




Speech By
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MEMBER FOR COOPER

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PROPERTY LAW BILL

 **Ms BUSH** (Cooper—ALP) (3.33 pm): I rise to make a contribution to the Property Law Bill 2023, a bill that will replace the current Property Law Act with new, modernised property legislation. The bill has been drafted broadly in accordance with the recommendations of the QUT final report into the Property Law Act and, following the committee inquiry, I would say broadly had support from the stakeholders consulted.

The bill advances a few reforms. Notably, it creates a statutory seller disclosure scheme for sales of freehold land, as recommended by the final report. As noted by the REIQ, the implementation of a seller disclosure scheme will change the way that property is transacted in Queensland. Currently there is no statutory seller disclosure scheme in Queensland and property sellers disclose information as required by a mix of legislative, common-law and contract-law obligations. This makes the process clunky and frustrating at best and, at worst, people are either entering into huge financial investments without being completely apprised of important information regarding their property or they are spending a lot of money on having to pay others to find out that important information for them.

I have spoken with real estate agents in my electorate, many of whom do take it upon themselves to provide that full seller disclosure, who are in full support of the seller disclosure scheme in Queensland in that it will certainly offer all parties much greater protection. We heard through the committee process that more can be done to support purchasers to feel confident in their decision-making, particularly on one of the greatest financial decisions they will make in their life.

The Strata Community Association stated that they believe that efficient consumer protection is best achieved through summary disclosure that is accessible and easily read by a layperson. They reiterated that excessive disclosure confuses rather than informs and can frequently lead to disputes and that summary disclosure is the best way of transferring critical information. The SCA said they were pleased with this element of the bill as drafted, believing it achieves a happy medium in terms of the volume of disclosure required.

The REIQ highlighted the importance of streamlining systems between all levels of government and the importance of transparency and that purchasers moving into a home know what they are moving into. I could not agree more. In my office, one of the busiest areas of inquiries is in relation to neighbourhood zoning and development. Brisbane is the fastest growing city in Australia and my electorate really is ground zero for that. Our inner-city suburb of Milton in particular is under pressure, and the need for vision and planning in Milton by Brisbane City Council is clear and desperately needed. We have a neighbourhood plan that was developed in 2014. It has not been followed since the day it was drafted. It talks about vibrant, mixed-use design. What we have is wall-to-wall development, a substantial lack of community infrastructure, no deep planting and no flood mitigation, and it certainly does not reflect the character of the suburb at all. Despite Milton being one of the fastest growing suburbs, the neighbourhood plan is not scheduled to be reviewed until 2025.

What this bill achieves in its proposed seller disclosure scheme is: to clarify the disclosure obligations of a seller so that all parties are aware of those; to require a transparent and effective form of disclosure so there can be no dispute; to provide information of value and relevance to the buyer; and to balance the information costs between the buyer and the seller. We heard through the committee hearings that the proposed scheme also benefits the seller, providing a streamlined and articulated process whereas currently sellers are required to disclose information to prospective buyers under a complex mix of law, creating a significant regulatory burden on the seller as well as buyers receiving a variety of different disclosure documents at different stages of the process.

The bill also speaks to disclosing around natural hazard risks. Queensland is the country's most disaster-prone state, yet without a statutory seller disclosure scheme it is currently a case of buyer beware, as we have heard. By including an onus on the vendor in the provision of due diligence information in legislation governing conveyancing in Queensland, there is that opportunity for purchasers to avoid purchasing a property that proves to be adversely affected by factors that they might have been unaware of and that impact their insurance, their liability and their property value.

Under the bill's seller disclosure scheme, a prospective buyer will be made aware of and potentially warned about matters not covered by the seller disclosure statement and encouraged to make their own inquiries before signing a contract of sale. One of the matters is a property's history regarding flooding and other natural disasters. Again, this is a really important issue for many of us. Certainly it is for me. We had 15,000 homes in Brisbane impacted by our most recent flooding event. I remember speaking with local authorities at the time and seeking information on evacuation. There was a general tone amongst a lot of us in the community that people have lived here through several floods and they will know what to do. That certainly was not the case. I was involved in doorknocking homes at the time of the floods and shortly after, wanting to offer assistance, and was struck by the number of people who had recently moved up during COVID. In one in three homes was someone who had recently arrived, and many had no idea they had moved into an area prone to flooding. To be fair, in our electorate we did have a lot of impacted areas that had never flooded before. I accept that it is essential that people inform themselves prior to moving into an area—not only conducting property searches but also asking around, knocking on a neighbour's door or putting up a post in a local Facebook group to ask if there is anything going on in the street that they should be aware of.

Human nature, of course, is that we are optimistic. Many of us would know that feeling of falling in love with a property: when we close our eyes we imagine ourselves on the deck, the kids playing in the backyard and the dogs tearing up the garden. It is a huge financial investment, but buying a home is also an incredibly emotional purchase. Ensuring that buyers have information about hazards and issues in an accessible and transparent way is really vital, and I firmly support this aspect of the bill.

The Local Government Association of Queensland stated that a minimum level of information on natural hazard risk provided by the seller will help to drive greater community awareness of potential risks and enable buyers to make better informed decisions. Our committee noted that the LGAQ felt the disclosure did not go far enough and that natural hazard risks ought to be disclosed, which I have to say I do appreciate. However, I also understand that there is no consistent standard of natural hazard risk records for local councils across Queensland, which really makes that challenging.

The LGAQ expressed a desire to work with local governments to identify solutions to enable the mandatory disclosure of natural hazard risks, which I welcome. The REIQ was in favour of the disclosure in its current form, supporting a warning that seller disclosure statements do not include natural hazard information and that the buyer should conduct their own inquiries.

We should do anything we can to improve the process for people getting into homes swiftly and safely. I want to thank my parliamentary colleagues on the Legal Affairs and Safety Committee, the secretariat for their support and all of the submitters, particularly those who are unaccustomed to engaging with parliamentary committees. It is something that our committee always appreciates and we were certainly aided by their contributions. I commend the bill to the House.