

This is an excerpt from the Hansard Assembly Proof of 4 December 2007. Mr. O'Brien is the Shadow Minister for Consumer Affairs. Debate has been adjourned until tomorrow.

FAIR TRADING AND CONSUMER ACTS FURTHER AMENDMENT BILL

Second reading

Debate resumed from 1 November; motion of Mr ROBINSON (Minister for Consumer Affairs).

Mr O'BRIEN (Malvern) —

A matter that I would like to raise with the house is that this bill also contains amendments to the way to the governance of bodies corporate and the way in which they operate. The timing of this change has attracted a considerable amount of attention from those who are interested in the regulation of bodies corporate — or, as they are called these days, 'owners corporations'. I refer the house to a press statement issued by the Institute of Body Corporate Managers (Victoria) on 26 November. The release is headed 'New body corporate laws late and flawed: state government fails owners, occupiers and managers'. It starts off:

The peak body for professional body corporate managers has slammed the state government for its handling of the Owners Corporations Act, due to take effect on 31 December this year, as a bill set to amend the act before the laws come into force stalls in Parliament.

A number of the measures in this bill that relate to the reforming of the governance of body corporates are certainly welcome. They are arguably necessary to make sure that the government's Owners Corporations Act works effectively from the time it takes effect on 31 December this year. Unfortunately the government's management of this process has been so lacking that it only saw fit to introduce this legislation so late in the day that it has no opportunity to pass through the Parliament as a whole by the time the principal act comes into operation. The poor body corporate owners and managers will effectively have two sets of laws they need to watch out for. There will be the set of laws that will come into effect on 31 December this year. They will also be very well aware that these amending provisions are in the Parliament, will presumably have passed through one house of the Parliament but will be awaiting the agreement of the upper house and royal assent before they can be complied with. This government's management of the process has been absolutely abysmal. The fact that such a fundamentally important area of legislation for property maintenance in Victoria can be left to the last minute and the fact that the body corporate managers association has come out in such strong terms against the government's mishandling of this speaks volumes.

I will refer again to the press statement of the IBCMV. It quotes the general manager of the Institute of Body Corporate Managers Victoria, Rob Beck, as saying:

Now in a move that beggars belief, the government has indicated that the bill amending the Owners Corporations Act will not be passed this parliamentary session, laying over until the house sits in autumn next year, months after the act and the regulations enabled by it come into force. As a result, owners, tenants and occupiers, along with professional managers, will be expected to comply with two sets of laws all because the government literally can't get its 'act' together.

The regulatory impact statement process has also been a shambles, with the regulations only just finalised. The government closed submissions for the proposed regulations on 8 November, yet the minister and the department of consumer affairs failed to release one media statement to alert the 1 million stakeholders — owners and occupiers — of the review, robbing people of the chance to have their say. Indeed, not one release relating to the Owners Corporations Act has been made since its passing last year ...

When industry stakeholders which are certainly not regarded as being partisan, such as the IBCMV, come out in such strong terms against the mishandling of this legislation by this government, it speaks volumes for the competence of those concerned. While the opposition is happy to support the measures contained in the bill, we note that the timing of it is completely inadequate. To expect body corporate managers, owners and occupiers to comply with effectively two sets of laws because this government was not able to get its act together and get the legislation passed and assented to before 31 December 2007 indicates that the government is just not up to the job in this area.

Having said that, as I indicated, the provisions in this bill are generally of benefit to consumers. The bill contains some quite sensible tidying up of consumer legislation that will protect consumers in one way or another. The timing of it is something we have expressed some concern with, but otherwise we think it is something which deserves the support of this side of the house. On behalf of the opposition I am pleased to indicate that we will be supporting this bill.