

Part 13 – Amendment of Lease, Easement, Mortgage, Covenant, Profit a prendre, Building Management Statement or Carbon Abatement Interest

LAND TITLE PRACTICE MANUAL

Updated: 1 August 2025



Table of Contents

PART 13 – AMENDMENT OF LEASE, EASEMENT, MORTGAGE, COVENANT, PROFIT A PRENDRE, BUILDING MANAGEMENT STATEMENT OR CARBON ABATEMENT INTEREST	2
[13-0000] GENERAL LAW	2
[13-0010] Amendment of Lease	2
[13-0020] Amendment of Easement ¹	2
[13-0030] Amendment of Mortgage	2
[13-0041] Amendment of Covenant ¹	3
[13-0050] Amendment of Profit a Prendre ¹	3
[13-0060] Amendment of Building Management Statement ¹	3
[13-0070] Amendment of Carbon Abatement Interest ¹	3
[13-1000] LEGISLATION	3
Application of the <i>Land Title Act 1994</i> to the <i>Water Act 2000</i> ^{2,3}	3
Reference to the registrar of titles in the <i>Land Title Act 1994</i> and <i>Land Act 1994</i> and reference to the registrar of water allocations in the <i>Water Act 2000</i>	3
[13-2000] PRACTICE	4
[13-2000] Amendment of Lease	4
[13-2035] Amendment of Easement ¹	5
[13-2055] Amendment of Mortgage	6
[13-2110] Amendment of Covenant ¹	6
[13-2130] Amendment of Profit a Prendre ¹	6
[13-2150] Amendment of a Building Management Statement ¹	7
[13-2160] Amendment of Carbon Abatement Interest ¹	7
[13-4000] FORMS	7
[13-4000] General Guide to Completion of Forms	7
Guide to Completion of Form 13	12
[13-7000] CASE LAW	13
[13-8000] FEES	13
[13-9000] CROSS REFERENCES AND FURTHER READING	13
[13-9050] Notes in text	13

Part 13 – Amendment of Lease, Easement, Mortgage, Covenant, Profit a prendre, Building Management Statement or Carbon Abatement Interest

[13-0000] General Law

Under the provisions of the *Land Title Act 1994* and the *Land Act 1994*, amendments to registered leases, easements, covenants, mortgages, profits a prendre and Building Management Statements may be registered. Form 13 is the appropriate form in each case. A Form 20 – Schedule setting out the amendment may be attached to the Form 13.

[13-0010] Amendment of Lease

Unless otherwise stated in this numbered section, a reference to a lease means a lease or sublease of freehold land or a water allocation, or a sublease or trustee lease under the *Land Act 1994*.

Section 67 of the *Land Title Act 1994* and ss. 57A and 336 of the *Land Act* provide that a registered lease may be amended by registering an amendment of lease. However, the amendment must not:

For a lease or sublease of freehold land or a water allocation:

- increase or decrease the area leased; or
- add or remove a party to the lease; or
- be lodged after the lease's term has ended.

For a sublease or trustee lease under the *Land Act 1994*:

- increase or decrease the area leased or
- add or remove a party to the lease; or
- increase the term of the lease; or
- be lodged after the sublease's term has ended.

Section 67(5) of the *Land Title Act* provides that the procedure for amendment set out in s. 67 of the *Land Title Act* is in addition to any other rights, provided that they are not inconsistent with the Act².

[13-0020] Amendment of Easement¹

Section 91 of the *Land Title Act 1994* and s. 370 of the *Land Act 1994* provide that a registered easement (other than a high-density development easement under Part 6 Division 4AA of the *Land Title Act*) may be amended by registering an amendment of easement. However, the amendment must not:

- change the location of the easement; or
- increase or decrease the area of land affected by the easement; or
- change a party to the easement.

The *Land Title Act* and the *Land Act* specifically provide that s. 181 of the *Property Law Act 2023* applies to registered easements (s. 92 of the *Land Title Act* and s. 373 of the *Land Act*). Section 181 of the *Property Law Act* allows a person interested in the land to apply to the Supreme Court for an order that an easement be modified or wholly or partially extinguished.

