




Speech By  
**Laura Gerber**

**MEMBER FOR CURRUMBIN**

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### **PROPERTY LAW BILL**

 **Mrs GERBER** (Currumbin—LNP) (3.06 pm): The bill before the House today, the Property Law Bill 2023, will replace the 1974 Property Law Act which, somewhat incredibly, has not been substantially amended since 1975. The Property Law Bill 2023 seeks to repeal outdated or unnecessary provisions in the Property Law Act. It seeks to redraft the provisions in modernising some language. It seeks to provide a legal framework that is updated to better reflect changes associated with electronic dealings in property, law and electronic service as well as reflecting current property and conveyancing practices. It will simplify and update various provisions, for example, the rule against perpetuities, leases and covenants. It seeks to minimise the inadvertent creation of instalment contracts and it seeks to implement—and this is one of the parts that I think most of the submitters raised concerns about—a statutory seller disclosure scheme. That statutory seller disclosure scheme puts disclosure obligations on a seller, requires a transparent and consolidated form of disclosure and provides information of value to the buyer purchasing a property. There were some concerns raised about that point.

Before I get to that, I want this House to note that the Palaszczuk Labor government has taken an inordinate amount of time to bring about this reform. Our property laws play a critical role in shaping the dynamics of the Queensland real estate market, affecting both buyers and sellers. Ten years ago the LNP commissioned the Commercial and Property Law Research Centre at QUT to conduct an independent and broad-ranging review of Queensland's property laws. The results of QUT's review were delivered to the state Labor government in 2018 but, like this government has done with many other recommendations and reports that were delivered to it in relation to systematic reform—and blue card comes to mind here when the government back in 2017 received 81 recommendations and six years down the track 53 of them remain outstanding. It is a bit of a pattern with this state Labor government and the property law review is no different. It has taken this government five long years to bring this bill for reform to the Queensland parliament.

The QUT report, delivered to the government back in 2018, gave the Palaszczuk government all it needed to bring about necessary reform to our property laws. The LNP knows that it is critical that these laws are effective and efficient, hence why the report was originally commissioned under an LNP government. While the LNP intended for this review to propel Queensland's property laws into the 21st century, the Labor government seems to be content to move at a snail's pace, determined to do as little work as possible, no matter how helpful property law reform would have been to the people of Queensland five years ago.

Those opposite love to crow about their so-called commitment to openness, transparency or accountability, but they do the exact opposite—ignoring critical reform that could have helped Queenslanders for the five long years that they failed to implement it. Nevertheless, here we are, several years later, thanks to the inaction of the Palaszczuk Labor government. The majority of the Property Law Bill is administrative in nature and seeks to modernise the language and provisions of the Property Law Act to better provide for current technology and practice.

The proposed changes are largely aligned with the recommendations contained within the QUT report. However, there is one aspect of the bill that is not, and I will get to that shortly. While a good portion of the proposed changes are largely uncontroversial, there were submissions on a number of clauses within the bill raising concerns and substantive submissions were made in relation to the mandatory seller disclosure scheme.

The seller disclosure scheme seeks to, in essence, address the current practices when purchasing property in Queensland, which are argued to disproportionately disadvantage buyers by forcing them to navigate quality issues by themselves, without any onus on the seller to disclose these issues. In short, the Queensland property market operates largely on a system of caveat emptor—let the buyer beware—which, as many Queenslanders have discovered when trying to buy, is certainly not ideal. Buyers need the right information to make informed decisions, but equally sellers should definitely not be unfairly burdened with unreasonable volumes of paperwork. Striking the right balance here is critical to creating a transparent and fair property market.

As mentioned earlier, the proposed seller disclosure scheme model has attracted criticism, despite general support for the overarching principles of the scheme. For example, if the lot is in a community titles scheme it is now proposed that a community management statement be provided as part of the seller disclosure. This is part of the bill that was not part of the QUT review or one of their recommendations. It is outside of that. This is the part of the bill that drew most criticism from industry stakeholders, including a strong submission from the REIQ that a community management statement requirement would be regressive given the requirement was previously introduced in Queensland in 2011 and repealed shortly thereafter.

