



Attorney-General and Minister for Justice
Minister for Women and Minister for the Prevention of
Domestic and Family Violence

1 William Street Brisbane Q 4000
GPO Box 149 Brisbane Q 4001
Telephone +61 7 3719 7400
Email attorney@ministerial.qld.gov.au

Our ref: 572307/7, 6304989

16 SEP 2022

Mr Neil Laurie
The Clerk of the Parliament
Parliament House
George Street
BRISBANE QLD 4000

Dear Mr Laurie

I refer to e-Petition 3767-22 tabled in the Legislative Assembly on 16 August 2022 titled *Clarity on Body Corporate Bank Account Signatories*.

Bodies corporate are regulated under the *Body Corporate and Community Management Act 1997* (the BCCM Act). The Act and its associated regulation modules encourage the self-management of community title schemes and provide a legislative framework to ensure that bodies corporate can administer and control their own affairs. The Office of the Commissioner for Body Corporate and Community Management (the BCCM Office) is established under the Act to provide a dispute resolution and information service to support the self-management of community titles schemes and the resolution of body corporate disputes.

It appears that the petitioners are seeking an interpretation, or a ruling, regarding section 151(3) of the BCCM Act. As the Attorney-General, I am unable to provide specific legal advice to members of the public, or be seen as favouring one group of citizens over another in a dispute. This is because the Attorney-General's role is to provide legal advice to the Queensland Government and to act on behalf of the people of Queensland as a whole.

However, I can note that section 151(3) of the BCCM Act provides that if the body corporate manager's (BCM) contract of engagement requires or authorises the BCM or an associate of the BCM to operate the account for the body corporate, the account must provide for it to be operated for the body corporate by any of the following—

- (a) *the body corporate manager or associate; or*
- (b) *the authorised members acting jointly.*

"Authorised members" is defined in section 151(6) of the BCCM Act.

(2)

The application of the legislation will depend on the individual circumstances of each case. It may be appropriate to seek legal advice where an issue arises regarding the application of the BCCM Act. There are a number of options for seeking legal advice including through:

- the Legal Aid Queensland Call Centre on 1300 651 188 for information and referral for legal advice;
- the Queensland Law Society on (07) 3842 5842 for the names of legal firms in the area that specialise in the particular type of legal problem; or
- Community Legal Centres Queensland on (07) 3392 0092 which can advise on the nearest community legal service available.

If a dispute concerning a provision in the relevant body corporate legislation is unable to be resolved, it may be possible for an application to be lodged with the BCCM Office. Further information about who can lodge an application can be found in Practice Direction 22 on the BCCM website at <https://www.publications.qld.gov.au/dataset/practice-directions-bccm/resource/fe63c904-51a5-4c21-9ef3-fdf23d3738d0>.

Any general questions about the body corporate legislation can be directed to the BCCM Office by calling 1800 060 119 or emailing bccm@justice.qld.gov.au.

I thank the petitioners for bringing their concerns to the attention of the House.

Yours sincerely



Shannon Fentiman MP

Attorney-General and Minister for Justice

Minister for Women and Minister for the Prevention of Domestic and Family Violence

Member for Waterford