

Publication Date: 25 February 2020
**YSP Podcast Transcript: Episode 201. Frank Higginson explains why former
Commissioner for BCCM Chris Irons has joined the team**

Listen to this podcast episode [here](#).

Intro: Welcome Your Strata Property, the podcast for property owners, looking for reliable, accurate, and bite sized information from an experienced and authoritative source. To access previous episodes and useful strata tips, go to www.yourstrataproperty.com.au.

Amanda Farmer: Hello and welcome to this week's episode. I am your host Amanda Farmer and I'm here each week to guide you through the often confusing legal landscape of apartment living. And this week I have a first for you. This is my first in-person face to face interview that I have conducted as host. I usually record my guest expert interviews online over a video call, but for the first time I've taken my mics with me. I've been able to set up in a quiet spot and have a chat face to face with our guest. This week, I'm talking to Frank Higginson from Hynes Legal in Brisbane, and as you'll hear, it was rather good timing to be talking to Frank because Hynes Legal has had a few changes to their practice recently. If you're on top of your strata news, you may already know what I'm talking about. If you're not, you're going to hear about it in this interview.

Frank is a partner at Hynes, operating from Brisbane, practicing in body corporate and management right matters right across Queensland. And Frank tells me, apart from a 2 year hiatus when he worked in London with a multinational firm, he has practiced in Queensland property matters for his entire career, which is now spanning 25 years. And Frank says that he is the kind of lawyer who believes that when there are issues in dispute, it helps enormously from a legal, strategic as well as a commercial position to understand the strengths, weaknesses and views of the other party. He enjoys creating opportunities to make commercially sensible suggestions to enable the resolution of issues that are in dispute. And you'll hear him talk a little bit more about that in the interview and how the recent changes to Hynes' team are, he says, going to help them more so to achieve that for their clients.

Frank is a very active speaker in the strata and body corporate law sector. In the management rights field, he regularly presents to all of those associated with the management rights industry from financiers to first time buyers. From a body corporate perspective, you'll see him at many body corporate managers and lot owner gatherings including seminar series with the Commissioner for Body Corporate and Community Management. And in 2018 he started writing a regular column on body corporate issues for the Sunday Mail. I've seen Frank present papers at the annual conference for the Australian College of Strata Lawyers where he is a fellow and you'll hear that that's actually where I was catching up with him for this interview. So enjoy this episode maybe a little different as I chat to Frank face to face. Let me know what you think and as always you'll find the show notes and access to the transcript over at yourstrataproperty.com.au/podcasts. We'll head over now to my chat with Frank Higginson. Frank Higginson, welcome to the show.

Frank Higginson: Thanks very much for having me on, Amanda.

Amanda Farmer: It is a pleasure to have you here with me actually in-person today. We are not online. We are attending the annual conference of the Australian College of Strata Lawyers and we've been able to sneak away and find a bit of time to chat.

Frank Higginson: In the little padded wall room, which is what we all need probably.

Amanda Farmer: Yes. Yes, there'll be no questions about why we're in here I'm sure. Now we have been trying to arrange a chat for a little while, a few emails back and forth and you have been a busy man. You've had a few things going on in your practice, maybe a few changes and you did let me know that now was a good time to chat and you had some news perhaps. What is new with your practice, Hynes Legal?

Frank Higginson: A little bit and I suppose yes, we have been flirting for the better phrase for a while and I knew this would be in the works. So Chris Irons, who's the Commissioner for Body Corporate and Community Management after a career in public service in the last 5 and a half years as the Commissioner has jumped to the dark side for a better phrase and come to private practice with us. So yes, that's the big news I suppose from our end, a little bit of a splash in Queensland. I'm not sure what it means anywhere else, but yes.



Publication Date: 25 February 2020
**YSP Podcast Transcript: Episode 201. Frank Higginson explains why former
Commissioner for BCCM Chris Irons has joined the team**

Amanda Farmer: Yes. Wow. And I have seen a little bit of media about this that you guys have been doing. I have to say from the outside, came as a surprise I think to others in the sector. Is Chris a lawyer?

