




Speech By
Michael Crandon

MEMBER FOR COOMERA

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

 **Mr CRANDON** (Coomera—LNP) (2.55 pm): I rise to make a small contribution to the Body Corporate and Community Management and Other Legislation Amendment Bill 2012. The legislation provides the regulatory framework for community title schemes which can include small duplexes, town house complexes and large multistorey commercial and residential premises. A body corporate is responsible for the management of common property for the scheme and the body corporate assets. Shared costs are divided between lot owners in proportion to the contribution schedule lot entitlement for the scheme. Any adjustment of lot entitlements results in financial winners and losers. The reality is that most people in the past that have bought in know what the deal is when they are buying in and if they did not, quite frankly, they should have. It is entirely up to them to make their own inquiries. To ask after the fact for an adjustment to disadvantage others is in itself against natural justice.

As time goes on, however, it is fair to say that if an appropriately qualified judge, for example, QCAT, has had a look at situations further down the track and determined an injustice has occurred due to changes in conditions then so be it, they have made that call. To then allow one person or unit holder—and this is the crux of the changes to this particular legislation—to say ‘No, take it back to what it was,’ is again a denial of natural justice.

I wind up my contribution by making two key points. Firstly, this bill will address complex disputes. QCAT or similar will adjudicate in cases where the adjustment of contribution schedule lot entitlements is sought by unanimous agreement of all lot owners. Lastly, as suggested by one of my constituents, George Hannaford, who has had a great deal to do with the act for the last 15 years or so and remains interested in outcomes and equity of those outcomes today—and I paraphrase what he said to me in an email recently—In the future give developers the responsibility of recording with their plan a schedule of lot entitlements which are fair and equitable. After all, they know the value of the strata title, maintenance needs and costs and how each unit holder will benefit. What George is saying there is, ‘Let us put the onus back on the developer, or whoever it may be, and let us then ensure that the appropriate unit holdings have been established right at the beginning rather than some of the skewed unit holdings that we have seen in the past.’ With those final comments I commend the bill to the House.