Archers’ seminar series 2016

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

Chris Irons, Commissioner for Body Corporate and Community 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.

<table>
<thead>
<tr>
<th>Local Authority</th>
<th>Number of Schemes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gold Coast</td>
<td>12,229</td>
</tr>
<tr>
<td>Brisbane</td>
<td>11,660</td>
</tr>
<tr>
<td>Sunshine Coast</td>
<td>4,132</td>
</tr>
<tr>
<td>Moreton Bay</td>
<td>2,560</td>
</tr>
<tr>
<td>Cairns</td>
<td>1,800</td>
</tr>
<tr>
<td>Toowoomba</td>
<td>1,557</td>
</tr>
</tbody>
</table>
### Top 6 local authorities by number of lots

<table>
<thead>
<tr>
<th>Local Authority</th>
<th>Number of Lots</th>
</tr>
</thead>
<tbody>
<tr>
<td>Brisbane City</td>
<td>138,974</td>
</tr>
<tr>
<td>Gold Coast</td>
<td>118,931</td>
</tr>
<tr>
<td>Sunshine Coast</td>
<td>36,426</td>
</tr>
<tr>
<td>Moreton Bay</td>
<td>22,358</td>
</tr>
<tr>
<td>Cairns</td>
<td>20,347</td>
</tr>
<tr>
<td>Logan</td>
<td>14,986</td>
</tr>
</tbody>
</table>
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
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
• 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:
• **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”
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”
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: