



Speech by

Mr D. BRISKEY

MEMBER FOR CLEVELAND

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**BODY CORPORATE AND COMMUNITY MANAGEMENT AND OTHER LEGISLATION
AMENDMENT BILL**

Mr BRISKEY (Cleveland—ALP) (5.43 p.m.): I, too, rise to speak in support of the Body Corporate and Community Management and Other Legislation Amendment Bill. Many speakers before me have commented on how complex this matter is. I guess it is complex because it deals with people. It deals with people investing in property, which is probably the largest investment they will make in their lives. When disputes arise, emotions understandably run very high when an issue involves the largest investment people will ever make.

The minister, his ministerial staff and departmental staff need to be congratulated for bringing before this House a bill which in most respects has the agreement of all stakeholders in this matter. Speakers in this debate before me have spoken about the fair balance between all the stakeholders. There is that. Of course, we cannot please all the people. I cannot think of a bill before this House which has pleased all the people. However, as I said, the minister needs to be complimented because he has indeed brought before the House a bill that has the agreement of most stakeholders in the community.

I welcome the reform of Queensland's body corporate legislation, which will provide a greater balance between the rights of unit owners and those providing services to community title schemes. This government is all about keeping pace with community needs. These changes very much reflect the fact that community titling is becoming a great lifestyle and investment option for many Queenslanders. Our increasingly busy lifestyles are indicative of this, as is the level of unit development we can currently see in the Brisbane CBD and, indeed, in my electorate of Cleveland. As a government we need to ensure that the acts governing body corporate entities and community titling remain responsive and relevant to the industry. I am confident that this bill seeks to achieve this.

The legislation seeks to protect unit owners from poorly performing or unscrupulous resident managers or letting agents through the introduction of a code of conduct for body corporate managers, resident managers, resident caretakers and letting agents. I have spoken with the member for Aspley about this bill. I know that unit owners in my electorate and her electorate will welcome the reforms, particularly those who are investors. What these people have sought in purchasing a unit is a worry-free investment for their future. Despite their best efforts, however, they have found—as in any other aspect of society—that there are the good managers and the bad. I am sure that members of this House are all too familiar with the disputes that can arise. I am sure that honourable members have been visited by constituents, as I have, with respect to concerns over bad managers. We never hear about the good managers, but we have certainly heard about some bad ones.

Often these disputes can be ongoing, costly and disruptive to the lives of other residents living within the unit complex. Under the new legislation, bodies corporate will have the power to terminate resident managers and letting agents who breach the code of conduct and make them sell their management rights. This code of conduct is introduced under clause 43 of the bill and will apply to the actions of the body corporate manager or caretaking service contractors. The code of conduct set out in schedule 1A seems very reasonable. The code establishes a standard

of conduct that reasonably should be expected of all body corporate managers and caretaking service contractors.

Where there is a breach of the code, bodies corporate will now have the power to require the transfer of the management rights business within a maximum period of 11 months. To prevent undue influence being exerted over owners, when a body corporate considers these powers the decision must be made by a secret ballot with an independent returning officer. This is extremely important, because there are many elderly unit owners who are fearful of voting when somebody else knows how they voted. So the introduction of a secret ballot is very important in this regard. The rights of the management are protected also. The time frame for the sale allows the rights to be sold at market rates, ensuring that management operators will not be unfairly disadvantaged.

The amended legislation also provides for an improved dispute resolution service which offers conciliation and adjudication as methods of resolving disputes, minimum performance standards for service contractors and letting agents, clarification of rules relating to agreements with body corporate managers, service contractors and letting agents, and increased disclosure of information to purchasers of lots and community title schemes. This bill carefully balances the competing interests of unit owners, the development industry and the management rights industry. It is a piece of legislation which deals with an increasingly complex area and an area which continues to increase in importance. I once again take this opportunity to congratulate the minister on the bill and commend it to the House.