




Speech By
Hon. Shannon Fentiman

MEMBER FOR WATERFORD

Record of Proceedings, 24 May 2022

MATTERS OF PUBLIC INTEREST

Federal Labor Government; Off-the-plan Developments, Sunset Clauses

 **Hon. SM FENTIMAN** (Waterford—ALP) (Attorney-General and Minister for Justice, Minister for Women and Minister for the Prevention of Domestic and Family Violence) (2.10 pm): Before I begin I do want to respond to a few of the issues raised by the Leader of the Opposition. I cannot believe that the Leader of the Opposition stood in here today and had a go at the Premier over the fact that they got absolutely wiped out in the seat of Ryan. Your own LNP member, remember him? Remember the guy who knifed Jane Prentice?

Opposition members interjected.

Mr DEPUTY SPEAKER (Mr Kelly): Order! You are the one I saw, member for Gympie, so you are warned.

Ms FENTIMAN: Julian Simmonds, the former member for Ryan, knifed his former boss, Jane Prentice, to take the seat. They got absolutely smashed in the seat of Ryan. I do welcome the fact that the Leader of the Opposition has welcomed the new Albanese government and said that he will cooperate with them. I find that hard to believe, given that not once did he pick up the phone to his own party when they were in government and demand more support and funding for Queensland—not even post floods, when New South Wales was getting \$3,000 and poor old Queenslanders were getting \$1,000. Not once did he pick up the phone to his own party, so I doubt very much that he will advocate to the Albanese Labor government and try and cooperate.

I am so pleased that we have a federal Labor government that will take action on aged care and Medicare to relieve our hospital system. I note that the Leader of the Opposition did not make one mention of the fact that the Albanese Labor government will be investing in health and has put health on the National Cabinet agenda because Scott Morrison refused to do so. We on this side of the House are very excited about working with a federal Labor Albanese government because we know it will mean more resources for our health and hospital systems.

Today I also want to talk about a really important issue, which is sunset clauses. We know that Queensland is a wonderful place to live, work and raise a family. It is no surprise that many people want to build a home and make a future here in our great state. Since the pandemic we have seen demand for housing in Queensland grow, and this has resulted in many more Queenslanders buying off-the-plan properties and experiencing delays in ordering building products.

Our Land Sales Act provides buyers with the right to terminate a contract for an off-the-plan sale of land if the contract is not settled within 18 months of entering into the contract. While this statutory sunset provision does not apply to sellers, I understand that some individual contracts include a clause which provides the seller with a similar termination right. Members may be aware of recent reports of developers terminating contracts for off-the-plan sales of land if the contract is not settled within a specified time frame, and in some cases it has been done by the developer to take advantage of rising property prices.

I want to make it clear that sunset clauses are not part of the standard REIQ Queensland Law Society endorsed contract, and for that reason I strongly encourage anyone who is considering buying a residential property to obtain legal advice before signing a contract, especially when there are added conditions. Similarly, anyone who has already signed an off-the-plan contract and is concerned about the sunset clause should seek advice about their rights, including possible dispute resolution options and remedies, if the seller seeks to terminate the agreement. We also understand that these contracts have had real consequences—and in some cases devastating consequences—for people, especially those trying to get into the property market for the first time. I can appreciate that many Queenslanders are frustrated and angry. That is why we are committed to taking action to address this issue.

I have arranged for this to be considered as part of the work we are doing on a brand new Property Law Act. Careful consideration will be given to approaches adopted by other jurisdictions that have grappled with similar issues associated with sunset clauses being included in off-the-plan contracts. We will be consulting with buyers and sellers to understand more about the impact of these clauses and we will be introducing legislation to address this, along with the broader findings of the property law review, by the end of the year. Property law is complex and we do have to take the time to consult, but they are being examined as a priority.

I also want to take this opportunity to put developers on notice. The government's clear expectation is that they treat buyers fairly, reasonably and in good faith. I have been really disappointed to hear some of the stories of people being taken advantage of. Treat people and their money with the respect they deserve.