

Queensland property: Proposed new laws to require owners to reveal homes' darkest secrets

DARYL PASSMORE, The Sunday Mail (Qld)

June 26, 2016 12:00am

PROPERTY owners would have to reveal their home's dark secrets – including whether they have been murder scenes or drug labs – to potential buyers and tenants under reforms being sought to real estate laws.

Other changes proposed include requiring vendors to disclose any structural defects, and shifting the onus for building and pest-inspection reports to them instead of buyers.

An extensive review of the state's property law by Queensland University of Technology experts, ordered by the previous government, is being considered by Attorney-General Yvette D'Ath.

Real Estate Institute of Queensland CEO Antonia Mercorella said they had been lobbying Government to implement a comprehensive and explicit disclosure regime for the sales and rental market.

“We are concerned about the fact the law surrounding disclosure is quite ambiguous,” she said. In addition to structural issues, clear rules were needed on what information had to be revealed about “stigmatised properties”.

“For example, if someone has died in the home – particularly if it was homicide or something that was not a natural death – there’s an argument that (that) should be disclosed to potential buyers or renters.

“Is it reasonable that it should be up to the buyer to go and find that sort of information? There’s no register you can go to and check to see if there’s been a murder.”



Other changes proposed include requiring vendors to disclose any structural defects, and shifting the onus for building and pest-inspection reports to them instead of buyers. Picture: Darren England

The same applied to properties where drug labs had been set up by previous occupants.

Current rules require real estate agents to disclose “material information” about properties, but there is no definition and it is dealt with on a case-by-case basis.

“We would like better parameters,” Ms Mercorella said.

Meanwhile, an e-petition to Parliament calls on the Palaszczuk Government to adopt legislation used in the ACT which imposes an obligation on residential property

sellers to disclose structural defects to potential purchasers before any contract is signed.

Petition organiser Trish Mackie-Smith, who has a background in property law and runs a building-inspection company with her husband, said current consumer protection was too weak.

“This allows unscrupulous sellers to sell defective and unsafe houses to unsuspecting buyers with no legal remedy for the buyer,” she said.

A spokesman for Ms D’Ath said: “The report into the relevant stage of the review is currently under consideration by the Government. It is anticipated that the Government will engage in consultation with the public on the findings and recommendations.”