




Speech By
Hon. Yvette D'Ath

MEMBER FOR REDCLIFFE

Record of Proceedings, 14 November 2023

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

 **Hon. YM D'ATH** (Redcliffe—ALP) (Attorney-General and Minister for Justice and Minister for the Prevention of Domestic and Family Violence) (4.08 pm), in reply: I thank the members for their contributions on this bill. I do understand that there are elements of this bill that are very significant. They will have consequences to people's property rights and they need to be thought through very carefully, which has occurred in the development of this bill. I briefly want to touch on what the member for Burleigh has just said. I hope I am not verballing the member when I say this, but my understanding of what the member for Burleigh just said is that he has been told directly by developers that they are already planning to do this. They are planning on manipulating it and getting reports to suit their needs to terminate these schemes. That is what I understood the member for Burleigh just said.

Ms Grace: Yes, he just said it.

Mrs D'ATH: The member for Burleigh said he knows there are developers right now who are planning on using this and sourcing reports to meet their needs to get rid of it. My view is that if the member—

Mr Hart: You need to be very careful about what you say.

Mrs D'ATH: I am happy to go back to *Hansard*, but what I say to the member for Burleigh is: if the member for Burleigh is saying to this House that he is aware of developers who are going to do the wrong thing in relation to these laws, he should stand up and name them now. You are covered by privilege. You have a responsibility. If you deliver the—

Madam DEPUTY SPEAKER (Ms Bush): Direct your comments through the chair, member.

Mrs FRECKLINGTON: Madam Deputy Speaker, I rise to a point of order. The Leader of the House should surely know the rules of the House and, please, I ask you to direct her—

Madam DEPUTY SPEAKER: Thank you, member. I have just reminded the member to put her comments through the chair.

Mrs D'ATH: Thank you, Madam Deputy Speaker. It is extraordinary members coming in here, making statements, and then saying, 'But I have no responsibility to divulge'—

Mrs Gerber interjected.

Mrs D'ATH: Are you finished? Madam Deputy Speaker, talking about going through the chair, I have no interest in listening to the member for Currumbin. I am responding to the member for Burleigh. The member for Burleigh has made statements in this House, and my view is if members are aware of wrongdoing or claim that wrongdoing is going to occur, then by all means use this opportunity to identify them.

Mr Hart: When it happens, we will report it to you.

Mrs D'ATH: That is interesting. I take that interjection. 'When it happens, we will report it.' They would rather wait and see if someone is harmed by wrongdoing by a developer to prove a point than actually doing it and naming them now. It is really very interesting. Thank you to the member for Burleigh. I am sure your constituents would love to hear that. The member for Mermaid Beach said real estate agents and developers are already using these laws before they are passed. Then state who, because it is not lawful to do that. If they are already doing it without the laws, it is illegal. Divulge who is doing that; give actual examples. They should state the facts, not just make broad, sweeping statements.

I do have to thank the members from the other side for acknowledging the member for Theodore and his contribution. I do want to thank them for that because if they had not made their speeches, I would not have had a clue that the member for Theodore had raised this issue, because it was not while the bill was drafted. Thanks, because I was not listening to the member for Theodore—

Opposition members interjected.

Mrs D'ATH: In relation to when all of this started, it is interesting the number of members on the other side who have talked about consultation, who have talked about this all coming out of the Housing Summit. It was raised in the Housing Summit, but this was raised through the QUT review—the QUT review that started under the member for Kawana when he was the attorney-general. It was a recommendation of QUT to put in place a termination scheme at 75 per cent. I heard one of the members acknowledge the QUT review, but only in relation to pets. They conveniently ignored the QUT review when it came to the termination scheme because it did not fit their narrative in this debate. It did not suit their fear campaign in relation to this debate. The consultation goes back many years. Issues papers, discussion papers—

Mrs Frecklington interjected.

Mrs D'ATH: I see the member for Nanango laughing. I want to make the point that those on the opposite side—

Mrs FRECKLINGTON: Madam Deputy Speaker, I rise to a point of order. I take personal offence and I ask that the member withdraw. I was simply yawning, not laughing.

Madam DEPUTY SPEAKER (Ms Bush): Attorney-General, the member has taken offence.

Mrs D'ATH: I withdraw. The member for Nanango finds parliament boring, but that is okay. Many of those on the opposite side have spent this debate talking about how they are on the side of the pensioner. They are here to ensure the most vulnerable are looked after in body corporate.

An opposition member: Now you've got it!

Mrs D'ATH: I hear the interjection: now I've got it. Do you understand that we all want to protect pensioners and those most vulnerable in a body corporate. I have to ask: where were those members in 2013? I am just wondering. A *Courier-Mail* article states—

Pensioners fight body corporate laws ... Pensioners are to mount a last-ditch fight against controversial new body corporate laws they fear will dramatically drive up the cost of unit living and force them out of their homes.

...

Pensioners and retirees were among dozens of unit owners who rallied on the Gold Coast this week against the Newman Government's plan to 'equalise' body corporate levies.

...

But pensioners and retirees say it is unfair to slug them the same fees for their small units as penthouse owners with sprawling apartments requiring extra window cleaning and facilities such as private lifts.

They have accused the LNP of bowing to pressure from wealthy supporters.

That is funny: it is what they have been claiming in this debate. The article goes on—

'It's a bloody disgrace and I'm cranky as hell,' said 81-year-old retired police officer Don Avery—

Madam DEPUTY SPEAKER: Attorney-General, that is unparliamentary language. I ask you to withdraw.

Mrs D'ATH: I withdraw.

... said 81-year-old retired police officer Don Avery, who lives on the third floor of a Surfers Paradise highrise. 'If this goes ahead, my body corporate fees will go from \$1180 a quarter to \$1800 a quarter. That's a lot of dough. We've got pensioners living in this building who are battling to survive as it is.

