




Speech By
Jason Hunt

MEMBER FOR CALOUNDRA

Record of Proceedings, 8 November 2022

BUILDING UNITS AND GROUP TITLES AND OTHER LEGISLATION AMENDMENT BILL

 **Mr HUNT** (Caloundra—ALP) (12.28 pm): I rise to contribute to the debate around the Building Units and Group Titles and Other Legislation Amendment Bill 2022. On 22 July this year, the committee held a public hearing and six separate individuals or entities gave evidence. This was in addition to 15 written submissions received on 28 June. Thanks as ever to the secretariat staff who worked so hard to bring these hearings and submissions to a smooth and organised process so that they could be properly considered. Thanks also to my fellow committee members.

To the casual observer, the contents of this bill will not set the world on fire, but make no mistake, they are absolutely vital. The solitary recommendation of the committee is that the bill be passed. The objectives of the bill are very straightforward. There are identified deficiencies in the BUGT Act 1980 and the Mixed Use Development Act, or MUDA, of 1993 which this bill seeks to fix. The committee was advised by the department that while the amendments contained in the bill are generic and not intended to be a direct intervention in disputes arising at Couran Cove, consideration has been given to representations of Couran Cove proprietors about what they perceive as the deficiencies in the MUDA and BUGTA. They adversely impact on fair and transparent body corporate governance in relevant developments which result in detriment to proprietors.

I will now touch on a few of the proposed amendments. The changes will capture such things as proposed amendments that in many cases are modelled on existing BCCM provisions to address the identified deficiencies of BUGTA and MUDA to increase transparency and fairness of body corporate governance for proprietors—that is to say unit owners—in relevant developments. The changes facilitate body corporate access to dispute resolution services by relaxing the current requirements. The bill relaxes the special resolution requirements in relation to applications for a referee's order under BUGTA's dispute resolution provisions. This change will make it easier, for example, for a subsidiary body corporate to seek a referee's orders to resolve a dispute it is having with a community body corporate. The bill provides greater flexibility for dispute referees.

The bill expressly requires community and precinct bodies corporate and executive committees—under MUDA—and subsidiary bodies corporate and committees—under BUGTA—to act reasonably when executing their functions including making or not making a decision, which is similar to the BCCM legislation. This approach is largely based on the BCCM legislation with some exceptions.

Crucially, the bill strengthens provisions governing debtors and the composition of committees under BUGTA and executive committees under MUDA. Service contractors, letting agents, body corporate managers and persons owing debt along with prescribed associates of that person will not be eligible for election to the committee in recognition of the potential for related conflicts of interest which could impact the performance of their duties.

While it is good and correct to hear from the department and while it is entirely appropriate for those of us on the committee to wax lyrical about these changes, I think in this instance it would be very useful and very instructive to hear from those members of the public most affected. In this instance, I will speak of Mr Daniel Purser. In the public hearing of 22 July Mr Purser made this contribution as part of his submission to the public hearing. He stated—

Good morning distinguished members of the committee. I am a long-term owner and also a committee member of a body corporate in an extremely troubled BUGTA MUD development. Here today I represent hundreds of owners of our community. I warmly welcome the amendments put forward in bill to BUGTA. I am no lawyer, but in the way that I read the changes I believe that the benefits are numerous.

...

... these changes are a huge step in the right direction and will make a real difference for all owners in our building group where a lot of owners and residents are elderly, disabled or just straight-out vulnerable. These changes will give us all a voice. It has been hell. I would like to thank the Attorney-General and her team for taking the initiative of introducing these changes ...

There were also the words of Mr David Bowden of the Eco Body Corporate Committee, Couran Cove Island Resort. He stated—

We are very encouraged by the detail contained within the Building Units and Group Titles and Other Legislation Amendment Bill as it addresses many of the key problems that have crippled Couran Cove over the past several years.

With such sincere and heartfelt endorsement from submitters who have a lived experience of BUGTA and the MUD Act, I enthusiastically commend the bill to the House.