online-services/mining-permit-search	Contract signed	\$19.45	Standard (if in known mining or gas area, but otherwise optional) Yes <input type="checkbox"/> No <input type="checkbox"/>

Buyers risk/concern	Rights	Suggested timing	Approx. cost	Search required (tick response)
will not appear on the register and inquiries should be made of the seller				
Australian Securities and Investment Commission (if corporate seller or buyer)	Termination under contract if a breach of a warranty See http://connectonline.asic.gov.au/HLP/SearchRegisters/sch-using-this-service/sch-whatyoucansearch/organisation-and-business-names/index.htm		Free if you don't have access to the link provided	
Company search Company search: Details of seller corporation including directors, ABN		Now + settlement date	\$27.70 / search	Standard: Yes <input type="checkbox"/> No <input type="checkbox"/> Extra Settlement Search? 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.	See http://connectonline.asic.gov.au/HLP/SearchRegisters/sch-using-this-service/sch-whatyoucansearch/organisation-and-business-names/index.htm	Now	Free if you don't have access to the link provided	Standard: 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 s 246AG <i>Building Act 1975</i> issued prior to contract, buyer may terminate.	Now	\$19.45	Standard 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.)	\$19.45	Standard Yes <input type="checkbox"/> No <input type="checkbox"/>

Optional searches – All conveyances

Buyers risk/concern	Rights	Suggested timing	Approx. Cost	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	\$47.10	Optional Yes <input type="checkbox"/> No <input type="checkbox"/>

Buyers risk/concern	Rights	Suggested timing	Approx. Cost	Search required (tick response)
Queensland Building and Construction Commission Details of insurance cover for the property	No contractual termination rights.	Contract signed	\$73.40	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 (Qld)</i> for clearing vegetationwhether land is high risk and clearing is subject to protected plants framework under Nature Conservation Act 1992 (Qld)	No contractual termination rights. See https://www.dnrm.qld.gov.au/qld/environment/land/vegetation/vegetation-map-request-form	Contract signed	\$19.45	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) Detail of high risk areas for protected plants.	No contractual termination rights See https://www.ehp.qld.gov.au/licences-permits/plants-animals/protected-plants/map-request.php	Contract signed	\$19.45	Optional (but advisable if property is being purchased for development) Yes <input type="checkbox"/> No <input type="checkbox"/>
Local government Enquiries • Special water meter reading	No contractual termination rights. Results may be used for adjustment under clause 2.6. Allows for adjustment in accordance with the contract (particularly prevents liability for large water costs if leak has occurred or other high usage)	Contract signed (takes 14 days)	Included earlier in all council searches	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 approvals and copy of infrastructure agreements. See Booklet regarding circumstances where this search might be necessary to reveal obligations attached to the Property which could be significant.	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)	<u>BCC</u> \$874.95 <u>Moreton RC</u> \$1274.95 <u>Sunshine RC</u> \$733.95	Optional (but advisable if you intend to develop or need to check development is compliant) Yes <input type="checkbox"/> No <input type="checkbox"/>
• Town planning (full) 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 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	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 30 Business Days)	<u>BCC</u> \$4178.95 <u>Moreton RC</u> \$8405.95 <u>Sunshine RC</u> Vacant: \$1528.95 Built: \$4413.95	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	Rights	Suggested timing	Approx. Cost	Search required (tick response)
<ul style="list-style-type: none"> Building approval search <p>Details of building approvals and inspections</p>	No contractual termination rights for lack of building approvals.	Now	<u>BCC</u> Building records \$131.33 Inspection \$131.33 <u>Moreton RC</u> \$348.95 <u>Sunshine RC</u> \$233.95	Optional (but advisable if you intend to build or renovate) Yes <input type="checkbox"/> No <input type="checkbox"/>
<ul style="list-style-type: none"> Health Department search <p>Whether the property is registered with the Health Department and any contraventions</p>	No contractual termination rights.	Contract signed	TBA, if required	Optional (but advisable if business conducted) Yes <input type="checkbox"/> No <input type="checkbox"/>
<ul style="list-style-type: none"> Heritage search <p>Whether property listed on heritage register or any heritage agreements in existence</p>	Contractual termination right (at any time before settlement) if listed on register or is affected by <i>Queensland Heritage Act 1992 (Qld)</i>	Contract signed	Search City Plan	Optional (relevant if building more than 50 years old) Yes <input type="checkbox"/> No <input type="checkbox"/>
<ul style="list-style-type: none"> Online Planning and Development System search (availability depends on Local Government area) <p>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.</p> <p>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).</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) Moreton Bay Regional Council: http://pdonline.moretonbay.qld.gov.au/Modules/common/Default.aspx Brisbane City Council: https://pdonline.brisbane.qld.gov.au/MasterPlan/Default.aspx Sunshine Coast Regional Council: http://pdonline.sunshinecoast.qld.gov.au/MasterView/Modules/Applicationmaster/Default.aspx Extra State Government Information: http://www.dilqp.qld.gov.au/resources/plan/seq/regional-plan-2009/seq-regional-plan-2009.pdf	Contract signed	Free if you don't have online access to the links provided.	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"/>
<ul style="list-style-type: none"> Flood search <p>(Brisbane City Council has online flood search and State Government Flood Checker has historical data)</p> <p>Whether the property has flooded and the level of the last flood</p>	No contractual termination rights.	Now	\$19.45 <u>Sunshine Coast RC</u> \$166.42	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"/>
<ul style="list-style-type: none"> Vegetation Protection Orders <p>Details of whether vegetation on the property is protected vegetation or subject to an order</p> <p>(Brisbane this is under Natural Assets Local Law)</p>	No contractual termination rights.	Contract signed	Free if you don't have online access to the link provided	Optional (but advisable for purchase of properties near waterways, bushland or is rural to be developed) Yes <input type="checkbox"/> No <input type="checkbox"/>
	Brisbane City Council: http://www.brisbane.qld.gov.au/laws-permits/laws-permits-residents/protected-vegetation/vegetation-protection-orders/current-vegetation-protection-orders			

