

QUESTION ON NOTICE

No. 1432

asked on Thursday, 18 October 2018

MR J LISTER ASKED THE MINISTER FOR NATURAL RESOURCES, MINES AND ENERGY (HON DR A LYNHAM)—

QUESTION:

With reference to the registration of a writ (enforcement warrant BRC4572/2016 against property title 15869116 issued by Federal Circuit Court Judge Vasta in Brisbane) by the Queensland Registrar of Titles on or about 9 April 2018, despite the Federal Circuit Court jurisdiction not being included in the list of jurisdictions whose Writs may be registered by the Registrar of Titles under Part 12 of the Queensland Land Titles Practice Manual—

Will the Minister advise what the Minister will do to remedy this apparently wrongful registration, which has rendered the property owner penniless and without the means to seek legal redress?

ANSWER:

Sections 116 and 117 of the *Land Title Act 1994* allow for the registration of a writ of execution and detail the effect of registering a writ of execution. Section 9A of the Act also allows for the Registrar of Titles to keep a manual of land title practice for the information and guidance of persons dealing with the registry.

In accordance with the Act, the Land Title Practice Manual provides general information to assist with the preparation and lodgement of titles registry forms. The manual is not a definitive nor fully comprehensive statement of applicable law in relation to every specific situation that may arise—it cannot be. For this reason, some information relevant to a specific situation may not be included in the manual.

In this instance, even though the Federal Circuit Court is not included in the list of jurisdictions under Part 12 of the manual that does not mean it is therefore excluded. Such a specific exclusion, were it to exist, would need to be identified in the Act (or other applicable law) to apply. I am advised that the writ was registered in accordance with the law.