

Body Corporate and Community Management and Other Legislation Amendment Bill 2023

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RE: Consultation draft of Body Corporate and Community Management and Other Legislation Amendment Bill 2023

Thank you for the opportunity to comment on the proposed amendments to the Bill. Our comments are as follows.

Termination of the scheme

There are a number of points raised in the proposed legislation which AAA believes will in fact thwart the intent of the Bill. These include:

The need to have a termination plan if seeking 75% support. While AAA supports this intent, we believe a template for this process must be provided otherwise BC's will have to engage a lawyer at a substantial expense and from firsthand experience this will tend to in fact stall the process ie owners not wishing to pay additional funds for these kinds of initiatives.

Furthermore, the fact that even after a termination plan has been created and 75% support it, there is the potential for an aggrieved party to seek adjudication and which will stall the termination process (81D).

The fact that a vote can not be lodged by a proxy is also concerning as some owners may in fact be investors and not even residing in QLD (81G). Since there is only one vote per owner there is very little chance of proxy harvesting occurring. Alternatives such as email votes should also be considered to take into account a variety of owners and their status.

AAA has a number of apartment owners in schemes that are 50 plus years with concrete cancer. They have been approached by developers and in most instances the offer to purchase the property and scheme is of significant benefit to the owners. In this instance they hold all the power. To then make this matter complicated with the need for

termination plans (and associated legal costs) as well as the opportunity for owners to still object with 75% support tends to make this legislation somewhat shallow. Our experience is that most schemes always have 1-2 people who will object to any matters raised and by giving them the power to object to the termination you thwart the rights of the majority.


This is especially so as negotiations with developers for the sale of the scheme is often a lengthy process and hence owners have the opportunity to make alternative accommodation plans well in advance.

Smoking in common property

Please clarify, with the proposed bylaw re banning smoking on public property, does this need to be endorsed by all owners ie without dissent? Again, if this is the case then this bylaw will rarely be supported. It is AAA's recommendation that 75% support would suffice for the bylaw to be introduced.

Please feel free to contact AAA if you require any clarification on the above points.

With thanks



Samantha Reece
CEO