

15 September 2017

Australian Financial Security Authority  
C/O- Ms Peta Bunce  
McCullough Robertson  
GPO Box 1855  
Brisbane QLD 4001

Dear Ms Bunce

**Non-Lapsing Caveats on behalf of Trustees in Bankruptcy**

We refer to previous correspondence on this issue, including your client's submission to the Registrar of Titles on 6 October 2015 and the response to this submission received from the Registrar on 16 November 2015. We note that stakeholder meetings we convened subsequent to this correspondence.

The correspondence from the Registrar of Titles on 16 November 2015 suggested, *inter alia*, that your client could consider advocating for amendments to the *Bankruptcy Act 1966* so that an appropriate process for protecting the Trustee in Bankruptcy's interest in the property was legislated.

Unfortunately, no such amendments to the *Bankruptcy Act* were made.

Our Insolvency and Reconstruction Law and Property and Development Law Committees have considered the issue. We agree with your submission that AFSA is not likely to be able to lodge a caveat which falls with section 126(1) of the *Land Title Act 1994* as currently drafted meaning that any caveat lodge will lapse after three months.

Accordingly, the Society support's your client's proposed amendment of s126(1) of the *Land Title Act 1994* to include a new subsection:

*"(f) it is lodged to protect an interest in a lot that is capable of being transmitted under a law about bankruptcy under section 115."*

We would be pleased to be involved in any further discussions with the Registrar of Titles and/or other stakeholders.

Should you require any further information about this correspondence, please do not hesitate to contact our Senior Policy Solicitor, Kate Brodnik on (07) 3842 5851 or [k.brodnik@qls.com.au](mailto:k.brodnik@qls.com.au).

Yours faithfully

A handwritten signature in black ink, appearing to read 'Coyne', written over a horizontal line.

Christopher Coyne  
**Vice President**