

# Changes to Property Law Act 2023

*This Act was passed on 25 October 2023. It aims to simplify, streamline and modernise Queensland's property law regime and replaces the Property Law Act of 1974.*

*The commencement date of legislation has yet to be set and may be delayed for up to 12 months to allow for consultation and education.*

**The Act makes a large number of changes to the property law regime. A couple of changes of interest are:**

## **Seller Disclosure Regime**

- It will be mandatory for sellers to give written disclosure in a prescribed form to buyers before contracts are signed.
- The form of the disclosure is not available as yet but discussion drafts are available.
- Buyers will be entitled to terminate a contract prior to settlement if disclosure is not given or is inaccurate or incomplete in a material way.
- Exceptions to the disclosure requirement includes when the land price exceeds \$10,000,000 and the buyer waives the disclosure.

## **Statutory Right of Use Easements**

- The changes expand the rights of a land owner to seek a court order imposing the rights of use (general as an easement) over other land if it is proven that those rights are reasonably necessary for the effective use and development of the applicant's land.
- A land owner can also apply for an order imposing a statutory right of use over other land in favour of a public utility, for similar reasons.
- "Utility" includes electricity, gas, power, telecoms, water, drainage, sewerage and other service pipes.

- As well as needing to prove that the rights are reasonably necessary the applicant also needs to prove that the easement granted is:
  - (a) consistent with the operation of the Planning Act;
  - (b) consistent with the public interest;
  - (c) the affected land owner is adequately compensated;
  - (d) reasonable attempts were made for a mutual agreement.
- Much broader than existing rights, although too early to tell; how much use will be made of the provisions.

Scan for more information  
on Property Law.



**Argon Law is here to help.**

**We hope you are now better prepared for when the new changes come into effect.**

**Please note this article is to be used as a guide only and we encourage you to get in touch with one of our experienced property lawyers to ensure your matter is handled in your best interest.**

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