




Speech By
Lance McCallum

MEMBER FOR BUNDAMBA

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PROPERTY LAW BILL

 **Mr McCALLUM** (Bundamba—ALP) (6.40 pm): I rise in support of the Property Law Bill and the amendments that have been moved by the Attorney-General. This bill will provide Queensland with a new and modernised property legislation framework. As many speakers have noted, it follows a very broad and wideranging independent review of our property laws, which was conducted by the Commercial and Property Law Research Centre at the Queensland University of Technology. The bill builds upon our existing legal requirements and framework, but substantially simplifies or amends our existing framework to address the issues that were brought up through the QUT review. Those include things such as putting property law—which can be very dense, detailed and to people who are not lawyers very obtuse—into plain English, which will improve the ability of people to clearly understand what is a very important yet complex and, at times, incredibly detailed legal framework.

Some of the changes contained in this bill are quite significant. They include the repeal of somewhat outdated provisions, for example, those in relation to what is referred to as the old system of unregistered land. They provide a legal framework to recognise and facilitate electronic dealings in property. This goes right to the very heart of modernising the property law framework that we have in Queensland to make sure that it is fit for purpose not only in providing a strong and reliable framework for property law itself but also in relation to making sure that it is in line with and able to use current technologies. The bill also updates the neighbouring property provisions to reflect modern property practice and community expectations.

It is particularly important that the bill establishes a statutory seller disclosure scheme for the sale of freehold land. The seller disclosure scheme simplifies and streamlines the existing disclosure process and empowers buyers to make informed decisions about property dealings. The bill will make it mandatory, with a few exceptional circumstances, for a seller of freehold land to disclose relevant information to the buyer before the buyer signs the contract. That can be disclosed in a single document along with any required certificates, including body corporate certificates where that might be relevant to the conveyance. The buyer will have termination rights in the case of a vendor's noncompliance or where the disclosure under the new scheme is inaccurate or incomplete. The information to be disclosed under the seller disclosure scheme will be prescribed by regulation. I will come to that in more detail a little later.

I think the disclosure scheme is an excellent step forward. Many previous speakers have mentioned the new scheme and the disclosure requirements applying where properties might have been affected by natural disasters. The Bundamba community was impacted tragically by the 2022 floods, particularly in Goodna along low-lying areas of Woogaroo Creek and in the suburb of Bundamba along Bundamba Creek. I want to pay tribute to the strength and resilience of our community in responding to that natural extreme weather event and bouncing back. We are still on the road to recovery. There are many people for whom that will go on for many years and may be a journey that never comes to a complete end. However, with things such as the Resilient Homes Fund, the buy-back scheme and some of the other options, people are getting on with their lives, which is fantastic to see.

Our current Property Law Act is almost 50 years old. While the act has been amended dozens of times over those decades, for some time it has been clear that there needs to be a step change in the legislation and that new legislation is required. Frankly, that is because in those 50 years so much has changed in relation to property law itself, property transactions and, of course, the use of technology. This bill is really a culmination of the many years of policy development and all of the previous changes that have led to this moment in Queensland's property law, including all of the consultation and stakeholder engagement, which have all led to the bill that is currently before the House and will result in a modernised system.

As I mentioned previously, the bill removes outdated and unnecessary provisions such as those relating to old system land and the provisions dealing with property settlement in de facto relationships because those provisions have been overtaken by the federal Family Law Act. The changes in this bill simplify the rules relating to court ordered sales of co-owned property, giving courts a wide discretion to make orders for the sale and division of property that is co-owned.

It is really good to see that the bill continues the operation of the provisions relating to electronically creating and signing deeds, which were first brought forward in Queensland during the COVID-19 pandemic. We as a society, this parliament as a place of legislation and the Palaszczuk government worked together to respond to the challenges that were presented through the pandemic.

It is great to see that the practical and sometimes novel measures that were introduced, such as using electronic systems, are being kept because they work. They save time; they save money. We should be using technology in a practical way that delivers real improvements.

Overall, this bill is a great bill that will modernise what is a very important legal framework for Queensland. The conveyancing of property is one of the most important things that many of us will ever deal with in our professional and personal lives. I commend the bill to the House.

(Time expired)