



Speech by

Barbara Stone

MEMBER FOR SPRINGWOOD

Hansard Wednesday, 7 March 2007

BODY CORPORATE AND COMMUNITY MANAGEMENT AND OTHER LEGISLATION AMENDMENT BILL

Ms STONE (Springwood—ALP) (3.45 pm): I rise in support of the Body Corporate and Community Management and Other Legislation Amendment Bill. I wish to declare that I am involved in a number of bodies corporate as an owner-occupier and an investor in units. I have never taken any positions on the body corporate management committees, but I want to take this opportunity to thank those who have. It is because of those who do that we have a lot of complexes that are tidy and safe, and have comfortable environments. These people are protecting not only their own assets but also the assets of others, and I know how hard that work is. They are the people who are running around getting the tradesmen, getting the lawns mowed and the gardens maintained—doing all those jobs that I certainly do not have time to do. If it were not for them, there would be a lot of people out there living in chaos in some complexes.

Those people on the committees also take on the complaints that residents have. I have just had an issue with security gates not working and not being able to get my car in and out. The poor chairperson of my body corporate was the one who had to handle all the complaints and do the leg work to get that fixed, and I thank her for that. At the end of the day, there will always be disagreements but it is through their hard work that we do have such great complexes and that we do have that quality of life. If it were not for those people, I am sure that there would be a lot more disputes. I want to thank all of those residents who have taken on committee jobs and are doing the right thing by their neighbours.

The bill amends the Body Corporate and Community Management Act 1997 and the Commercial and Consumer Tribunal Act 2003. The Body Corporate and Community Management Act was passed in 1997, establishing a more flexible framework than had previously existed for community titles schemes. Because of the legislation's complexity, the government of the day committed to review the act to ensure that its objectives were being achieved. I am pleased to say that reviews have continued in order to ensure that the bill keeps up to date with the complexities that arise as this type of housing continues to change and develop.

The success of a community titles scheme, and the success of related investments, relies on a strong working relationship between the resident manager, the body corporate and individual owners. Unfortunately, this does not always happen. With two distinct owner types—those who live in their properties and those who use them as investments—tensions can arise because of their different priorities. Today we see more and more unit complexes with residential and commercial properties, adding another complexity to the scheme and another area where disputes can arise.

I am aware of that because I am involved in a situation where we have a restaurant situated on the ground floor of a residential complex and over the years the restaurant has grown, has taken over common property and has taken on more functions. So there have been disputes about parking and about people using common property. These sorts of disputes will only continue to grow as we see the different types of mix come into these complexes. I am pleased to say that that situation is still being looked at by the body corporate and they are trying to work out some solutions to benefit everyone, but that was not before there

was a dispute. These types of situations will certainly grow as the mix in these community titles schemes continues to change.

Firstly, the bill requires that a person must make a reasonable attempt to resolve a dispute within the person's body corporate prior to making an application to the commissioner. I do believe that that is the best way to go—when you deal with the resident manager or the body corporate first, often it is something that can be fixed.

Departmental conciliation will be conducted by the Office of the Commissioner for Body Corporate and Community Management. Departmental conciliation will facilitate prompt and informal resolution of disputes and encourage parties in the dispute to arrive at their own agreement and resolution. The Commercial and Consumer Tribunal will have the jurisdiction to determine complex BCCM disputes, and this should alleviate costs of specialist adjudication and District Court proceedings. I know this will be welcomed by the community, as costs such as those I have mentioned do impact on the ability for those in dispute to access justice.

As I stated earlier, the mixture of residential and commercial properties is growing and will continue to grow. There are also the complexes that are predominantly holiday letting that have their own unique complexities. I believe that as the mix continues to develop in this type of housing, body corporate managers, committees and resident managers will need to have expertise to balance business needs with those of the quality of living for residents. I certainly support the separate examination of the regulatory options for body corporate managers that is currently being undertaken.

As I stated earlier, these types of complexes will only continue to change in their structure. I am sure that we will be presented with challenges in the future that today we have not even thought of. That is why it is important that this legislation is reviewed regularly. Certainly ongoing review is needed. This bill was created by the review of a range of emerging issues impacting on the community titles sector today. With those comments I commend the bill to the House.