




Speech By  
**Tony Perrett**

**MEMBER FOR GYMPIE**

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### PROPERTY LAW BILL

 **Mr PERRETT** (Gympie—LNP) (4.17 pm): I rise to speak on the Property Law Bill 2023. The Property Law Act 1974 has not been substantially amended since December 1975. In consideration of this, 10 years ago the LNP government commissioned the Commercial and Property Law Research Centre at QUT to conduct an independent and broad-ranging review into the laws. That review was finished in 2018, five years ago. We are now at the end of 2023. It is not surprising that the government has taken five years to introduce the necessary changes. It rarely has control of the agenda because it is so consumed by its self-inflicted chaos and crisis. The government has moved at a glacial pace to introduce the necessary legislative reforms.

This bill seeks to update and modernise the language and provisions in the Property Law Act and make changes which account for modern technology and practices. It will also repeal outdated or unnecessary provisions, simplify and update others, and minimise the inadvertent creation of instalment contracts. A statutory seller disclosure scheme aims to clarify the disclosure obligations of the seller, requires a transparent and consolidated form of disclosure and provides valuable information for the buyer.

The QUT report recommended the introduction of a statutory seller disclosure scheme which clearly identifies the obligations of a seller. It is to be coordinated, transparent, consistent and streamlined. The QUT report identified that currently one of the risks was where the buyer was presented with too much information and does not understand what is put before them. A streamlined scheme which is transparent and clear has the potential to remove many of the unknowns. The government says the draft regulations for the disclosure scheme which were tabled with this bill will be refined after it is passed.

It is imperative that the Attorney-General ensures the regulation is clear, realistic and effective to give buyers the necessary information without overwhelming them or unnecessarily burdening the seller. This is important in regions such as Gympie, which is not only susceptible to floods but also has vegetation covenants and management laws, and PMAVs are a constant source of concern. I am often contacted by residents who have discovered their properties have been overlaid with vegetation covenants that they had no knowledge about.

Sellers also need to know when any level of government, government agencies and bodies have made decisions about their properties. A 74-year-old pensioner constituent recently contacted me distressed that the Gympie Regional Council had a covenant on her property. The constituent had a number of falls and was selling because she had to move into a retirement place for safety reasons. She wrote—

I was shocked to discover from my real estate agent that GRC have put a 'Covering' on my property ... I was totally unaware that GRC had put this 'Covering' ... and I was never informed or given any official warning ... I have visited GRC offices and been informed that it was placed on the GRC website—but what about those of us who do not use this website?

Surely it could have been put on our Rates Notices (we get those regularly twice a year) or some sort of official notification?

Whether it is notification about advices, rebates, grants or emergency alerts, ministers need to remember that not everyone uses the internet and not everyone uses social media. The government's rebate scheme for purchasing white goods can only be accessed through a website. My office has had numerous pensioners and elderly people come in seeking help to apply. They cannot apply because they do not have an email address, have no access to the internet, cannot do it at the library because they do not know how to use a computer or cannot negotiate the website. Assuming that everyone does is indifferent, ignorant or deliberately designed to minimise applications.

It is telling that the 2020 Royal Commission into National Natural Disaster Arrangements had to push back against the Queensland government, which objected to directly communicating with people. It stated—

The Queensland Government questioned whether there is a need to directly communicate risk to people when they can access government websites that already host this information. The answer is simple: Many people do not. However, the person who goes out of their way to understand their risk and the person who does nothing face the same risk. Further, there may be differences in the extent to which different people can understand risk, even where some information may be available.

Currently, the draft regulations for the strategy disclosure scheme exclude the disclosure of flooding or natural hazard history. The QUT recommended against imposing an obligation to disclose flooding information, saying—

This view is influenced heavily by the difficulties associated with clearly articulating the meaning of 'flood information' or for the seller to state whether the property is 'flood prone' together with inconsistency in the information available from official sources.

The natural disaster royal commission had an alternative view. It recommended that state and territory governments should have a process or mechanism to communicate natural hazard risk information to households, including prospective purchasers, in hazard-prone areas and explore a natural approach to this.

As the report notes under the proposed disclosure scheme, a buyer is warned about matters not covered by the disclosure statements, one of which is the property's history about flood and other natural disasters. The department's submission stated that—

... the draft PL Regulation proposes to prescribe a warning statement that must be included in the disclosure statement advising the buyer to enquire with the relevant local government about whether the property is affected by flooding or another natural hazard or is within a natural hazard overlay. The warning statement also advises the buyer that flood information for the property may be available at the FloodCheck Queensland portal or the Australian Flood Risk Information portal.

The REIQ requested that buyers be directed to other sources if the FloodCheck Queensland portal or the Australian Flood Risk Information portal did not hold the relevant information. It called for investment to improve and expand the current state information systems, such as the Queensland Globe and State Planning Policy Interactive Mapping System, to ensure sellers throughout the state have the same ability to access information they may need. The LGAQ recommended including the mandatory disclosure of natural hazard risks.

Property information varies greatly across local governments. Many have limited resources and they should not be made to carry the burden of ensuring information is consistent across the state. The Queensland Law Society suggested the government provide funding to local governments to develop mapping to show the anticipated impact of flooding events for developed land and undertake appropriately detailed research of historical flood events. It proposed that the Department of Justice and Attorney-General, in consultation with the Department of Resources, develop a standard property flood information form which can be used by all local governments to respond to flood inquiries from the public. I do not oppose the bill.