Frank Higginson: No.

Amanda Farmer: He's not a lawyer.

Frank Higginson: And I get that a lot.

Amanda Farmer: Okay. A lot of people are asking?

Frank Higginson: Absolutely. Well and particularly from other lawyers. So it's sort of, and it's been interesting because we... It's not a knee jerk thing for either of us. Actually it was this conference last year in Oakland when I said to him at the end of his presentation over there, "Mate if you ever"... Because I've done lots of things with him over the year. I've spoken at seminars, certainly knowing him socially afterwards and things like that for probably 4 or so years. So I said to him in Oakland, "Mate if you ever do get sick of it or want to try something else, I'm sure there's something we could do together."

And it's not that he didn't enjoy his job, but the reality is that he, I suppose like you and I and like all the people here have a massive focus on strata. It's all we do. Inside his role in government, there's certain things he could do and certain things he can't. And despite him wanting to push in certain directions, he's constrained by the political process in effect. So if he was ever going to get off the government bus and try to do something a little bit different, the opportunity to do that effectively was now with us.

So we've spent really 8 months talking about what things might look like, how things could work and we've got a grab bag of ideas and we're now starting to talk to people about them. And clearly this is, hang on, hang on, hang on, I'll get to you soon. Is one of those things. So we've certainly been talking to lots of strata managers about what we think might work and getting lots of feedback. So he's a week and a bit into the role now. He hasn't quit, which is good. I think he's enjoying the change. The pace of play is certainly a little bit different, but it's been a really interesting exercise.

Amanda Farmer: Yes. Well my listeners met Chris on the podcast some episodes ago when he was in his role as the Body Corporate Commissioner in Queensland. What is his title, if you like, or role with you now?

Frank Higginson: Well, we've called him a strata adviser.

Amanda Farmer: A strata adviser

Frank Higginson: We were going to go with strata god, but we thought we'd better not.

Amanda Farmer: Right, might've been trading on a few toes there.

Frank Higginson: Absolutely. We don't want to get all the theological people off side.

Amanda Farmer: No, I was just thinking of my fellow members of the Australian College of Strata Lawyers who might think that they deserve that title.

Frank Higginson: Well, lawyers think they're gods as a rule. So, and that's that lawyer thing. I suppose Chris comes at things from a completely different perspective. And for me that's probably been the biggest difference. So we are lawyers, we're trained as lawyers, we're to a degree linear in our thinking. And probably the example I use as I bounce around and talk to people is that when your only tool is a hammer, every problem is a nail. So when you come to lawyers, usually there's another side, there's another party. So even in a commercial transaction, there's a seller and buyer, each side lawyers up.

Publication Date: 25 February 2020

YSP Podcast Transcript: Episode 201. Frank Higginson explains why former Commissioner for BCCM Chris Irons has joined the team

Frank Higginson: Litigation or contested matters, everyone lawyers up. It's not a collegiate, I mean it can be a collegial environment. In theory we could be competitors of ours down in Sydney or in Brisbane, but we hear professionals talking to each other, which is great. But law is inherently adversarial.

What Chris is with us for, I suppose there's a illegal part of what he does because his knowledge of strata in Queensland is second to none. All he's done for the last 5 and a half years is be the Commissioner, educate people about strata law, the front the office that deals with disputes. I think the acting Commissioner, they're almost at, I think, 15 odd thousand phone calls to their free call line this financial year to date, which is extraordinary. And that Commissioner's Office is a uniquely Queensland thing.

