



Speech by

**LEX BELL, MP**

**MEMBER FOR SURFERS PARADISE**

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

**Mr BELL** (Surfers Paradise—Ind) (3.25 p.m.): When the minister introduced this bill in the House in December I saw him shortly afterwards in the corridor and asked, 'Have you been able to reconcile the various competing interests?' He smiled wryly and said, 'I think we have. Maybe we cannot satisfy everyone all the time, but I think we have.' I have to say that by and large I think the minister has done that. He has worked very hard on this with his officers and I think that the result, though complicated, is certainly a fair balance of the various competing interests. It is complicated, yes, particularly when we compare it with the first Building Units Title Act in 1965, which was a very slim volume and one upon which my late father actually worked. I say to the minister and his staff—well done on a job that has been a very difficult one.

I am a little unhappy with the provisions relating to lot entitlements, but I think that I should have been here in 1997 when the previous act made such provisions, because I see a lot of feeling in the community that there should be a differential in unit entitlements and in levies when one considers that one person may have a five bedroom penthouse and one person might have a one bedroom unit on the second floor. Parallel, you see in local government a person with a very large house on the river paying a lot more through council towards the upkeep of parks and streets compared with someone who has a very modest cottage elsewhere. Nonetheless, 1997 has basically shut the door on the principles and I do not think there is very much I can do about that here. But I have a lot of people who do feel that the penthouse owner should be paying a whole lot more and should continue to do so for all of the services rendered.

On the vexed issue of management rights, I do believe that the bill seeks to balance the various competing interests. They have tried hard. It is very complicated, but nonetheless I think that the result, subject to the test of time, should assist and materially reduce future conflicts in this area whilst still recognising various proprietary rights of the various stakeholders. I have received feedback from the community in relation to clause 91 which seeks to insert the new clause 220A, and that relates to frivolous and vexatious complaints. I am not sure that everyone in the community will feel that that has gone quite far enough, but I personally feel that that is a fair compromise. I do not really think that we can have a person declared a vexatious complainant in the same manner as a court might declare a vexatious litigant. Perhaps what has been sought to be done to control such situations and to impose the possible penalty of reasonable costs is as far as one should go in this enactment.

I was slightly puzzled when I read clause 9, which seeks to introduce section 49, relating to the body corporate's ability to acquire the letting agent's residence or residence and office. I could not quite see a difference in principle from a situation where there is an office alone. There are some bodies corporate where the management does not operate its office from its residence but does have an office in a prominent part of the foyer of the building. Unless I have misread the bill, it does not enable the body corporate to acquire an office on its own in the circumstances where the body corporate can acquire an office and residence combined. I am a little puzzled about that. If I have misread it, I would be very grateful to be put right. All in all, the bill is a very good attempt at grappling with a difficult situation and it certainly does merit support.