




Speech By
Hon. John-Paul Langbroek

MEMBER FOR SURFERS PARADISE

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

 **Hon. JH LANGBROEK** (Surfers Paradise—LNP) (Minister for Education, Training and Employment) (11.17 pm): I begin my contribution to the Body Corporate and Community Management and Other Legislation Amendment Bill by taking up the theme of the honourable member for Ipswich, who is the chair of the relevant committee, to note that this is a work in progress. It is not going to fix all the problems, and this is something that I have been speaking about with a number of constituents in my electorate who have expressed concerns about aspects of this legislation overall and the fact that this is something that we committed in opposition to rectifying. But, as the honourable member for Ipswich just mentioned, there is not much point in someone being able to take a motion to a meeting and move it without any dissent when that is overriding the actions of a properly constituted tribunal. That is the principle that we have had to correct before the Attorney-General moves on to the second aspect, which is the commitment that I will speak to later—and that is to make sure we get this legislation right.

Even though this is a vexed issue, it is very hard to please everyone, as we have already heard from the contributions that have been made. But it is very obvious that the amendments in 2011 have not helped the situation. It is something I spoke about at that time, when the honourable member for Currumbin was the shadow minister. We opposed it in opposition and we are here today to right the wrong that was created that has exacerbated the situation and has led to a lot of unease and a lot of heartache amongst constituents of mine, as I have a high proportion of bodies corporate in my electorate.

In April 2011 the Bligh Labor government amended the Body Corporate and Community Management and Other Legislation Amendment Act so that lot owners affected by a contribution schedule lot entitlements adjustment order could have their scheme's lot entitlements reverted to their original setting. Labor's 2011 amendments created a flawed system that needed to be fixed.

I recall speaking in this place on Labor's BCCM Bill in 2011. In that debate I said—

The real problem is that this bill was supposed to deliver much but in reality it delivers little. It is a bill that was intended to satisfy many but will, if passed, satisfy few. It is a bill which was supposed to deliver certainty to unit residents and investors alike but which delivers only more uncertainty.

...

... I am constantly reminded that for many people the dream of unit living has turned into a nightmare. From constant representations made to my electorate office and the fact that my filing cabinets are overflowing with such complaints ...

As honourable members would be aware, this bill is particularly significant to my electorate of Surfers Paradise and I have received significant correspondence on this bill. But one of the things I will not tolerate is people trying to threaten me about my future or the future of this government, which was elected with a significant mandate to fix these issues and others. That is what I object to. I have a

significant number of constituents who via a concerted media campaign have tried to suggest that either my future or the future of the government is in danger if we do not do what they want us to do. That is typical of the members opposite—

Mr Byrne: It is democracy.

Mr LANGBROEK: It is not democracy, member for Rockhampton, when people threaten—when people suggest that if we as a government do not do what they want us to do we will suffer as a consequence. I am here to say—there are some here in the gallery tonight; they know who they are—that those people can do whatever they like, whether they be failed council candidates or people who have come and said, ‘This is something you must do because you are in the LNP and I voted for you or I handed out for you.’ They can do whatever they like if they want to suggest things like that.

All I can say is that I will not be listening to those sorts of emotive statements or taking note of the fact that they get the member for Rockhampton to come down to speak to their meetings—or the members from the back corner who love to carry on in the way that they do. They can do whatever they like with those people, but I will act on behalf of the people of Surfers Paradise and the majority of people who are members of bodies corporate. We will do the right thing on behalf of those people and we will do it properly. We will make sure that we come up with the best result. That is why I want to make that point tonight very stridently.

It is all very well for expedient people from the Katter party, which has refugees from other political parties, to go down there in a short-term way saying, ‘Maybe I’ll get them to vote for me here,’ or for a new member who has been in this place for five minutes to go down to the Gold Coast, trying to ride on the coat-tails, thinking ‘Maybe this will get us from seven to 70.’ I do not think it is going to get them from seven to 70. They can do whatever they like, but we will make sure we do this properly. I will make sure that I work for the Attorney-General to make sure that we do get a good result. That is the message I have for those opposite and those who think they can ride the coat-tails of the people who are out there—the populists, the people who think they can just jump on some sort of bandwagon at the last moment because it might help them.

This legislation is very significant to my electorate. I know that the Legal Affairs and Community Safety Committee undertook a detailed examination of the bill because prior to April 2011 lot owners could seek an adjustment to their scheme’s contribution schedule lot entitlements by seeking an order from a specialist adjudicator, the Queensland Civil and Administrative Tribunal—QCAT—or the District Court. A reversion overruled orders of a court, tribunal or specialist adjudicator. There was no right of appeal for anyone in the community titles scheme who did not want the reversion to take place. This meant that the system allowed one person to influence the arrangement for an entire building without challenge.

This system was inherently flawed. Under the Labor Party’s law, a member of a body corporate could submit a motion to the body corporate committee or a general meeting to overrule the lot entitlements that had been decided by a specialist adjudicator, tribunal or court and require the contribution schedule lot entitlements to be changed back to those originally set by the developer. Under the Labor laws, other lot owners had no right to challenge or vote against such a motion and the body corporate committee was required to implement the reversion process. The system was compromised from the start and it is a system that needs fixing.

This bill aims to right Labor’s wrongs and restore fairness and independence. We need to restore a process to allow reversions made under the 2011 amendments to be undone and to enable bodies corporate affected by the 2011 amendments to reinstate the lot entitlements that were previously decided upon for the scheme not by an individual with vested interest but by a specialist adjudicator, tribunal or court.

This bill removes unnecessary disclosure requirements imposed on sellers of lots in community titles schemes. The Newman government has introduced legislative amendments to the BCCM Act which will only affect those community schedule lot entitlements adjusted by an order of a specialist adjudicator, tribunal or court prior to April 2011 and then using Labor Party amendments of 2011 reverting to the developer’s original schedule between April 2011 and when our recent bill was introduced. This bill also ensures that no more reversions can take place.

It is expected that of the approximately 41,000 registered community titles schemes in Queensland this bill will affect fewer than 130. A CSLE determines a lot owner’s contribution to the maintenance and upkeep of the common property of a body corporate. The government does not set

body corporate fees. The legislation simply sets out the framework for determining how unit owners share body corporate expenses.

The LNP's position on this issue was no secret: we opposed Labor's 2011 amendments at the time. That remained our position right through to the state election. Now it is part of the challenge of undoing Labor's mess—the Gordian knot that is Labor's fiscal and legislative mismanagement that resulted in crushing debt, increased cost of living and reams of red tape that stifled economic growth.

Our government has a mandate to reduce red tape and regulation. This seeks to remove unnecessary disclosure requirements imposed on sellers of lots in community titles schemes. It will streamline the contract process and reduce conveyancing costs including removing the need to provide a copy of the community management statement with the disclosure statements for the sale of units in existing community titles schemes.

I seek to highlight the fact, especially for my constituents, that the current bill deals only with undoing the reversions that took place under the April 2011 amendments and providing a process for bodies corporate affected by the 2011 amendments to reinstate the lot entitlements that were previously decided by a specialist adjudicator, tribunal or court.

The Attorney-General has announced that we will be the government to fix the body corporate mess once and for all. It has been used as a political football. We will not be a government that does that. We want to be a government that gets the balance right and fixes this mess once and for all. I welcome and look forward to a greater review of the act. Until then, I acknowledge the importance of passing this current piece of legislation. I commend the bill to the House.