

From: [Murray](#)
To: [Legal Affairs and Community Safety Committee](#); [Kawana Electorate Office](#); [Minister for Tourism, Major Events, Small Business and the Commonwealth Games](#); [Surfers Paradise Electorate Office](#); [Broadwater Electorate Office](#); [Southport Electorate Office](#); [Mermaid Beach Electorate Office](#)
Subject: Fw: Body Corporate Amendment Bill 2012. Submission to LACSC committee.
Date: Tuesday, 2 October 2012 8:42:51 PM

Dear Members of Queensland Parliament. Members of the LACSC.

First of all let me thank you so much for dealing with this issue so quickly when you have had so many other important issues to attend to.

This particular issue is of course very important to unit owners who had their body corporate fees shoot up by thousands and thousands of dollars quarterly as a result of the 2011 amendments after a previous government appointed adjudicator had ruled the previous system (prior to 1997) unjust, unfair, and unequitable.

Very clearly all the surveyors reports had identified every aspect of the cost of running a body corporate and agreed it was all to do with services supplied, and who benefited from these services. The reports concluded that all owners benefit equally from these services therefore should all share the costs equally. The fact that one unit may have more floor area or be on a higher level had nothing whatsoever to do with benefits received. Obviously there were adjustments made for painting the building and any other costs that a higher or larger unit may incur.

The LACSC is now calling for further submissions for their consideration, I believe one of the most important issues they could consider is to have the reversal order made AUTOMATIC, by order of the Attorney Generals Department, advising the Body Corporates to immediately lodge a new Community Management scheme guided by the 2012 amendments.

My reason for this, these issues are highly emotive and drive wedges between owners, whoever has their name on the reversal application receives major flak for many months, and the entire process creates severe stress for all owners.

This process should not be like the previous 2011 amendment that meant only one owner need submit an application to the body corporate. THIS REVERSAL SHOULD BE AUTOMATIC, and be completed within 90 days of receiving the

order, immediately after the Bill has passed through the house.

A body corporate committee, made up of owners that receive no benefit or negative benefit could under the current draft carry and delay this procedure almost indefinitely as most committees only meet 4 times per year. Strict time frames with penalties should be stated very clearly once they have been instructed to apply for a new scheme. Any building now reverting will already have copies of their lot entitlements on record so the reversal process should be very simple and straightforward.

Section 403 "The Reinstatement Request" is cumbersome and time consuming, the Bill should be passed clearing the way for the reversal to be automatic. A lot owner who has already been through the process a few times should not have to submit themselves or their neighbours to another lengthy bitter dispute.

Any changes to contribution schedules have winners and losers, in the case of our particular building with 94 units, there were 42 units that received a reduction of approximately \$200 per quarter, a large number of these units are investment properties in the rental pool so do not have a direct effect on the owner. 43 units remained almost unchanged when the contributions changed either way, and 9 units received huge increases in the thousands per quarter thus heavily subsidising other units enjoying exactly the same body corporate services.

SUMMARY.

Prior to the 1997 Tribunal hearings the developers set Body Fees in such a way to help sell their units.

Since 1997 the majority of Queensland units have converted to the 1997 rulings. The 2011 amendments overruled the 1997 Tribunal findings and put a mechanism in place where one person could overturn the Tribunal's decision.

The 1997 rulings were based on the fact that "all owners received equal benefits from their body corp fees so the fees should be shared equally" thank goodness this government recognises justice and has acted accordingly. Let's take the animosity and building tensions out of the equation and make the reversal mechanism automatic.

The 2011 amendment placed an enormous strain on our particular finances and at over 70 it is not that easy to get a job.
The new Bill levels the playing field and is fair and just for everyone. THANK YOU FOR DEALING WITH THIS ISSUE.

Murray J Goodman

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