

Question on Notice

No. 825

Asked on 16 June 2021

DR A MACMAHON ASKED THE ATTORNEY-GENERAL AND MINISTER FOR JUSTICE, MINISTER FOR WOMEN AND MINISTER FOR THE PREVENTION OF DOMESTIC AND FAMILY VIOLENCE (HON S FENTIMAN) –

QUESTION:

With reference to the law governing body corporate schemes and matters remain outstanding after the government's review into property law in Queensland —

Will the Attorney-General advise whether the government intends to review the following issues (i) building management statements, which allow developers to retain control of body corporate schemes with no transparency to prospective buyers about these arrangements, (ii) the accreditation, licensing and regulation of body corporate managers, (iii) bullying within body corporate schemes, (iv) management rights, (v) dispute resolution, (vi) the ability of people living in body corporate schemes to choose their utility provider and (viii) commissions paid to body corporate managers?

ANSWER:

I thank the Member for South Brisbane for her question.

The Government will be considering potential reforms relating to a wide range of body corporate issues as part of its ongoing work on improving body corporate legislation. This work will complement new regulation modules under the *Body Corporate and Community Management Act 1997* (BCCM Act) that commenced on 1 March 2021 to modernise and streamline a range of procedural and administrative issues for bodies corporate, including by facilitating better use of technology for sharing information and conducting body corporate meetings.

As the Member for South Brisbane is aware, in the lead up to the 2020 State general election, the Palaszczuk Government committed to establishing a Community Titles Legislation Working Group, consisting of key stakeholder representatives.

Under its terms of reference, the recently established working group will provide advice to the Department of Justice and Attorney-General on a wide range of issues. The working group will be considering the remaining recommendations relating to bodies corporate made by the Commercial and Property Law Research Centre at the Queensland University of Technology (QUT) as part of its review of property law in Queensland for the Government. These relate to body corporate by-laws, debt recovery, termination of community titles schemes, procedural and administrative issues for bodies corporate, seller disclosure as it relates to community titles schemes, and the harmonisation of the *Building Units and Group Titles Act 1980* with the BCCM Act.

The working group will also be considering many of the issues raised by the Member for South Brisbane in her question including whether the regulation of body corporate managers is in the best interest of Queenslanders; dispute resolution; management rights and enforcement of caretaking duties; and bullying and harassment within community titles schemes.

At its inaugural meeting on 14 April 2021, the working group considered the Australian Competition and Consumer Commission Northern Australia Insurance Inquiry recommendation 19.2 that “State and territory legislation governing strata managers should be amended to prohibit strata managers from accepting payments in relation to arranging strata insurance other than those agreed to, and made by, their body corporate”.

As part of its recommendations on seller disclosure, the review of property law recommended that the seller of a proposed lot in a community titles schemes under the BCCM Act be required to provide the buyer with a copy of any building management statement under the *Land Title Act 1994* that will be registered over lots in the scheme. The property law review’s recommendation about disclosure of building management statements will be considered, including by the working group, as part of the Government’s response to QUT’s seller disclosure recommendations.

While the provision of utility services in community titles schemes is not included in the working group’s terms of reference, there is potential for the working group to consider other body corporate issues after the working group has completed its agreed program of work.

I am looking forward to considering the working group’s views about these important body corporate issues.