




Speech By
Tim Mander

MEMBER FOR EVERTON

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BODY CORPORATE AND COMMUNITY MANAGEMENT AND OTHER LEGISLATION AMENDMENT BILL

 **Mr MANDER** (Everton—LNP) (12.20 pm): I rise to speak on the Body Corporate and Community Management and Other Legislation Amendment Bill 2023. I want to talk about a couple of the policy objectives of the bill: to deliver 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, as the previous speaker mentioned—and I will talk more about that in a moment; to modernise and improve the operation of the BCCM Act in relation to by-laws and other governance issues, including administrative and procedural matters; and to strengthen 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.

There are two major contentious issues in this bill—one that we support and one that we do not support. It is ironic that the previous speaker, the member for Sandgate, would talk about balance in bills. The issue with both of these issues—that we either support or believe that the government does not support—is in dealing with more vulnerable people, dealing with people who do not deal with these issues on a day-to-day basis, like those in the property business do such as developers, real estate agents or whoever they may be. The member talks about balance, but those two issues of contention show that those opposite have not shown consistency in protection of people who fall into that category.

Let us talk about the first issue—that is, sunset clauses. This bill provides consumer protection for off-the-plan contracts. This follows reports of developers, as property prices rose substantially, deliberately delaying developments to invoke a sunset clause and subsequently selling at a higher price. This issue was brought to the attention of the parliament by the member for Theodore, Mark Boothman, and it was an issue that I totally supported him in raising, because I had a similar example in my electorate. A devastated family had signed a contract 18 months previous, and the developers continued to put them off. They were wondering about the progress of their dream house, and then the developer pulled out of the contract. The devastating part was that, 18 months on from when the contract was originally signed, they could not afford to get back in the market. They could not afford to buy another block of land or to buy an existing property. They were so upset by this and they did not know what they were going to do with regard to either building or buying a house.

This is a good reform. This bill amends the Land Sales Act to ensure that sellers or property developers can only use a sunset clause to terminate off-the-plan contracts for land through written consent of the buyer, under an order of the Supreme Court or in another way prescribed by regulation. This clause should be known as the 'Mark Boothman clause'. He was the one who fought for this and brought it to the attention of the parliament. It is a great example of what a good local member can do to bring about reform and bring about changes that will benefit Queenslanders.

Mrs D'Ath interjected.

Mr MANDER: I take that interjection from the Attorney-General. I think she was applauding the local member as well, so I take her interjection.

Mrs D'ATH: Mr Deputy Speaker, I rise to a point of order. I take personal offence. The member is misrepresenting my interjection—

Ms McMillan: Bully.

Mrs D'ATH:—and should withdraw.

Mr DEPUTY SPEAKER (Mr Hart): Member for Everton, the member has asked you to withdraw.

Mr MANDER: I withdraw. I take personal offence at the member for Mansfield and I ask that she withdraw her comments.

Mr DEPUTY SPEAKER: Member for Mansfield, I ask you to withdraw your comments.

Ms McMILLAN: I withdraw.

Mr MANDER: This is a good amendment and one that we fully support.

I now turn to the area that we have concerns about and one that previous speakers have spoken about in great detail—that is, the termination of community titles schemes. The bill delivers on a key action item—that is an interesting term to use from the Housing Summit, a 'key action item'—to reform body corporate legislation to allow for termination of uneconomic community titles schemes to facilitate renewal and redevelopment, having regard to the New South Wales approach. It establishes a new process for the termination of community titles schemes in circumstances where there are economic reasons supporting the termination. It will involve the preparation of a pre-termination report containing information to assist the body corporate to decide whether there are economic reasons for termination. There has to be a general meeting to decide whether there are economic reasons for termination, which must be voted on by a majority. If passed, then they must have passed a resolution to prepare a termination plan which is provided to lot owners 120 days before the general meeting at which the final vote for a termination resolution takes place. Some 75 per cent of lot owners must vote for the motion to succeed.

Previous speakers from the government—and I refer specifically to the member for Sandgate—have mocked those MPs who live in areas where this is a major issue as MPs representing their constituents, and the groups that spoke out against this are unit owner groups. They are the people who live and breathe this on a daily basis. The Main Beach Association thinks the 75 per cent rule will have an opposite effect of freeing up lots in Main Beach, diminishing the housing supply for the next few years, given how long construction will take. It points out that there were no public hearings in two areas with significant numbers of community titles schemes—the Gold Coast and the Sunshine Coast. The Community Alliance Association stated—

... is very concerned that the Government, seemingly heavily influenced by the development lobby, is using the current housing shortage to justify some very ill thought out 'reforms' in its BCCM Amendments Bill.

It also raised similar issues that the Main Beach Association brought up about diminishing housing supply. The Unit Owners Association of Queensland was strongly against the termination amendments, arguing that bullying and harassment will only make the situation worse, describing the proposal as an 'abomination'. The LNP has listened to these people and, therefore, during consideration in detail we will oppose the clauses that relate to the termination of community titles schemes, and we do this for a number of reasons. We will be voting against the termination of community titles schemes because we value the property rights of Queensland. It is an instilled value of the LNP to respect and uphold people's property rights but particularly in this case, when we have older people, disabled people and people who are settled in their place of residence and have no intention or desire in their later years to move on or to face that type of disruption. There are also people who are susceptible to bullying and other unsavoury tactics to put pressure on people to leave their home.

It is ironic that this has come out of the Housing Summit. It could make people homeless, which is totally contrary to what the Housing Summit was all about. It will lead to more housing insecurity. Homebuyers have a hard enough time already entering the market, let alone coming across an unethical developer who is acting entirely for their own interests and leaving them with few options. This clause is another example of the failure of the government to listen and the failures that have come out of the Housing Summit, which took place over 12 months ago. Whether it is the granny flat announcement that has made no material difference at all to the housing situation; whether it is the Griffith University student accommodation, announced 24 hours before the summit just to have an announcement and abandoned after six months and \$2.1 million; or whether it is the Housing Investment Fund, which, two years after it was announced, has not built a single house that a person is residing in, there is failure after failure. We urge the government to reconsider this clause and take into account the sentiments of those people who cannot speak for themselves. The LNP will stick up for the most vulnerable people in society.