



Body Corporate & Community
Management & Other
Legislation Amendment Bill 2012
Submission 066

D.J. & L.J. KEATING



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

Dear Sir/Madam

I write to support the Bill put forward by the Attorney-General and Minister for Justice the Hon Jarrod Bleijie. The Bill I refer to is the Body Corporate and Community Management and Other Legislation Amendment Bill 2012 which was introduced of Friday 14 September 2012.

I, along with my wife, am a lot holder in the CTS 17543, Amity Towers at Kangaroo Point in Brisbane.

There are 53 lots within the Scheme, 2 being car parks, 9 commercial and the balance, 42, being residential.

In 2006, a District Court reassessed the lot entitlements and it was ordered they were to be adjusted.

Prior the 2006 Court Order, the 9 commercial lots had a total of 1903 community scheme lot entitlements from a pool of 5000, a percentage of 38.06%. The 2 car parks had a combined entitlement of 293, or 5.86%. This meant 11 lots or 20.75% of the total scheme held 2196 community scheme lot entitlements or 43.92% of the total Scheme.

During the court proceedings, it was noted that a large proportion of the Scheme's budget was for residential expenses, such as lift maintenance, air-conditioning cooling tower maintenance, and cleaning of common areas, all of which the 9 commercial and 2 car park lots had no use or benefit of. It was therefore ordered that the community scheme lot entitlements should be adjusted to reflect a more equitable balance.

After the adjustments were done the same 11 commercial and car park lots held 1786 entitlements of the pool of 9991 or 17.87%.

Personally, our lot held 440 (8.8%) entitlements prior the adjustment which became 143 (1.43%) after the order.

With the introduction of the new Legislation in 2011, which required bodies corporate to change their community scheme lot entitlements back to the original setting prior to any, and all, adjustment orders of a court, tribunal or specialist adjudicator following the receipt of a motion from one lot owner proposing the change, all common sense and equality was again thrown out the window. How can the motion proposed by one person be voted on by a committee which, in reality, overturns a court order?

The Bill introduced by the Hon Jarrod Bleijie's will allow a court ruling, a tribunal or adjudicator's decision to stand.

I support the introduction of this Bill and ask the Honourable Members of the Queensland Parliament to support this Bill to allow common sense to prevail and court orders to stand.

Thanking you in anticipation

D.J. Keating
11th October 2012