

## Body Corporate and Community Management and Other Legislation Amendment Bill 2023

**Submission No:** 2  
**Submitted by:** [REDACTED]  
**Publication:** Making the submission public but withholding your name  
**Attachments:** No attachment

### Submitter Comments:

1. The termination of a community title scheme. I agree with sub paragraph (1) that the title be terminated by majority or all of the owners. Sub paragraph (11) should be deleted in total. You can't let court decide on this. The Government's problem with homelessness and housing in a BCCM regulation should not happen. You are going down the wrong track. The Government should be putting in place ways of building more homes and housing for the needs of these people not at the expense of unit owner.
2. The towing of vehicles or the use of clamping. It would be a lot easier for the Committee if this procedure was written into the standard Bylaw. Our bylaws don't address the matter at all.
3. I totally agree with changes to the legislation in relationship to smoking in an accommodation complex. I think the legislation should be changed to banning smoking on all common property and any exposed area such as a balcony or an open area of the complex that maybe below a unit which doesn't come under the title of common area or balcony. The owner or resident should have to apply to the committee to to smoke on their balcony. The committee would approach the neighbouring unit to see if they have any objections to approving the application. It would be far easier to enforce the bylaw and and issue a breach if there are only smoking breaches.
4. Sun set clause. All of the amendment is fine but should be in the regulation that governs realestate agents not a BCCM.
5. Alternative insurance decisions. If this is needed it would mean that the Body Corporate Manager isn't doing their job. I guess what you are saying with this is that there isn't enough companies wanting to cover Body Corporate communities.
6. Changing financial year change. If I understand this properly that you will only allowed to apply to change the financial year once every five years? It would be nice to change the financial year to the end of year or the end of June of each year. This would have to be after the first AGM. This would allow the setting up of the Committee. The application should not be allowed in the first year the Body Corporate is set up. In most cases the committee is new to the processes and obligations of a Body Corporate Committee. This is a very complex issue.
8. The regulation and courts are taking the right of a committee to decide whether a dog should be on the property. If the dog is too big, or a breed that will not fit into a community then the decision should be made by the committee not the courts at all. The judges don't go out to the community to look at the problem at hand just sit behind a big desk and pass a decision without checking what's is the right decision. The courts have definitely got it wrong when comes to disallowing a dog on a property. Most Committees will look at the application and judge fairly whether or not the animal will fit into the community. The judges don't look at the community as a whole but only the individual. In most case there is over a hundred people living in the community so you have to look at the big picture and not a single individual. They are not judging fairly and on each individual case as they should. They are supposed to be neutral to all case they are fronted with not have a line drawn in the ground and that is what is going to happen in all case. How is the court's making a fair and just decision on each case with a blanket rule. One could also argue that they are living in the complex so don't they listen to wants of the community and not just one person. You are taking away the rights of the community to and giving it to one individual. This must be stopped. Remember the Committee are the elected representatives of the Body Corporate and the courts aren't. If the committee gets it wrong they can be voted out and be replaced but you can't replace the judges, unfortunately.
7. I believe that something has to be done about the developers nominating the Building Manager, the Body Corporate Manager and Letting Agent. The Committee is stuck with a Build Manager, Body

Corporate Manager and Letting Agents who have are working hand and hand with the developers and the possibility of money changing hands at the expense of the new Body Corporate.

8. Another area that needed to be addressed is Body Corporate Managers. There needs to be regulations in place and a qualification that they need to get a license. Might get rid of some of the bad ones.

I'm not sure you are looking at improving our regulations or processing something to help out the Government. I hope you are doing it to improve thing for the community that are living in complexes.

[REDACTED]  
[REDACTED]  
[REDACTED]