




Speech By  
**Jennifer Howard**

**MEMBER FOR IPSWICH**

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Record of Proceedings, 24 October 2023

### **PROPERTY LAW BILL**

 **Ms HOWARD** (Ipswich—ALP) (4.08 pm): I am pleased to speak in support of the Property Law Bill 2023. Property law is something that will affect every Queenslanders at some point in their lives, so it is important that the law reflects modern standards. Having commenced in December 1975, the current act is outdated and is no longer fit for purpose. While the act has been amended dozens of times over the years, it has been clear for some time that a new piece of legislation is required. The Queensland University of Technology's Commercial and Property Law Research Centre undertook a broad-ranging, independent review of Queensland's property laws and prepared a total of 18 papers which inform this legislation. Their review's final report made a total of 232 recommendations to modernise Queensland's property law framework. This bill will replace the current Property Law Act, simplify and streamline the state's property laws, redraft existing laws into plain English, better facilitate e-conveyancing and electronic transactions, and remove outdated and unnecessary provisions.

The bill will also create a statutory seller disclosure scheme for the sale of freehold land. This will simplify and consolidate the disclosure process for land sales and empower prospective buyers to make informed decisions. In simple terms, the new scheme will make it mandatory for a seller of freehold land to disclose relevant information to the buyer in a single document, along with any prescribed certificates, including a body corporate certificate where relevant. Importantly, the bill amends the Limitation of Actions Act 1974 to provide that the limitation period for taking legal action in relation to a deed entered into after the commencement will be six years, which is consistent with the limitation period for other contracts.

In addition, this bill substantially clarifies, modernises and updates the existing provisions relating to leases in a way that retains long-established legal concepts but also clarifies areas of uncertainty and seeks to better balance rights between landlords and tenants, including by harmonising the existing time frames with other legislation to provide consistency in leasing practices in Queensland. The scheme will ensure that buyers are alerted to undertake their own due diligence on flood information and other natural hazard risks. It will direct buyers to resources that provide information about these risks.

As we have heard from many members in this chamber, Queensland is the most disaster prone state in Australia and we certainly received our fair share of floods last year. Those floods impacted Queenslanders all over the state, including in my electorate of Ipswich. In the two years leading up to December 2022, over 147,000 newcomers from overseas or interstate moved to Queensland and many of those newcomers would have moved into homes that had flooded in the past. Some of those newcomers may not have been given prior warning—as, Madam Deputy Speaker Bush, you said in your own speech. They did not have the research available about the flood risks to their new homes and they had no familiarity with the area they were buying in.

When the flood event of February-March 2022 hit East Queensland, there were quite a few new Queenslanders who were caught off guard, especially in Ipswich. I will never forget the faces of one young family I was talking to at the evacuation centre. They were quite clearly in shock. They had moved

to Ipswich from New South Wales and thought they had their dream home, not having any idea that it was in a flood area, and they lost everything. They were expecting a new baby any day and they already had a toddler. I will never forget their faces. It was very hard to see what they had gone through.

Like the Deputy Speaker, I doorknocked the areas and saw the seasoned Ipswich people who had been through many floods. A lot of them took it on the chin. They understood the risks and they took it as the price they paid to live where they lived. It does not change the fact that it is absolutely devastating and traumatic for these families. There are people in Ipswich who have lived there for generations and they know the parts of Ipswich that are prone to flooding. They know where not to buy and what areas are best to raise a family in. Our personal experiences of the 1974 and 2011 floods in Ipswich are deeply ingrained in the local cultural memory and that knowledge is passed down to younger generations, but most newcomers do not have that knowledge. That is when the law needs to step up and establish a provision that gives people fair warning that they need to do their due diligence regarding flood risks and other natural risks, like bushfires.

The trauma that has been experienced by Queenslanders whose homes were flooded or impacted by bushfires is something we do not want to have to put people through ever again. It is the reason why the Palaszczuk government established the Resilient Homes Fund. It was set up to buy back homes that flooded regularly or to provide funding to home owners so they could flood-proof their homes through retrofitting and house raising. That scheme has been a massive success in Ipswich, with 148 home owners accepting offers for a home buyback while 57 homes have already been demolished or removed. The green space that is remaining is a reminder that no future residents will ever have to suffer the devastating effects of flooding.

Following the 2022 floods, the Queensland Reconstruction Authority also recommended policies be developed so Queenslanders understand the flood risks of potential home purchases. The seller disclosure scheme will give ample warning to potential buyers to perform their due diligence before signing a contract. The scheme will empower buyers to make well-informed decisions before they make one of the biggest and most important purchases of their lives—their home.

We have all heard stories about people who have bought properties—some of them their dream homes—only to learn later about certain liabilities to their property which reduce their home's resale value or even make their homes uninhabitable. The seller disclosure scheme will give buyers confidence that they can invest in Queensland. Property law underpins almost everything in our society and economy. When people are confident that their property rights are protected, they have more confidence to invest in the economy in general. That in turn stimulates wealth creation, innovation and productivity. Property rights also contribute to the stabilisation of our society by reducing disputes and conflicts.

Countries with weak or corrupt property laws generally do not function well and usually experience higher rates of inequality due to their unfair distribution or arbitrary dispossession of property. Updating Queensland's Property Law Act ensures that our laws are up to date and fit for purpose, assuring potential buyers that they can invest confidently in our state.

I wish to thank the Attorney-General, Yvette D'Ath, and the former attorney-general, Shannon Fentiman. The former attorney-general introduced the bill in February 2023, a year after those floods. The bill then went to the Legal Affairs and Safety Committee and I want to thank the committee members for the work they did on the bill. It has been described as a bit of a dry bill but I know it is incredibly important work so I thank the committee for their work. I also want to acknowledge QUT's Commercial and Property Law Research Centre for their comprehensive review into Queensland's property law. The feedback they gave us served us very well in preparing this bill. It is incredibly important that we support this bill in this House. I commend the bill to the House.