

**From:** [George Friend](#)  
**To:** [Legal Affairs and Community Safety Committee](#); [Attorney-General and Minister for Justice](#)  
**Cc:** [Surfers Paradise Electorate Office](#); [Mermaid Beach Electorate Office](#); [The Premier](#)  
<[The.Premier@premiers.qld.gov.au](mailto:The.Premier@premiers.qld.gov.au)> ([The.Premier@premiers.qld.gov.au](mailto:The.Premier@premiers.qld.gov.au)); [Ashgrove Electorate Office](#);  
[REDACTED]  
**Subject:** FW: Reply from Hon Jarrod Bleijie MP, Attorney-General and Minister for Justice: Review of BCCM Act:  
REQUEST FOR EXTENSION OF SUBMISSIONS  
**Date:** Friday, 28 September 2012 12:39:14 PM  
**Attachments:** [20120724145218596.pdf](#)  
[Q1.Newman2Bleijie.10 April 2012.docx](#)  
**Importance:** High

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Dear Minister,

Attached and below is correspondence in relation to the proposed (at that time) review of the Act, passed to me by my Local Member (John-Paul Langbroek), and your letter (attached) dated 9 Jul 12.

In this letter you categorically state that the review of the subject BCCM Act “will require careful deliberation” and you “place high value and importance on public consultation.”

Yet, you tabled Legislation to amend the BCCM Act on Fri 14 Sep 12, apparently without that process being implemented (prior to the drafting of the proposed legislation).

Furthermore, you have imposed an extraordinarily short time frame to allow for submissions since tabling (i.e. close 19 Oct 12).

I am advised by a former sitting State MP and lawyer, that in fact, changes to Legislation, especially of a contentious nature such as this, there is usually a far more extended process and submission time e.g. a minimum 3 months is the norm for this process, given the nature of this legislation.

Also, of concern is that the LNP did not disclose this change in any election policy.

Given the speed by which you have introduced this amendment you (personally) must have planned this prior to the election, without full disclosure.

This omission from policy statements can only be considered to be deliberately deceptive.

As expressed to my Local Member (email dated 18 Sep 12), I was certainly not aware that revised Legislation had even been drafted and certainly not party, nor privy to, any of the “public consultation process” referred to in your letter dated 9 Jul 12.

In particular, as a long term LNP/Liberal supporter and voter, with whom my Local Member is very familiar (having worked on his original campaign), as well as knowing the Premier (as a former serving Army Officer), I expected to have been aware, or has some notion, of what was

happening.

Especially living at “ground zero” of this issue, in relation to being both a Surfers Paradise **and** high rise resident/owner, adversely impacted by this entire situation.

In addition, I note, that in the attached **MINISTERIAL DELIVERABLES** dated 10 Apr 12 and as directed by the Premier, the revision of the BCCM Act is **NOT listed as a priority issue** for you to act on.

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Therefore, why the indecent haste with this disruptive, damaging and contentious issue or legislation??

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I find all of this extraordinary.

**Therefore, would you be kind enough to provide an extension to the submission time of 19 Oct 12, to allow for sufficient time to review and interpret the tabled legislation?**

Furthermore, a Public Hearing may well be in the best interests of all concerned and I urge you to consider this avenue.

As I had put to you through my Local Member in June 2012, this issue should not be front of mind.

On the contrary, I have sought for the past two years, through the Commissioners Office, to have the Act amended to at least adopt some form of Corporate Governance and due diligence standards, to no avail.

**I repeat, as the Act stands, in the “self regulated” Body Corporate (BC) environment, there is NO impediment to a Bankrupt, anyone with criminal convictions, let alone NON-Australian residents, nominating or holding a BC Committee position.**

Why don't you get the strategy right, before dealing with details of the levy issue, which are driven by **those exempt from these basic standards and behaving without impunity??**

May I suggest, your time and priorities should be **addressing this** and other fundamental flaws e.g. allowing Mail boxes to be interfered with (a matter with which my Local Federal Member is aware of and concerned), and there STILL remains no provision to prevent this occurring i.e. protecting Lot Owners mail in any of these CMS controlled complexes.