So his exposure to strata is extraordinary. And where we've got to is there's a legal element. So of course if we have commissions applications, obviously all the strata advice we give, by and large he's seen it, where's this particular issue. So where the legal skill set is helping frame up, narrowing down the issues, what the answers might be, where the previous adjudication decisions might be, just to give our junior lawyers some guidance around that. From a commercial side of things in terms of dealing with disputes in the Commissioner's Office, he obviously understands the process intimately. Well don't do this, try this. They won't like that. That won't work because of this type stuff. So all that strategic things and even certain, even internally, he's not a lawyer. That's cool, we'll have that conversation. Sitting down at our first workflow with our body corporate team, "Here we are, this is how I want it to run, blah blah blah." And Chris piped up with, "Well here's Commissioner reveal number one, boom." Right. I didn't know that. So that's the legal side of things.

But the bigger thing for us is a whole lot of other stuff. So we're probably still getting the narrative right around it. And it's sort of, I started with calling it sort of non-legal services. It's really alternatives. It might even be complimentary services. So when you look at what we do, we're a law firm that provides services to the strata community. And probably another way to look at it, we want to be a business that provides services to the strata community, one of which is legal.

So the first thing we think for Chris that we are really trying to do is mediation. The difference I think with Chris in a strata context, particularly from a personality side of things, is he understands all of the moving parts that happen in strata, certainly particularly in Queensland. And inevitably when I sat to look around about what the issues are that we all deal with day to day, they are the same. There's a different legislative overlay in some contexts, but when you even go to...

Got a brother that lives in Vancouver, you know condo law, they have the exact same sort of legal system we do with sort of federal States and that sort of stuff. And from a body corporate perspective, it's short term letting, it's leaky buildings, it's parties, it's management structures, it's maintenance, it's pets, it's all the same stuff. Which comes back to probably dealing with people, helping them understand what the issues are because that's also the consistent thing is no one knows the rules. Everyone buys a unit, happy days, here we are. And a lot of our fights and disputes come from misinformation, lack of education, and they're never going to put qualifications on people to become committee members. I think that you get that thrown at you from time to time. But the moment you have a qualification required to be a committee member, we lose probably 3 quarters of the committee members in the state. Body corporates are the fourth level of government, they need people to self-govern. So that is going to be the constant battle that we have.

So I think from a Chris perspective, the first thing we're trying is trying to get a mediation service going where people don't need to actually commence proceedings against each other, which means they have to buy into the process and they come in and he helps them sort it out. And that will be more than just the thing they're fighting over because inevitably there is more to it than just that.

Amanda Farmer: So you envisage both sides coming to you, Hynes Legal, looking to mediate a dispute and that would be an avenue instead of what is the other avenue in Queensland?

Frank Higginson: The Commissioner's Office because-



Publication Date: 25 February 2020
**YSP Podcast Transcript: Episode 201. Frank Higginson explains why former
Commissioner for BCCM Chris Irons has joined the team**

Amanda Farmer: There is a mediation procedure? I have-

Frank Higginson: Well there's a conciliation process. So what you do is you file an application for conciliation and then 3 months later you're in there. So it's really what you're going to get is a timely outcome from a very experienced person who can deal with the entirety of the issue as opposed to a 3 month wait with that thing gestating in your life. Because that's the thing with these disputes, they're not millions of dollars. They're people's homes, they're emotions, they're stressful. And I think one of the problems, I suppose we all have, from a litigation perspective, is unless you've been through it, you don't understand how stressful it is. Because it's one thing to pay lawyers money to do whatever needs to be done, you still need to sleep at night. The opportunity cost, particularly from a committee members perspective is what I say to a body corporate clients who are thinking about litigating is this is going to take dozens, hundreds of hours of your life that you are volunteering to give away for free. So what else could you be doing with that? You've got to get past that. That principle element.

And so from a lawyers perspective, people come to me, here's my problem, straight away you go into a legal solution. "Okay, sure I can send a letter of demand. Where do you stand?" How do we punch them round, all that sort of stuff. It's been really interesting with the inquiry we get is suddenly, "Oh well maybe it's this."

Amanda Farmer: And on that point, putting my lawyer's hat on, the mediation is run by Chris. He achieves the result. Fabulous. There's an agreement drawn up, parties go away. He doesn't achieve a result, parties need legal representation.

