




Speech By
Jim McDonald

MEMBER FOR LOCKYER

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PROPERTY LAW BILL

 **Mr McDONALD** (Lockyer—LNP) (6.14 pm): It is a pleasure to speak on the Property Bill 2023 which will replace the Property Act 1974. I commend our shadow minister for her contribution today—a real property lawyer who brought with her a wealth of experience and sense to the debate.

For Queenslanders, a home is one of our biggest investments. It is important for us all to make sure we get that decision right. The only way we can do that is by getting good information. Good information does not necessarily mean getting more information, as many submitters have said, but certainly getting the best information allows you to make a sensible decision around that big decision. Like many in the House, I am a property owner. I had good information to make that big decision. I understood the different opportunities and liabilities associated with the property that we chose.

I commend this modernisation of the property law. As we have heard in the House, this was originally asked for in 2014 by then attorney-general Jarrod Bleijie, the member for Kawana. It has taken a long time for this bill to get to the House. The QUT review was undertaken in 2017. It has taken a long time to get the legislation to the House. I have spoken to a number of people who contributed to that 2017 QUT review. I understand why a number of the issues were included in that review. I look forward to the minister answering the questions that have already been asked as to why a number of the issues have not been included in this bill.

I understand from the flooding that we have experienced in Lockyer why there are concerns around the disclosure of natural hazards, particularly flooding and the flood hazard overlay. In Lockyer we have a number of classes in our—I would say world's best; it is certainly one of Australia's best—flood information on the Lockyer Valley Regional Council portal. It is one of the best because we have had floods in 2010, 2011, 2017 and 2022 and those floods have been mapped. Fortunately, SEQ catchments, as it was at the time, had purchased data back in 2010 that gave us a baseline when mapping future floods.

In Lockyer we now have a flood hazard overlay which has high- and medium- and low-risk flood. There is also a flood investigation area which we are getting some further information about. High risk and medium risk is where the water is a real challenge for the community and which the insurance companies might look at to consider making it a higher risk. Where it is a low-risk flood area or flood investigation area the insurance company need not fear flood in those areas and should be well-informed about it.

I recognise that some of the insurance companies are applying a postcode type assessment to different areas across the state. Lockyer was certainly one of those. I have been encouraging members of the community for a long time to shop around and make sure they talk to different insurance companies to get the best deal they can. Whilst we have that flood mapping—and, as I said, it is high quality and tested with a number of large floods—we have certainty around the higher risk areas. We are using that as a tool and encouraging insurance companies to assess that and make good decisions for our community with regard to floods.

I pay tribute to the Lockyer Valley Regional Council. As late as these last two weeks I have been talking with Mayor Tanya Milligan, who was writing to the Insurance Council. It had not got an answer from the Insurance Council about some of these issues around flood assessment and hazard risk for our community, but I know that as of today the Insurance Council is now engaging with the Lockyer council and I look forward to having further conversations about that to ensure that our community can get sensible insurance knowing the risk of flooding across our different areas.

When people make a decision about buying a home, there are a lot of concerns. I have had people in my office talking about their concerns regarding koala mapping and other mapping overlays that have been applied to their property. Some of these properties do not even have a tree on them, but they fit under koala mapping. We have been able to help them through some of those concerns and engage natural resource managers to assess their property and put in place a management plan over it if needed or to make an application to change the koala map in that location because it was not applicable, because some of that koala mapping was done with a very broad brush. We all love koalas and we want to see them prosper. I recognise that there is a great project in Helidon Hills that has been counting koalas and they are in very high numbers there, which is a great thing.

I recognise the changes in this bill in terms of modernising processes with regard to e-commerce and electronic opportunities with the signing of documents that will bring some of these real estate processes into the modern world, and that is certainly very much a welcome change. However, when it comes down to the essential concerns that many submitters had around this bill, it was about the disclosure issues for the seller in terms of making that simple and giving good information. As I said at the outset, it is not about getting more information for people but getting good and sensible information that is applicable to the property.

I also recognise the body corporate scheme and the provision of body corporate information. There are some concerns whether that should remain with the seller or come from the body corporate manager and the legal challenges that could come from good decisions or bad decisions or a decision by a buyer to pull out of a contract because they have something from the body corporate manager as a third party as opposed to getting it straight from the seller and making it a more legalistic problem than it possibly needs to be. I ask the minister to reconsider some of those areas and ensure that we do not put in a legalistic process that is going to confuse many purchasers at what can sometimes be the very stressful time of purchasing a property and getting good body corporate information through the sellers. As my colleague the member for Scenic Rim mentioned from his experience in property law, it was going back to the future and pulling out some of the things that used to be in place that we moved away from.

I support my colleagues and commend the bill to the House, but we need to do a lot more work as a state with regard to ensuring that those hazard risk overlays, as I talked about with Lockyer, are known and which are a big issue when you are buying a house and that they are understood by insurance companies and that they are treating Queenslanders with respect and assessing the real risk of flood overlay. I caution the government about not providing some of that information or just referring it to some of the councils that do not have as robust a flood information portal like the Lockyer and Somerset councils do. Because of the number of floods we have had we have learnt from that and have some great information, so with people who come to my office I have every confidence in being able to show them through that portal or refer them to the council and the website to make some good decisions around that for both the Lockyer and Somerset council areas. If you know what the risk is, then there is absolutely no reason those insurance companies should be assessing the risks of that flood issue for that home owner at a worse case than it should be. They certainly should not be assessing it on a postcode basis. If anybody is, I encourage those property owners to shop elsewhere because there are many people in the insurance game that will give you good value for money insurance in the Lockyer.