




Speech By
Hon. Di Farmer

MEMBER FOR BULIMBA

Record of Proceedings, 24 October 2023

PROPERTY LAW BILL

 **Hon. DE FARMER** (Bulimba—ALP) (Minister for Employment and Small Business, Minister for Training and Skills Development and Minister for Youth Justice) (4.24 pm): I rise to support the Property Law Bill 2023. It is great to hear that the opposition is also supporting the bill. I want to congratulate the Legal Affairs and Safety Committee. It was obviously quite a complex bill with a number of decisions to be made. I also wish to congratulate the Commercial and Property Law Research Centre at the Queensland University of Technology. I know that many speakers have acknowledged the really erudite people who were involved with this work, which has happened over quite a number of years. I understand there were 18 different papers produced and much consultation with stakeholders through several rounds, before the Legal Affairs and Safety Committee even got to it, and also to look at equivalent provisions in other jurisdictions. It is an extremely thorough piece of work, as it should be, because, as many speakers before me have said and I think the former attorney-general identified in her introductory speech, this is something that affects pretty much every Queenslanders. It is so important that a law such as this is modern and reflective of community expectations.

We know that the current act, along with common-law, is foundational for property law in Queensland, with general rules affecting property, creation and disposition of interest in land, co-ownership, deeds, covenants, mortgages, leases, the rules against perpetuities and old system land. It has obviously been amended a number of times over a period of years, but it is clearly time for new legislation to be in place. I understand that some of the language, in fact, was still from the early 1900s.

The bill obviously provides for a number of things which I will speak to—I will not speak to all of them—but one can read the part about modernising the use of technology and providing a legal framework to recognise and facilitate electronic dealings in property. Then when one sees what that will enable, it is about sending a document to a buyer's electronic address and a buyer consenting for that to be sent to their address. In 1975 that would have been unheard of; however, it is absolutely fundamental to the way people communicate these days.

We talk about how important this is because it will affect most Queenslanders at some time throughout their lives. In fact, I have just sold my family home after 30 years and am in the process of buying a new one. I am looking through this bill saying, 'This is actually really good stuff.' I am looking at it through the lens of not only my constituents as they raise these issues but also firsthand.

Obviously there are a few things that this act is going to address. It will repeal the outdated provisions. We have talked about modernising the language and the electronic dealings, simplifying the common-law rule against perpetuities and rules relating to covenants, minimising the inadvertent creation of instalment contracts and also the statutory seller disclosure scheme.

I want to go to one part of the work that has been undertaken which is about leasing. I understand that the Shopping Centre Council of Australia submitted that standard lease term 3 in schedule 1 of the bill is needlessly unfavourable to landlords. The committee made some recommendations which the government has not accepted.

While we are speaking about that, I do want to pay tribute to the Queensland Small Business Commissioner. Madam Deputy Speaker, as you know, the position was originally set up to assist with leasing disputes. I want to acknowledge that the Small Business Commissioner's office is doing a lot of work in this space and is really supporting people. It is important for members to know that when it comes to commercial leases between small businesses and landlords for instance, the Queensland Small Business Commissioner is taking calls about the very issues that are raised in this report. For instance, the disputes in this category take up approximately 21 per cent—that is one in five of the matters that the commission deals with on an annual basis. The combined request for dispute assistance and applications for mediation make up 37 per cent. Often they are about bond return. Overall, the QSBC resolves these at a rate of 71 per cent for under \$200 per matter. They are so good. They do this and they prevent businesses and landlords needing to go to QCAT, which is a long and expensive process. We estimate the commission has saved small businesses approximately \$17.6 million just because of that very service over these particular issues and they are going to continue to provide these vital services to small business.

There are so many other really important things to talk about, but I really want to shine a light on that and make sure that members are aware of that. I commend the bill to the House.