Frank Higginson: We're out.

Amanda Farmer: You're out all together?

Frank Higginson: 100% they conflict.

Amanda Farmer: Yes.

Frank Higginson: Absolutely.

Amanda Farmer: And is there any concern about Chris touching matters that he's been involved in as Commissioner one way or another?

Frank Higginson: Very. And we're super aware of that ethically. And Chris the confidentiality and ethics he's got have come through loud and clear. The simple rule is from our end and is he doesn't even... I suppose there's a few matters that we've got in the Commissioner's Office, he won't go near. But in terms of things that he has dealt with, we've got a very strict guideline around it. If he's got any knowledge at all, he's out. So that'll only be for a period of time and then after that, away we go.

And the reality is he's getting enquiry now already that might turn in legal matters because that's not appropriate for mediation for whatever reason or that's a pure legal issue or whatever it is and I'm certainly, "Well you know, we don't need to go "Defqon 1" on this because here's an alternative." And it's an enquiry from either side and I suppose the mediation thing is people have to buy in, there's no one's getting forced to do it. And so probably the market in a sense is certainly people coming to us direct, they need to then go to their counterparty and say, "Well here's what it is." So we need to get that sell right for them.

Hopefully some of the legal colleagues we have here at this conference will be looking at a particular dispute and saying, "You know what, maybe we don't need to sue each other over this. Why don't we try this as plan A." And that's certainly going to be hopefully the case in a management rights context because management rights inevitably comes up at these conferences every year. There's lots of disputes over those and they're ones where the Commission's Office doesn't have jurisdiction because they're a complex dispute in Queensland, which means straight off to QCAT, like NCAT or VICAT, more complex process, expensive, et cetera, et cetera.

Publication Date: 25 February 2020
**YSP Podcast Transcript: Episode 201. Frank Higginson explains why former
Commissioner for BCCM Chris Irons has joined the team**

Frank Higginson: "Why don't we sit down and try to sort this out now before we all inevitably spend 6 figures and 3 years of our lives fighting each other over terminating an agreement." When there's always a solution.

So hopefully there might be some legal colleagues saying to us, "Well, why don't we try this?" And from a lawyer's perspective, you get a bit territorial about your clients, you don't expose your clients to other people. We're not stealing them. We're conflicted out. And certainly from a strata manager's perspective, what we're saying to strata managers is, "You can see these things starting. You know inevitably where they're going to go, all they do is cause you grief. Happy to give you a proposal."

Amanda Farmer: Well, it is a very creative approach. Do you know of any other firms in Queensland or anywhere else around the country that are taking this approach?

Frank Higginson: No.

Amanda Farmer: No one?

Frank Higginson: No one. So yes, it's the pioneers that get the arrows and so we will find out soon. And there's a range of other things. Chris has obviously got skill sets around in terms of best practice. We're really sort of calling it capacity building for strata managers because obviously on the other side of the Commissioner's Office he's seeing 2500 disputes a year every year. Inevitably there's core components to those which could be handled better on a range of different fronts. And I think probably in the longer run, some form of education information type piece is what we're looking at, which he's obviously got a brand and we know what people need to know. It's just a matter of getting it out there. But the mediation thing is something we both think has merit, but the rubber will hit the road at some stage and we will see.

Amanda Farmer: Yes. Well, I am looking forward to chatting to Chris sometime in the future and see how he's settled in, how he feels being in private practice and how different that is, what the challenges have been.

Frank Higginson: There's a few of those but that's good, yes.

Amanda Farmer: And there will be, and there will be growing pains but I think you guys are sounding like you're been thinking about it for a long time-

Frank Higginson: We have been.

Amanda Farmer: And you're on the right track.

Frank Higginson: I hope so.

Amanda Farmer: So Frank, your office is Brisbane.

Frank Higginson: Yes.

Amanda Farmer: You're a Queensland practitioner. I haven't dipped too much into the Queensland legislation. I have been a little bit terrified of that to tell you the truth.

