




Speech By  
**Michael Hart**

**MEMBER FOR BURLEIGH**

---

Record of Proceedings, 14 November 2023

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

 **Mr HART** (Burleigh—LNP) (3.55 pm): I too rise to speak to the Body Corporate and Community Management and Other Legislation Amendment Bill 2023. I have sat here today and listened to a lot of speeches by Labor members. After listening to their contributions you have to wonder whether they have read the bill. Maybe they do not understand the bill. Nothing could highlight that more than the speech we have just heard from ‘Defamation Don’ over here, the man with the track record—

**Madam DEPUTY SPEAKER** (Ms Bush): Member, I remind you to use people’s correct titles in the House.

**Mr HART:** I withdraw. The member for Capalaba maintained his track record: he engages his mouth before he engages his brain. We have seen that now, with a court apparently awarding a \$50,000 plus costs defamation case against him for things that—

**A government member:** Relevance!

**Mr HART:** I am speaking to the member’s speech, Madam Deputy Speaker. The record of the member for Capalaba in this place is atrocious, and we have seen that over and over again. Like a lot of other members, they come in here and try to completely rewrite history. There are some good things in this bill that I fully support but there is one—the 75 per cent vote to extinguish bodies corporate—that I will not support, and I will explain my reasons for that later in my speech.

There are, as I said, some good things in here around the ability of bodies corporate to make by-laws to change the way people may smoke on premises. Under these changes it is possible that by-laws may be made to prevent people from smoking on their balconies. That is not to say, as some members of the Labor Party have said today, that these laws will instantly put that in place. By-laws will have to be put in place to make that happen, and I would have to tell you that on some bodies corporate there are a lot of smokers and they will not want to see this put in place, so who knows whether some of these things will come to fruition.

I would like to declare that my residence is in a body corporate scheme. If there is one thing I have learned from owning a number of units over my time of investing or living in one myself, it is that there are lots of issues with body corporate by-laws. A lot of people do not understand them. They do not know how they work, and the first interaction they have with them is when they get a letter from the body corporate saying that they have to do this or that. There are lots of issues around that, especially when it comes to pets. We have a dog in our unit. We love our dog. I am very pleased to see that people are able to have dogs, cats, birds, fish or whatever pet it may be, and that will be clarified by these changes. Mind you, these changes come about from an inquiry conducted by QUT in 2013. We are now 10 years down the track, so it has taken quite a while for these to come through.

I am also going to congratulate the member for Theodore for the sunset clause provisions contained in the bill. As I said before, the Labor Party is very good at trying to rewrite history. We all know—and we all saw—that it was the member for Theodore who raised this issue, and he should be commended for getting the government on board to get this done. Member for Theodore, very well done on getting this through!

That only actually applies to land, and there have been a number of issues around that. It does not apply to purchases of units off the plan, and this may be something that we need to think about for the future. That could have some hairs on it if we go down that track, but it is something that we need to really look at because I can say that on the Gold Coast we have seen a number of—

**Mr BROWN:** Madam Deputy Speaker, I rise to a point of order. I understand that the member for Burleigh used improper titles when it came to me. I take offence to that improper title and I ask him to withdraw. The member for Burnett interjected and used the title as well, so I ask him to withdraw as well.

**Madam DEPUTY SPEAKER:** I will take some advice on that. Member for Capalaba, I hear your point of order. It was an issue I raised at the time and the member has withdrawn so I believe the point of order has been dealt with.

**Mr BROWN:** The member for Burnett interjected as well.

**Mrs D'ATH:** Madam Deputy Speaker, I rise to a point of order. I was in the chamber at the time. My understanding is that you drew the member's attention to using proper titles but the member was not asked to withdraw so it is still on the record. That is my recollection. I am happy to be corrected, but my understanding is that he was not asked to withdraw.

**Madam DEPUTY SPEAKER:** I did hear the member withdraw so I will accept that as a withdrawal. I believe the matter has been dealt with. Unless there are further points of order, we will return to the member for Burleigh.

