



Speech by

Mrs LIZ CUNNINGHAM

MEMBER FOR GLADSTONE

Hansard 27 February 2003

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

Mrs LIZ CUNNINGHAM (Gladstone—Ind) (5.53 p.m.): In rising to speak to this bill, I would like to give some history to it. In 1997 when the major amendments to the Body Corporate Bill were proposed, I was lobbied hell, west and crooked in regard to the amendments. It could be said that at the time the dynamics in this chamber were different. I prefer to think the minister has done such a wonderful job in consultation—

Mrs Lavarch: So we can blame you, Liz.

Mrs LIZ CUNNINGHAM: No, what I am saying is that in 1997 I was approached by a lot of people aggrieved by issues in relation to bodies corporate. On this bill I have had one, perhaps two people who have expressed an opinion, and I prefer to believe it is because the minister has done such a good job of consultation that I have not been inundated with complaints. We will just leave it there.

Mrs Lavarch: You will have him blushing.

Mrs LIZ CUNNINGHAM: I think he is blushing already, because I have been listening to the debate in my office and the compliments have been flowing freely.

I am not familiar with living in a body corporate structure. I have always lived in a house on an allotment. I lived for a short time in a caravan. That is probably the closest I have come to a body corporate. We considered a body corporate unit when our daughters moved to Brisbane, but our second daughter said that would not work because she was studying music and the practice would drive the neighbours mad, and I am sure that is right.

People who choose to live in units have certain expectations as far as their lifestyle is concerned. I congratulate not only the current minister but also the minister who looked at the legislation in 1997 and determined that after five years there needed to be a review of the legislation to ensure that those changes that were put in place were appropriate. I commend them both because I think it was insightful of the lifestyle of unit residents and the competing interests of people: those who live in their unit, those who see it as an investment, the managers of those units and the other groups who have an interest in the rate of return of unit living.

Previous speakers have raised a number of issues. I want to discuss the different perspectives of the two major stakeholders in units. Those who live on their properties who are looking for quality of life issues are looking for a unit manager who will put not only in the permanent units but also in the rented units people who are compatible with their expectations. Those who live in their units are looking for neighbours who are kind, quiet and considerate. Investors are looking for a rate of return. So the unit manager is faced with a conflict of interest and has to finely balance the decisions that he or she makes.

I commend the minister in that, whilst the manager has been given an ex officio position on the body corporate, members of that body corporate are going to be given a secret ballot in voting on management issues. I think that gives a great deal of recognition to the disproportionate position of power that unit managers have over those who live in or own those units and will be required to make decisions on the basis of the efficiency and the effectiveness of the manager. I do commend the minister. I think secret ballots are wonderful in the manner in which he has prescribed them.

The other issue I want to raise is that of dispute resolution. An independent arbiter, for want of a better word, has been implemented. After that independent arbiter has gone through its process, there is an opportunity for recourse to the District Court.

One of the things that I learnt in 1997 as a person who has no experience in body corporate living—I have never lived in a unit other than maybe a few days on holiday—is that the whole environment of unit living is different to living in a house, renting a flat or living in a caravan. It is a different lifestyle altogether.

The sorts of issues brought to me back in 1997 involved decision making on common areas: the powers of managers to effectively bankrupt an owner if units were not rented; the fact that unit dwellers, those who bought the unit and are domiciled in that unit, feel disempowered in regard to some of the decision making processes because of the power that the manager had. I commend the minister.

This bill is a change to the 1997 legislation but a positive one that enhances the position of those who own the units and actually live in them, those who manage the units and those whose management has been set up almost off the plan. I commend the minister for the legislation. I look forward to any feedback that my office might get from those who live in units, own units or manage units.