




Speech By
Laura Gerber

MEMBER FOR CURRUMBIN

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BODY CORPORATE AND COMMUNITY MANAGEMENT AND OTHER LEGISLATION AMENDMENT BILL

 **Mrs GERBER** (Currumbin—LNP) (4.55 pm): This afternoon we are debating the Body Corporate and Community Management and Other Legislation Amendment Bill 2023. I want to turn first to a significant aspect of this bill that the LNP is really pleased to see, and that is the part that deals with sunset clauses. The Labor government's failure to free up new lots for residential builds is evidenced by the fact that building approvals have declined by 30 per cent since the Labor government came to power, sending property prices soaring. Demand for buying properties off the plan is growing, in particular as this allows first home buyers buying a home off the plan to activate the first home buyer concession. This is where sunset clauses come into play. Some individual contracts for off-the-plan sales include a clause which provides the seller with a right to terminate a contract if it is not settled within a certain period of time. Over the past several years the LNP has been sounding the alarm regarding troubling reports of developers deliberately delaying developments to enact a sunset clause, terminating the contract and then relisting the property and selling that same property for a higher price. Some unscrupulous developers were even offering that property back to the former purchaser.

Mr Boothman: For hundreds of thousands of dollars more.

Mrs GERBER: I take the interjection from the member for Theodore—for hundreds of thousands of dollars more. After almost a decade of this Labor government governing, buying a home in Queensland is officially the toughest it has been in 16 years. First home buyers are losing hope that they will ever be able to attain the Australian dream of owning their own home, let alone if they come across an unethical developer that pulls the rug out from underneath them.

I want to sincerely thank the LNP member for Theodore, who since 2021 has been advocating for legislative change to prevent this unscrupulous conduct. He raised it with the former attorney-general in at least four pieces of correspondence. He noted that in 2015 New South Wales had acted to prevent this unscrupulous conduct. He implored the state government to bring legislation to this parliament to protect Queenslanders in the same way New South Wales had done. Back then, the attorney-general said that buyers need to read their contracts thoroughly and did not commit to any action to fix this legal loophole. The member for Theodore did not give up. He again wrote to the then attorney-general pointing out that the government's sympathies offer little comfort to first home buyers who had lost their homes as a result of an unscrupulous developer.

This year the Attorney-General finally gave us the assurance that the issue would be looked at, and here we are with the bill before the House to amend the Land Sales Act to ensure that property developers can only use a sunset clause to terminate off-the-plan contracts for land through written consent of the buyer, under an order of the Supreme Court or in another way prescribed by the legislation. It mimics the New South Wales legislation, just like the member for Theodore asked, and we are very pleased to see this in the bill. This is the reason the LNP will be supporting this aspect of the bill and the reason we will not be opposing the bill on the third reading.

Government members interjected.

Mr DEPUTY SPEAKER (Mr Lister): Order, members! The member is not taking interjections.

Mrs GERBER: Thank you for your protection, Mr Deputy Speaker. I want it on the record that the LNP will be voting against the proposal in the bill to allow the termination of community titles schemes because we value property rights in Queensland. This clause proposes to allow individual lot owners—a unit owner—to be forced to sell their unit if 75 per cent of the owners in that unit complex or body corporate scheme agree to sell because it is unviable. Many residents in my community are strongly opposed to this part of the bill. They have a very real fear that this will force them out of their communities. Concerningly, even the Department of Justice and Attorney-General admitted they have not measured the reach of these changes. When questioned, the department could not provide information on how many schemes might be impacted. They said—

I think it is fair to say we have not done any formal modelling on how many schemes this could potentially impact.

I can talk about the people it will potentially impact. Julie from Bilinga wrote to me saying that she has owned her beachfront unit for 30 years and developers are circling. The other unit owners rent their units out to long-term tenants at an affordable rental rate. Because of the age of the unit block and the maintenance required, Julie is very worried that she will be forced to sell because the other unit owners/investors want to sell. Julie said—

There is no way of replacing what we have and the whole family is devastated that we may well lose it after so long.

Further, she believes the long-term tenants will be kicked out of their affordable rentals and that any new development will be completely unaffordable. Julie states that the assertion that redevelopment will help the housing crisis is false and the assertion that lot owners will be financially better off is spurious because it does not take into account all of the costs associated with selling and, if they are forced to sell, they would not be able to afford to buy back in their community with similar amenity or the outlook that their unit has. Ross and Beverley have lived in their Tugun unit for 20 years. They wrote to me, stating—

It is my basic HUMAN RIGHT to be able to live in the home that I own. Within 24 hours of this announcement, we had a FLYER in our letterbox from a developer.

George Galea, a self-funded retiree, lives in an older unit on the Bilinga beachfront. Five of the six unit owners in his body corporate want to sell. George states—

My fear is the five owners will use the 75% legislation to force me to sell.

He further states—

Why are unit owners being treated unequally to house owners.

Would the government dare sell a house from underneath an owner if they considered it too uneconomical to keep?

The LNP will be opposing this part of the bill because we respect property rights. We are in a housing crisis and this part of the bill will lead to people being kicked out of their units and their communities. Let us not forget that allowing for the termination of uneconomic titles schemes is one of the items that came out of the Premier's signature 2022 Housing Summit—the housing summit that the Premier was dragged to, kicking and screaming, because of the *Courier-Mail's* media campaign and the housing summit from which basically every single policy was a failure that delivered nothing but false hope.

