


Philip Long


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

Dear Director,

I live at Q1 in Surfers Paradise, and whilst I hold a position on the our Body Corporate Committee would like to declare that this submission reflects my own personal views and should not be taken as being indicative of the the views of that Committee.

1. As well as the 2011 Bill being poorly drafted which resulted in numerous appeals being lodged, and seemingly opposing decisions being made by adjudicators in reference to the provisions contained in section 378, it has made a mockery of the judicial system whereby an individual can effectively overturn the decision of a court.
2. Looking at the proposed 2012 Bill, I believe there could be improvements to a number of time frames relating to an application for reversion.
 - (a) section 403(4): rather than the submission period being *at least 28 days* I think it should be *a maximum of 28 days* to bring certainty to the process.
 - (b) section 404(2): there should be a maximum time limit for a committee to decide on any modification under subsection 3
 - (c) section 404(4): I can see no reason why a committee would need 90 days to lodge a new CMS, and suggest that 45 days be provided.
3. From a fairness point of view, I applaud the decision to introduce this Bill. The arguments put forward by those wanting a wide range of contributions to apply are flawed, for example
 - (a) that owners of higher and larger units can afford to pay more - this is a nonsense assumption. On the contrary, it is more usual for the higher larger units to be principal places of residence and the lower smaller units to be owned by investors with multiple properties who additionally enjoy tax deductions on their already lower contributions.
 - (b) that larger 3 bedroom units accommodate more people and therefore use more of the facilities and resources. On the contrary, in most buildings the demographics are such that older retired couples occupy these types of units and use the extra bedrooms for family to stay from time to time.
 - (c) the fact is, most expenses incurred by a body corporate and levied to owners to maintain a high rise building are fixed and incurred regardless of the size of the unit and the presumption of occupancy levels within each unit, for example the lift maintenance, the mechanical services maintenance, the caretaker expense, the pool and leisure facilities, the secretarial expense, the legal & professional expenses, etc.

I am hopeful that subject to any minor modifications the proposed bill receives your support,

Yours sincerely

Philip Long
4th October 2012