




Speech By
Jason Hunt

MEMBER FOR CALOUNDRA

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

 **Mr HUNT** (Caloundra—ALP) (5.11 pm): I rise to make a significantly quieter contribution to the debate on the Body Corporate and Community Management and Other Legislation Amendment Bill 2023. I take this opportunity to thank my fellow committee members: committee chair Peter Russo, member for Toohey; Jonty Bush, member for Cooper; the incontestable Sandy Bolton, member for Noosa; Laura Gerber, member for Currumbin; and Jon Krause, member for Scenic Rim. I also thank Mel McMahon, member for Macalister, for attending one of the hearings when I was unable to do so. No report would be possible without the hard work of our secretariat staff, so I thank them for their continued efforts on our behalf.

Housing is a priority for this government and, contrary to the tawdry and largely irrelevant commentary from the LNP, housing availability is a problem evident in every state in Australia and, indeed, almost every jurisdiction in the western world. The LNP might support measures that aid in the provision of housing but, then again, the LNP supporting anything these days is just fleeting and illusory—much like their commitment to treaty. They can support the bill on a Sunday and do a complete 180 by the middle of the week, so who would know where LNP members stand on anything? Their contribution to housing on the Sunshine Coast during their last term is still quite astonishing to recollect with zero—yes, zero—commencements in 2013-14.

On 21 August 2023 the Hon. Yvette D'Ath MP, Attorney-General and Minister for Justice and Minister for the Prevention of Domestic and Family Violence, introduced the Body Corporate and Community Management and Other Legislation Amendment Bill 2023 into the Queensland parliament. The bill was referred to the Legal Affairs and Safety Committee that day. Without repeating all of them verbatim, nine recommendations were made. Recommendation 2 speaks to an education campaign with the CTL Working Group to provide guidance and resources, in particular information on dispute resolution processes available for lot owners in community titles schemes. Recommendation 3 recommends—

Mrs FRECKLINGTON: Mr Deputy Speaker, I rise to a point of order. The issue of comments regarding a member leaving the chamber has been ruled upon many times by many Speakers in this House. The member for Currumbin is being consistently taunted by a member opposite because she is leaving the chamber. I ask that you rule in that regard.

Mr POWER: Mr Deputy Speaker—

Mr DEPUTY SPEAKER (Mr Lister): I did not hear that myself. Member for Logan, it would assist the House—

Mrs Frecklington: It wasn't Logan.

Mr DEPUTY SPEAKER: Who made commentary on the departure of the member from the chamber?

Ms Grace: Is this a classroom? She can't take offence on behalf of someone else.

Mr DEPUTY SPEAKER: It is not a question of offence; it is a question of the convention that the departure or lack of presence of someone in the chamber is not—

Ms Pease interjected.

Mr DEPUTY SPEAKER: Member for Lytton, I am not engaging in a discussion with you.

Ms Pease interjected.

Mr DEPUTY SPEAKER: Member for Lytton!

Mrs GERBER: Mr Deputy Speaker, I rise to a point of order. I take personal offence at the comments of the member for Lytton and I ask her to withdraw.

Ms PEASE: I withdraw.

Mr DEPUTY SPEAKER: Member for Lytton, I warn you under the standing orders for quarrelling with the Speaker.

Ms PEASE: My apologies. I was just trying to tell you that it was me. Sorry.

Mr DEPUTY SPEAKER: Okay. Member for Caloundra, please continue.

Mr HUNT: Recommendation 3 is that the Queensland government review proposed section 167. Recommendation 4 is that the Queensland government, in collaboration with the CTL Working Group, review the interaction between the Residential Tenancies and Rooming Association Act 2008 and the Body Corporate and Community Management Act 1997. Recommendation 5 is that the Queensland government, in collaboration with the CTL Working Group, consider providing additional guidance and resources to bodies corporate regarding their powers to tow vehicles that are parked in contravention of a by-law. Recommendation 6 is that the Queensland government consider amending the relevant sections of the five module regulations made under the Body Corporate and Community Management Act. Recommendation 7 is that the Queensland government review within 24 months of the implementation of the bill the exercise of sunset clauses, giving consideration to current housing pressures. Recommendation 8 speaks to conducting a review within 24 months of the commencement of the bill to determine and address any unintended consequences that may arise from the proposed amendments. Recommendation 9 asks that the Queensland government review the interaction between the Body Corporate and Community Management Act and the minimum housing standards as prescribed by the Residential Tenancies and Rooming Accommodation Act 2008.