Noting that changes in the levies in Q1, as a result of actions by ONE Lot Owners, exploiting the loop holes of the 1997 and 2008 **has cost our building i.e. Lot Owners, alone over \$100,000 in legal and BC Manager fees to implement changes. Enough is enough.**

I would recommend you let the Levy situation be left in abeyance for the life of this Parliament for the above reasons, to **“lower the cost of living by cutting waste”**, as taken from the Premiers attached deliverables.

Finally, just to focus your attention and really drill down to the core issues of this matter, out of respect for the huge job you have on your hands, I wish to highlight in *a few* simple statements,

the impact your proposed Legislation may have:

1. Is it fair, that I bought a 1 bedroom apartment 84sq m (in Q1) off the plan in Nov 2001, settled in Oct 2005. Yet, an Owner of a higher floor unit in 2010 (some 9 years after the levies were set and accepted by EVERY buyer in the complex) was able to have the Levies amended (in his and a tiny minority advantage), without ANY recourse from any other owner under the 1997 Act?
2. Is it fair, that I am now facing **another** 30% increase/change to my Levies, after having the last unfair and iniquitous amendment thrown out by QCAT following an extensive review and appeal process?

IF your legislation is passed, I'll put this in dollar terms, I will now be paying approximately \$22/sq m when the owner of the penthouse will only pay \$9/sq m. How does that work? I am happy to provide full details of this assessment and or the complete submission to QCAT which reverted the Q1 levels to their original FAIR and equitable settings.

3. Each floor in my building can accommodate the same number of people as assessed by the Queensland Fire Services Authority. That being the case why does my floor pay a **collective \$66,000** in levies when the penthouse, after your amendment is finalised, **will pay just \$9700** contribution for the entire floor!

**It is the smaller units who have subsidised the larger units, not the other way around.**

Also, it should be noted that it is far more expensive to service and clean windows etc at levels 20 +, than those on the first 5 levels of any high rise building AND insurance premiums are being significantly subsidised by the lower floor unit owners. Why??

4. Finally, and with all due respect, at no stage have you presented any reasonable argument to confirm your view that levies for a all unit owners should be more or less equal. Would you be so kind as to do so now?

It appears, judging by your Press Release heading, this is nothing more than ideological "Labor Bad, LNP good" approach. The electorate and those adversely affected by your actions, see right through this and the potential backlash will be significant.

With regards to both the Member for Currumbin and the Lot Owners association (which you quote on your website). With all due respect, I know the Honourable Member and I also know her electorate is far from representative in terms of those affected i.e. there is neither a predominance, nor concentration of high rise buildings in her area, as opposed to the Members for Surfers Paradise and Mermaid Beach.

Certainly, the Lot Owners Assn, you refer to were founded by the proponent of the "equalisation" lobby and are representative only of the **minority penthouse owners** interests.

Minister, the numbers do not stack up in either electoral vote terms, nor those who will benefit from your proposed Legislation i.e. Q1 has 526 units, of this, only 72 gain an advantage from what is proposed and **330 will be adversely affected**. These are precise figures derived in the process of the last reversal of the building levies and are a damning indictment on what you are

proposing.

Extrapolate this over any number of electorates and you may quickly realise that the increasing cry of “this will be a one term only” government, has started to ring frighteningly loud in any number of forums and circles I mix.

May I suggest you refer to the “voice of the battlers” website [www.voiceofunitbattlers.net.au](http://www.voiceofunitbattlers.net.au) for a true representation of the people being severely and adversely impacted by this.

In general, these are vulnerable, often frail and now disenfranchised group, most often on fixed incomes and self funded retirees.

They all vote and they are all getting very very angry at respective governments flip flopping over this matter and treating peoples lives, amenity and homes as a political football.

Let alone, the investment community, which by coincidence only yesterday, I sat next to Victorian Dairy Farmers who recently bought a one bedroom unit in Q1 and are appalled by what is happening.

They view the State and this legislation as a “joke,” not a good impression for any interstate individual or institutional investor to have of this important part of our economy.

Finally, I am extremely disturbed, by the fact that on the evening of **Fri 10 Aug 12**, I was in conversation with Anthony Delaney, the Lawyer taking this lead on this matter for the “penthouse owners” with an alleged “class action.”

He told me unequivocally that “it’s over mate, the Minister has made up his mind,” and I have a series of emails between he and I following up this conversation.

