

Property Law Bill 2023

Submission No: 18
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See attached:

From: Judy Hoy [REDACTED]
Sent: Friday, 10 March 2023 11:00 AM
To: Legal Affairs and Safety Committee
Subject: Property Law Bill 2023

Importance: High

Dear Sir/Madam

“Without Prejudice”

I am part of a group of Strata Search Agents who have recently become aware of a plan to effect changes to the provision and format of the Vendors' Disclosure Statement that was rushed through Parliament last week in what can only be described as a clandestine manner. It is astounding that this can happen without any real due diligence or consultation with those currently employed in the business of providing Disclosure Statements to Seller's agents, and I wish to object. However, the most pressing concern for some time has been the lack of enforcement of the Legislation.

When I started my business in this field 15 years ago, there were about 20 body corporate managers on the Gold Coast and in Brisbane. Now there are approximately 100, and more and more popping up every day. The Body Corporate Managers are not adhering to the Legislation and consider the provision of Disclosure Statements and making records available to search agents a “licence to print money”. They charge what they like. The current recommended charges for search of records is approximately \$20.00 for an Owner and \$36.00 for a Non-Owner. I believe the Legislation intended the charge for an owner to include agent of the owner (the actual search by an owner is non-existent), and the non-owner charge is for a Buyer Report, as there are many more records to inspect. However, the Body Corporate Managers interpret it however they want. None of them have ever charged the correct fee to search for a Disclosure Statement.

I also do not believe that these unqualified Body Corporate Managers can provide Implied Warranty Statements with the Disclosure, and there are also many self-managed body corporate schemes which would also be incapable as they barely understand the documents.

I consider the fact that these so-called Body Corporate Managers can operate a Trust Account without any licenses or qualifications to be incomprehensible. To solely rely on these unqualified organisations for provision of such important documents is sheer folly. I am totally in disbelief that there is a solicitor on the Board assisting making these decisions.

Kind regards

Judy Hoy

Commissioner for Declarations

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