Unit owners are right to question whether or not this 75 per cent rule will achieve its purpose. They are right to consider this to be another rushed change from an under pressure government that needs an announcement. This will not alleviate the housing crisis and it may, in fact, do more harm than good.

Mr KELLY: Mr Deputy Speaker, I rise to a point of order. The member for Toowoomba North is holding the book that Speakers have made rulings about. I draw your attention to that, Mr Deputy Speaker, and ask you to rule in relation to it.

Mr DEPUTY SPEAKER: I did not observe that myself. I issue a general warning that the use of props and the brandishing of political material will not be tolerated, particularly when in camera shot. Member for Logan, your interjections and commentary have not gone unnoticed. If you do not desist, I will warn you formally.

Mrs GERBER: While we are talking about this, let us look at the explanatory notes that talk about identifying 'solutions to the immediate housing challenges being experienced in Queensland'. Let us talk about some of those housing challenges that Queenslanders are facing. Queenslanders are worried—

Ms PEASE: Mr Deputy Speaker, I rise to a point of order. You have actually just made a ruling and on three occasions since you made that ruling the member for Currumbin has purposefully used a prop and is casting aspersions on your decision. I ask that she be removed from the chamber.

Mrs FRECKLINGTON: Mr Deputy Speaker, I rise to a point of order.

Mr DEPUTY SPEAKER (Mr Lister): I will hear the opinion of the Acting Manager of Opposition Business.

Mrs FRECKLINGTON: The member on her feet has simply stood up and read from a document. There is nothing wrong with that. We have seen the Treasurer do that on many occasions, as have many others.

Mr KELLY: Mr Deputy Speaker, I rise to a point of order.

Mr DEPUTY SPEAKER: I do not think I need to take any more points of order on this particular matter.

Mr KELLY: My point of order is about what the Acting Manager of Opposition Business just said.

Mr DEPUTY SPEAKER: I am satisfied that the member for Currumbin was not brandishing it as a prop; she was reading from it. My understanding is that the Speaker has said that to read from a document is not of itself in breach of the ruling that we do not use props. I reiterate to the House generally my comment about brandishing props, particularly when in camera shot. You can take your seat, member for Greenslopes.

Mr KELLY: I do have a point of order.

Mr DEPUTY SPEAKER: There is no point of order, member for Lytton. Member for Greenslopes, what is your point of order?

Mr KELLY: In hearing the member for Nanango, who is the Acting Manager of Opposition Business, without any point of order, it seems like we are allowing a debate to occur in relation to that point of order rather than—

Mr DEPUTY SPEAKER: Member for Greenslopes, please take your seat and I will take some advice. I have made my ruling clear. Everybody has had their say. If anybody disagrees with the ruling then they are at liberty to dissent through the normal processes.

Mrs GERBER: I was pointing out that the explanatory notes talk about identifying 'solutions to the immediate challenges being experienced' by Queenslanders in relation to housing. On that issue, I want to talk about the priorities and some of the difficulties that Queenslanders are facing in relation to the housing crisis. Queenslanders are worried about how their families will keep a roof over their heads during this housing crisis.

Mrs D'ATH: Mr Deputy Speaker, I rise to a point of order.

An opposition member interjected.

Mrs D'ATH: You do not know what my point of order is.

Mr DEPUTY SPEAKER: Leader of the House, you will not use this opportunity to make commentary with the microphone.

Mrs D'ATH: My point of order is not in relation to whether the member is reading from the document. My point of order is that the member is not being relevant. She cannot use words from the explanatory notes so broadly that it allows her to now go back to an LNP document as justification that somehow she is speaking to the bill. It is not relevant and I ask that she be brought back to the bill.

Mr MANDER: Mr Deputy Speaker, I rise to a point of order.

Mr DEPUTY SPEAKER: Is this in relation to the same matter?

Mr MANDER: Yes.

Mr DEPUTY SPEAKER: I will take some advice, member for Everton.

Honourable members interjected.

Mr DEPUTY SPEAKER: Members, while I am taking advice there will be silence. Before I continue with the points of order, member for Logan and member for Currumbin, you were quarrelling. I warn you both under the standing orders. Member for Everton?

Mr MANDER: My point of order relates to the comments of the Leader of the House. This initiative has come from the Queensland Housing Summit. This is about housing and accommodation.

Mr DEPUTY SPEAKER: Member for Everton, I do not require any further assistance. Member for Currumbin, the point of order was regarding relevance. I ask you to be mindful of the long title of the bill and contain your contribution to that.

Mrs GERBER: I am happy to come back to the bill and I am happy to inform the House how what I am saying is relevant to this bill. This bill enacts a 75 per cent rule under the premise that it is going to address the housing crisis being experienced across the board, particularly by young Queenslanders. It is a housing crisis that has been contributed to by the state Labor government in relation to some of the failed policies that came out of its Housing Summit. Let us not forget that the Housing Summit is the same summit that this 75 per cent rule has come out of.

Everything I am saying in relation to the right priorities for Queensland is relevant to this bill. This bill is trying to fix the housing crisis, yet there are elements of it that will simply make it worse. There are elements of it that my community absolutely disagree with and there are elements of it that my community truly fear will result in them being evicted from their communities because they will not be able to afford to buy back into where they live, with the same amenity and the same outlook. I implore this state government to fix the housing crisis.