How is it that Mr Delaney was privy to your proposed legislation (and position) when the majority of unit owners were kept blissfully in the dark. Why was he favoured?

With reference to your speech to parliament, it is a sad state of affairs when a government can be swayed by vacuous newspaper articles with meaningless examples of comparing the cost of a cup of coffee and the bleating of a small group of individuals who see you as a soft touch.

What is being seen by the majority of Lot Owners adversely affected by this, is that you are pandering to a minority of elite, well-heeled owners, and you expect the battlers on lower floors and incomes, to subsidise their champagne lifestyle.

You may wish to comment on Mr Delaney’s assertion, and the apparent disconnect between this and your statements in the attached July letter, just 4 weeks after your correspondence is dated.

I look forward to your earliest response in relation to extending the submission dates, either via my Local Member, or direct.

The remainder of issues I will leave for you to address in due course.

Yours Sincerely,

George Friend, OAM

Lot Owner

Resident

Rate/Tax payer

Voter



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**From:** Surfers Paradise Electorate Office [\[mailto:Surfers.Paradise@parliament.qld.gov.au\]](mailto:Surfers.Paradise@parliament.qld.gov.au)

**Sent:** Tuesday, 24 July 2012 3:29 PM

**To:** Surfers Paradise Electorate Office

**Subject:** Reply from Hon Jarrod Bleijie MP, Attorney-General and Minister for Justice

Dear Constituents

Attached please find the Minister's reply regarding the review of the Body Corporate and Community Management Act 1997.

Kind regards.

John-Paul Langbroek MP

Member for Surfers Paradise

Minister for Education, Training and Employment

Tel: (07) 5538 9833

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10 April 2012

The Honourable Jarrod Bleijie MP  
Attorney-General and Minister for Justice  
Level 18, State Law Building  
50 Anne Street  
BRISBANE QLD 4000

Dear Attorney-General

### **Ministerial Deliverables**

Congratulations on your success in the electorate of Kawana and thank you for accepting my invitation to serve Queensland as the Attorney-General and Minister for Justice.

Our electoral success was achieved with a strong cohesive CanDo team committed to real change, and your contribution to the team played a significant part. Queenslanders have voted for change, and it is critical that we respect the trust bestowed on us by delivering on our commitments to grow a four pillar economy, **lower the cost of living by cutting waste**, deliver better infrastructure and better planning, revitalise front line services for families, restore accountability in Government and work towards our goal of achieving 4% unemployment in six years.

For this reason, I am writing to each Minister outlining my expectations **of the priority tasks** to be achieved to deliver on our election commitments. You and your Department have a vital role to play in the reform program, as reflected in the following tasks for which I am requesting you to take responsibility.

I expect that at all times Ministers will demonstrate to the public the capabilities and behaviours that will define us as the Government we undertook to be – united, energetic, disciplined and ethical. I refer you to the Queensland Cabinet Handbook, the Queensland Ministerial Handbook, the Queensland Executive Council Handbook, the Queensland Parliamentary Procedures Handbook and the Queensland Legislation Handbook.

### **Contribution to the 100 Day Plan**

The following are the **specific tasks relevant to your portfolio** which you need to achieve in the first 100 days of Government.

- Commence drafting of legislative amendments to reduce real estate red tape by scrapping sustainability declarations and streamlining home sale contracts and statements (First 30 days).
- Commence drafting legislative amendments to install the Independent Public Advocate as proper, independent a statutory authority with investigative powers (First 30 days).
- Commence drafting legislation amendments to once again make it illegal to lie to Parliament (First 30 days).
- Consult and issue an expression of interest with the Law Society and Bar Association for a Magistrate appointment as Coroner for Mackay (First 30 days).
- Introduce legislation for tougher sentences for evade police, repeat child sex offenders, murder and serious assault on police officers in Queensland, and to ensure graffiti offenders clean up the graffiti they have created as part of their sentence.

In cooperation with the Minister for Child Safety and Communities:

- Develop Terms of Reference and appoint a new 'Forde Inquiry' to review progress of outcomes related to the 'Report of the Commission of Inquiry into Abuse of Children in Queensland Institutions' and the report of the CMC Inquiry to chart a new road map for child protection for the next decade.

