

Queensland Parliament Hansard Green

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SUBJECT: Body Corporate Legislation

MEMBER: Mr LANGBROEK

Body Corporate Legislation

 **Mr LANGBROEK** (Surfers Paradise—LNP) (Deputy Leader of the Opposition) (2.34 pm): I recently met with residents in my electorate who live in the Xanadu complex. They wanted me, as their local representative, to tell the parliament their story and the issues that they are experiencing. Sarah is 60 years old. She moved from Sydney and bought a unit at Xanadu at Main Beach in September 2012. She planned to live there long-term. She was not happy with the level of cleaning and decided to engage a contractor to clean the tiles in the foyer on her level prior to moving in. She was delighted with the outcome, which contrasted with the dirty appearances of the other tiled foyers. She became aware that the body corporate committee were not happy with the building manager's performance of his duties. She later discovered she was not alone and that the building manager had no interest in long-term residents but was focused solely on keeping happy the owners who had their units in the letting pool.

Sarah attended an extraordinary general meeting in August 2014 which voted to terminate the caretaking and letting agreement with the building manager. The building manager applied to QCAT for an injunction and for an order that the breaches were invalid and his termination was invalid. Sarah, like many owners at Xanadu, are totally perplexed as to why QCAT has still not heard this matter. Other disappointments for Sarah included being requested by the building manager to pay him over \$200 to let her into her master-keyed unit after locking herself out; hearing at committee meetings that the manager does not inspect external contractors' work before submitting invoices for payment; the building manager's refusal to attend committee meetings; having to go to the post office to get her parcels now that the building manager refuses to accept them; learning that the building manager reduced reception hours by 18 hours per week contrary to his agreement; and having her unit advertised for sale on the building manager's website when it was not listed with him. Sarah complained to the Office of Fair Trading who investigated this, along with other complaints by permanent tenants about the building manager's breach of the Residential Tenancy Act. The Office of Fair Trading subsequently imposed a civil penalty of \$10,200 as a result of the building manager's conduct. Sarah was very distressed at the inability of the committee and lot owners to ensure the building manager acts reasonably and performs his duties.

Sarah has recently become aware that there are over 400,000 units in Queensland. She firmly believes that the rights of these owners and their families, possibly a million people, are ignored by outdated laws that need to be urgently reformed. It is a significant issue in the electorates of Surfers Paradise and Southport. The former LNP government realised that body corporate law in Queensland has been used as a political football over many years. All that created was winners and losers. That is why we commissioned in August 2013 the QUT Property Law School to undertake a wholesale review of body corporate law in Queensland with a significant consultation process. The review and any subsequent reform needs to be done in a way that maintains the appropriate balance between the rights of all parties affected in body corporate legislation. I was concerned to read an article in the *Gold Coast Bulletin* today about a proposal that could allow high-rise managers to take advantage of unit owners. I note that the Attorney-General has called for submissions on this issue. I urge her to continue the widespread consultation and sit down with owners and affected parties.