

Body Corporate and Community Management and Other Legislation Amendment Bill 2023

Submission No: 39
Submitted by: Starta Assist QLD
Publication: Making the submission and your name public
Attachments: See attachment
Submitter Comments:



Dear Attorney General,

I wish to lodge my objection once again to the proposed changes to provision and format of the Vendors' Disclosure Statement.

I am the owner and operator of Strata Assist Qld and have been operating in Brisbane for over 12 years. I primarily provide Disclosure & Implied Warranty Statements to Real Estate Agents listing units for sale. We have established a unique relationship with many leading Agents who heavily rely on our service to provide the documents they need to finalise an offer to purchase. We are prepared to work outside business hours if necessary to give the service the Agents need.

The legislation being proposed is to exclude private search Agents as providers of the new Body Corporate Information Certificate. This will cripple the currently booming Real Estate Industry for properties in a Community Title Scheme.

If the legislation is altered whereby Body Corporate Managers are the only source offered to produce the Information Certificate, will create a massive and overwhelming burden on Body Corporate Managers to produce the required information in a timely manner.

Are self-managed Schemes expected to produce the proposed 11 page document?

Further, who will prepare Implied Warranty Statements as required under a Contract? The proposed Information Certificate does not cover those items mentioned in Clause 7.4 of a Contract and I believe that it is a conflict of Interest for a Body Corporate Manager to address those items. This is what private Search Agents can cover when they prepare the current Disclosure Statement.

The sale of properties in Queensland is currently a very simple and successful process and the introduction of the proposed new Information Certificate that can only be prepared by Body Corporate Managers will cause major delays in the sale which will cause uncertainty between buyers and sellers, put extreme pressure on all parties concerned and without any doubt, many sales will be lost.

With the housing crisis as it is, the sale of properties needs to be brought to a successful settlement as easily and quickly as possible. Further, sales that are not brought to a successful settlement will have a major impact on the amount revenue being collected by the Government by way of Stamp Duty.

I am asking that the proposed legislation be amended to read that Search Agents be included as "interested persons" to search records and be listed as providers of the proposed Information Certificate thereby giving the parties to the transaction a choice to get the

necessary paperwork as quickly as possible. If there is no choice, the successful sale will hinge entirely on a Body Corporate Manager.

I know that there has been a lot of emails of objection sent to your Department from Real Estate Agents and fellow Search Agents which, it appears, have been ignored.

The proposed change to the legislation in its current format poses a very serious threat to the future of the Real Estate industry for the sale of properties in a Body Corporate Scheme and the small amendment to the proposed legislation will enable the requirement of Body Corporate information to be provided as it currently is.

Thank you for taking the time to read my letter of objection.

Kind regards
Jan Davies