



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

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Our ref: 572307/7, 6523835, ORP-2150853

20 DEC 2022

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

Dear Mr Laurie

I refer to e-Petition 3815-22 tabled in the Legislative Assembly on 1 December 2022 titled *Clarity on Body Corporate Bank Account Signatories #2*.

I note that related e-Petition 3767-22 titled *Clarity on Body Corporate Bank Account Signatories*, regarding the operation of section 151 of the *Body Corporate and Community Management Act 1997* (BCCM Act), was tabled in the Legislative Assembly on 16 August 2022. I responded on 16 September 2022 advising that as the Attorney-General I am unable to provide specific legal advice to members of the public, and including information intended to assist the petitioners with resolving their concerns.

I note petitioners' subsequent request in e-Petition 3815-22 for the Government to amend section 151 of the BCCM Act, to provide clarity regarding the effect of the section as it applies to the operation of body corporate financial accounts.

The content of section 151 was inserted into the BCCM Act in 2003, with the stated intent of increasing protection of body corporate funds in financial institution accounts, by ensuring (among other things) that a body corporate manager can only operate the account with the written authority of the body corporate, and prohibiting a financial institution from allowing a body corporate manager to operate an account if the body corporate has notified the institution that the body corporate manager's contract of engagement has ended.

It was stated the effect of the changes was to ensure that the body corporate retains control of its bank accounts and limits the possible abuse of a position of trust by body corporate managers or any other person who is authorised to operate the body corporate's accounts.

The petitioners may be interested to know that Government has established a Community Titles Legislation Working Group (Working Group), comprising key community sector stakeholder representatives. The Working Group has been tasked with providing advice to the Department of Justice and Attorney-General about a wide range of important issues impacting on community titles schemes, including whether the regulation of body corporate managers is in Queenslanders' best interests.

(2)

While I note my comments above regarding the intended legislative purpose of section 151 of the BCCM Act, I can advise that, in conjunction with the Working Group's consideration of body corporate manager regulation, consideration will also be given to whether minor amendments can be made to clarify the section's operation.

In the interim, as I have previously advised, petitioners may wish to seek legal advice, or possibly seek remedy by way of an application for dispute resolution.

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

Yours sincerely

A handwritten signature in black ink, appearing to read 'Shannon Fentiman', written in a cursive style.

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