[13-0030] Amendment of Mortgage

Section 76 of the *Land Title Act 1994* and s. 343 of the *Land Act 1994* provide that a registered mortgage may be amended by registering an amendment of mortgage. However, the amendment must not:

For a mortgage of freehold land or a water allocation:

- increase or decrease the area of land or the number of water allocations charged by the mortgage; or
- add or remove a party to the mortgage.

For a mortgage of a lease or sublease under the Land Act:

- add or remove a party to the mortgage

[13-0040] deleted

[13-0041] Amendment of Covenant¹

Section 97C of the *Land Title Act 1994* and s. 373C of the *Land Act 1994* provide that a registered covenant may be amended by registering an amendment of covenant. However, the amendment must not:

- increase or decrease the area of land which is the subject of the covenant; or
- add or remove a party to the covenant.

[13-0050] Amendment of Profit a Prendre¹

Section 97K of the *Land Title Act 1994* and s. 373N of the *Land Act 1994* provide that a profit a prendre may be amended by registering an amendment of a profit a prendre. However, the amendment must not:

- increase or decrease the area of land which is the subject of the profit a prendre; or
- add or remove a party to the profit a prendre.

[13-0060] Amendment of Building Management Statement¹

Section 54E of the *Land Title Act 1994* and s. 294F of the *Land Act 1994* provide for the registration of an amendment of building management statement. However, the amendment must not:

- change the lots to which the statement applies.

[13-0070] Amendment of Carbon Abatement Interest¹

Section 97S of the *Land Title Act 1994* and s. 373X of the *Land Act 1994* provide that a carbon abatement interest may be amended by registering an amendment of a carbon abatement interest. However, the amendment must not:

- increase or decrease the area of land which is the subject of the carbon abatement interest; or
- add or remove a party to the carbon abatement interest.

[13-1000] Legislation

Application of the *Land Title Act 1994* to the *Water Act 2000*^{2,3}

Under the provisions of the *Water Act*, an interest or dealing may be registered in a way mentioned in the *Land Title Act*, subject to some exceptions.

A relevant interest or dealing may be registered in a way mentioned in the *Land Title Act*:

- a. as if a reference to the freehold land register is a reference to the water allocations register; and
- b. as if a reference to freehold land or land is a reference to a water allocation; and
- c. as if a reference to a lot is a reference to a water allocation; and
- d. with any other necessary changes.

Reference to the registrar of titles in the *Land Title Act 1994* and *Land Act 1994* and reference to the registrar of water allocations in the *Water Act 2000*

Refer to [0-8100] and [0-8200] and [0-8300].

[13-2000] Practice

[13-2000] Amendment of Lease

Unless otherwise stated in this numbered section, a reference to a lease means a lease or sublease of freehold land or a water allocation, or a sublease or trustee lease under the *Land Act 1994*.

A registered lease may be amended by registering a Form 13 – Amendment of Lease. However, the amendment **cannot**:

For a lease or sublease of freehold land or a water allocation:

- a. increase or decrease the area leased; or
- b. add or remove a party to the lease; or
- c. be lodged after the lease's term has ended

For a sublease or trustee lease under the *Land Act 1994*:

- increase or decrease the area leased or
- add or remove a party to the lease; or
- increase the term of the lease; or
- be lodged after the lease's term has ended.

The covenants to be amended must be included on a Form 20 – Schedule. The covenants may be amended by deleting a particular clause, amending a particular clause or inserting a new clause. The Form 20 – Schedule need only refer to the particular clause(s) to be deleted, amended or inserted for the purpose of the amendment.

If a lease is to be amended in any of the ways above, then it will be necessary to surrender the existing lease and to enter into a new lease (see part 8 – Surrender of Lease).

A lease may be amended more than once.

Before an amendment of a trustee lease or a sublease under the Land Act is registered, the amendment must be endorsed with, as appropriate, either the Minister's approval under s. 57A(1) or s. 332 of the Land Act, or the Minister's general authority to amend under s. 333 of the Land Act^{1,3}.

However, the Minister's approval is not required if the trustee lease is^{1,3}:

- a trustee lease (construction); or
- a construction trustee sublease; or
- a trustee lease (State or statutory body); or
- a sublease of a trustee lease (State or statutory body) (s. 57A(2) of the Land Act).

