

Body Corporate and Community Management and Other Legislation Amendment Bill 2023

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1 September 2023

Committee Secretary
Legal Affairs and Safety Committee
Parliament House
George Street
Brisbane Qld 4000

Sent via email lasc@parliament.qld.gov.au

To whom it may concern,

Re: Submission on the Body Corporate and Community Management and Other Legislation Amendment Bill 2023

Thank you for the opportunity to comment on the *Body Corporate and Community Management and Other Legislation Amendment Bill 2023* (the **Bill**).

The Planning Institute of Australia (**PIA**) is the national body representing the planning profession, and planning more broadly, championing the role of planning in shaping Australia's future. PIA facilitates this through strong leadership, advocacy and contemporary planning education.

Summary Statement

- PIA supports reform, both planning and non-planning, which seeks to address the housing challenges in Queensland by advocating for the right housing, in the right location, supported by the right infrastructure.
- PIA is supportive of changes to facilitate the termination of community title schemes with a 75% threshold, however raises concerns with the inclusion of a test for economic reasons for termination.
- PIA is supportive of reforms to improve the security of tenure for long term renters, however recommends further changes be progressed in the future to continue making long-term renting a more favourable prospect.
- PIA broadly supports the sunset clause changes for 'off the plan' contracts, PIA recommends this be closely monitored, with a review in no more than 2 years from adoption, to ensure no unintended consequences.

There are three main changes within the bill of interest to PIA and our members, which are addressed over page.

Item 1: Termination of community title schemes

In our [Delivering housing for all: 20 actions for Queensland Housing Summit](#) advocacy paper, PIA called for a “change to community title laws to make it easier to terminate body corporate schemes and facilitate lot amalgamation for renewal and redevelopment, reflecting the 75% threshold in New South Wales”.

PIA notes the inclusion of a test for ‘economic reasons for termination’ which has the potential to further complicate this process, which does not align with our advocacy which has been to remove potential barriers for redevelopment. The NSW legislative reform, that has proceeded Queensland, provided no such test. Following adoption of the NSW legislation, PIA is not aware of any ill effects, nor a poor community perception of the legislation. It is recommended that the inclusion of this test be re-considered.

Overall PIA is supportive of this change, subject to reconsidering the ‘economic reasons for termination’ test.

Item 2: Modernising and improving the operation of the BCCM Act in relation to by-laws and other governance issues

In our [Delivering housing for all: 20 actions for Queensland Housing Summit](#) advocacy paper, PIA called for “reform tenancy laws to improve the security of tenure for long term renters”. PIA is supportive of aspects of this Bill which help achieve this, such as changes which allow pet ownership in rentals.

PIA recommends that further changes should continue to be progressed in the future which help to make long-term renting a more favourable option for a wider demographic of the community.

Item 3: Sunset clauses in ‘off the plan’ contracts for land

PIA understand that the reforms in the Bill will limit the ability for sellers to use sunset clauses to terminate an ‘off the plan’ contract for land. PIA acknowledges that this will provide greater protection for buyers, while providing the ability for sellers to terminate an ‘off the plan’ contract for the sale of land, in specified situations.

Whilst PIA broadly supports the intent of these changes, PIA recommends this be closely monitored, with a review in no more than 2 years from adoption, to ensure no unintended consequences.

PIA looks forward to continuing to work with the Queensland Government in delivering the most efficient and effective planning and development system. Should you wish to discuss the above, contact Nicole Bennetts, Queensland State Manager on [REDACTED].

Yours sincerely,

[REDACTED]

Shannon Batch RPIA
President, Queensland Division