Buyers risk/concern	Rights	Suggested timing	Approx. Cost	Search required (tick response)
<p>Powerlink</p> <p>Information concerning the Authority's future interest in the property, easements and transmission lines</p>	<p>If easement over cables is undisclosed:</p> <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. <p>No right if the easement is a proposed easement.</p>	Contract signed	\$58.09	<p>Optional (generally only necessary for large rural or commercial properties)</p> <p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>
<p>Coastal Protection (Sanctions on construction of jetties)</p> <ul style="list-style-type: none"> • the date of any sanction issued • nature of the works sanctioned. 	No contractual termination rights.	Contract signed	TBA	<p>Optional (advisable if the property has a jetty or other construction over water)</p> <p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>
<p>Coastal management search</p> <p>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</p>	<p>No contractual termination rights.</p> <p>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 s 59 or an undischarged tidal works notice under s 60.</p>	Contract signed	\$19.45	<p>Optional (if property is located in a coastal area (beach or harbour area) this search is advisable)</p> <p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>
<p>World heritage list</p> <p>Whether property listed on the heritage list.</p>	<p>Termination under contract (at any time before settlement) if on World Heritage List or affected by <i>Queensland Heritage Act 1992</i> (Qld).</p> <p>See http://www.environment.gov.au/cgi-bin/ahdb/search.pl</p>	Now	Free if you don't have online access to the link provided	<p>Optional</p> <p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>
<p>National heritage listing</p> <p>Information on indigenous, natural and historic sites on the register</p>	<p>Termination under contract (at any time before settlement) if on World Heritage List or affected by <i>Queensland Heritage Act 1992</i> (Qld).</p> <p>See http://www.environment.gov.au/cgi-bin/ahdb/search.pl</p>	Contract signed	Free if you don't have online access to the link provided	<p>Optional</p> <p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>
<p>Queensland Heritage Register search</p> <p>Whether property is listed on heritage register or any heritage agreements in existence</p>	<p>Termination under contract (at any time before settlement) if affected by <i>Queensland Heritage Act 1992</i> (Qld).</p>	Contract signed	\$67.12	<p>Optional</p> <p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>
<p>ATSI Cultural Heritage Register and Database</p> <p>(DNRM)</p> <p>Whether property listed on heritage register or any heritage agreements in existence</p>	No contractual termination rights.	Contract signed	\$19.45	<p>Optional</p> <p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>
<p>Environment Protection and Biodiversity Conservation Act 1999 (Cth)</p> <p>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</p>	<p>No contractual termination rights.</p> <p>See http://products.ehp.qld.gov.au/shopping/home (Highlight property and click on "report")</p>	Now	Free if you don't have online access to the link provided	<p>Optional (but advisable if buying vacant land for development)</p> <p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>

Buyers risk/concern	Rights	Suggested timing	Approx. Cost	Search required (tick response)
Unexploded Ordnance (UXO) (Department of Defence) Details of whether a site may have potential UXO contamination.	No contractual termination rights. See http://www.defence.gov.au/uxo/where_is_uxo/UXOsearch.asp?State=QLD	Contract signed	Free if you don't have online access to the link provided	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 See http://www.nprsr.qld.gov.au/managing/habitat-areas/area-plans.html	Contract signed	Free if you don't have online access to the link provided	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 risk present on property	No contractual termination rights	Contract signed	\$77.95	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	Less detailed and reliable summary Termination – (if material defect) Compensation – (if claimed before settlement and defect is material, where Buyer doesn't terminate, or immaterial). Termination or Damages – (if any warranties inaccurate)	Contract signed	\$19.45	<u>Optional</u> Yes <input type="checkbox"/> No <input type="checkbox"/>

