Speech by

Michael Crandon

MEMBER FOR COOMERA

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BODY CORPORATE AND COMMUNITY MANAGEMENT AND OTHER LEGISLATION AMENDMENT BILL

Mr CRANDON (Coomera—LNP) (9.00 pm): I rise to contribute to the debate on the Body Corporate and Community Management and Other Legislation Amendment Bill 2010, which was introduced into the House in November 2010. The bill amends the Body Corporate and Community Management Act 1997, the Queensland Civil and Administrative Tribunal Regulation 2009 and the Queensland Civil and Administrative Tribunal Rules 2009. The main objectives of the bill are to amend the Body Corporate and Community Management Act 1997, among other things to provide a new lot entitlements system to limit the ability to adjust contribution schedule lot entitlements and to give owners in existing schemes a right to reverse previously adjusted contribution schedule lot entitlements to their original position, allegedly to add some certainty to lot owners. I would argue that this legislation is only going to further confuse matters and create more uncertainty for many owners of lots.

As the member for Currumbin indicated in her outstanding contribution to this debate, community titles schemes take many forms. I would guess that my electorate of Coomera would have more than most of the other electorates represented by members in this House. Lot entitlements are used to determine how costs and interest in a community titles scheme are divided between owners and the voting rights of owners in certain circumstances. This brings me to the point of my contribution in this debate. Numerous individuals have come to me as their local member to discuss inequities that they see in their individual schemes versus schemes around them. As the member for Mermaid Beach said, the issue is about who should pay more and who should pay less.

A classic example where the lot entitlements were determined by the developer is one case that I have been involved in. It came to light because new owners moved into a property in a community adjacent to one that they had just vacated. The matter came to light because they could not believe the difference in their rates notice versus the rates for their previous property. This particular development has been in place for something like six or seven years. No-one had raised the issue in the past, but it came to light. These people made inquiries and they referred the matter to me. We had some discussions about it and it was determined that, in dividing the lot entitlements among the various properties, the suggestion was that the developer would benefit either himself or others by adjusting the lot entitlements to ensure that particular properties within the overall complex would pay far less in not only their rates but also their body corporate fees and so forth.

This legislation starts to get very messy for people who are in a position where they have already found that there is an inequity. Everybody agrees that the owners of properties in this particular area have been, for all of the years that the development has been in place, paying too much in every respect versus the owners of other properties within the precinct. So the change is made and agreed to by all of those in the development and they go along with them for some time.

Then along comes this legislation and we see that all of those inequities that have been corrected in the past can now be reversed. So we have a situation where, under this new legislation, we can change

everything back to the inequitable position that existed before. This is just one small example of what is wrong with this legislation. As I outlined, once this legislation is approved there are going to be more problems for property owners who have already been through the process of redressing the inequities. The opposition does not support the legislation.