



The Hon Scott Stewart MP  
Minister for Resources

Your ref A761686  
Our ref CTS 19919/21

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14 October 2021

Mr Neil Laurie  
The Clerk of the Parliament  
Parliament House  
Cnr George and Alice Streets  
BRISBANE QLD 4000

Dear Mr Laurie

Thank you for your letter of 17 September 2021, concerning Petition No. 3565-21 tabled in the Legislative Assembly on 14 September 2021, regarding the suggested recording of historical geotechnical data on land titles for new residential developments.

For the reasons explained below, I am unable to support the proposal outlined in the petition.

Before I respond to the particulars of the petition, I would like to clarify for the petitioners what a land title is.

In Queensland, like all other Australian states and territories, the Torrens System for recording land title ownership is used. Under the Torrens System, registration of the title to a land parcel confers 'indefeasible title' with ownership 'proved' by entry on the freehold register.

In 1994, the *Land Title Act 1994* was proclaimed, providing for a computerised register that permits instant access to current, accurate ownership records and facilitates fast, efficient and accurate recording of transactions affecting freehold land.

In addition to ownership, the information that can be recorded against the title of land relates to other 'interests' in the land. Such interests typically include mortgages, easements, covenants and profits a prendre.

As such, the register is concerned exclusively with land ownership and with other third-party interests relating to a particular land parcel. It is not a place for recording other information relating to physical hazards, limitations or qualities of the land or of regulatory requirements that may limit or constrain the use of the land for a particular purpose.

As is the case with all intending investments, land and home buyers are well-advised to undertake due diligence before completing the purchase. Due diligence is the investigation of every aspect of a property which could affect its value and suitability for a particular purpose.

Relevant information relating to the proposed use of the land (including limitations), particularly for recent residential developments, will be available from the local council. For example, there are provisions and mapping overlays included in planning schemes which deal with several of the issues listed in the petition. The Queensland Government also freely provides access to many current and historical geospatial data sets through online platforms such as the Queensland Globe. Geotechnical, engineering and construction experts may also provide critical information and advice relevant to the proposed use of the land.

In addition to these information sources, there are numerous regulatory protections for landowners who are intending to build on their land. These protections include building and development codes, certification requirements and the regulation of industry professionals and service providers. These arrangements ensure that structural developments on the land are of an appropriate standard given the various natural factors that need to be considered as part of the building planning, design and construction process.

I provide you with this response for tabling on the next sitting day in accordance with Standing Order 125(3). Any enquiries regarding this response can be referred to Mr Paul Keene, Chief of Staff, on telephone 3008 3500.

Yours sincerely



**Scott Stewart MP**  
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