

Body Corporate and Community Management and Other Legislation Amendment Bill 2023

Submission No: 40
Submitted by: Aria Property Group
Publication: Making the submission and your name public
Attachments: No attachment

Submitter Comments:

The proposed Bill's inclusion of a test for 'economic reasons for termination' requires that it is not 'economically viable for the body corporate... to carry out repairs and maintenance to any property or assets the body corporate must maintain in good or structurally sound condition'. This test poses a number of significant challenges and should be removed for the following reasons;•The NSW legislative reform that has proceeded Queensland's provided no such test. Following adoption of the NSW legislation there does not appear to have been any ill effects, nor a poor community perception of the legislation;•The test appears ambiguous and open to interpretation throwing significant doubt over the ability to undertake an amalgamation;•The test has the potential to create perverse and unintended outcomes, with the 'super majority' looking to achieve a sale of the scheme then incentivised to encourage the scheme to fall into dis-repair. The outcomes for residents and the community are potentially the worse for the inclusion of this test.For the reasons mentioned we strongly believe the test should be excluded, following the precedent set by NSW and allowing the wishes of the supermajority to be actioned, with the proper valuations and tests to ensure that no individual lot owner is disadvantaged. Failure to do so will result in the Bill being unable to serve it's intended purpose which we understand to be the unlocking of well located, well serviced strata schemes which are currently significantly under utilised and suitable for redevelopment; boosting housing supply where it is needed most.