

Question on Notice

No. 451

Asked on 2 May 2018

MR D JANETZKI ASKED THE ATTORNEY-GENERAL AND MINISTER OF JUSTICE (HON Y D'ATH) –

QUESTION:

With reference to the review of property law in Queensland and Question on Notice No. 916, asked on 14 June 2017—

Will the Attorney-General advise (a) what discussion papers have been issued by the Queensland University of Technology and the closing date of submissions to all discussion papers, (b) the completion date for the review, (c) the outcome of recommendations and (d) the recommendations that the government accepts and will fully implement?

ANSWER:

I thank the Member for Toowoomba South for his question.

The Property Law Review was conducted for the Queensland Government by the Commercial and Property Law Research Centre at the Queensland University of Technology (QUT).

I can advise the Member as follows:

QUT prepared 18 papers, including issues papers and final reports, dealing with the *Property Law Act 1974*, seller disclosure and body corporate matters. The papers that have been released by the Department of Justice and Attorney-General are available on the community consultations page of the Department of Justice and Attorney-General website at: www.justice.qld.gov.au. The papers, and their closing dates for submissions, are as follows:

NO.	TITLE	CLOSING DATE
i)	Issues Paper 1: Seller Disclosure in Queensland	21/03/2014
ii)	Interim Report: Seller Disclosure in Queensland	16/08/2016
iii)	Final Report: Seller Disclosure in Queensland	10/11/2017
iv)	Issues Paper: <i>Property Law Act 1974</i> (Qld) – Sales of Land and other related provisions	30/08/2016
v)	Issues Paper 2: <i>Property Law Act 1974</i> (Qld) – Leases and Tenancies	30/08/2016
vi)	Issues Paper 3: <i>Property Law Act 1974</i> (Qld) – Incorporeal Hereditaments, Rights of Way, Powers of Appointment & Perpetuities	13/01/2017
vii)	Issues Paper 4: <i>Property Law Act 1974</i> (Qld) – Mortgages, Co-ownership, Encroachment & Mistake	13/01/2017
viii)	Issues Paper 5: <i>Property Law Act 1974</i> (Qld) – Equitable interests and things in action, Corporations, Voidable dispositions, Unregistered land, De facto relationships, Miscellaneous	13/01/2017
ix)	Issues Paper 6: <i>Property Law Act 1974</i> (Qld) – PLA Parts 1-4,	28/02/2017

NO.	TITLE	CLOSING DATE
	Part 6 (Deeds) and Part 20 (Notices)	
x)	Final Report: <i>Property Law Act 1974</i> (Qld)	24/08/2018
xi)	Issues Paper 2: Lot entitlements under the <i>Body Corporate and Community Management Act 1997</i>	14/03/2014
xii)	Lot entitlements under the <i>Body Corporate and Community Management Act 1997</i> – Final Recommendations	23/12/2016
xiii)	Options Paper: Body corporate governance issues: By-laws, debt recovery and scheme termination	30/01/2015
xiv)	Options Paper Recommendations: <i>Body corporate governance issues: By-laws, debt recovery and scheme termination</i>	5/05/2017
xv)	Issues Paper: Procedural issues under the <i>Body Corporate and Community Management Act 1997</i>	22/02/2016
xvi)	Final Recommendations: Procedural Issues under <i>the Body Corporate and Community Management Act 1997</i>	06/10/2017
xvii)	Issues Paper: Consistency between the <i>Body Corporate and Community Management Act 1997</i> and the <i>Building Units and Group Titles Act 1980</i>	22/09/2017
xviii)	Final Recommendations: Consistency between the <i>Body Corporate and Community Management Act 1997</i> and the <i>Building Units and Group Titles Act 1980</i>	24/08/2018

The review is ongoing. The QUT component of the review was completed in December 2017. The Department of Justice and Attorney-General is conducting its part of the review in receiving and analysing stakeholder submissions on QUT's recommendations. The Government is carefully considering QUT's recommendations and the submissions received from stakeholders to date.

I am pleased to confirm the release for consultation of the two final reports of the Property Law Review (as detailed above):

- x) Final Report: *Property Law Act 1974* (Qld) and Final Recommendations: Consistency between the *Body Corporate and Community Management Act 1997*; and
- xviii) the *Building Units and Group Titles Act 1980* were released for public consultation on 31 May 2018.

Anyone with an interest in these reports is invited to provide their submissions on QUT's recommendations through the Department of Justice and Attorney-General website at: www.justice.qld.gov.au and the Queensland Government's Get Involved website at: www.getinvolved.qld.gov.au.

The Government intends to carefully consider the recommendations of QUT and the submissions provided to the Queensland Government on QUT's recommendations before making any decisions with respect to these recently released reports and the review as a whole.

Given this is the largest review of Queensland's property laws since the introduction of the *Property Law Act 1973* and *Body Corporate and Community Management Act 2003* respectively, it is important that the views of stakeholders are fully considered before progressing any reforms.

As the review is ongoing, recommendations are still under consideration by the Government.