




Speech By
Hon. Grace Grace

MEMBER FOR MCCONNEL

Record of Proceedings, 14 November 2023

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

 **Hon. G GRACE** (McConnel—ALP) (Minister for Education, Minister for Industrial Relations and Minister for Racing) (11.51 am): I rise to support the Body Corporate and Community Management and Other Legislation Amendment Bill. My electorate probably has more of these body corporate and community management schemes in it than any other electorate, other than perhaps the Gold Coast electorates—some of them would be fairly big as well. When it comes to other than the Sunshine Coast, the Gold Coast and areas like that, the inner city of Brisbane would have to be up there with them.

Many of the reforms in the bill originate from the QUT property law review which also informed the Property Law Bill that was passed earlier. Each of the reforms relating to community titles was also considered by the Community Titles Legislation Working Group which was established by the government to provide advice about specific issues impacting the community titles sector. The group included representatives from the Australian College of Strata Lawyers, the Australian Resident Accommodation Managers Association, the Owners Corporation Network, the Queensland Law Society, the REIQ, the Strata Community Association, and the Unit Owners Association of Queensland—a very diverse range of stakeholders. To suggest that we have come in here and we have not taken all of those views on board and that the only view that we are taking is some unknown view of someone who raised some unknown issue in this House to somehow take credit for what the Attorney-General's bill has put forward in this House is laughable. You see them all there patting their backs, suggesting that they were the reason different things were done. I tell those opposite that we did not even know that it had even been said. I am sure that the Attorney-General will swear under oath that her staff had no idea what the ideas of those opposite are because, let me tell you, when it comes to ideas, they are very few and far between from those opposite.

Returning to the bill, I am aware that there are a number of issues that come up with bodies corporate. I think the member for Jordan mentioned that they were pets, parking and parties. I add smoking to that as well. This bill will institute a new process for terminating uneconomical community titles schemes without unanimous consent for all lot owners. Let me reiterate that. It says 'uneconomical'—not just an ordinary community titles scheme, but an uneconomical one, which has slipped by those opposite. They strengthen buyer protections by limiting when sunset clauses can be used to terminate off-the-plan contracts. Let me tell you, there was a lot of discussion in relation to that, but none of that came from those opposite.

The bill will reduce the barriers to lot owners and occupiers keeping pets in community titles schemes. I must say that in my electorate I have never seen so many pets that people actually keep in their apartments. Quite clearly they are able to have pets, but this makes it pretty clear about their rights to do so. The bill will allow bodies corporate to implement by-laws restricting smoking in certain circumstances. It will allow adjudicators to consider alternative insurance applications, which I think is terrific, not just the commissioner. There have been issues around insurance that have been raised. I think this is a very balanced approach to that.

The bill will clarify the power of bodies corporate to tow vehicles—another big issue in relation to vehicle parking. The bill will reform a range of administrative and procedural matters and make various other minor and technical amendments to the Body Corporate and Community Management Act and a number of other acts as well.

A key part of the bill is a new process for the termination of uneconomic community titles schemes, including provisions for situations where there is not unanimous consent from lot owners and tenants. I know that those opposite are going to play the issue about certain people, but there are a number of protections in this legislation to accommodate those concerns. I think it would be very ill-informed of any member of this House whose constituents come to them and they do not actually inform their constituents what the bill actually provides. It is a new process for economic reasons, and I believe it strikes a balance between independent property rights and the facilitation of collective sales that will boost redevelopment activity. For example, in an uneconomical titles scheme, it could be just as easily posed that there may be an older person or a person with a disability who may want to get out of that titles scheme, yet there is one person that is preventing them from doing so. They are going to possibly rely on the funds of the sale of the unit to put them in more appropriate areas, but unfortunately would not be able to do so because one person did not agree to do it. When you sell on uneconomical titles and all owners do it together, each person benefits from the sale of the complete block—anyone in property knows that—rather than an individual unit for sale. Do not shake your heads, those opposite. You know that as a fact that something is often worth more when it is considered as a whole lot rather than individually. You cannot deny the actual facts in this case. There will be a requirement that a scheme—

Mrs D'Ath: It is more valuable.

Ms GRACE: It is more valuable; of course it is. I take the interjection from the Attorney-General. Every case will be different. What has to be built into the legislation is a range of protections, including: a requirement that a scheme's apparent lack of economic viability be established through an independent expert opinion; a dispute process before a specialist adjudicator, with those adjudication costs to be covered by the body corporate, not by the individual; the need for a detailed termination plan, setting out how the scheme will be sold, at what price, what each lot owner's share will be, and what compensation will be available for tenants; the appointment of an independent facilitator to assist with the implementation of the termination plan; the requirement that at least 75 per cent of lot owners agree to the termination plan, and in some cases that may be the person with a disability who actually wants to move into more suitable accommodation; and in the event that this threshold is reached, any dissenting lot owners will be able to apply to the District Court for an order stopping or altering the termination with the reasonable costs of that application paid by the body corporate. These are in the bill. These protections are in the legislation, something which all of those opposite seem to be totally ignoring. This process provides a range of safeguards for lot owners who are concerned about a proposed termination and ensures people cannot suddenly be forced out of their homes without warning or compensation—those are the facts. That is what is in the bill, and that is what we are debating today.

I support a key part of the bill in amending the Land Sales Act to strengthen buyer protection by limiting when sunset clauses can be used to terminate off-the-plan contracts for the sale of land. Property developers will only be able to use a sunset clause to terminate off-the-plan contracts for land with the consent of the buyer, under an order of the Supreme Court or in another way described by regulation.

Pets are a big issue, and the bill reduces the barriers to keeping pets in strata schemes. It supports bodies corporate and residents to reach agreement about the keeping of animals in accordance with the law. Bodies corporate will also be prohibited from putting blanket bans on pets in the scheme. I think that is a good step forward. I know many of my constituents; I see them down at the dog parks. I actually cannot believe how many of them have animals, but they are often there for all the right reasons.

Smoke drift is a big issue. You have to strike a balance between someone who says, 'I bought my apartment. I should be able to smoke on my deck,' and the person who is upstream from it, who has to bear the consequence of that habit. We know that second-hand smoke is harmful, particularly for children or those with certain health conditions. I think the bill strikes the right balance. It addresses this tension by not banning outright but, rather, allowing a body corporate to make a by-law to prohibit or restrict smoking on certain parts of a property, body corporate outdoor areas and the like. I think alternative insurance schemes are another really good thing in the bill. This is a balanced bill with built-in protections for all residents. I commend the bill to the House.