

Body Corporate and Community Management and Other Legislation Amendment Bill 2023

Submission No: 76
Submitted by: [REDACTED]
Publication: Making the submission public but withholding your name
Attachments: See attachment
Submitter Comments:

██████████
████████████████████
████████████████████

September 2, 2023

Submission to the Legal Affairs and Safety Committee

Dear Committee,

As a resident owner at ██████████, I have become aware of serious issues that owners at this very large highrise complex of 789 apartments have unsuccessfully sought to address with fellow owners. These issues go to the heart of transparency and accountability.

A major stumbling block is the difficulty resident owners have in communicating with the bulk of investor owners who live interstate and overseas. I'm told investor owners comprise around 85 percent of overall owners.

Body Corporate and Community Management Law entitles unit owners to contact details of fellow owners, but there are obstacles residents here encounter.

First, owners are having to pay fees of c 70 cents per page, but the roll here comprises 2 pages per apartment. That means a unit holder would pay more than \$1100 for a copy of the roll, so that they could obtain details of other unit holders which is exceptionally expensive.

Secondly, I have been informed that some contact details have been missing when a roll has been made available. The contact point for many investor owners is instead an on-site management company which is under no obligation to forward emails to fellow owners.

The result is that onsite owners feel frozen out of the body corporate decision making process. They have limited power to address their important concerns.

This is a significant issue for Queensland overall because (1) many apartment buildings in Queensland will have high proportions of investor/owners living interstate and overseas due to the state being an attractive holiday destination, and (2) if the government is proposing measures such as a lower owner approval threshold to end a community titles scheme, it becomes imperative that the democratic decision making of the body corporate system actually works.

I wish to make two recommendations:

1. That owners wanting a plan's body corporate roll be entitled to ask for **an electronic version of the roll** (eg .PDF) with an **affordable** payable maximum charge (eg. \$50) as compensation for the minor inconvenience of supplying an electronic version. This is 2023 and charges should be modest. Unit owners may simply not need an expensive hard copy version.

I am told commonly used strata management software such as StrataMax and Urbanise can supply this list easily. Personally, previously as a computer programmer, I was involved in developing a management software package for Queensland body corporates used by Body Corporate Services in the mid 1980s to early 1990s that could produce an electronic version of the roll, and that was 35 years ago.

It is a matter of urgency that Queensland legislation/regulation address the problem that a body corporate committee or management could gain a seemingly unassailable position by controlling the flow of information to select groups within a plan. Owners at some schemes urgently need an affordable means to access the roll so that they can contact fellow owners and take part in body corporate affairs.

2. That a roll of owners supplied to fellow owners include the owners' personal email addresses as specified in section 2 of BCCM Form 8, entitled "Information for Body Corporate Roll". The form already has provision for a personal email address but there should be a **requirement** to supply it to fellow owners wishing to discuss body corporate business. That's unless an owner wants to specifically exclude such contact for privacy reasons.

At the moment, owners can communicate with fellow owners by postage, but the cost can be prohibitive – \$950 or more for a single mail out to owners on our plan. Communication becomes accessible, fast and affordable if it can be done electronically. As mentioned before, the majority of owners on our plan are investor owners. Many of them live interstate or overseas so electronic communication becomes paramount.

The other current problem is that some roll entries might only provide contact details of the company that manages a unit, not a personal electronic contact point. Fellow owners need a personal contact point as property management companies and real estate agents are under no obligation to pass on owners' emails to fellow owners.

Our plan has specific problems to deal with, but it is generally in the interests of the Queensland community and its unit holders that communication with other unit holders can take on important strata business without administrative hurdles and obstacles that frustrate communications and foster a lack of transparency and accountability in body corporate affairs.

The matters under consideration could be anything, including the fate of the strata title.

I am happy to provide further details upon request.

Good luck with your deliberations.

Kind regards,

[Redacted signature block]

[Redacted line]

[Redacted line]