An amendment of a freehold lease, a lease of a water allocation or a sublease under the Land Act executed after the registration of a mortgage is not valid against the mortgagee unless the mortgagee consents to the amendment before it is registered (s. 66 of the *Land Title Act 1994* and s. 338 of the Land Act). The Registrar will register the amendment of lease even if the lot or interest is mortgaged and the consent of the mortgagee is not included. However, registration will not give validity to the amended lease against the mortgagee as a matter of law.

It is in the lessee's interest to obtain the consent of any mortgagee of the fee simple, a sublease under the *Land Act 1994* or a water allocation to an amendment of lease (s. 66 of the Land Title Act and s. 338 of the Land Act); however it is not a prerequisite for registration.

An amendment of lease does not require the consents of any sublessees in order to be registered, even if the covenants in the (head) lease are being amended.

An amendment may increase or decrease the term of the lease². However, an amendment to increase the term must be lodged during the term of the lease as defined in s. 67(3) of the Land Title Act. An amendment to extend the second or subsequent option period can only be registered if the preceding option period is the subject of a registered amendment.

An amendment of lease can create, cancel, extend or shorten a period of a further term available under an option².

An amendment of lease **cannot** amend the commencement date of a lease that has commenced.

If the amendment of lease decreases the term, it must be for a term which is longer than the term, including those available under options, of any sublease of the lease. Conversely, any increase in the term, including those available under options

in a sublease must not exceed the term of the head-lease². **Note:** Only the initial term and first unexercised option period of the lease are recorded on the relevant title.

If the amendment extends the term and the lessor is a trustee, the new term, including further terms available under options, should not exceed 21 years (s. 32(1)(e) of the *Trusts Act 1973*) unless the trust deed authorises leases for a greater term².

If a lease is over part of the land and the term is extended, the approval of the local government is required if the new term, including further terms available under options, is for a period of over ten years (s. 65(3A) of the *Land Title Act* and s. 6 (Schedule 2) of the *Planning Act 2016* – reconfiguring a lot)^{1, 2}.

Given the nature of a lease the Registrar will not enquire whether all titles subject to the lease are included in the Form 13 – Amendment of Lease².

Refer to the following table for duty requirements. The table has been compiled in consultation with the Queensland Revenue Office.

AMENDMENT OF LEASE	
Any Form 13 that:	Duty notation required
Increases the term (where the amendment of the lease term commenced prior to 1 January 2006)	Yes
* Increases the term (where the amendment of the lease term commenced on or after 1 January 2006)	No
Increases the rental (where the amendment of the lease rental commenced prior to 1 January 2006)	Yes
* Increases the rental (where the amendment of the lease rental commenced on or after 1 January 2006)	No
Amends the covenants only	No

* **Note** – From 1 January 2006 lease duty was abolished by the *Revenue Legislation Amendment Act 2005*.

Lodgement fees are payable. In cases where the lessee is the State, and a Form 13 – Amendment of Lease gives effect to exercise of an option to renew or otherwise extends the term of the lease, no lodgement fee is payable.

For further information see part 7 – Lease.

[13-2010] to [13-2030] deleted

[13-2035] Amendment of Easement¹

A registered easement (other than a high-density development easement under Part 6 Division 4AA of the *Land Title Act 1994*) may be amended by registering an amendment of the easement in Form 13 (s. 91(1) of the *Land Title Act* and s. 370(1) of the *Land Act 1994*). However, the amendment must not:

- change the location of the easement; or
- increase or decrease the area of land affected by the easement; or
- change a party to the easement.

An amendment may replace, delete and/or insert provisions to the easement. If the covenants are inserted or replaced, they should be included on a Form 20 – Schedule. The Form 20 need only refer to the particular clause(s) to be deleted, amended or inserted for the purpose of the amendment.

Due to the nature of an easement, all titles subject to an easement must be included in the Form 13 – Amendment of Easement.

For duty requirements refer to the following table, which has been completed in consultation with the Queensland Revenue Office.

EASEMENTS	
Any Form 13 that:	Duty notation required
Increases or provides for additional consideration	Yes
Amends the purpose	No

EASEMENTS

Amends the covenants	No
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Lodgement fees are payable (see [13-8000]).

[13-2040] to [13-2050] deleted

[13-2055] Amendment of Mortgage

A registered mortgage may be amended by registering an amendment (Form 13) of the mortgage (s. 76 of the *Land Title Act 1994* and s. 343 of the *Land Act 1994*). However, the amendment must not:

For a mortgage of freehold land or a water allocation:

- increase or decrease the area or the number of water allocations charged by the mortgage; or
- add or remove a party to the mortgage.

