



Speech by

**Mrs D. PRATT**

**MEMBER FOR NANANGO**

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Hansard 23 October 2002

### LAND TITLES

**Mrs PRATT** (Nanango—Ind) (7.30 p.m.): A constituent in the Nanango electorate was extremely shocked to be told by an unofficial source that his properties in the Kingaroy area had caveats placed on them by several businesses. He was even more surprised to find that he apparently had been credited with property in Brisbane—at Indooroopilly in fact—which also had caveats against it and that he supposedly lived there as well. The only reason my constituent became aware of these things was through a personal friendship with a member of an institution he dealt with regularly who informed him that his properties had caveats on them. My constituent employed the services of a solicitor in an endeavour to find out what was occurring, how it had happened and hopefully to resolve the matter. During the solicitor's research as to how this had occurred it was revealed that a person of the same name residing in the Brisbane area was presently involved in bankruptcy proceedings.

A quick online search of the Legalco online information system revealed that the Queensland Department of Natural Resources valid title search statement, which was easily obtained, was in fact incorrect. How many other Queenslanders have found themselves or are yet to find themselves in similar circumstances and who are currently paying or will pay in the future for a system which apparently has no appropriate checks and balances to ensure errors are not made when placing caveats on property? How can caveats be placed over my constituent's properties when not only is he not the person involved in the bankruptcy but his wife, who is a joint owner, has a completely different name? There appears to have been no identity or ownership checks made and no verification that the owner of these properties was in fact one and the same person.

Where were the checks by the solicitors acting for the businesses placing the caveats on the properties? Where was their duty of care to their clients? Are there no processes DNR must follow to ensure that proof of ownership is made before any person's properties have caveats applied to them? Surely the owner must be advised by the Titles Office that a search had been undertaken concerning his properties. Why was there not an onus on the bank to notify their client? Why, when all DNR correspondence was sent to and responded to from Kingaroy, was no notice sent to the Kingaroy address? If my constituent had attempted to borrow money on his assets, buy anything on hire purchase or conduct any number of other transactions he would have been unable to do so. Access to all credit information is readily available. Who is to say that such information has not already been accessed and in years to come my constituent is subjected to adverse reactions of those with whom he would choose to deal?

It is so easy to have one's name added to the bad credit rating list but extremely hard to have it removed. In fact, it is five years before it is removed if no other breaches occur. His reputation could have been seriously sullied through no fault of his own. In truth, how do we know that it has not been already? If the unthinkable occurred—and no-one would want this to happen—and constituents were involved in a fatal accident, how would their children know that the parents were in fact not bankrupt? How would they know to fight the gross wrong done to their parents and their reputation? Who is going to reimburse this constituent for the costs involved? I have brought this matter to the attention of the House in the hope that the minister will tighten current legislation to ensure that this type of situation does not occur again to any other innocent Queenslanders and seek the minister's response.