Mr HART: Madam Deputy Speaker, I rise to a point of order on relevance. Again, reinventing history is wonderful, but the bill does not talk about body corporate fees as such, to my memory anyway. That is definitely not what was happening in 2013.

Madam DEPUTY SPEAKER: Thank you, member. There is no point of order. The Attorney-General has the call.

Mrs D'ATH: This directly relates to the impact on pensioners. If the member for Burleigh wants to talk about relevance, they were talking about their little plan or policy—their piece of paper that they had been circulating and carrying around. If they want to stray to that, then do not talk about relevance in this chamber.

There is article after article in March 2013, including one from the former chair of the Legal Affairs Committee, LNP member Ray Hopper, who said, 'The bill is deeply flawed and favours the millionaires. It's just looking after rich Liberal mates.' He said he could not speak up because you would get the sack. Of course, we know he left the LNP. Jarrod Bleijie said the bill would only affect about 130 people, body corporate lots, so who cares? An article of 20 March states—

... owners of small units voicing fears they will have to pay the same amount as overseas property investors of penthouses.

But Attorney-General Jarrod Bleijie remained adamant the changes would not force unit owners to fork out the same fees as penthouse owners.

I met a lot of those pensioners in 2014 when I was the shadow housing minister. Did their fears come to fruition? An article in January 2015 stated—

High-rise unit owners urged to vote out LNP after law changes force body corporate fees to skyrocket.

...

Some owners—many of them retirees—

the same retirees that those on the opposite side have been claiming they are on the side of through this entire debate—

Mr Lister interjected.

Madam DEPUTY SPEAKER: Member for Southern Downs, I am going to warn you for calling out. I will just issue a broad caution to all members from here, I will start issuing warnings.

Mrs D'ATH: The article says—

Some owners—many of them retirees—had their fees double overnight in 2013 when the Government allowed millionaire penthouse owners to pay the same levies as owners of small units.

They claim a three-part review of the changes, commissioned by Attorney-General Jarrod Bleijie—

Mr HART: Madam Deputy Speaker, I rise to a point of order, again on relevance to the bill.

Madam DEPUTY SPEAKER: Member, you have raised this. I have responded. The doors have been opened through the debate where alternate plans have been put forward and the Attorney-General is responding. I am going to warn you to not interject on that issue again during this contribution.

Mrs D'ATH: There was one Ms Zilli, a unit owner in the Sonata Apartments complex in Broadbeach, who saw her body corporate fees double in 2013-14. She said—

There are a lot of things we have to do without now, and the value of our property has gone down—people are not interested because you're paying about the same as you would in a bigger unit.

Another unit owner, Michelle Hunt, was forced to leave, rent out her Broadbeach apartment and move to a higher paid job in Roma after her fees jumped from \$70 to \$120 per week. She said—

... there are a lot of people in the building on pensions who have had to go back to work to cover these levies ...

Those are the sorts of things that happened under the LNP when they jacked up body corporate fees. Members opposite come into the House and say that they are speaking on behalf of vulnerable pensioners. In this debate we are talking about not only where 75 per cent of owners say that they want to terminate the scheme but also where 75 per cent of the owners want to terminate the scheme because the body corporate is either already economically unviable or will become so within the next five years due to the repairs and maintenance required to maintain the property or the assets of the body corporate in good or structurally sound condition. So we are now saying that it is okay to let a building become structurally unsound and for residents to continue to live in that?

Unlike the other jurisdictions in this country that have legislated for termination schemes, we are the only one that has a threshold for economic viability. In New South Wales, it is just 75 per cent—it does not matter the reason. The member for Nanango did state that the UDIA do not like this and that it was part of their reasoning for not supporting this, but the UDIA do not want us to have a threshold. They just said, 'Let us be able to terminate schemes'. We do not believe that is appropriate. We believe that only in circumstances where it is economically unviable to maintain that building within the next five years are there grounds for termination, not just because someone wants to cash in because developers are offering big money. We have put in additional rights for objectors to have mediation and

then go to the courts, and have the body corporate cover those legal costs as well. We believe that we have the balance right.

This came out of the QUT review. Those on the other side have not acknowledged that at all. It is a review that started under the LNP government. Those opposite have failed to acknowledge that review and its recommendations. They conveniently refer to it when it comes to pets or smoking but do not talk about it in this context, because they do not want to acknowledge that they themselves would have had this report to deal with. In fact, it was unit owners who were calling for some of these reports to be released before the 2015 election and they were not. What would the LNP have done with such recommendations? It would be interesting to know. It was a review that they initiated, but I guess what we are hearing now is that they would not have followed through. I wonder. It is, I guess, easier to be in opposition and oppose things than to be in government and have to make decisions and work through the complexities of those matters.

Yes, the sunset clause is complex. We have said that we will review it to see if it can be extended, but there are challenges around that and that is why we have limited it in this particular bill. I thank members for supporting other elements of this bill. It is an important bill. It has taken a lot of time and work to develop and work through these issues, including with the working group. I thank the stakeholders who were on the working group working through all of the property law and body corporate issues. Of course, there is more to be done in this space. I thank members for their contributions, but I reflect on the fact that those on the other side who come in here saying that they are on the side of pensioners refuse to acknowledge what they did to pensioners when they were in government around body corporate fees.

Mr O'Connor: You were the member for Petrie back then, it's so long ago.

Mrs D'ATH: I take the member for Bonney's interjection. No, I was actually the shadow housing minister, because I had won the Redcliffe by-election. Do you remember that? I remember the Redcliffe by-election—a 17½ per cent swing, and it was the start of the downfall of the LNP government. I commend the bill to the House.