


NEW CHANGES COMING TO QUEENSLAND'S PROPERTY LAW

The new Property Law Act 2023 (Qld) will introduce Disclosure Statements into the conveyancing process in Queensland, aligning our process more closely with the southern states.

The Disclosure Statements must be signed by the seller and provided to the buyer before they sign a Contract of Sale. If the property is sold at auction, the Disclosure Statement must be signed and provided to the buyer before the auction commences. Parties are unable to contract out of these requirements. These requirements will commence 1st of August 2025

Content of the Disclosure Statement

The seller must ensure that the disclosed information is accurate at the time the Disclosure Statement is signed, with significant penalties for non-compliance including fines and post-settlement compensation. The buyer also has the right to terminate the Contract of Sale at any time before settlement if the seller fails to satisfy its disclosure obligations.



The prescribed certificates and information to be included in the Disclosure Statement are:

- A title search;
- A copy of the plan;
- A copy of the notice as prescribed in s 47 of the Queensland Building and Construction Commission Act 1991 (if required);
- Copies of any notices or orders by a competent authority requiring work to be done or money to be spent in relation to the property;
- A pool compliance certificate (if applicable);
- A copy of the community management statement and body corporate certificate (if applicable);
- Zoning information on the property;
- Whether the property is recorded on the environmental management or contaminated land register;
- Rates and water services information (including the amounts payable);
- Whether the property is affected by transport infrastructure proposals, heritage interests, or notices from the State or Commonwealth of intention to resume the lot.



Exceptions

Under the new Act, a Disclosure Statement does not need to be provided if:

- The buyer and seller are related, and the buyer waives its right before it signs the contract
- The buyer is a government agency;
- The seller is Brisbane City Council in certain situations; and
- The transfer is due to someone's death or in accordance with a Will.