




Speech By
Jessica Pugh

MEMBER FOR MOUNT OMMANEY

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PROPERTY LAW BILL

 **Ms PUGH** (Mount Ommaney—ALP) (3.50 pm): I rise to speak in support of the bill which other members have called 'dry'. I specifically want to deal with the parts of the legislation which impact electorates such as mine that get wet. As we know, the draft regulations tabled with the bill propose to prescribe a warning that a buyer should inquire with the local government in their area about whether a property is affected by flooding, another natural hazard or is within a natural hazard overlay. The warning also notes that flood information may be available at the FloodCheck Queensland portal on the Australian Flood Risk information portal. Of course, for those who reside locally, the Brisbane City Council has its own website as well.

Some stakeholders advocated for the mandatory disclosure of natural hazard risk information, specifically flood information for the property. However, there is a range of practical and legal difficulties in mandating the disclosure of this information, including that the level of information held by different councils can differ quite considerably and, of course, applicable fees vary across councils. As I mentioned earlier, in my area it is quite easy to search whether or not a property you are interested in purchasing has some kind of water risk or flood overlay. It is all available on the Brisbane City Council mapping. In Brisbane that is quite an easy search to make; however, there are over 70 local government areas in Queensland and we have to make sure every single Queenslander has the same access to information. We legislate for all of Queensland, so it is appropriate that we make sure the legislation deals with the information that all local governments have and not just Brisbane City Council.

I note that in its report the Legal Affairs and Safety Committee was satisfied with the decision to warn prospective buyers to carry out their own inquiries because of those limitations I just outlined. I also acknowledge the statement of reservation by the member for Noosa, Sandy Bolton, provided with the committee's report, which noted the Local Government Association of Queensland's commendation to include flood and other natural disaster information as part of the seller disclosure statement as well as highlight the impact of coastal hazard adaptation plans. I also note the important work currently being conducted by Queensland agencies to improve access to natural disaster risk information. In particular, I pay tribute to the Queensland Reconstruction Authority, which is working to improve the availability of flood information for many local government areas across Queensland.

I particularly want to draw out this point: the volume of physical work that is occurring under these agencies in my community right now—and that will continue to occur over the years to come under the retrofit and raise program—means that the condition of a property when it is sold may not be a fair or accurate depiction of the damage that a property would sustain with a future flooding event. In terms of the last time mapping was done and then the work conducted under the retrofit and raise program, we could be talking about a very different set of circumstances because of significant changes that could be made to a property to, for example, lift it out of the flooded area or retrofit it.

I am sure that members of the House would be aware that in my community of Mount Ommaney at least 400 properties were impacted in the 2022 floods, particularly in the suburbs of Oxley and Corinda in addition to some homes in Jindalee, most of which were located around low-lying creek

areas. In the year and a half since this devastating event, my community has had around 80 properties bought back. Some homes are still in the final stages of being purchased. When Major Jake Ellwood visited my community last year, one issue raised by people impacted by flood concerned buyers being informed about the flood risk of the property they were interested in buying and the correct mechanism for that to be done. It should be noted that some residents were naturally concerned about the impact disclosing flooding may have on the price of their property. This is understandable, but by not having some kind of scheme for future buyers of flooded homes to be informed of that event we are simply moving the problem on to the next potential home owner, and that benefits no-one. That is why the Palaszczuk government has undertaken the historic buyback program, with hundreds of houses throughout Queensland purchased, alongside the raise and retrofit program, which has benefited hundreds if not thousands more home owners throughout Queensland since the 2022 floods.

In the aftermath of the 2022 floods, as I moved through my community many people raised with me the mechanism by which future buyers would be made aware of any flooding impacts on a property they might buy. A number of different kinds of mechanisms were raised with me. Some people were happy for it to be caveat emptor—buyer beware—but, as other speakers including the member for Nanango have noted, Queensland is the single most disaster impacted state in Australia and it is incredibly important that buyers know what they are getting and that they make their offer on that property according to the facts of the impacts that property might experience from weather events.

Home owners who are concerned that their property values may be negatively impacted by the recent floods have had that opportunity, therefore, to apply for a retrofit or to raise their property out of the ground. The retrofit enables properties that cannot be lifted, such as low-set brick, to be refitted using marine-grade materials so that in the event of a future flood they can have the furniture moved out and the house cleaned out rather than stripped out. Alternatively, the raise-up aspect of the Resilient Homes Fund allows home owners to raise suitable homes such as Queenslanders out of the floodwaters. Importantly, home owners are not meant to then build in underneath their properties—a practice that has become increasingly popular with old-school Queenslanders. Home owners build in underneath those properties to create additional space. Raising all of the livable areas out of the floodwaters will allow home owners to hose out the underside of their house. I will give an example of how that occurred in my community between the 2011 floods and the 2022 floods.

I was doorknocking in a busy street in Oxley where most houses were low-set timber homes. Residents were taking all of the furniture out of their properties. It was really sad. I came across a newer set of houses, including one where a young couple were hosing off the concrete under their high-set timber home. I asked them if they needed anything and if they had lost anything. The young man who owned the house said, 'Oh, no. Don't worry about us. We have stilt guilt.' I said, 'What's that?' He said, 'We've raised our property. All of my neighbours are putting all of their worldly possessions out on the kerb, and here I am hosing the concrete, which is the only real damage I have experienced.' Putting the house on stilts completely changed the experience of flood for that household. That is what the RHF program will do for hundreds more Queensland families. That is a really fantastic thing to see.

When it comes to 'buyer beware' and getting information, the member for Cooper talked about community Facebook pages. In addition to those community Facebook pages, I would like to observe the importance of community groups such as the Benarrawa group. I also mention the flood markers that are going up all around the Oxley community. We do have some colloquial ones that locals have done and now the Brisbane City Council is putting some in as well. They are very easy to see as you drive down some of our main streets in the Oxley district. It will certainly prompt buyers to undertake checks and consider what they should factor in when they are making an offer on a property that has potentially flooded.

Time is going to beat me, but I simply want to say that the change around this aspect is such welcome news for my community. A home is an emotional purchase, so this legislation is going to ensure it is emotional for all of the right reasons and not all of the wrong ones. I commend the bill to the House.