Frank Higginson: Well I'm the same with New South Wales so it's mutual.

Amanda Farmer: Oh really?

Frank Higginson: Absolutely.



Publication Date: 25 February 2020

YSP Podcast Transcript: Episode 201. Frank Higginson explains why former Commissioner for BCCM Chris Irons has joined the team

Amanda Farmer: I think we have a bit less legislation than you do. What are, let's say, the top 3 challenges facing Queensland owners' buildings at the moment.

Frank Higginson: I think it is, as you point out, the legislation's complex, lots of people think it's easy and it's that inability to understand what is going on. It's that information gap. And I suppose once you get in it and know it and understand it, like you'd navigate around New South Wales legislation relatively bang, bang, bang. There's where we need to go. There's our answer, blah, blah, blah, and I think we're the same with Queensland. But when you're looking at it from an outsider's perspective, it's terrifying. And so even in Queensland, like the Commissioner's Office, which is a unique service, like where else do you ring a court and get advice around what it is that you're going to do?

Amanda Farmer: Absolutely.

Frank Higginson: It just doesn't happen. And I see New South Wales is trying to come up with some sort of information portal, so I think there's probably some value Chris might be able to add to that.

Amanda Farmer: Yes, it's not so much an information portal as in terms of an education resource, it's more about having the contact details of the strata manager, some simple details about the building, when the strata plan was registered, do they have a pets by-law, do they not. Very valuable information to be able to have that on a public register, but so far not going down that education route. We have the Office of Fair Trading, which owners will ring and get information over the phone. That is a little bit touch and go from our experience. So yes, you're set up with the Commissioner's Office is unique.

Frank Higginson: It is unique and I suppose that's where Chris is unique. You know what I mean? He's just a unicorn form of phrase. I'm sure he's been called worse. And I think the thing that's come in Queensland from an information perspective is legislative reform everywhere. It's been on the radar forever. I mean we are middle of February, I think we're going to have new regulation modules probably inside the next 3 or 4 weeks released to the world at large with electronic voting, whole bunch of new rules, et cetera, et cetera. So again, probably the fourth iteration of them I suppose. So started in 97 so now we're going to be 2020 versions of them. Whole lot of little tweaks in that across 4 modules. And I know from a rollout perspective, the Queensland issue is that the Commissioner's Office, Chris tells me has the second most number of pages on the Queensland government inter web. So when this legislation comes out, they need to go through and update hundreds of bits and pieces to make sure they're consistent with what that is.

Amanda Farmer: Yes. I have noticed the Commissioner's website when I last spoke to Chris and I dug a little bit deeper is a fabulous resource. And we don't have anything like that in New South Wales that is free and available to the public. I certainly obviously have my website and my membership and those resources, but to be able to log on and choose from a dropdown list of common problems and to get accurate answers.

Frank Higginson: Yes. It's an amazing resource. You know what I mean? And it's relatively lightly funded I think. The value they provide to the strata community is extraordinary and relative to any other information portal, it's amazing. So the other thing that we've got coming is rental law reforms. So this same sort of thing's happened in Victoria. In Queensland, I think, you talk about lack of information, it's in a sense giving tenants more rights than what owners have with respect to body corporate issues. So, for example, pets, still probably number 2 on the dispute list in the Commissioner's Office, even though there's no such thing as a no pets building in Queensland. I think you're in that world now in New South Wales as best I can follow.

Amanda Farmer: We're getting there.

Frank Higginson: Oppressive and unreasonable and all that sort of joy. From an owner's perspective, they need to seek committee approval before they bring pets. Rental law reform would have tenants being able to bring pets in as a right.

Amanda Farmer: Wow.



Publication Date: 25 February 2020
**YSP Podcast Transcript: Episode 201. Frank Higginson explains why former
Commissioner for BCCM Chris Irons has joined the team**

Frank Higginson: And there's no consistency requiring the tenant to actually seek the approval of the body corporate to the pet. So what we're going to have is tenants just rolling up with "Fido" and body corporate committees flipping and there's no consistency in terms of that legislation.