### **First Term Tasks**

In addition to these early milestones, the following tasks within your area of Ministerial responsibility are to be achieved within the first term of Government.

- Implement all LNP election policy commitments relevant to your portfolio.
- Identify wasteful expenditure that can be redirected to frontline services.
- Implement the Youth Boot Camp Diversion Program trial to break the cycle of crime and give young offenders a second chance.
- Support participating juvenile offenders and their families through follow-up mentoring and supervision.
- Extend Justice of the Peace (Magistrate Court arrangements) to reduce court and tribunal backlogs
- Engage with community and training providers to deliver Justice of the Peace programs and continuing professional development.
- Refocus the JP Branch on compliance and support for Justices of the Peace across Queensland.
- Deliver legislation that allows Victim Impact Statements to be read out in court at the victim's request.
- Deliver an additional \$2 million for more victim support services.

- Toughen unexplained wealth laws enabling police and the CMC to require crime groups to explain how they acquired their wealth or it will be confiscated.
- Work with the Minister for Police to introduce legislation to toughen anti-hooning laws that will ensure cars are clamped and off the road for three months for a first offence and the offending car forfeited and sold or crushed for any subsequent offence within the next five years.
- Introduce legislation that will see drug traffickers to serve at least 80% of their sentence before being eligible for parole and the profits of crime confiscated.
- Establish the Central Coroner's office in Mackay.
- Deliver an additional \$750,000 over three years for the Women's Legal Service to assist women suffering from violence and abuse.
- Introduce legislation to ensure all graffiti offenders remove graffiti and strengthen the maximum penalty of all graffiti crime from 5 to 7 years.
- Introduce legislation to establish the Independent Public Advocate as a statutory authority.
- Complete the review into QCAT that delivers easier access to justice for small claims and minor civil matters.
- Implement the LNP's election commitment to cut waste by reducing travel, advertising and consultancy expenditure.
- Implement the LNP's election commitment for sustainable public sector growth.
- Implement the LNP's election commitment to reduce red tape.
- Continue to establish effective working relationships with stakeholders and other interest groups relevant to your portfolio areas.

Could you please consult with your Director-General to ensure these goals are understood by the Department and that systems are in place to monitor and report on progress towards their achievement, so that you are able to update Cabinet regularly. In this regard, the Department of Premier and Cabinet will be responsible for coordinating reports to Cabinet on progress, and will assist your Department with proposed reporting formats.

I intend to review this charter and your efforts to implement it regularly.

Finally, I congratulate you again on your appointment and I look forward to working closely with you as a Ministerial colleague as we implement our policies and achieve the goal of providing a CanDo Government to get Queensland back on track.

Yours sincerely

**CAMPBELL NEWMAN**

**PREMIER OF QUEENSLAND**





The Hon Jarrod Bleijie MP  
Attorney-General and Minister for Justice

In reply please quote: FTP-01303

09 JUL 2012

The Honourable John-Paul Langbroek MP  
Member for Surfers Paradise  
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Dear Minister 

Thank you for your letter dated 6 June 2012 on behalf of your constituents regarding last year's amendments to the contribution schedule lot entitlement provisions of the *Body Corporate and Community Management Act 1997*.

I am aware that this is a significant and contentious issue for Queensland's unit owners and one in which there are diametrically opposed views, as is clearly indicated in the volume of correspondence from your constituents.

Therefore, any future amendments, including any repeal or new option will require careful deliberation.

As you are aware, this matter is under current consideration by the Government and your constituents' comments on this issue will inform any future decision around contribution schedule lot entitlements.

I note your request for advice regarding a formal public consultation process. While at this time, I have not commenced a formal public consultation process, I continue to welcome comments from any concerned unit owners and encourage them to write to me direct at GPO Box 149, Brisbane Qld 4001 or by email to [attorney@ministerial.qld.gov.au](mailto:attorney@ministerial.qld.gov.au).

I place high value and importance on public consultation and in the case that future amendments to the contribution schedule lot entitlement provisions are proposed, I anticipate public consultation will be undertaken either through the parliamentary committee process or another appropriate channel.

Thank you for bringing the concerns of your constituents regarding this matter to my attention.

Yours sincerely



**JARROD BLEIJIE MP**  
Attorney-General and Minister for Justice