

WELCOME TO CAPITOL'S 2019 FORUM 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.



YOUR BODY CORPORATE SOLUTION



Our vision

Creating happy, healthy and harmonious communities

How do we do it?

- Leadership
- Empathy
- Innovation
- Communication
- Expertise



OUR PEOPLE



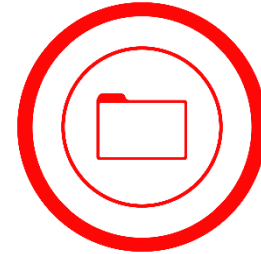
OUR SERVICES



MEETINGS



BANKING
BUDGETS/FINANCIAL



RECORD
KEEPING



CORRESPONDENCE
& INFORMATION



MAINTENANCE



BY-LAWS

TECHNOLOGY SOLUTIONS



- ONLINE FORMS
- OWNER LOGIN
- INVOICE APPROVAL HUB
- WEBINARS AND VIDEOS

COMMUNITY

Who is Act for Kids?

- Not-for-profit organisation providing services nation-wide
- Purpose: to prevent and treat child abuse and neglect
- Vision: All kids has a safe and happy childhood, free from abuse and neglect
- Values: Professional, ethical team who is caring, courageous and collaborative

What does Capitol do?

- Capitol has been supporting Act for Kids over the past 10 years
- Fundraising committee of volunteer Capitol team members
- We run many activities throughout the year
- We have so far raised over \$100K



FORUM FORMAT

Common issues occurring at committee level

Presented by Chris Irons, Commissioner for Body Corporate & Community Management

Draft changes to the Standard Module: open for consultation

Presented by Chris Irons, Commissioner for Body Corporate & Community Management



FORUM FORMAT



Q&A forum panellists

Chris Irons, Commissioner

Ian D'Arcy, Managing Director, Capitol

Mark Mellick, Director, Active Law

Trevor Rawnsley, CEO, ARAMA



“Body corporate issues – a Commissioner perspective”

Chris Irons

Commissioner for Body Corporate and Community
Management

Capitol Body Corporate seminar series September 2019

Disclaimer

- BCCM's presentation at this event is at the suggestion of Capitol Body Corporate and BCCM in no way endorses any group, product or service.
- BCCM is co-presenting at 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:

- Setting the scene – stats
- Commissioner's Office: what we do and don't do
- Legislative change
- Emerging issues – committees...and how to maybe solve

Setting the scene – stats

	Schemes	Lots
Under 6	34,697	110,792
7 to 10	5,855	48,743
11 to 20	4,059	118,283
21 to 50	4,062	58,990
51 to 100	1,234	86,757
Over 100	539	90,313
TOTALS	50,446	513,878

All figures as at 30 June 2019

Commissioner's Office: what we do

- Information Services:
 - Telephone call back service
 - Written enquiries
 - Website content
 - Seminars and webinars
 - Online training
 - Searches
- Dispute Resolution Services:
 - Conciliation and adjudication
- Engagement

Commissioner's Office: what we don't do

- Legal advice
- Rulings, interpretation
- Advocacy
- Enforcement, compliance
- Contract interpretation
- Complex disputes
- NO HAND-HOLDING

Legislative change

- Draft Standard Module now out for consultation
- Submissions close 18 October
- Other Regulation Modules to follow
- Visit <https://www.justice.qld.gov.au/community-engagement/community-consultation>

Legislative change (cont'd)

Example:

Now

No obligation on the committee to make a timely decision on an owner's motion.

Proposed

If a body corporate member submits a motion to the secretary, the committee must **as soon as reasonably practicable** include the motion at the next committee meeting or decide the motion by VOC

Legislative change (cont'd)

Example:

Now

There is no specific provision about how a member of the committee attends the meeting 'in person'

Proposed

Makes it more clear that all members of the committee may attend a committee meeting by electronic means with permission of the committee

Emerging issues – committees

- Arbitrary actions
- Too much definition
- Commitmentphobia
- Natural justice principles

But first: reminders

- Speaking literally on “committees”
- A thankless task...
- Voluntary
- You want more, not less, participation – encouragement and gratitude!

Arbitrary actions

- Individual members taking action rather than group decision-making
- Classic examples:
 - *“The chairman wants to ‘inspect’ my courtyard”*
 - *“The secretary put a notice in the lift saying no more dogs would be approved”*
 - **SOLUTION: OVERSIGHT**

Too much definition

- Seeking to have nth degree defined in every line of legislation:
 - Paralysis
 - Arguing over minutiae
 - Costs in seeking further advice and referral
 - **SOLUTION: EMBRACE AMBIGUITY**

Committmentphobia

- Not wanting to make a decision; delaying a decision; hoping someone else will make a decision:
 - Nothing gets done
 - Legislated responsibility not carried out
 - Inflames a situation
 - **SOLUTION: JUST DECIDE...**

Natural justice principles



How to maybe solve:

- Set the boundaries
- De-identify things
- Give a fair warning
- Use the 24-hour rule
- Don't hit "reply all"
- Be properly informed and advised
- Try to resolve locally – COMMUNICATE

- Contact:

1800 060 119

- Our website:

www.qld.gov.au/bodycorporate

- Adjudicators' orders:

www.austlii.edu.au

- Q and A?

LIVE Q&A



Submit your questions throughout the forum via www.slido.com

Your event code is F729

(Or put your hand up and we'll get the microphone to you)

Chris Irons, Commissioner

Ian D'Arcy, Managing Director, Capitol

Mark Mellick, Director, Active Law

Trevor Rawnsley, CEO, ARAMA