

27 SEPTEMBER 2012



Body Corporate & Community  
Management & Other  
Legislation Amendment Bill 2012  
Submission 007

JANET HEATON



RESEARCH DIRECTOR  
LEGAL AFFAIRS & COMMUNITY SAFETY COMMITTEE  
PARLIAMENT HOUSE  
GEORGE STREET  
BRISBANE QLD 4000

Dear Sir

RE: J M HEATON SUBMISSIONS REGARDING BODY CORPORATE & COMMUNITY MANAGEMENT &  
OTHER LEGISLATION AMENDEMENT BILL 2012

I am the owner of the above unit being [REDACTED] in [REDACTED]. My husband and I have owned and lived in the apartment since 2008.

Firstly we would like to commend the Government on taking the initiative to introduce the above mentioned Amendment Bill 2012. We welcome the proposed changes to the unjust and inequitable amendments passed by the previous government in April 2011.

Our body corporate fees have increased from \$12.496 pa to \$24.991 pa since the 2011 reversion process which has had a significant impact on our cost of living.

We firmly believe the 2011 reversion process was particularly flawed and totally unjust to allow one owner the ability to overturn a lawful order of the court, tribunal or specialist adjudicator which ruled the previous contribution lot entitlements to be unfair and inequitable.

The new Bill addresses these issues however we feel there are some sections which require amendment and therefore we respectfully put forward our submissions.

#### SECTION 403(3)

It is submitted that a 30 day time period is sufficient for a committee to give notice to each lot owner upon receipt of a request from a lot owner under Section 403(2). We feel 60 days is excessive.

#### SECTION 403(4)

There is no maximum timeframe to be applied to the submission period. In the circumstances where a committee was not in favour of the reinstatement of the previous adjustment order this would allow them the opportunity to drag out the submission periods for as long as they saw fit and this could become a lengthy delaying tactic.

It is submitted that a maximum timeframe of 45 days should be included with the provisions to prevent a committee from unduly delaying the reinstatement of a previous adjustment order.

SECTION 404(2)

Again there is an opportunity here for a committee who was against the reinstatement of a previous adjustment order to prolong their decision indefinitely as the Bill provides no time frame in which they must make a decision.

It is submitted that a period of 14 days should be applied to the provision of Section 404(2) in order for the committee to make their decision.

SECTION 404(4)

After the committee makes a decision, a period of 90 days to lodge a request to record a new community management statement is an unnecessarily lengthy period.

It is submitted that a 45 day time period is sufficient for the committee to lodge a new CMS.

We sincerely hope that you will give consideration to our submissions and again we cannot be more grateful that the government has seen the common sense to reinstate previous adjustment orders which were lawfully applied and we feel that finally a sense of fairness has prevailed.

Yours Faithfully

A handwritten signature in black ink, appearing to read "Janet Heaton". The signature is written in a cursive, flowing style.

Janet Mary Heaton