

Body Corporate and Community Management and Other Legislation Amendment Bill 2023

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Submission to the Legal Affairs and Safety Committee on the Inquiry into Body Corporate and Community Management and Other Legislation Amendment Bill 2023

You may use this template to make a submission to the consultation questions in the *Inquiry into Body Corporate and Community Management and Other Legislation Amendment Bill 2023*.

How to make a submission?

You may provide comments or make a submission on the Consultation Paper by:

Email: LASC@parliament.qld.gov.au or
Mail to: Committee Secretary
Legal Affairs and Safety Committee
Parliament House
George Street
Brisbane Qld 4000

Submissions close at **5pm on Saturday 2 September 2023**.

Privacy

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Please advise if you want your submission, or any part of it, to be treated as confidential (noting that all submissions may be subject to disclosure under the <i>Right to Information Act 2009</i>)?	N/A

No.	Question	Response
1	<p>Reflecting contemporary attitudes, the bill amends the BCCM Act to provide greater clarity around the regulation of pets in community titles schemes. The bill provides explicit and clear guidance about the status of animals in community titles schemes to assist bodies corporate, owners and occupiers to deal with the keeping of animals in accordance with the law. The bill also seeks to reduce the barriers to lot owners and occupiers keeping animals in community titles schemes by clarifying and increasing awareness of bodies corporate and owners and occupiers about their rights and obligations in relation to pets, and support bodies corporate and owners and occupiers to reach agreement about keeping of animals in accordance with the law with less disputation.</p>	<p>The proposed amendments provide no clarity, guidance or even awareness about dog attacks, reasonable conditions to keep animals, and unacceptable risks pets may pose the health and safety of owners or lot occupiers.</p> <p>Legislative changes should target root causes of reckless dog ownership, dog attacks and consequences/penalties of failing to abide by obligations and standards.</p> <p>Gold Coast City Council recently investigated complaints about a border collie freely roaming across public spaces at [REDACTED] Labrador.</p> <p>[REDACTED] owners [REDACTED] repeatedly failed to enclose and exercise effective control since 2022. This resulted in the dog repeatedly barking at and chasing a cat, different dog and cyclist on November 18, November 30, December 5 and December 13. No victims did/said anything and just carried on.</p> <p>Council documents show the dog was unregistered, animal management team gave a verbal warning on December 29 then a written enclosure notice on 27 April 2023. The reckless behaviour continued despite officers reminding them the dog was not allowed to wander in the complex/public areas by itself. The [REDACTED] claimed in their submission to the Body Corporate and Community Management Commission that other residents and the body corporate have no problem with their dog. They then accused the informant of being mentally ill and driving four people out of the complex. However, the informant did a federally funded mental health assessment and was found to be "healthy" across the board. Additionally, all four residents in question moved out of the complex after their six-month lease expired, bought a quieter property elsewhere, bought the house off-the-plan and two generations took turns living there over 24 years. This showed the [REDACTED] made false and misleading claims, which council ultimately rejected as "opinion" before handing them a \$718 fine on 19 May 2023.</p> <p>The [REDACTED] continue to keep their dog on unit [REDACTED]'s front lawn attached to a spiral-shaped tether. They can still be seen letting the dog roam off-leash after dark when it is difficult to collect photographic evidence. They also door-knocked and fearmongered, saying they were fined without mentioning council's many warnings. During 2023 they began shouting racially offensive language at the bicultural informant from their front yard, common road and moving vehicle on May 13, June 6, June 7 and June 16. Southport Police investigated dashcam footage of the [REDACTED] yelling "f--k off", "gutless mongrel", "f--ing freak", "low life" and "evil d--khead". Police warned the [REDACTED] in-person to stop their public nuisances on July 12. The couple's bad behaviour has no legal defence because each time their victim showed courtesy, did/said nothing and just carried on driving. Since the public nuisance occurred on</p>

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		<p>common property recordings were played to the body corporate committee at its 2023 annual general meeting.</p> <p>Council documents also show animal management inspector [REDACTED] agrees enclosure notices are effective at preventing dog attacks, because one-off offences can attract penalties of up to \$7187. Legislative amendments should therefore require pets to be enclosed and penalise non-compliance more instead of actual dog attacks.</p> <p>Penalties for dog attacks that cause fear/worry without physical injuries should be increased. Once a pet or human is attacked the damage is already done. Pet enclosure after dark should be mandatory and failure to comply should attract penalties too.</p> <p>Clearer guidelines for acceptable forms of evidence would also be helpful to increase the likelihood of reckless owners being brought to justice. For example, video footage needs to show street frontage to rule out the possibility of deliberately aggravated dogs. Civil surveillance reforms should relax privacy rules to help victims gather the necessary evidence to stop reckless pet ownership through BCCM conciliation and adjudication. More council and state government inspectors should also be available to inspect problematic pet owners for compliance.</p> <p>Specifying pet enclosure and requiring dogs to be effectively controlled in common areas would also help end these disputes. A new state-wide maximum penalty for reckless ownership would help prevent pet attacks from happening in future.</p>
2	Do you have any other comments about this issue?	Please refer to the attached supporting documents, which include council's animal management report and other relevant correspondence.

Thank you for making your submission.