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

Buyers risk/concern	Rights	Suggested timing	Approx. Cost	Search required (tick response)
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	\$73.05	Standard We will require these searches in order to properly advise you on the contract
Building management statement		Contract signed	\$73.05	
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).	Contract signed	\$36.20 /search	
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	<u>BCC</u> \$131.33 <u>Sunshine Coast RC</u> \$102.05 <u>Moreton RC</u> \$153.86	Standard Yes <input type="checkbox"/> No <input type="checkbox"/>

Buyers risk/concern	Rights	Suggested timing	Approx. Cost	Search required (tick response)
<p>Body Corporate Records Search</p> <p>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).</p> <p>A review of body corporate records to identify issues not covered by Form 13 Certificate including Levy information, by-laws, lot entitlement, insurances, 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.</p>	<p>Termination under contract for breach of warranty and if materially prejudiced.</p> <p>Termination rights:</p> <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 rights.</p>	Contract signed	\$230.00-\$250.00	<p>Standard</p> <p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>
<p>Form 13 Information Certificate</p> <p>(particularly advisable if instructions are not to undertake a body corporate records search, which is more extensive and advisable)</p> <p>Levy information, by-laws, lot entitlements, insurances</p>	<p>Termination under contract for breach of warranty.</p> <p>Termination Rights:</p> <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 rights.</p>	Contract signed	\$104.00 + \$28.50 extra for insurance certificate	<p>Standard</p> <p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>
<p>Body Corporate Orders (Form 3 BCCM) from Body Corporate Commissioner</p> <p>Details of Orders made against a particular community title scheme</p>	<p>Termination under contract if an order requires work to be done or money spent on the lot or common property</p> <p>Compensation under contract only if the order was issued prior to contract:</p>	Contract signed	\$34.38	<p>Standard</p> <p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>
<p>Qld Fire and Rescue Search</p> <p>(This only applies to commercial buildings and units)</p> <p>Whether a fire safety report has been issued for the property, whether the property complies.</p>	No contractual termination rights.	Contract signed	\$205.25	<p>Optional:</p> <p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>

Buyer/seller arranged searches – strongly advised to obtain

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

Please complete, sign and return as soon as possible.

By signing and returning this form, you acknowledge that:

1. We have advised you to undertake all applicable standard searches;
2. Failure to undertake standard searches may (amongst other things):
 - a. mean that rights of termination and compensation are not identified;
 - b. defects in the property, or the title to it, may not be identified; and
 - c. result in loss or cause additional expense to you as buyers;
3. You instruct us to undertake the Optional searches marked – ‘Yes ’; and
4. We acknowledge that we will incur additional search costs in carrying out any optional searches plus about \$182 of other outlays on our Notice of outlays from such as a Settlement Notice filing fee (to prevent registration of a conflicting interest between settlement and lodgement). There can also be transfer duty and title registration fees if there's no financier.

Signed

Client 1 Name

Signed

Client 2 Name

Client 1 Signature

Client 2 Signature

Further Information – Notes for Author

- **Land tax search** – Refer *Taxation Administration Act 2001(Qld)*.
- **Local Government - Building Notices Search** - show cause and enforcement notices are issued under *s 247 and s 248 Building Act 1975 (Qld)* or *s 167 or s 168 Planning Act 2016*.
- **QCAT Search for fences and trees** - applications and orders in relation to trees and fences on the property are issued under the *Neighbourhood Disputes (Dividing Fences and Trees) Act 2011 (Qld)*.
- **QCAT Tree Register and minor civil dispute fence decision searches** - See www.qcat.qld.gov.au for QCAT Tree Register and minor civil dispute fence decision searches.
- **Mining and other geothermal tenures Search** - Refer *s 185(1)(h),(i),(j) Land Title Act 1994 (Qld)* regarding access agreements with holders of mining, petroleum, gas and other geothermal tenures on the land or on adjoining property being binding on successors in title.
- **Transport Noise Corridor Search** – See Queensland Development Code (QDC) Mandatory Part (MP) 4.4.
- **Queensland Building and Construction Commission Search** - refer the *Queensland Building and Construction Commission Act 1991 (Qld)*.
- **Coastal Protection (Sanctions on construction of jetties) Search** – refer to *s 86 of the Harbours Act 1955 (Qld)* (now part of the *Transport Infrastructure Act 1994 (Qld)*).
- **World heritage list Search** – See <http://whc.unesco.org>. Also at <http://www.environment.gov.au/heritage/places/world/index.html>
- **National heritage listing Search** - <http://www.environment.gov.au/heritage/places/national/index.html>
- **Title search of common property Search** – Right of termination under *s 209 Body Corporate and Community Management Act 1997 (Qld)* for undisclosed Body Corporate Asset
- **Body Corporate Records Search and Form 13 Information Certificate** – For inaccuracy in Disclosure Statement – see *s 209 (existing lot) Body Corporate and Community Management Act 1997(Qld)*; For breach of implied warranty - see *s 224 Body Corporate and Community Management Act 1997 (Qld)*.
- **Body Corporate Orders (Form 3 BCCM) from Body Corporate Commissioner Search** – For compensation where order issued prior to contract, note cl 7.4(4)