

Body Corporate and Community Management and Other Legislation Amendment Bill 2023

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Body Corporate and Community and other Legislation Amendment Bill 2023
This submission is made by the Property Owners' Association of Queensland

Why was this proposed Bill first presented to Parliament on the 23 February, 2023 and the POAQ were not advised until 25 August 2023 and then given 7 days to make a submission by 5.00pm Saturday 2 September 2023? But the committee has until the 6 October 2023.

We are at a loss to understand by it is necessary to terminate a community titles schemes.?

There appears to be an alternate motive to terminate the body corporate scheme where it is stated the body corporate and in turn, owners are facing excessive cost to maintain, repair or rectify buildings within the scheme. As unit blocks are usually brick buildings it is hard to image it necessary to demolish due to excessive costs to maintain, repair or rectify buildings within the scheme. But of course it depends on where the block of units are situated.

Does this indicate that the body corporate is not carrying out their obligations?

Is the Government now agreeing with the Green proposal to allow developers to build unit blocks and in turn supply 25% of the building to government for social housing.

The only alternative to this requirement to terminate the scheme is for further development as noted on page 2 of Body Corporate and Community Management and Other Legislation Bill 2023 Explanatory Notes -

“In October 2022, the Queensland Government hosted the Queensland Housing Summit, which brought stakeholders together to identify solutions to the immediate housing challenges being experienced in Queensland and to chart a path forward towards a healthy housing system”.

By terminating community titles schemes this does not solve the problems but creates many more. Where are the tenants of these unit blocks to go?

2 Arrangements for authorization of alternative insurance.

It is hard to believe that the Commissioner for Body Corporate and Community Management can put in place alternative insurance in a form approved by the Commissioner. More information should be forthcoming in this regard.

3 Modernising and improving the operation of the BCCM Act in relation to by-laws and other governance issues. More consultation and information is needed in this regard.

Second hand smoke in community titles schemes.

Whilst it is agreed that smoking is a concern QUT recommended that a by-law prohibiting smoking in an outdoor area that is part of a lot (including a balcony and courtyard or the common property be permitted. If smoking on balconies are prohibited this then can cause problems to possible tenants in obtaining a tenancy. Of course tenants can then revert back to smoking inside of the property but again this can cause problems to lessors with the damage caused by smoking indoors. To help solve the problem why does the Government ban the sale of smoking products.

Keeping or bringing of animals on a lot or on common property.

This is a concern as the Residential Tenancies and Rooming Accommodation Act 2008 allows pets in a rental properties. Conflict of interest.

Body corporate towing of vehicles.

All unit block should have visitors parking lots. If a vehicle is parking illegally then the body corporate should be allowed to have the vehicle removed from the property and the cost is the responsibility of the owner of the vehicle.

4. Sunset clauses in "off the plan" contracts for land. Perhaps the review on this problem should be address now and not later. Perhaps this should be handled by a solicitor. Your document shows concerns.

5 Release of deposits under an "off the plan" residential property contract

Again this should be handled by a solicitor. Your document states "The Bill will make minor amendments to the relevant Act to confirm the policy intent of these Acts". Why are these minor amendments not available now for consideration.

There again your document has a query.

Achievement of policy objectives

1 Termination of community titles schemes.

Again "To achieve the relevant policy objective, the Bill will amend the BCCM Act (with minor consequences and amendments to the Land Title Act) to establish a new process for the termination of community titles schemes, in circumstances where there are economic reasons supporting the termination.

Why are the minor consequences and amendment to the Land Title Act not available now.

As stated in paragraph 1 of this submission, it would appear that the intention of this proposed Amendment Bill 2023 it to terminate body corporate schemes.

The reason given owners are facing excessive cost to maintain and repair the complexes.

Where is the evidence that owners of these units are facing excessive costs? Why has this problem not been brought to the attention of the Government before now?

If this is the case has consideration been given to tenants renting these units?

There also appears to a conflict of the Residential Tenancies Authority Act.

Enhanced by-law enforcement processes and access to records on layered arrangements of community titles schemes

The Bill inserts provisions into the BCCM Act to allow a body corporate or an owner or occupier of a lot in a scheme in a layered arrangement of community titles schemes to enforce by-laws against another body corporate or an owner or occupier of a lot in another scheme in the layered arrangement,

The question "Why" .One perhaps can understand an "owner" but why an "occupier".

On Page 13 of the Explanatory notes "Termination of community titles schemes

"There are potential public benefits in reforming the BCCM Act to facilitate easier termination of uneconomic community title schemes, including the potential for scheme to be redevelopment in a way that provides increased housing opportunities.

One cannot understand how by terminating community titles schemes this allows land to be redeveloped in a way that provides increased housing opportunities.

The proposed changes to the Body Corporate and Community Management Act 1997 (BCCM) Act as indicated in the document pose more problems than solving problems. As the proposed document was first presented to Parliament in February 2023 and again on the August 2023 by a different Minister perhaps more time should be given to again look at the reason for terminating community titles schemes and thus forcing more tenants of these properties onto the streets.

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Secretary POAQ