

Search	Rights
Current title search	Termination – (if material defect). Compensation – (if material or immaterial defect and buyer gives notice prior to settling).
Registered plan	Termination or damages – (if warranties inaccurate) including that the seller must be the registered owner at the time of settlement.
Easement Searches	Termination if not disclosed prior.
Land Tax Whether there are any outstanding amounts payable for land tax (which may become payable by the buyer).	Arrears of Land Tax are a defect in title which allows termination if not paid at settlement. 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.
Council Rates & Water Searches 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. A rates search may show outstanding notices issued and required to be disclosed under Local Law 17. Full Rates Search: Full Rates search usually includes levy information, land and property details, services plan, flood map, coastal hazard report, planning and development requestions. Special water meter reading:	Allows for adjustment in accordance with the contract Gold Coast City Council Local Law 17 (Maintenance of Works in Waterway Areas). If the property is in the Gold Coast City Council local government area, disclosure obligations, termination rights and/or ongoing maintenance obligations may apply. Allows for adjustment in accordance with the contract (particularly prevents liability for large water costs if leak has occurred or other high usage)
QCAT 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</i> .	Termination prior to settlement under statute if seller doesn't give a copy of any tree application or order prior to contract.
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.
Company search Company search: Details of seller corporation including directors, ABN	Required where the selling and/or buying entities is a company.
Priority Notice	Many be required by your financier to protect your interests on the title of the property.
If, purchasing a Unit:	
Form 13 Information Certificate (particularly advisable if instructions are not to undertake a body corporate records search, which is more extensive and advisable) Levy information, by-laws, lot entitlements, insurances	Termination under contract for breach of warranty. Termination Rights: • for inaccuracy in Disclosure Statement • for breach of implied warranty Note: Time limits apply to the exercise of these rights.

OPTIONAL SEARCHES – HIGHLY RECOMMENDED

Search	Rights
Environmental Protection Agency Determine if land is on the Environmental Management Register or Contaminated Land Register.* *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.	Termination or compensation under contract if seller fails to disclose notifiable activity or other circumstances that may lead to classification as contaminated. Termination must be exercised at least 2 business days prior to settlement. Claim for compensation must be made prior to settlement.
Qld Transport and Main Roads Current proposals, resumption information for roads, ports and rail. (Queensland Transport will not provide information on proposals for resumptions not currently approved)	Termination under contract if a current proposal in relation to 'transport infrastructure' that affects the land Must exercise right at least 2 business days prior to settlement.
● Building approval search Details of building approvals and inspections	No contractual termination rights for lack of building approvals.
● Heritage search Whether property listed on heritage register or any heritage agreements in existence	Contractual termination right if listed on register or is affected by <i>Qld Heritage Act</i> Must exercise right at least 2 business days prior to settlement
If, purchasing a Unit:	
Body Corporate Records Search Only if the property is subject to the <i>Building Units and Group Titles Act 1980</i> or the <i>Body Corporate and Community Management Act 1997</i> . A review of body corporate records to identify issues not covered by Form 13 Certificate including by-laws, lot entitlement, insurances etc.	Termination under contract for breach of warranty and if materially prejudiced. Termination rights: <ul style="list-style-type: none"> • for inaccuracy in Disclosure Statement • for breach of implied warranty Note: Time limits apply to the exercise of these rights.

BUYER/SELLER ARRANGED SEARCHES – STRONGLY ADVISED TO OBTAIN

Search / Enquiry	Buyers risk/concern
Pest inspection/building inspection Only of benefit after contract if standard or special condition in contract. Information concerning the condition of the property.	Termination under contract only if a reasonable buyer would consider the report unsatisfactory
Survey Identify the boundaries of the land, the area and location of improvements.	Termination under contract if material defect Compensation under contract if buyer completes and defect material or immaterial. Claim for compensation must be notified prior to settlement.
Meth Property Detections Identify if the property has previously been used for drug manufacture.	No contractual rights for termination.

OPTIONAL SEARCHES

Buyers risk/concern	Rights
<ul style="list-style-type: none"> ● Town planning search (limited)(only standard recommendation if not in a Community Titles Scheme) Town planning information (zoning, use, future use), summary of the provisions of planning scheme and regulatory provisions applying, any designations applying to the premises. May show if the property cannot be used as intended. 	See above
<ul style="list-style-type: none"> ● Sewerage and drainage plans Position of sewerage and drainage pipes. May show if parts of the property cannot be used as intended. 	See above
<ul style="list-style-type: none"> ● Building Notices Search (Property Notices Search in BCC) Information about show cause and enforcement notices 	Termination under contract prior to settlement if a notice has issued prior to the Contract Date.
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. 	Termination under contract if there is an undisclosed easement over cables that is material. Compensation is also possible for an undisclosed easement over cables that is material (where the buyer doesn't terminate) or immaterial but must be claimed prior to settlement of the contract. No contractual termination rights if the easement is a proposed easement.
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.
Mining and other geothermal tenures 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 will not appear on the register and inquiries should be made of the seller	No contractual termination rights (unless an access agreement).
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.
Queensland Building and Construction Commission	No contractual termination rights.

Buyers risk/concern	Rights
Details of insurance cover for the property	
<p>● 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, copy of infrastructure agreements and charges details</p>	
<p>● Heritage search Whether property listed on heritage register or any heritage agreements in existence</p>	Contractual termination right if listed on register or is affected by <i>Qld Heritage Act</i> Must exercise right at least 2 business days prior to settlement
<p>● Flood search (Brisbane City Council has online flood search and Sate Government Flood Checker has historical data) Whether the property has flooded and the level of the last flood</p>	No contractual termination rights.
<p>● Vegetation Protection Orders Details of whether vegetation on the property is protected vegetation or subject to an order (Brisbane this is under Natural Assets Local Law)</p>	No contractual termination rights.
<p>Powerlink Information concerning the Authority's future interest in the property, easements and transmission lines</p>	Termination under contract if an undisclosed easement over cables that is material. Compensation (no election to terminate) if an undisclosed easement over cables that is material or immaterial. Must be claimed prior to completion No right if the easement is a proposed easement.
<p>Coastal Protection (Sanctions on construction of jetties) <ul style="list-style-type: none"> the date of any sanction issued nature of the works sanctioned. </p>	No contractual termination rights.
<p>Coastal management search 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> applies</p>	No contractual termination rights. Right to terminate under <i>Coastal Protection and Management Act 1995</i> , – 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>ATSI Cultural Heritage Register and Database (DNRM) Whether property listed on heritage register or any heritage agreements in existence</p>	No contractual termination rights.