

From: [Pauline Ravaillon](#)
To: [Legal Affairs and Community Safety Committee](#)
Subject: BCCMOLAB
Date: Sunday, 7 October 2012 10:54:13 AM

Research Director
Legal Affairs and Community Safety Committee
Parliament House
George Street
Brisbane Qld 4000

Dear Sir,

RE: BODY CORPORATE and COMMUNITY MANAGEMENT and OTHER LEGISLATION AMENDMENT
BILL 2012 - SUBMISSION

I wish to make this submission as a member of the public owning and residing in a unit in "Westwater CTS 6750".

Our building is one which had already been through a lengthy legal process to acquire an adjustment order where it was agreed that the lot entitlements were not equitable. The cost of this legal process was borne by that percentage of owners which put it forward. The adjudicator agreed with us and the order was granted. Subsequently, when the BCCM Amendment Bill 2010 was passed, one owner then requested that the order be reversed and it was.

We are of course delighted to see the introduction of this new legislation, however we do have some concerns with the timeframes (and lack thereof) which apply to the reinstatement process.

Suggested Amendments - Reinstatement time periods

. Under the current timeframes provided within the Bill a body corporate committee that is adverse to reinstating a previous adjustment order may delay the reinstatement of the previous adjustment order by up to six months on the current timeframes as contained within the draft Bill.

Section 403(3)

The time period for which a committee must give written notice to each Lot owner upon receipt of a request from a Lot owner under Section 403(2) is too lengthy.

It is submitted that a 30 day period is sufficient, particularly given the further timeframes entitled for submissions the committees decision making, and the lodgement of a new CMS.

Section 403(4)

Whilst the submission period must be for a period of at least 28 days, there is no maximum submission period timeframe to be applied.

Committees that are adverse to the reinstatement of previous adjustment orders have the opportunity to submit inordinate submission periods in order to further delay the reinstatement of the previous adjustment order.

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

Section 404(2)

The Bill provides no timeframe in which a committee must decide what modification, if any, is required to be made under subdivision (3) to the last adjustment order entitlements for a scheme.

A committee that is adverse to the reinstatement of a previous adjustment order may intentionally delay this decision making process, as no timeframe is applied.

It is submitted that the decision of the committee ought to be made within a fixed time period, and

it is in this respect that it is submitted that a period of 14 days ought to be applied to the provisions of Section 404(2).

Section 404(4)

It is submitted that the period of 90 days in which a body corporate is to lodge a request to record a new community management statement (after the committee makes its decision) is too lengthy.

Body corporate committees that are adverse to the reinstatement of previous adjustment orders will take advantage of this timeframe and delay the lodgement of the new community management statement.

It is submitted that a 60 day time period in which the committee is to lodge a new community management statement is sufficient.

I understand that the Legal Affairs and Community Safety Committee is to table its report to the House on 22 November 2012. In the (hopefully) likely circumstance that the Bill (and any amendments) does receive approval by the Committee and the House, it is likely that the legislation will be formally enacted in the first sitting in parliament in 2013, being 12-14 February 2013.

In this regard, I hope that you will favourably consider the above Submission.

Yours faithfully,

Pauline Ravaillion

A solid black rectangular redaction box covering the signature area.