For a mortgage of a lease or sublease under the Land Act:

- add or remove a party to the mortgage.

The covenants to be amended must be included on a Form 20 – Schedule. The covenants may be amended by deleting a particular clause, amending a particular clause or inserting a new clause. The Form 20 – Schedule need only refer to the particular clause(s) to be deleted, amended or inserted for the purpose of the amendment.

Given the nature of a mortgage, when an amendment of mortgage is lodged the Registrar will not enquire as to whether all the lots in the mortgage are included in the amendment.

A duty notation is not required. Lodgement fees are payable.

Section 11A of the Land Title Act and s. 288A of the Land Act places an onus on **ALL** mortgagees to adopt appropriate due diligence practices prior to lodging for registration any amendment of mortgage. The provisions under s. 11A of the Land Title Act and s. 288A of the Land Act apply to **ALL** amendments of mortgage lodged for registration in Queensland, whether or not the mortgagee has other business relationship with the mortgagor. For more information see [2-2005].

[13-2060] to [13-2100] deleted

[13-2110] Amendment of Covenant¹

A registered covenant may be amended by registering an amendment of the covenant provided the amendment is validly executed by all parties to the covenant (i.e. the current registered owner or lessee and the State, a statutory body representing the State or a local government). If non-freehold land is involved, written approval of the amendment by the chief executive is required.

An amendment of covenant must not:

- increase or decrease the area of land which is the subject of the covenant; or
- add or remove a party to the covenant.

Due to the nature of a covenant an amendment of covenant must include all of the titles to which the covenant relates.

A duty notation is not required. Lodgement fees are payable.

[13-2130] Amendment of Profit a Prendre¹

An amendment of profit a prendre must not:

- increase or decrease the area of land which is the subject of the profit a prendre; or
- add or remove a party to the profit a prendre.

Given the nature of a profit a prendre the Registrar will not enquire whether all titles subject to the profit a prendre are included in the Form 13 – Amendment of Profit a Prendre.

For duty requirements refer to the following table, which has been completed in consultation with the Queensland Revenue Office.

PROFIT A PRENDRE

Any Form 13 that:	Duty notation required
Increases or provides for additional consideration	Yes
Amends the covenants	No

Lodgement fees are payable.

[13-2140] deleted

[13-2150] Amendment of a Building Management Statement¹

A Form 13 that amends a building management statement (BMS) must:

- a. include in Item 2 of the form all lots (and common property if applicable) affected by the BMS; and
- b. be signed by:
 - the registered owners or lessees under the *Land Act 1994* of all lots to which it applies; or
 - the body corporate where lots affected by the BMS form part of a community titles scheme. The execution by the body corporate must be done in accordance with the relevant regulation module for the scheme. For further information see [45-2060]²; or
 - both of the abovementioned, if relevant.

Lots may not be added to or removed from a building management statement by an amendment.

A duty notation is not required. Lodgement fees are payable.

[13-2160] Amendment of Carbon Abatement Interest¹

A registered carbon abatement interest may be amended by registering a Form 13 – Amendment of Carbon Abatement Interest provided the amendment is validly executed by all parties to the carbon abatement interest.

An amendment of carbon abatement interest must not:

- a. increase or decrease the area of land which is the subject of the carbon abatement interest; or
- b. add or remove a party to the carbon abatement interest.

Given the nature of a carbon abatement interest, when an amendment of a carbon abatement interest is lodged the Registrar will not enquire as to whether all the lots in the carbon abatement interest are included in the Form 13 – Amendment of Carbon Abatement Interest.

For duty requirements refer to the following table, which has been completed in consultation with the Queensland Revenue Office.

CARBON ABATEMENT INTEREST

Any Form 13 that:	Duty notation required
Increases or provides for additional consideration	Yes
Amends the carbon abatement interest	No

Lodgement fees are payable.

[13-4000] Forms

[13-4000] General Guide to Completion of Forms

For general requirements for completion of forms see part 59 – Forms.

