

# Capitol seminar series



## Disclaimer



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This presentation provides general information only. It should not be relied upon or be a substitute for legal or other professional advice.

## Introduction



- Capitol was established by Josephine Falco in 1995
- 22 years in business
- Office locations: Alderley, Redcliffe and Gold Coast
- Capitol manages
  - 1,249 schemes
  - 16,000 lots

## Introduction



### Why are we the leader in our industry?

- Publicly available free body corporate training materials & general info
  - [www.capitolbca.com.au/training](http://www.capitolbca.com.au/training)
  - [www.capitolbca.com.au/resource-centre](http://www.capitolbca.com.au/resource-centre)
- Direct contact details for managers publicly available
- Monthly status reports for committees (transparent fees and charges)
- Owner portal and invoice approval hub for all Capitol owners
- 6 monthly reviews for committees

## Introduction



### Why are we the leader in our industry?

- Over 300 years of collective experience
- 21 managers across 3 offices
- Community Relationship Managers supported by an assistant
- Industry accredited training for our team
- Dedicated in-house support teams for owners
  - Accounts | Insurance | Systems/IT

## Introduction



- Emergency exit information
- Please switch your mobile phone to silent

### Act for Kids

- Capitol supports Act for Kids as our chosen charity
- Raised \$35K in 2017
- Hoping to raise much more in 2018
- Thank you for your support!



## Presenters



### Chris Irons

*Commissioner for Body Corporate and Community Management*

### Frank Higginson

*Director, Hynes Legal*



Department of Justice and Attorney-General

*Office of the Commissioner  
for Body Corporate and  
Community Management*

## **“The Heat of the Moment” – information seminars in conjunction with Capitol Body Corporate Administration**

Chris Irons, Commissioner  
Frank Higginson, Hynes Legal



### *Disclaimer*

- BCCM's attendance at this event is at the invitation of Capitol and BCCM in no way endorses Capitol or any other body corporate management company, or its products and services.
- BCCM is attending this event to provide information and tools to help the community better understand body corporate legislation to avoid and resolve disputes.

### *What you'll get from today*

- Take the hot air out of dispute resolution
- Achieving the correct outcome
- Dispute resolution applications
- Conciliation
- Codes of conduct
- Q and A

## Take the hot air out of dispute resolution

### Best practice tips:

- Set the boundaries EARLY
- “De-identify” and “de-emotivize”
  - Use BC-specific or generic contact details
- Give a warning
- Put restrictions in place (with instruction):
  - BC still needs to act reasonably
  - Can't simply shut down communication if there is a genuine issue

## Take the hot air out of dispute resolution

### Best practice tips (continued):

- Escalate to QPS ([www.policelink.qld.gov.au](http://www.policelink.qld.gov.au), or 000 in an emergency) if necessary
- Peace and good behaviour order ([www.courts.qld.gov.au/going-to-court/applying-for-protection](http://www.courts.qld.gov.au/going-to-court/applying-for-protection))
- Dispute Resolution Centres ([www.qld.gov.au/law/legal-mediation-and-justice-of-the-peace/settling-disputes-out-of-court/mediation](http://www.qld.gov.au/law/legal-mediation-and-justice-of-the-peace/settling-disputes-out-of-court/mediation))

## Take the hot air out of dispute resolution

### Best practice tips (continued):

- Anti Discrimination Commission  
([www.adcq.qld.gov.au](http://www.adcq.qld.gov.au))
- Office of the Public Guardian  
([www.publicguardian.qld.gov.au](http://www.publicguardian.qld.gov.au))
- Translation services  
([www.forgov.qld.gov.au/interpreter-and-translator-services](http://www.forgov.qld.gov.au/interpreter-and-translator-services))

## Achieving the correct outcome

- Narrow the focus
- Evidence the situation
- Get the timeline right
- Be realistic
- Adversarial process – know the respondent

## Dispute resolution applications

Dispute resolution service topics:

- Grounds for an application
- Interim order issues
- Lodging application on behalf of committee
- Lodgment fee

## *Conciliation*

- Conciliator drives process
- Representation: typically, no legal reps involved
- Focus on intake and resolution without conference
- Conciliation is first step in vast majority of cases
- Possibly not appropriate for conciliation:
  - GM decisions
  - Threats of violence
  - Internal dispute resolution is not conciliation



### *Benefits of Conciliation*

- **Cost** - quicker and less costly than litigation
- **Control** - parties typically have a larger role in the actual negotiation
- **Confidentiality** - generally affords the parties the opportunity to reach settlement with greater privacy.
- **Harmony** - conciliated outcomes increase the likelihood of cooperation in the future.
- **RESULTS**

### Codes of conduct

- Code of conduct for committee voting members (Act, Schedule 1A)
- Code of conduct for body corporate managers (Act, Schedule 2)
- What do the codes achieve?
- Instead of action under the codes...

## Resources

- Commissioner's Office:
  - [www.qld.gov.au/bodycorporate](http://www.qld.gov.au/bodycorporate)
  - 1800 060 119
- Hynes Legal:
  - [www.hyneslegal.com.au](http://www.hyneslegal.com.au)
  - 07 3193 0500
- Capitol:
  - [www.capitolbca.com.au](http://www.capitolbca.com.au)
  - 1300 55 10 19
- General:
  - [www.austlii.edu.au](http://www.austlii.edu.au)