

21 February 2017

Property Law Review
C/- Strategic Policy
Department of Justice and Attorney-General
GPO Box 149
BRISBANE QLD 4001
Via email: propertylawreview@justice.qld.gov.au

Dear Sir / Madam

RESPONSE TO THE PROPERTY LAW REVIEW ISSUES PAPER 6: PROPERTY LAW ACT 1974 (QLD) – PLA PARTS 1-4, PART 6 (DEEDS) AND PART 20 (NOTICES)

Strata Community Australia (Qld) (“SCA (Qld)”) thanks the Honourable Attorney-General and Minister for Justice Yvette D’Ath MP for inviting submissions in relation to the Property Law Review Issues Paper 6.

Introduction

SCA (Qld) is a non-profit, professional organisation for bodies corporate, body corporate managers and suppliers of services to the body corporate industry in Queensland. SCA (Qld), through its predecessor CTIQ, was established in 1984 and currently has more than 600 individual and 230 corporate members. SCA (Qld) members administer more than 65% of all strata titled properties in Queensland and up to 90% of all managed properties.

The core objectives of SCA (Qld) include:

- representation on body corporate and community title issues to Government;
- educating the general community on strata management and lifting the profile of the profession;
- provision of ongoing professional educational development to its members;
- facilitating relationships between members, government, sponsors and suppliers of services; and
- the establishment and maintenance of professional standards of practice for SCA (Qld) members.

SCA (Qld) works closely with the Office of the Commissioner for Body Corporate and Community Management in Queensland and has a well established relationship with the Attorney General in regards to body corporate matters. The nature of our organisation enables us to assist in advising on strata community title living.

The following response is only focussed on questions raised that may impact on strata and community title living. SCA (Qld) would like to submit comments in relation to Questions 99-103 where there is discussion surrounding notices and how they shall be served:

SCA (Qld) is of the view that strata communities should be provided with the ability to self-govern their affairs and make decisions democratically. The aim of any amending legislation must be to modernise a sector that heavily depends on communication in times of geographical dispersion. Providing transparency in decision making and timely collaboration directly impacts cost efficiency and productivity.

Bodies corporate are often hamstrung by antiquated procedures and technical statutory requirements that preclude them from utilising convenient and commonly available digital

technology. SCA (Qld) sees an urgent need to bring the body corporate legislation and any related legislation to a more modern standard, providing flexibility for electronic management of schemes. We recommend the relevant provisions are “technology neutral” (Q103) so that access to documents can be facilitated by electronic or other means (e.g. email, apps, websites, electronic links and whatever other electronic platforms may develop in the future).

SCA (Qld) supports amendments to include electronic delivery as a legitimate way of delivering notices. Changes of address has and continues to cause widespread problems for the administration of bodies corporate.

The Issues Paper queries (Q101) whether a 24 hour timeframe is sufficient for electronic service to be deemed received. We support such a timeframe. Where it specifies postal delivery times (Q102), we agree with a change to consider a notice served after four business days.

We take this opportunity to thank the authors of the Issues Paper for acknowledging reform in this area is vital for the efficient operation and progress of the sector.

SCA (Qld) would also like to recommend that the Electronic Transmission Act be updated to minimise ambiguity.

FURTHER INFORMATION

Further clarification on this submission can be made by contacting

Mail: SCA (Qld) – The President
PO Box 1280, Spring Hill Qld 4004
Tel: 07 3839 3011
E-mail: president.qld@stratacommunity.org.au

Sincerely



Simon Barnard
President