Example 1 – Amendment of Easement

QUEENSLAND TITLES REGISTRY

AMENDMENT**FORM 13** Version 7

Land Title Act 1994, Land Act 1994 and Water Act 2000

Duty Imprint

Page 1 of 2

Dealing Number

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1. Type/Dealing No of Instrument/Document being amended Lodger (Name, address, E-mail & phone number) Lodger Code

Type of Instrument/Document EASEMENT D A McCALLUM
1 OCEAN DRIVE
Dealing Number 700004070 SURFERS PARADISE QLD 4217
(07) 5202 1495

2. Lot on Plan Description Title Reference

LOT BURDENED 11462065
LOT BENEFITED 12356047

3. Grantor/Mortgagor/Lessor/Covenantor

ANDREW DOUGLAS BARTON

4. Grantee/Mortgagee/Lessee/Covenantee

DOUGLAS ANGUS McCALLUM

5. Amendment of Lease Details (Both parts (a) AND (b) must be completed. Do not complete if amending covenants only)(a) Expiry date (DD/MM/YYYY): / / **AND/OR** Event (if applicable):(b) Option/s#:

Insert NIL if no option or insert option period (e.g. 2 years or 2 x 3 years)

6. Request/Execution

The parties identified in items 3 and 4 agree that the instrument/document in item 1 is amended in accordance with:-

~~*item 5; *item 5 and attached schedule; *attached schedule.~~

* rule through or delete if not applicable

Witnessing officer must be aware of his/her obligations under section 162 of the Land Title Act 1994

A D Lein

.....signature

ARNOLD DOUGLAS LEIN

.....full name

JUSTICE OF THE PEACE (C.DEC) #27345

.....qualification

Witnessing Officer

(Witnessing officer must be in accordance with Schedule 1 of Land Title Act 1994 eg Legal Practitioner JP, C Dec)

11/11/2007
Execution Date

A D Barton

**Grantor's/Mortgagor's/Lessor's/
Covenantor's Signature**

P J Writ

.....signature

PETER JOHN WRIT

.....full name

SOLICITOR

.....qualification

Witnessing Officer

(Witnessing officer must be in accordance with Schedule 1 of Land Title Act 1994 eg Legal Practitioner, JP, C Dec)

17/11/2007
Execution Date

D A McCallum

**Grantee's/Mortgagee's/Lessee's/
Covenantee's Signature**

Title Reference [11462065]

(Changes to clauses of the easement to be set out here)

SAMPLE

Example 2 – Amendment of Lease

QUEENSLAND TITLES REGISTRY
Land Title Act 1994, Land Act 1994 and Water Act 2000

AMENDMENT

Duty Imprint

FORM 13 Version 7
Page 1 of 2

Dealing Number

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1. Type/Dealing No of Instrument/Document being amended		Lodger (Name, address, E-mail & phone number)	Lodger Code
Type of Instrument/Document	LEASE.....	SACHS & CO SOLICITORS. 5 ALBERT STREET BRISBANE QLD 4000 mail@sachs.com.au (07) 3227 4149	102
Dealing Number	601447298		
2. Lot on Plan Description		Title Reference	
LOT 42 ON RP99332		13131166	
3. Grantor/Mortgagor/Lessor/Covenantor			
SUBURBAN SHOPPING CO PTY LTD ACN 685 742 321			
4. Grantee/Mortgagee/Lessee/Covenantee			
PARKER JAMES SCHRIVNER and AQUILLA NEIL SCHRIVNER			
5. Amendment of Lease Details (Both parts (a) AND (b) must be completed. Do not complete if amending covenants only)			
(a) <u>Expiry date (DD/MM/YYYY):</u> 31/12/2013		AND/OR <u>Event (if applicable):</u> ON THE DEATH OF THE LESSEE	
(b) <u>Option/s#:</u> NIL			
# Insert <i>NIL</i> if no option or insert option period (e.g. 2 years or 2 x 3 years)			
6. Request/Execution			

The parties identified in items 3 and 4 agree that the instrument/document in item 1 is amended in accordance with:-
*item 5; *item 5 and attached schedule; *attached schedule.

