

**From:** [John Lewis](#)  
**To:** [Legal Affairs and Community Safety Committee](#)  
**Subject:** Body Corporate and Community Management and Other Legislation Amendment Bill 2012  
**Date:** Wednesday, 10 October 2012 10:50:19 AM  
**Importance:** High

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Dear Sir,

Re: Body Corporate and Community Management and Other Legislation Amendment Bill 2012

I welcome the current government's opportunity to make a submission regarding its plans for this bill.

I would encourage the government to seek broad community counsel regarding the matter of body corporate fees as in the last few years there has been great unnecessary turmoil in this field, largely driven by personal opportunism.

I bought an apartment in Q1 on the Gold Coast when it opened and agreed in my contract to particular body corporate fees. Due, I understand to some poor wording in legislation of a previous government, the structure around these fees were significantly altered without the need for any discussion or semblance of a democratic process. This unfortunate circumstance was eventually addressed by returning to the original plan under which owners had purchased their apartments. It is a very serious departure from fairness to impose new rates on owners after they have purchased.

This bill upsets an uncontested status quo to which the purchasers of all units have signed off on.

Many of us have been shocked to learn the current government's plan for this new bill, which apparently seeks to revert to the 'rogue' plan which arose from the loophole in the poorly drafted bill of the previous government.

The outcome of your planned bill will ask those living on lower floors of high-rise buildings like Q1 to subsidise the owners of higher and more expensive floors. This is inequitable and socially very damaging. What has happened in this building is that the body corporate has been seized and managed by those who live on higher floors - and operate in the interests of the occupiers of higher floors at the expense of those owners on lower floors. This has set neighbour against neighbour, largely motivated by personal greed and self interest which your bill will only promote. The proposed bill is therefore socially very destructive, especially when mirrored with identical divisions in many buildings.

I urge you to return to body corporate fee structures that existed before governments started to meddle by making changes that have been essentially prompted by powerful and opportunistic interest groups. It is wrong and grossly misleading of them to couch their selfish motives in terms of 'equanimity' and wrong that they should impose their self interest onto others.

If this government increases my body corporate fees from which I agreed when I purchased my apartment I would view that as a betrayal of the democratic process. I am not sure that I would want to live under a government that would so overtly interfere with agreed and established commercial agreements or be open to manipulation by more privileged and wealthy citizens. Furthermore, I am not sure I could afford increased fees that were legitimised by such a dubious process - I might be forced to sell up and move. Having recently retired to live in Queensland being forced out by government policy is not something I - and many others - would appreciate.

Thank-you.

Your faithfully,

Dr John Lewis

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