



## PRESIDENTIAL DIRECTION NO 3 OF 2004 ADVICE TO REGISTRAR OF TITLES IF APPOINTMENT CONCERNS LAND

### Introduction

On 18 November 2003 the *Guardianship and Administration Act 2000* "the Act" was amended in regard to the appointment of the Public Trustee of Queensland and professional trustee companies listed under the *Trustee Companies Act 1968* to allow appointments on an open or indefinite period.

### Applicable sections

Where the Public Trustee of Queensland or a trustee companies listed under the *Trustee Companies Act 1968* authority stems from the following provisions:

Section	Title	Act
Section 245	Settlements or damages award	<i>Guardianship and Administration Act 2000</i>
Section 260	Management by Public Trustee	<i>Guardianship and Administration Act 2000</i>
Section 81	Public Trustee becomes administrator if managing estate	<i>Mental Health Act 1974</i>
Section 146	Public trustee becomes administrator if protection order or s70 certificate of disability	<i>Public Trustee Act 1978</i>

That pursuant to 19 & 110 of "the Act", the following direction applies:

### NOTICE OF INTEREST IN LAND

1. Where the adult has or is believed to have an interest in realty which is **subject** to the administrator's authority<sup>1</sup>, the administrator will:
  - (a) Identify, by way of a search of the records held by the Registrar of Titles or other means, any interest in real property registered in the name of "the adult" whose financial affairs are subject to financial management either in part or whole.
  - (b) Lodge with the Registrar of Titles a copy of the order or their authority to manage and a notice notifying the Registrar of any interest in land held by the adult who is subject to the administration order.
  - (c) Provide to the Tribunal:
    - (i) a copy of the search of records held by the Registrar of Titles referred to above and;
    - (ii) a copy of the lodgement summary with the dealing number showing lodgement of the order in respect of any interests in land held by the adult who is subject to the administration order.

<sup>1</sup> For example, this Presidential Direction would generally not apply where the adult has an interest in realty which was acquired prior to the management of their financial affairs under a partial or limited administration order (damages award).

2. That if any change is made in an interest in land held by “the adult” who is the subject of the administration order or if there are any further dealings in land on behalf of the adult by the Administrator, the administrator shall lodge with the Registrar of Titles within 14 days of the finalisation of such interest a copy of the order and a notice (in a form prescribed by the Registrar of Titles), concerning such changes or dealings.
3. That the administrator pay, on behalf of the adult, any fee associated with the above notices.

**Ann Lyons**  
**President**

13/01/2004

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