




Speech By  
**Sandy Bolton**

**MEMBER FOR NOOSA**

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Record of Proceedings, 8 November 2022

**BUILDING UNITS AND GROUP TITLES AND OTHER LEGISLATION  
AMENDMENT BILL**

 **Ms BOLTON** (Noosa—Ind) (12.33 pm): The main legislation for bodies corporate in Queensland is the Body Corporate and Community Management Act 1997 used for governance of subdivisions such as apartment buildings. However, even now as we have heard, some developments remain under the old legislation. The Building Units and Group Titles and Other Legislation Amendment Bill aims to improve the operation of the older Building Units and Group Titles Act, or BUGTA, and the Mixed Use Development Act 1993, which is the MUDA, with a focus on making body corporate governance arrangements much fairer. It does this through supporting information and education services, enhancing dispute resolution—and we heard a lot of those at our hearings—providing clearer obligations of bodies corporate, improved rules for committee membership and decision-making amongst others, which were all very welcomed. However, as outlined in my statement of reservation in the Legal Affairs and Safety Committee report, there are three main concerns in relation to the bill. Even though the Attorney-General has mentioned these with reassurances, I will briefly recount them.

Firstly, the funding relating to this bill was provided in the 2022-23 budget. The government committed an additional \$2.5 million over three years for the Office of the Commissioner for Body Corporate and Community Management to implement the reforms in this bill. However, no additional ongoing funding was provided for the office of the commissioner, which has been under extreme duress due to the increase in Queenslanders living within bodies corporate, leading to delays in resolutions. A funding increase for the office of the commissioner is warranted and needed.

Secondly, there was the limited scope of the bill, which only addresses a fairly narrow, though very important and prioritised, set of issues in the old acts. In saying that, the issues it does address have been welcomed—and we heard earlier from the gallery—by body corporate members of the Couran Cove Island Resort and others, which are administered under the old acts and which have had many difficulties over some years. No doubt there will be celebrations on the passing of these amendments.

However, the submissions—including from my electorate—during the committee's inquiry highlighted a broad range of other issues in the body corporate area that are of major concern and must be addressed. These included the long-term contracts for body corporate managers, procedural issues such as timing for the circulation of minutes and notification of committee meetings as well as who is eligible to be elected to the committee or be a non-voting member. The Attorney has mentioned that the government has established a community titles legislation working group, CTLWG, to provide advice on key community titles related issues and to promptly address the issues that this bill has failed to do.

Lastly, the bill introduces a new requirement for bodies corporate to commence proceedings to recover a levy debt. Strata Community Association Queensland raised a significant problem with this provision in that, without the ability to recover costs, the body corporate is obliged to incur significant

costs which may place the body corporate in a worse financial situation. Again, it is appreciated that the Attorney mentioned the CTLW group and that they will be investigating this. It has also been reassuring that this will not be applicable until this part of the bill is resolved.

As has been raised previously, the practical functioning of the committee system and processes as well as time lines are other examples of the need for review as part of greater efficiencies and outcomes for Queenslanders. I thank our chair, the member for Toohey, fellow committee members, our extremely hardworking secretariat and all submitters as well as witnesses to the hearing. They shared their stories and it was really sad to hear many of them because of what has been occurring. However, it has been good to hear how this bill will assist.

Hopefully, the other changes that are needed will be on the way shortly and all can finally see some light at the end of what has been a very long, dark tunnel. I commend the bill to the House.