

**Review of the Unit Titles Act 2010**  
**Discussion Document**  
**December 2016**

**1** We propose that the following legislative requirements apply to complexes with 10 units and over. The body corporate for complexes between 10 and 29 units, may, however, resolve against adopting any of these requirements by special resolution.

Bodies corporate must:

- report on the performance of delegated powers at the annual and any other general meeting;
- contract a body corporate manager to perform functions as specified in the UTA;
- have LTMPs signed by the body corporate chair and a qualified person;
- have a LTMF to finance the long term maintenance plan already required under the UTA; and
- have body corporate accounts and LTMFs audited annually.

Do you agree? If no, why?

1. Yes, except no to a BC manager and compulsory audit of body corporate accounts on annual basis. The BC manager function is done by the committee already. AT the AGM should be decided to audit the accounts each year or not. Also it should be allowed the owners to decide at the AGM if they need a contracted body corporate manager or the existing body corporate committee can run the general business as before. We had so called professional property managers in the past that were not working in the interest of the community in the building and they were making themselves richer all the time. We got rid of them long time ago and do not wish them to return into the building. They were ripping off the owners all the time.

**2** Do you consider that it is appropriate for complexes between 10 and 29 units to be able to opt out of the above proposed legislative requirements by special resolution? If no, why?

2. No. One rule for all. These rules should apply across the board.

**3** Please comment on :

- how government agencies might achieve a more joined up approach;
- how we can improve the services we provide; and
- whether you think a separate dedicated entity is warranted; and if yes, what functions and responsibilities would a dedicated unit titles entity deliver? Please list.

3. No to all three points.

4

Do you agree that the current pre-contract, pre-settlement and additional disclosure step should be consolidated into one step? If no, why?

4. No. Should stay as two separate things.

5

Do you agree that these additional requirements should be included in disclosure statements? Do you consider any other requirements should be included?

5. Yes

6

Do you agree that bodies corporate should certify that all disclosed information is complete and correct? If no, why?

6. Yes

7

We propose to add provisions to the UTA that address conflicts of interest that achieve similar aims to the provisions included in the Incorporated Societies Bill. Do you agree? If no, why?

7. No. The contact details of all owners should be available to the body corporate committee only otherwise it will create chaos and nothing will get done in the building. The owners have the rights to appoint the body corporate committee members once a year at the AGM. The committee is given at the AGM to run the business and that is documented in the minutes of AGM. Having all owners to mix themselves in the decision makings every 5 minutes will stop the committee to do its job. So absolutely a big NO to sharing the contact details with all owners.

8

We propose that bodies corporate of large sized complexes (30 and over) should report on the performance of their delegated powers at every general body corporate meeting? Do you agree? If no, why?

8. Yes at AGM only.

9

We propose including additional provisions on the duties and responsibilities of a body corporate committee similar to those included in the Queensland's Code of Conduct for committee members. Do you agree? If no, why?

9. No. Nobody would want to be on the committee.

10

Do you consider that the risk of proxy farming is sufficiently high to warrant changes to the UTA to limit the number of proxy votes one person can hold at a time? If yes, why?

10. No keep as is. The committee members who are running the business have the full picture in mind. They know what should happen to improve things in the building. Keep the law as it is now.

11

We propose to amend the UTA so that bodies corporate can vary the terms of or seek to release themselves from longer term contracts in certain circumstances. Do you agree? If no, why?

11. Yes.

12

Do you agree with the proposals made above as they relate to:

- Minority relief – no change warranted;
- Alteration to units – sections 79 and 80 (i) to be amended if necessary to align with section 65;
- Quorum – section 95 to be clarified; and
- Resolutions – section 101 to be amended. If no, why?

12. Yes

13

Do you agree that industry bodies such as those mentioned have the ability to increase professionalism and help address body corporate management issues? If no, why?

13. No, increased professionalism is not the answer, its more about knowing how to run the building. Each building is different and has its own issues. Unit owners/committee members have more buy into the issues, to get them solved properly, not a manager who is on an hourly rate and doesn't care how long it takes to resolve. The so called property managers are charging \$260 per hour and they rip off the owners. We had one and we can provide several examples if needed, how the owners had to pay thousands of dollars in the past and nothing got improved in the building. The body corporate secretary used to sit in the cafe in Paris and laugh his head off how stupid the owners were paying him big dollars and he was having a nice holiday each year with his wife doing nothing for the folks in the building. For a 2 hours meeting with the committee he was charging the owners \$1,794.00 per meeting. This was a joke.

14

Do you support requiring body corporate managers to be members of a professional group and being subject to the codes of practice of the group? If no, why?

14. No more money wasting for unit owners about information that doesn't affect their building.

15

Do you support body corporate managers being mandatory for medium and large complexes? If no, why?

15. No. The purpose of a committee is to keep prices down and the committee members are unit owners as well. The managers won't have a vested interest in the building and just put the prices up and up. No thank you.

16

Do you support the functions of body corporate managers being set out in the UTA? If no, why?

16. No, because we don't need any managers as stated in 15 above.

17

What functions, if any, do you think should be prohibited from being contracted to a body corporate manager?

17. No as above.

18

Do you support the setting of additional requirements in regulation for body corporate managers? If no, why?

18. No as above.

19

Do you agree that a member of a recognised surveying institution or professional group should be required to guarantee the accuracy and completeness of the LTMPs? If no, why?

19. No, the LTMP is set out at each AGM, the committee has to update at the next AGM what has been done, what is getting done and what needs to be done in the future. This is just another level of red tape we don't need!

20

Do you agree that the body corporate chairperson, on behalf of the body corporate, should be required to sign LTMPs to guarantee accuracy (to the best of their knowledge)? If no, why?

20. Yes, we do this now.

21

Are there mandatory fields/information you consider should be included in the revised template? If so, please list.

21. No.

22

Do you agree that 30 years is an appropriate timeframe for LTMPs for medium (unless they resolve not to) and large complexes? If no, what threshold or timeframe do you consider appropriate?

22. No. 10 years only. We are living in a dynamic world today. Everything changes fast (prices, materials, equipment, machinery, everything). Hard to forecast for 30 years from now.

23

Do you agree that LTMPs for medium and large complexes should be reviewed every three years? If no, what threshold or timeframe do you consider appropriate?

23. Yes.

24

We propose that medium sized bodies corporate comprising 10-29 units are required to establish and maintain a LTMF (unless they resolve not to by special resolution). Large complexes comprising 30 units and over units would be required to have and maintain a LTMF. Do you agree? If no, why?

24. Yes. LTMF should be compulsory for all sizes no matter it is under 5 or above 5 units.

25

We propose that the LTMFs of medium and large bodies corporate are audited annually. Do you agree?

25- Yes we do this already.

**26** Do you support the proposed fee level for the dispute resolution service? If no, why?

26. Yes

**27** Would you consider using mediation if the above option was adopted? If no, why?

27. Yes.

**28** Do you agree that the name of the Tenancy Tribunal should be changed to the 'Tenancy and Unit Titles Tribunal' to reflect its jurisdiction over unit title disputes? If no, why?

28. Yes. There is only going to be more body corporate as the population grows.