

MHL Presentation

1

Peter Hunt

Fellow – Australian College of Community Association Lawyers
Director

MATHEWS HUNT LEGAL

**Presentation at Strata Sphere Management &
Aquila BCM Seminar**

30 March 2023

**Proposed Body Corporate
Legislation Amendments**



Queensland Housing Summit

2

- Convened by Premier on 20 October 2022
- Individuals, housing industry experts, local government associations and professional peak bodies attended
- Discussed challenges and actions required to improve housing in Queensland



Overview of Proposed Changes

3

- **Two packages** of reform are planned for delivery this year
- **First package** includes reform in the following areas:
 - Scheme termination
 - Smoking
 - Pets
 - Towing
 - Disputes



Scheme Termination

4

Major outcome of Housing Summit

Aims to make it easier to:

- Redevelop; or
- Release capital from ageing schemes



Scheme Termination (continued)

5

Currently:

- Resolution without dissent required; or
- District Court finds it just and equitable

Proposed:

- Ok if more than 75% of owners vote for motion, where BC has agreed that it is more financially viable to terminate than maintain or remediate



Smoking

6

Currently:

- Prohibited in enclosed Common Property areas
- By-laws cannot prohibit lawful domestic activities

Proposed:

- Bodies Corporate can make by-laws prohibiting smoking in outdoor and communal areas of Scheme



Pets

7

Currently:

- Most pet by-laws are permissive
- Where they operate, requests to keep pets cannot be unreasonably refused

Proposed:

- Pets can only be banned in specific circumstances



Towing Vehicles

8

Currently:

- Limited right to tow strangers' vehicles
- Need adjudicator order to tow non-trespassing vehicles

Proposed:

- Able to tow any vehicle preventing access or causing a hazard



Governance & Management

9

Proposed:

- Will be easier for residents to lodge disputes
- Expanding adjudicators' powers

Other areas of reform may include:

- Management rights
- Bullying
- Harassment



Where to from here?

10

Consultation on the draft legislation for these reforms will occur this year

Second package of reforms should be introduced before the end of the year



Any questions?

www.mathewshuntlegal.com.au

(07) 5555 8000

Level 7, Tower One
Southport Central
56 Scarborough Street
Southport QLD 4215

11