Amanda Farmer: And there's no requirement in the body corporate legislation for tenants to be making these applications?

Frank Higginson: Well there is because they're an occupier but the rental law reform's going to give them the right to do it as a right. So that's probably subject to what the legislation actually gets to-

Amanda Farmer: There's an inconsistency there.

Frank Higginson: Yes because we haven't seen it yet. This is the proposal, these are the discussions, this is what we're thinking about doing. If they give tenants the carte blanche right to bring pets, which is absolutely the stated intent, then to me that's probably going to override any right of the body corporate to reject it and that is going to be World War 3. The same as they're going to give tenants the right to make minor modifications to property from a domestic and family violence perspective, which in principle is 100% fine. No issue with that at all. But the issue, and I'm sure you have it as well, is what is common property and what is part of a lot and if we're changing the external appearance of a lot, do we need to seek committee approval to that? And what happens if it actually is common property and the tenant doesn't understand and these units suddenly start looking like Fort Knox because people aren't feeling safe. And the rest of the community is up in arms but they've got the right to do it under this act, but not.

Amanda Farmer: Yes.

Frank Higginson: So that is what's on the radar and that I think by all reports politically is going to be pushed through before our election on the 31st of October. So that's a massive issue.

Amanda Farmer: Well, I hope your stakeholder group or groups that are working on this, your tenancy people are talking to you strata people trying to resolve these inconsistency.

Frank Higginson: Yes. You would like to think so. Well certainly it's been put to government, but whether they listen something else entirely. And the other massive issue in Queensland's insurance.

Amanda Farmer: Right.

Frank Higginson: So think that it's national regime, one thing that's consistent with all of us is all bodies corporates must ensure for full replacement value and blah blah blah. And I'm sure it's going to get worse after the bushfire season. North Queensland's been struggling with insurance for a couple of years and the interesting thing is that if you can't insure the act actually gives the Commissioner the ability to make an order allowing you to insure for less than what the act requires you-

Amanda Farmer: Wow that's interesting.

Frank Higginson: It is, it's not an application, it's a private decision by the Commissioner. So it's not public. So first, Chris had the first one of these late last year as Commissioner. And again, be fair to him, he still won't tell me what it was or what the decision was other than they went around for a long time. Because if they've got a building that's required 100 million to replace and they can only get 70 million worth of insurance, no matter what they can do, they're only insured to 70%, all of those owners are exposed. All of the banks are exposed. The Commissioner ticking the box to say, "Yes, you can do that." And then the consequences that flow in terms of disclosure and risk and all that sort of stuff, it's a massive issue. So that's clearly something we'd be able to help from a legal and I suppose commercial perspective in terms of understanding what goes into those decisions.

Publication Date: 25 February 2020
**YSP Podcast Transcript: Episode 201. Frank Higginson explains why former
Commissioner for BCCM Chris Irons has joined the team**

Amanda Farmer: And do you know anything about what's being done about this insurance crisis? It sounds-

Frank Higginson: That's the Northern Australia Insurance Inquiry that Warren Inch started. And from a strata management perspective, the really interesting thing that came up out of the back of that was insurance commissions for strata managers. And I know the first version of the report came out and said that they should be banned for strata managers, which obviously is Australia wide, not just North Queensland. The second I think interim report, I had to look at it the other day, in terms of what it said in relation to Queensland was we made these recommendations, Queensland government's introduced law reform, insurance commissions weren't addressed full stop. But it's clearly on the radar. So that ability to get insurance is... And everyone tells me the insurance market is hard at the moment.

Amanda Farmer: Everywhere, yes.

Frank Higginson: So I don't think that's going to change because I mean clearly there's going to be losses everywhere from droughts, from floods, from fires.