Some of the policy objectives of the bill include delivery of a key action of the 2022 Queensland Housing Summit by reforming the BCCM Act to allow for termination of uneconomic community titles schemes to facilitate renewal and redevelopment; and to modernise and improve the operation of the BCCM Act in relation to by-laws and other governance issues including administration and procedural matters while at the same time strengthening buyer protections under the Land Sales Act by limiting when sunset clauses can be used to terminate off-the-plan contracts for the sale of land.

The explanatory notes state that the community titles sector is a significant and increasingly important provider of housing, accommodation and investment options for Queensland. Currently a community titles scheme can only be terminated by a resolution without dissent of the body corporate, supported by an agreement between all registered proprietors and lessees under the registerable or short leases about termination issues, or an order of the District Court. Stakeholders have raised concerns that there can be adverse consequences for lot owners where a body corporate is facing substantial costs to maintain, report or rectify buildings and a small number of owners do not agree to terminate the scheme.

In response to the key actions of the Housing Summit, the bill proposes to create a mechanism whereby a community titles scheme can be terminated for economic reasons. Economic reasons include when the scheme is not economically viable, in the case of a scheme of commercial lots, or when it is not economically viable for the body corporate to carry out the repairs and maintenance required to keep the property in good condition. However necessary it might be, the termination of community titles is not something that should be taken lightly or rushed, which is why the input of appropriately qualified persons like structural engineers are required. The process involves a number of strict timelines to ensure all parties are aware of any changes and to allow consultative mechanisms to be enacted.

The Property Council sees this very important clause as a key measure in removing barriers to the redevelopment of older apartment buildings and delivering increased housing supply in locations well serviced by infrastructure. The Property Council also sees these changes as a key measure in removing barriers to redevelopment of older apartment buildings and delivering increased housing supply in locations well serviced. In fairness, not all submitters were entirely approving of the changes.

The Unit Owners Association of Queensland stated that a better solution to housing shortages would be strong enforcement of planning regulations to stop residential buildings being used for short-term accommodation.

With regard to provisions around smoking, the bill proposes to amend the BCCM Act to allow bodies corporate to make a by-law that prohibits smoking on a community titles scheme, common property, body corporate assets or a lot's outdoor area. We are all aware that second-hand smoking, or passive smoking, is when someone breathes in tobacco smoke from another person. Queensland Health states that passive smoking is a proven health hazard, with more than 600 medical papers linking passive smoking to disease. It should come as no surprise to anyone that, in its review of Queensland property law, QUT's Commercial and Property Law Research Centre recommended that bodies corporate be authorised to adopt a by-law without dissent that prohibits smoking in the common property or a lot's outdoor areas, such as balcony or courtyard. All submitters were broadly supportive of the changes, but some sought clarity around definitions and location.

Interestingly, Strata Solve sought to extend the meaning of 'smoke' to capture smoke from barbecues, wood fires and wood smokers. However, the department was very clear in its response, noting that the bill's intent is to address the health effects of second-hand smoke from smoking products and limit its focus to smoking products as defined under the Tobacco and Other Smoking Products Act.

There are more pets in this country than there are people, so it is right that provisions be made for them when planning housing and accommodation. The bill seeks to clarify and increase awareness of body corporate owners and occupiers on their rights and obligations regarding pets by amending the BCCM Act to: prohibit by-laws that ban occupiers from having animals on a lot or common property; and prohibit by-laws that restrict the number, type and size of animals that an occupier may have on a lot or common property. A balance is vital on this question, and a committee comment in the report is worth repeating here. It states—

The committee is satisfied there is balance between the rights of the person who wants to keep or bring an animal onto body corporate premises, and other owners or occupiers. The prohibition of a blanket refusal against pets must be balanced with restrictions that aim to protect the rights of others in the scheme. The committee notes that ultimately, the rights of pet owners are increased by this measure, rather than decreased, in line with community attitudes in Australia to pet ownership.

An honourable member: Woof, Woof!

Mr HUNT: I will take the interjection from the member, who I believe was 'woofing'.

Unlike the LNP, whose principles these days are as hollow as the support they give to First Nations people, this government is committed to leaving no stone unturned in relation to housing for Queensland. I commend the bill to the House.