* rule through or delete if not applicable

Witnessing officer must be aware of his/her obligations under section 162 of the Land Title Act 1994

.....signature		J Thomas, Director JOHN PETER THOMAS
.....full name		P Dean, Secretary PAUL IAN DEAN
.....qualification	4/9/2007	
Witnessing Officer	Execution Date	Grantor's/Mortgagor's/Lessor's/ Covenantor's Signature
(Witnessing officer must be in accordance with Schedule 1 of Land Title Act 1994 eg Legal Practitioner JP, C Dec)		
E E Shield		
.....signature		
EGERTON ELI SHIELD		P J Schrivner
.....full name		
JUSTICE OF THE PEACE (QUALIFIED) #39145		A N Schrivner
.....qualification	5/9/2007	
Witnessing Officer	Execution Date	Grantee's/Mortgagee's/Lessee's/ Covenantee's Signature
(Witnessing officer must be in accordance with Schedule 1 of Land Title Act 1994 eg Legal Practitioner, JP, C Dec)		

Title Reference [13131166]

(Changes to clauses of the lease to be set out here)

SAMPLE

Guide to Completion of Form 13

[13-4010] Item 1

Insert the dealing number of the document being amended.

[13-4020] deleted

[13-4021] Item 2

Freehold Description^{1,2}

The description of the relevant lot/s should always read “Lot [no.] on [plan reference]”. Plan references must contain the appropriate prefix (eg “SP” for a survey plan, “RP” for a registered plan, “BUP” for a building units plan, “GTP” for a group titles plan or the relevant letters for crown plans).

e.g.	Lot on Plan Description	Title reference
	Lot 27 on RP 204939	11223078

For an amendment of an easement the descriptions of both the lot/s benefited and lot/s burdened must be shown.

Water Allocation Description^{2,3}

A water allocation should be identified as “Water Allocation”, “Allocation” or “WA”. A water allocation has no reference to County or Parish, hence these fields are not completed. All plans referring to water allocations are administrative plans. Administrative plan is abbreviated to AP as the prefix of the plan identifier.

e.g.	Lot on Plan Description	Title reference
	WA 27 on AP 7900	46012345

State Tenure Description^{1,3}

The description of the relevant State tenure should always read ‘Lot [no.] on [plan reference]’. Plan references must contain the appropriate prefix (e.g. ‘CP’ for a crown plan).

e.g.	Lot on Plan Description	Title reference
	LOT 27 on CP LIV1234	40567123

[13-4030] Item 3

Insert the full name of the grantor/mortgagor/lessor/covenantor.

[13-4040] Item 4

Insert the full name of the grantee/mortgagee/lessee/covenantee.

[13-4050] Item 5

This item is not to be completed for an amendment of a mortgage, easement, profit a prendre, building management statement, covenant or carbon abatement interest.

This item is to be completed only where the term and/or the option of a lease is being amended^{1,2}.

Where only the terms and conditions (covenants) of a lease are being amended, this item is to be left blank.

Where Item 5 is to be completed BOTH parts (a) and (b) must be completed in every instance:

- For part (a) – insert the date (in DD/MM/YYYY format) and/or event on which the lease term or amended lease term is to expire; and
- For part (b) – insert the details of all option/s or if there are no options *N/L* must be inserted.

Where Item 5 is to be completed – if part (a) or (b) is not completed a requisition will issue for the completion of the relevant part.

[13-4055] Item 6

Complete where indicated. The amendment document or a completed Form 20 that sets out the amendments must be attached.

Execute as required.

[13-4060] deleted

[13-4070] deleted

[13-6000] deleted

[13-7000] Case Law

Nil.

[13-8000] Fees

Fees payable to the Titles Registry are subject to an annual review. Refer to the Titles Fee Calculator available online or see [60 8000].

[13-9000] Cross References and Further Reading

Part 2 – Mortgage (National Mortgage Form)

Part 3 – Release of Mortgage

Part 7 – Lease

Part 8 – Surrender of Lease

Part 9 – Easement

Part 10 – Surrender of Easement

Part 14 – General Request

Part 29 – Profit a prendre

Part 31 –Covenants

Part 32 – Building Management Statements

Part 33 – Release of Covenant/Profit a prendre

Part 34 – Extinction of Building Management Statement

Part 36 – Carbon Abatement Interest

Queensland Conveyancing Law and Practice, CCH Australia Limited (loose-leaf service)

Property Law and Practice, Duncan and Vann, Law Book Company Limited (loose-leaf service)

[13-9050] Notes in text

Note¹ – This numbered section, paragraph or statement does not apply to water allocations.

Note² – This numbered section, paragraph or statement does not apply to State land.

Note³ – This numbered section, paragraph or statement does not apply to freehold land.