Amanda Farmer: Yes. And I don't know about your experience in Queensland, but mine in New South Wales has been that for a long time strata insurers have been very generous when it comes to claims and when it comes to... I look at certain claims that are made and I think, "Wow, that was a pretty no questions asked pay out there." I'm not sure if you look closer at the policy that that should otherwise have been the case. And we are seeing buildings in New South Wales finding it harder to get insurance and certainly to get more than one insurer willing to even give a quote.

Frank Higginson: Agree. And probably Airlie, I've got a prime example in Airlie where, because they've been hit a couple of times, Airlie Beach where roof damage, et cetera, et cetera. Insurer said, "Well, we'll arrange for it to be fixed." Body corporate said, "No, no. Just give us the payout, we'll arrange for it." Body corporate didn't fix the roof. They went into reducing the levies. And now of course we go back to get insurance 3 years later and the insurers go, "What'd you do with that?" "Well, this." "Well, you know what? No."

Amanda Farmer: And that's where I'm coming from with the generosity of the insurers for many, many years and now saying, "Oh, we've created this monster and now we have to reset expectations."

Frank Higginson: How do we unscramble that egg?

Amanda Farmer: Yes.

Frank Higginson: I think probably they're the big 3 and I just the flow-ons for that for me are extraordinary.

Amanda Farmer: Yes, they are.

Frank Higginson: Because how do you actually from a disclosure regime in Queensland you've got to disclose before someone buys your property. It's not a body corporate manager issue, it's a obligation on an owner to disclose latent or patent defects in common property or circumstances in relation to the affairs of the body corporate that might materially prejudice a buyer. We can only get insurance to 70% of the market value would probably be one of those things. I'm not sure anyone's actually doing it and then which banks going to lend on those properties. And or me the property market, it's all based on finance. If banks won't lend, things are worth nothing.

Amanda Farmer: And what happens when there is an accident, an incident, a claim, someone gets sued, whatever it is. And I imagine you have unlimited liability corporations as we do in New South Wales. I've spoken about that on the podcast before.

Frank Higginson: Everyone signs their personal guarantee when they sign up without knowing it. Absolutely.



Publication Date: 25 February 2020
**YSP Podcast Transcript: Episode 201. Frank Higginson explains why former
Commissioner for BCCM Chris Irons has joined the team**

Amanda Farmer: And is exposed if not to the full amount but the gap between the insurance and the loss.

Frank Higginson: Yes, absolutely. So you're on committee, you're protected for acts taken in good faith and without negligence. This is where I think the shortcuts, and again this is very subjective, in not getting legal advice and just sticking your head in the sand and hope it goes away, won't cut it. And probably client relationship is a different issue but I got this years ago when I was starting in law, my master at that stage article Clark said to me, "You always have to put yourself in the position as a client." Or when you're giving advice to a client, they don't want to do something that they should be doing is say to the client, "Put yourself in the position where you're on the Supreme Court in 6 years time." And someone says to you, "Why didn't you do that?" How do you answer that question? We didn't want to spend the money. We couldn't be bothered. It was way too hard.

Amanda Farmer: I was too busy.

Frank Higginson: Doesn't cut it, doesn't cut it, doesn't cut it.

Amanda Farmer: Yes.

Frank Higginson: So, yes, that's the part of our job is delivering problems sometimes and I think that's where we're going back to Chris to a degree. There's a range of non-legal ways to look at things and he's sort of to a degree opened my eyes, "And well what about this?" "You're right, mate."

Amanda Farmer: Yes.

Frank Higginson: "What about this?" "You're right, mate." You know what I mean? It's just we hammer a away and it's not always the answer.

Amanda Farmer: Yes. No, I can definitely see how that skill set would be very valuable and that is why this area of the law is so complex and I think those who are not in meshed in it, involved in it, as we are or may not appreciate that from the outside. But I hope just by having these kinds of conversations and touching on even just so lightly these issues, we are sharing that.

