

Office of the Commissioner for Body Corporate and
Community Management

Archers' seminar series 2016

*“Review Overview”: Property Law Review
update and related body corporate matters*

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Management



Firstly – some context

As of end of March 2016:

No. of schemes:	45,362
No. of lots:	431,368
Standard	28,966
Small	9,457
Accommodation	3,549
Commercial	1,969
Two-Lot	1,501

Titles Office is aware of the discrepancy in the total number of schemes

Statistics cont.

Top 6 local authorities by number of schemes

Gold Coast	12,229
Brisbane	11,660
Sunshine Coast	4,132
Moreton Bay	2,560
Cairns	1,800
Toowoomba	1,557

Statistics cont.

Top 6 local authorities by number of lots

Brisbane City	138,974
Gold Coast	118,931
Sunshine Coast	36,426
Moreton Bay	22,358
Cairns	20,347
Logan	14,986

Statistics cont.

Commissioner's Office 2014-2015

- 1,284 applications lodged
- 27,380 client contacts
- 66.7% of conciliation applications resolved by agreement
- 1.1% of adjudication orders overturned or altered on appeal
- 67% of adjudication applications resolved within 60 days of referral

The 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., *Integrated Resort Development Act 1987*) and also *Building Units and Group Titles Act 1980* (BUGTA)

Legislation review

- QUT Property Law Review



Legislation review

- Broad-ranging review of legislation governing how Queenslanders buy, sell and use property
- Includes BCCM Act and other community titles legislation
- Due to breadth and complexity, review is occurring in stages

Legislation review (cont'd)

- Where are things at?
 - QUT papers so far released for consultation:
 - Disclosure requirements
 - BCCM Lot entitlements
 - BCCM Governance, parts 1 and 2
 - QUT recommendations made on:
 - Lot entitlements

Legislation review (cont'd)

- What is to come?
 - Further consultation paper: options for harmonising the BCCM Act and BUGTA
 - Further QUT recommendations on governance reforms
 - Government responses

Legislation review (cont'd)

- Specific review issue – by-laws:



Legislation review – by-laws

- By-laws:
 - Currently regulate rather than prohibit
 - About conduct of activity in high density living
 - Are enforceable
 - Enforceability and applicability are recurrent issues for Commissioner's Office and bodies corporate

Legislation review: by-laws

- QUT review:
 - Recognised these issues;
 - Focussed on some key by-law issues in 1st 'governance paper'
 - Puts forward a number of options...

Legislation review: by-laws

- *Option: “The Onsite Enforcer”*



Legislation review: by-laws

- Issues paper puts forward an option for delegation of BC powers for a contravention notice to:
 - onsite manager
 - BCM
 - Committee member
- Option contemplates an on-the-spot issuing
- Option comes with a number of implications

Legislation review: by-laws

- *Option: “Tow the Line”*



Legislation review: by-laws

- Issues paper puts forward an option for express legislative authority to tow:
 - By lot owner
 - By BC in certain circumstances
 - By BC for breach of by-law
- Special/urgent circumstances at play
- Option comes with a range of implications

Legislation review: by-laws

- *Option: “Drift Away”*



Legislation review: by-laws

- Issues paper recognises cigarette smoke drift is a vexing issue for many bodies corporate
- Paper put forward several options:
 - By-law regulating smoking/drift
 - By-law prohibiting smoking (on balconies/within 4 metres, depending on plan)
- Again, these come with a number of implications

In conclusion

- Commissioner's Office:
 - 1800 060 119 (free call)
 - www.qld.gov.au/bodycorporatequestion
 - www.qld.gov.au/bodycorporate
- QUT Review papers:
 - www.justice.qld.gov.au/corporate/community-consultation/community-consultation-activities