

Office of the Commissioner for Body Corporate and
Community Management

ARAMA-REIQ Seminar:

Management rights:

A perspective from the Commissioner for Body
Corporate and Community Management



Statistics to set the scene

- As at March 2018
 - over 47,994 schemes
 - over 473,838 lots
 - majority (approx. 29,453) are Standard Module
 - minority (under 2,094) are Commercial

Statistics (cont'd)

- Schemes with (rounded figures)
 - 6 lots and under 33,735
 - 7 to 11 lots: 5,757
 - 11 to 20 lots: 3,969
 - 21 to 50 lots: 2836
 - 51 to 100 lots: 1,190
 - Over 100 lots: 507

(as of March 2018)

Legislative framework

- *Body Corporate and Community Management Act 1997*, plus regulation
- Five Regulation Modules: Accommodation; Commercial; Small Schemes; Specified Two-Lot Schemes; Standard
- Other, specified Acts (e.g., *Building Units and Group Titles Act 1980*)
- Interaction with other Acts (e.g., Property Occupations, Residential Tenancies)

Key legislative objectives

- Self management as an inherent aspect of community titles schemes (BCCM Act, s5(a))
- Provide bodies corporate with the flexibility they need in their operations (Act, s4(f))
- Ensure accessibility to information (Act, s4(h))
- Encourage the tourism potential of community titles schemes without diminishing rights and responsibilities of owners (Act, s4(c))

So, who are you?

- Under the BCCM Act – a “caretaking service contractor”
- Also, a “lot owner” and a “non-voting committee member”
- You may get called the “onsite manager”, “restricted letting agent” or just “manager”
- You are NOT: the “body corporate”, the “committee”, the “body corporate manager”

Commissioner's Office

- Established under Chapter 6 of the BCCM Act
- Provides an Information Service and a Dispute Resolution Service
- Is NOT:
 - Complaints body
 - Advocacy service
 - Investigative agency

Information Service

- Can provide information on the BCCM Act and all 5 regulation modules
- Cannot give legal advice
- Cannot interpret contractual terms
- Cannot tell you what your duties are

Dispute resolution

- Complex disputes (contractual matters) are not within BCCM jurisdiction
- s.227 allows owners and caretaking service contractors to lodge applications against the body corporate (i.e. disputing committee or body corporate decisions)

Key points

- You have no decision making authority for the body corporate
- You cannot enforce body corporate by-laws for the body corporate as this is a committee decision
- Your letting arrangements are not the body corporate's business
- Tenants should be given a direct path to the body corporate and do not have to come through their agent
- Body corporate should be given details of the tenants (name and address) if the lease is 6mths or more

Resources

- Contacts:

1800 060 119 or bccm@justice.qld.gov.au

- Links:

www.qld.gov.au/bodycorporate

Legislation: www.legislation.qld.gov.au

Adjudicators' orders: www.austlii.edu.au

Useful historical overview:

<http://www.parliament.qld.gov.au/documents/committees/LACSC/2012/BCCMOLAB/121026-ltr-DJAG2.pdf>