

From: john.g.hamilton
To: [Legal Affairs and Community Safety Committee](#)
Subject: Body Corporate and Community Management and Other Legislation Amendment Bill 2012
Date: Thursday, 27 September 2012 1:34:40 PM

We are the owners of unit [REDACTED] [REDACTED] [REDACTED] (one of four, so called penthouses) at Gemini Resort, Golden Beach, Qld.,4551. When the two buildings that comprise this development were constructed in early 1980's the entitlements were heavily unbalanced ,so that for these four units, the levies, were about 4 times higher than the approx. average of the levies of the other 70+ units in the BC. This action seems to have been related to the launch into the market ,which was in a downturn in early 1980's. The developers retained the [REDACTED] [REDACTED] units for their own use at that time. As the years rolled by the actual \$ impact of this unbalancing reached a point where the current owners of these units were being very badly impacted financially. As a result about 3 years ago the four owners succeeded in having the CMS amended in line with the 1997 legislation which was directed at a more equal sharing, amongst all unit owners, of the cost of mntce/upkeep of common property. By that time the four owners had in effect subsidized the levies of the other unit owners by about \$400,000, being an estimate of the total extra payment of the levies by those four owners in the period from 1997, to the amendment of the CMS about 3 years ago.

As a consequence of the Apr 2011 legislation passed by the Labor Gov. the levies of these four units were increased again by 250% , from \$10,000 to \$25000 p.a. This is great burden for retirees to have to pay and we were very pleased to see that our complaints, along with many others, to the LNP, were answered in fairness, by the introduction of the above Amendment Bill 2012. When we became aware of the Apr 2011 legislation we could scarcely believe it's gross unfairness in almost all respects. One example, is that owners such as ourselves had no right of appeal and that just one owner could require the B C committee to amend the entitlements in the CMS . Further that the committee was then compelled to proceed immediately to implement the changes, even though the then existing levies were the result of our belated, however, legitimate actions to implement the provisions of the 1997 legislation about 3 years ago..

We wish to now submit the following to the "Legal Affairs and Community Safety Committee", with particular reference to the absence of specific time periods in the above Bill. (We note that the above Amendment Bill 2012 , does in common sense, remove the ability of a single owner as it existed in the Apr. 2011 legislation, and that previous adjustment orders ,such as ours, are to be reinstated.)

PLEASE CONSIDER THESE SUGGESTIONS FOR AMENDMENTS TO THE ABOVE BILL :-

Section 403(2) --- a decision by the committee regarding modifications ,if there are any, should have a time limit ,and 14 days, for this, would in our opinion, be reasonable.

Section 403(3) --- a time limit of 30 days to give notice to owners after committee gets the request from a unit owner, we believe would be reasonable.

Section 403(4) ---the submission period is 28 days ,a maximum period of 45 days would reduce delays and encourage committees to deal with this expeditiously.

--- contrary to our understanding of the A.G's media release ,it seems that the reversion possible in our situation will not take effect as of 14/9/12 ,but will now ,if the above "Bill" receives your approval and House approval, be delayed until our BC committee gets the

'reverted" entitlements and CMS in place. Therefore the 90 day period allowed for the BC to lodge a new CMS seems a long delay during which we will have to continue to pay these high levies. That seems unfair and we suggest it be reduced to 30 days.

We wish to thank the LACS Committee for its kind consideration of this submission , and hope that the Amendment Bill ,with reasonable modifications, can be passed into Law at an early date. The present situation not only is a burden as far as outrageous levies go, but adversely affects the value of our property and makes it virtually unsalable.

John and Uthaiwan Hamilton 