

QUEENSLAND ASSOCIATION OF BODY CORPORATES (QABC)

PO Box 951
Mudgeeraba QLD 4213

Body Corporate & Community
Management & Other
Legislation Amendment Bill 2012
Submission 099

Tel: (07) 5530 4638
Fax: (07) 5530 4638
Email c/- zmkotch@ozemail.com.au

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SUBMISSION by QABC to the Legal Affairs and Community Safety Committee RE: Body Corporate and Community Management and Other Legislation Amendment Bill 2012.

The Queensland Association of Body Corporates (**QABC**) requests the LACS Committee to consider the following matters to be addressed in the proposed Amendments to the current BCCM Act.

- 1. The principle of ONE OWNER, ONE VOTE. This is part of the Democratic voting principle which applies in both Federal, State and Council elections. No matter how many properties an individual owns, they only get one vote. Whereas currently an individual who owns numerous lots within a Scheme is able to have numerous votes and outvote other owners who may in fact individually outnumber the single owner. Eg. 100 lots, 52 owned by one person the remaining 48 lots owned by 48 individual persons. The owner of the 52 lots can always out vote the wishes and interests of the 48.**
- 2. Only an actual Owner or the Director of a Company which is an actual owner should be permitted to hold a position on the Body Corporate Committee of a Scheme. Absentee owners should not be permitted to have a non-owner as a Nominee on a Committee.**
- 3. The Autonomy of Body Corporate Committees must not be interfered with by the Body Corporate Commission. These Committees are owners within the Scheme and represent all owners within the Scheme and must be permitted to Administer the Scheme in accordance with the wishes of the majority of owners within the Scheme.**
- 4. By-laws within a Scheme should require approval of 66% of owners in order to be adopted and be binding on all owners within the Scheme.**
- 5. Lot Entitlements are set by the Developer of a Scheme and should therefore be sanctioned by the appropriate government authority at the outset and not be altered once they have been approved unless ratified by a majority of individual owners.**
- 6. The period for new Management Rights needs to be limited to initial period of five years with provision for three five yearly extensions by mutual consent.**
- 7. The definition for a Service Provider requires clarification. There also needs to be provision for the granting of "exemptions" in special circumstances.**

Eg. Where a Scheme must as a matter of necessity carry on a commercial business, which is currently not permitted, and is therefore forced by the legislation to create an entity such as a Company which is owned by the owners of the Scheme and acting on behalf of the owners of the Scheme in an unpaid capacity, should not be regarded as a Service Provider within the meaning of the current Act.