Frank Higginson: And I'm sure you see it as much as I do. You get just stuff come across your desk and you're like, "It's just wrong guys." They've just forgotten some bit of the act, they don't know or just don't even know there is an act and it's just-

Amanda Farmer: And huge ramifications. These are people's lives, people's homes.

Frank Higginson: Yes, yes, there consequences and investments, you know what I mean? It's sort of, and I haven't quite got the tagline right yet, but I think it really, with the combination of Chris, it's really helping people navigate the maze because it is a maze and it's complicated. But other lawyers sometimes don't think it is. And the more, I mean I learn something new every day, with Chris I'm learning more than something new every day, but that's still regardless every single day this, "Oh right." And this is all I do so it's sort of a bit terrifying when you go on the outside or you become a general practitioner or whatever and it's like, "How do you possibly stay on top of everything you need to know?"

Amanda Farmer: Yes, exactly.

Frank Higginson: Terrifying.

Amanda Farmer: I do believe, and I say this when I talk to young lawyers or law students, I do believe that the days of the general practitioner are over or at least should be over. I think it is too easy now for people to find a specialist in a particular area, whether that's a family lawyer, whether that's someone to do your will, whether that's tax, whether that strata. And it's easy to get online, Google some search terms and find that specialist. And I think that's why we all have so much work. And yes, the general practitioner days are just are done in my view.

Publication Date: 25 February 2020
**YSP Podcast Transcript: Episode 201. Frank Higginson explains why former
Commissioner for BCCM Chris Irons has joined the team**

Frank Higginson: I just couldn't sleep at night and I look back at some of the... I mean I started as a property lawyer generally, and I look back at some of it now and I just cringe, just it's sort of, you got lucky. It doesn't mean you're always right, but you got lucky because nothing came of not knowing that that was an issue. It's sort of the unknown and unknowns that are terrifying. I mean from our perspective it's just, and again steal it from shine lawyers sort of inch wide, mile deep. This is all we're doing. Nothing else. So now the, not the battle, is saying no to people. No, we don't do that. No, we don't do that. Here's someone that will, here's someone that will, here's someone that will. But yes we do do that and bring that in. And then you focus on what you know, certainly for me, I sleep better at night. I think we give better quality advice. Chris coming on board is obviously, he certainly believes the dream, I believe the dream. So it'd be really interesting. Really interesting.

Amanda Farmer: Well, wonderful to chat with you, Frank, and I am looking forward to chatting with Chris in the near future. Who knows, might get both of you together. That will be interesting to go head to head and for you to hear firsthand from Chris how his first say 6 months has been.

Frank Higginson: Well, certainly we're talking daily, so we're reaping it in in terms of what the dream is.

Amanda Farmer: Let's do the performance review together, shall we do that live on the air?

Frank Higginson: Absolutely.

Amanda Farmer: Let's do it.

Frank Higginson: It might be uglier for me than it will be for him. I don't know.

Amanda Farmer: Maybe. Now, let our listeners know how they can find out more about you and Hynes Legal and if there's anything you want to add before we wrap up.

Frank Higginson: Cool. Might sound a little bit silly, but if you Google Frank Higginson, you'll find me. Our website's full of information and we're currently sort of re-doing that. And again, my lunch break today was interviewing a new sort of digital marketing manager so we're up on that. We're going to try to get a lot better on that. Hynes Legal, Frank Higginson, all our contact details are there. And also our website has probably 12 years worth of articles that I've written. Chris is certainly contributing to that now, so quite often some of the more detailed answers you might be looking for are on that as well. But other than that, I'm only an email away.

Amanda Farmer: Perfect.

Frank Higginson: Cool.

Amanda Farmer: Thanks again, Frank.

Frank Higginson: Thanks Amanda. Cheers.

Outro: Thank you for listening to Your Strata Property. The podcast, which consistently delivers to property owners reliable and accurate information about their strata property. You can access all the information below this episode via the show notes at www.yourstrataproperty.com.au. You can also ask questions in the comments section, which Amanda will answer in her upcoming episodes. How can Amanda help you today?