




Speech By  
**Michael Hart**

**MEMBER FOR BURLEIGH**

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

 **Mr HART** (Burleigh—LNP) (1.05 am): I rise in support of the Body Corporate and Community Management and Other Legislation Amendment Bill 2012. From the outset, I say this: like many of the reforms and tough decisions this government has had the determination to enact since the people of Queensland overwhelmingly elected the LNP in March 2012, this legislation is not about winning a popularity contest; it is about righting the Labor wrongs and showing the leadership and determination to deliver fair outcomes for all Queenslanders. It could be said creating legislation for a community title or body corporate is a microcosm of a wider community, with ministers and members of parliament through the passage of time recognising the complex nature of community living and that it is difficult for every stakeholder to be satisfied by one piece of legislation.

As part of the committee process, 272 submissions were made by stakeholders about the bill. The committee noted that all submissions commented on the provisions relating to contribution schedule lot entitlements and that the submissions highlighted the strongly competing views of stakeholders about how the bill should deal with contribution schedule lot entitlements. This bill delivers on promises we campaigned about during the March election. Importantly, the bill seeks to remove the reversion process—

**Honourable members** interjected.

**Mr DEPUTY SPEAKER** (Mr Berry): Member for Burleigh, perhaps I might help you in your auditory process by asking honourable members to be more attentive to what you are saying, because what you are saying is important. We want to hear what you say. Honourable members, would you please join with me in listening to the member for Burleigh.

**Mr HART:** Thank you, Mr Deputy Speaker, for your protection. It is quite obvious that the members of the north-west branch of the Labor Party are not interested in hearing how this whole scheme works.

**Mr DEPUTY SPEAKER:** Member for Burleigh, I did not name any section; I am just simply saying the noise level is a little high.

**Mr HART:** Thank you, Mr Deputy Speaker. Importantly, the bill seeks to remove the reversion process and where a reversion has already taken place provide a process enabling lot entitlements to be changed back to what was set by the last adjustment order—importantly—ordered by a court, a tribunal or a specialist adjudicator, and these proposed changes have been welcomed by a number of leading groups in this sector. To put these proposed changes into context, prior to April 2011 lot owners could seek an adjustment order to their schemes—the contribution schedule lot entitlements—by seeking an order from a specialist adjudicator such as the Queensland Civil and Administrative Tribunal or a District Court.

In April 2011 the former Labor government amended the Body Corporate and Community Management Act 1997 so that lot owners affected by the CSLE adjustment order could have their scheme's lot entitlements reverted to their original settings. Labor's 2011 amendments created a flawed and undemocratic system that needed to be fixed, and that is the purpose of this legislation. A reversion effectively overruled highly relevant and qualified 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. The 2011 reversion process came under significant criticism from some lot owners and peak legal and stakeholder bodies for allowing a single lot owner to effectively overturn a lawful order. That is the crux of this matter.

This is a highly emotive issue in my electorate of Burleigh. As members would understand, a lot of unit holders live in the Burleigh electorate. There must be hundreds of them. I would say that I have had the majority of those people through my office. I have been out and I have consulted unit owners. I have talked to just about everybody there is to talk to on this issue. I have some of the main protagonists in this issue living in my electorate—in fact, within a couple of hundred metres of my electoral office—with Mr Phil Williams, who is at Magic Mountain. Many members would recognise his name from emails that they may have received—and I apologise for those emails. On the other side of that particular issue is Mr Ian Leslie from *60 Minutes* fame, and I am sure all members would remember Ian.

As I said, I have had a lot of people come into my office about this issue. There has not been a couple of days go by that I have not had someone come in and talk to me about this particular issue. What I have had in my office are people on one side of this argument. I have had nobody on the other side of the argument come in and attempt to lobby me. So let us get that clear: there has been one side of this argument put out there. It is complete scare tactics that the member for Condamine, the member for Dalrymple and their mates over there have all been sucked into.

**Mr Hopper:** Pick on me, you've only got two years.

**Mr HART:** They have been sucked into this and they quite clearly—

**Mr DEPUTY SPEAKER** (Mr Berry): Order! Member for Burleigh, I just remind all honourable members that we have sat here and listened to each other speak and we honour the member by allowing him to speak uninterrupted. Member for Burleigh, please continue.

**Mr HART:** Mr Deputy Speaker, thank you. They have quite clearly been sucked into the scare tactics that have been going around on this particular issue. This legislation is about undoing a wrong. In 2011 the Labor Party allowed one person to go to a body corporate meeting and undo a right decision of a judge or QCAT. They are making that decision based on the legislation. If at the end of the day in somebody's view that decision is flawed, it does not make somebody happy, then we have a job to change that legislation. That is what the Attorney-General is proposing to do in the months ahead. As somebody who really is interested in this particular issue, I can tell members that I will be fully supporting the Attorney-General in looking at this issue. We have to get this issue right.

I am a firm believer in the KISS principle—'keep it simple, stupid'.

**Mr Rickuss** interjected.

**Mr HART:** I will not go there, member for Lockyer. You put forward a straightforward, simple, concise plan. I would have to say to members that I do not agree with the basis of equalisation. I have said that to everybody who comes into my office. When you talk to these people who are in those bodies corporate they will tell you that a person in a penthouse is paying the same as a person in a one-bedroom unit on the ground floor of a building, but they cannot show you those facts because those facts simply do not exist. I have asked over and over again for somebody to show me where the problem is—'Show me the problem'—and I do not see the problem.

Over the past four or five years body corporate fees have gone up. There is no doubt about that. The price of everything has gone up and we can blame most of that on the Labor Party from years ago. We have to get this right once and for all. A lot of this goes back to how the developer set up his lot entitlements right at the start. That is the crux of the matter. You then have somebody trying to get that right. They have gone off to a judiciary—they have gone off to QCAT, they have gone off to a judge—and they have sought a judicial response. The judicial response has come through and the Labor government did not like it. It went out and basically threw out a legal decision made by a judge, made by QCAT—something that was based on the legislation that we in this House put in place.

As I said, we really have to get this right. I firmly encourage the Attorney-General to start looking at this issue. If he is looking for a volunteer to get involved in that, I will put up my hand. I am very happy to get involved in that. I am very happy to communicate with all of the bodies corporate on

the Gold Coast, as I have been doing for the past six months. As I said, I have had a lot of these people who are concerned in my office. They have all come in saying, 'I don't understand the issue,' but I can tell members that, at the end of the day when they leave, they know that I understand the issue, they know that every other member representing an area on the Gold Coast understands the issue, they know that every other member representing an area on the Gold Coast is really quite concerned about this issue. We want to get it right and we will. I commend the bill to the House.