

*Office of the Commissioner
for Body Corporate and
Community Management*

Harassment, bullying,
abuse and nuisance in
bodies corporate – how
can you deal with it all?

Chris Irons, Commissioner



Disclaimer

- BCCM's attendance at this event is at the invitation of Archers and BCCM in no way endorses Archers or any other body corporate management company, or its products.
- BCCM is attending this event to provide information and tools to help the community better understand body corporate legislation to avoid and resolve disputes.

B-A-H-N-D

B Bullying

A Abuse

H Harassment

N Nuisance

D Discrimination

B-A-H-N-D

What makes someone feel BAHND?

- Lack of knowledge
- Personality conflict
- Extenuating circumstances
- Rules
- No attempt to resolve
- **COMMUNICATION**

B-A-H-N-D

Harassment?

NO

Bullying?

NO

Abuse?

MAYBE

Nuisance?

YES – OF A SORT

Discrimination?

YES – OF A SORT

B-A-H-N-D

Abuse:

- Nuisance provisions
 - By-laws
 - If alleged abuse is from committee member – remove committee member
- If alleged abuse is from BCM or CSC – RAN
 - Code of conduct

B-A-H-N-D

Nuisance:

- Nuisance provisions (s167) – but take note of the qualifiers
- Nuisance caselaw - Miles v Gough & Body Corp for Solarus [2017] QCA 190, also Norbury v Hogan [2010] QCATA 27
- Don't forget 'interference' with specific meaning (ss165 and 166) – may in fact be the 'nuisance' you are looking for

B-A-H-N-D

Discrimination:

- By-laws – s180(5) “...*by-law must not discriminate between types of occupiers*”
- “*Discriminate*” has a literal meaning – not linked to anti-discrimination legislation

- Note that provision refers to “*occupiers*”, rather than “*owners*”
- BC (and BCM) should not differ in dealings between owners and tenants

B-A-H-N-D

Best practice tips:

- Set the boundaries EARLY
- “De-identify” and “de-emotivize”
 - Use BC-specific or generic contact details
- Give a warning
- Put restrictions in place (with instruction):
 - BC still needs to act reasonably
 - Can't simply shut down communication if there is a genuine issue

B-A-H-N-D

Best practice tips (continued):

- Escalate to QPS (www.policelink.qld.gov.au, or 000 in an emergency) if necessary
- Peace and good behaviour order (www.courts.qld.gov.au/going-to-court/applying-for-protection)
- Dispute Resolution Centres (www.qld.gov.au/law/legal-mediation-and-justice-of-the-peace/settling-disputes-out-of-court/mediation)

B-A-H-N-D

Best practice tips (continued):

- Anti Discrimination Commission
(www.adcq.qld.gov.au)
- Office of the Public Guardian
(www.publicguardian.qld.gov.au)
- Translation services
(www.forgov.qld.gov.au/interpreter-and-translator-services)

B-A-H-N-D

Best practice tips (continued):

COMMUNICATION

PREVENTION IS BETTER THAN CURE

Instead of BAHND – how about H-B-A-N?

Hopefully

Better

Acclimatized

Neighbours