**Mr BROWN:** I took personal offence to the interjection from the member for Burnett as well.

**Mr BENNETT:** I withdraw.

**Mr HART:** Maybe the members should pay better attention to what is going on in the House. They would then know that I withdrew at the time.

**Madam DEPUTY SPEAKER (Ms Bush):** Member for Burleigh, I ask you to come back to the bill and remain relevant.

**Mr HART:** I was talking to the possible changes which were discussed at the committee around body corporate off-the-plans and saying that we need to consider that. There have been a number of units under construction on the Gold Coast where a sunset clause has been implemented, and those off-the-plan contracts have been terminated and people have lost the ability to buy units at the right price. As I said, there could be problems with this so it is something we need to look at very carefully. I would hate to see, as is actually happening on the Gold Coast at the moment, more developers going broke because prices have increased suddenly. With a block of land and the sunset clause, usually that is a long process. There is a lot of infrastructure being put in place, and the possibility of not having that sunset clause is more open to that than it is to off-the-plan.

The real thing that I want to talk about is my objection to extinguishing the body corporate scheme for a vote of over 75 per cent. I listened to the member for McConnel, the member for Bancroft and the member for Sandgate, and I have say that their contributions were completely ludicrous.

**Ms GRACE:** Madam Deputy Speaker, I rise to a point of order. I take offence and I ask that he withdraw.

**Madam DEPUTY SPEAKER:** The member has taken offence.

**Mr HART:** I withdraw. The member for McConnel and the member for Bancroft, I think, both said that by taking away this 75 per cent vote and reverting to a 100 per cent vote some people may lose the opportunity to sell their units. Maybe the minister in her summing-up could explain exactly how that would happen. How is it that somebody could not sell their unit if they decide to sell it because of the changes that the LNP is proposing? Seriously, what are these members thinking? There is no possibility that someone would not be able to sell their unit if that is what they decide to do. For the members to say that is completely ludicrous. The member for Sandgate went on about the financial—

**Ms GRACE:** Madam Deputy Speaker, I rise to a point of order. I take personal offence and I ask that it be withdrawn.

**Mr HART:** Madam Deputy Speaker, I did not mention the member for McConnel directly.

**Ms GRACE:** He said it in the same paragraph as mentioning 'McConnel' and 'Bancroft'. I take personal offence and I ask that it be withdrawn.

**Madam DEPUTY SPEAKER:** Member for Burleigh, the way I did hear it was that you had named several members.

**Mr HART:** I withdraw. For the sake of the House, I withdraw. The member for Sandgate put forward an argument that the financial viability of schemes will be affected by this process somehow. If a unit complex is not financially viable, it is pretty obvious to everyone that that is the case at the end of the day. Can anybody here tell me that a developer will not be able to go and find somebody somewhere who will write a report to say that a scheme, a unit complex, is not financially viable in order to enact what this legislation allows; that is, for a 75 per cent vote to come forward? Of course they will. In fact, we already have developers on the Gold Coast who are planning exactly that. They are hunting around for someone to write them a report that says their scheme is not financially viable.

In the case of a four-unit complex where a developer owns three of those, they have the majority vote already and they can push through a report being written by somebody whom they decide to pay to get the right result. It does not matter what the fourth person wants; they will have to pay for it anyway. That is what happens in a four-unit complex, obviously. I have already been contacted by developers who have said, 'We're ready for this. We're going straight ahead and we want to knock down these places.'

I had not thought about what the member for Mermaid Beach put forward—that this is the first time we have ever seen legislation where a developer is going to be able to take a unit off someone. The government has always been able to do that. They have always been able to reclaim property in response to the right sort of compensation, but this is the first time we have ever seen a developer being able to manipulate somebody out of their property. I think this is a very dangerous slope if we go down there. It is something the government has to seriously look at. On the Gold Coast and the Sunshine Coast, this is exactly what is going to happen. We are going to see little old ladies out on the street.