The REIQ also highlighted the practicality, or lack thereof, of the community management statement, suggesting that the community management statement might not achieve its intended purpose because it is voluminous. It contains so much information and requires so much paperwork that purchasers might miss the important parts, thereby defeating the entire exercise. Other stakeholders also raised this specific concern regarding the sheer volume of material likely to be contained within a community management statement.

None of these concerns have been adequately addressed by the Labor government. As I stated, the amendments are a departure from the QUT review and recommendations. The Attorney-General should be listening to the stakeholders' concerns in this regard, but, as always, this Labor government's approach to consultation leaves much to be desired.

I also wish to draw the attention of this House to the concerns raised by the REIQ regarding the discrepancies in property information infrastructure across local government areas. During the committee process serious questions were raised as to why disclosure of natural hazard risks, including flooding, has not been mandated. At present, the disclosure of flooding or other natural hazard history is specifically excluded from the disclosure statement. Instead, the bill requires the following: that the buyer should inquire with relevant local government as to whether the property is affected by flooding or another material hazard or within a natural hazard overlay.

The LGAQ provided substantial feedback on this issue. They provided substantial feedback on natural hazard risk information for lots, stating that the disclosure regulations 'do not go far enough in meeting the recommendations of the Royal Commission into National Natural Disaster Arrangements' to 'introduce mandatory disclosure of natural hazard risks at a point of sale and prior to property purchase'. This is a very valid concern that this government should be addressing head on.

Sadly, my community knows firsthand the risk and impact of flooding. In February 2022 the residents of Tallebudgera Valley, Currumbin Valley and Elanora experienced devastating localised flooding—the likes of which we have never seen before. Homes in Elanora, particularly in the streets around Avocado Street and Nineteenth Avenue, were completely inundated. Locals had to be evacuated from their homes. They lost their homes. They lost their possessions. Valleys were cut off by landslides and flooding. We need to do everything possible to protect our constituents from natural disasters and they must be informed of any potential risks because no family should lose their home or a loved one from an avoidable situation or a flood risk.

I want to turn the attention of the House to a critical issue facing our communities. Queensland is in the grips of a housing crisis. Buying a home in Queensland is officially the toughest it has ever been in 16 years. First time homebuyers are facing an uphill battle to be able to realise the dream of owning their own home. Sadly, none of this will be fixed by the current bill that is before this House. This bill could have been an opportunity for the Labor government to correct their failures—for example, their failure to free up new lots for residential builds. We know that residential lot approvals have decreased across this state by 40 per cent.

In contrast the LNP is committed to the right priorities for the future of Queensland homebuyers. In contrast, the LNP—

**Madam DEPUTY SPEAKER** (Ms Bush): Pause the clock. Member, you have already alluded in your statement to the fact that this is out of the scope of the bill so I will bring you back to the bill.

**Mr WHITING:** Madam Deputy Speaker, I rise to a point of order. In terms of anticipating debate, we currently have a bill on housing availability and affordability before the House. I would certainly bring that to your attention and to the attention of other members. If they want to talk about housing affordability and availability they may need—

**Madam DEPUTY SPEAKER:** Thank you, member. I have already directed the member to come back to the long title of the bill.

**Mrs GERBER:** The Property Law Bill, in my view, was an opportunity for this state Labor government to correct some of its wrong priorities. Some of the priorities it should have corrected include—

**Madam DEPUTY SPEAKER:** Member, I am not debating this with you. I have directed that this is out of the scope of the long title of the bill. You have 40 seconds to go. If you would like to finish your contribution being relevant to the bill, I am happy to hear that.

**Mrs GERBER:** While I hope that this bill provides more transparency in relation to buyers, it does create disclosure obligations for sellers and there was an opportunity to make reforms. There was an opportunity to go further. I simply wish this House to know that I think this state Labor government has failed in that opportunity to take this Property Law Bill where they should have. Realistically, we know that what we need is to address the housing crisis in Queensland. Sadly, it took this state Labor government more than five years to bring the Property Law Bill to the House. It has sat on its hands, but that is what we have come to expect from a state Labor government that does not care about Queenslanders anymore.