



13 October 2012

The Legal Affairs and  
Community Safety Committee  
The Queensland Government  
Parliament House  
George Street  
BRISBANE QLD 4000

**THE BODY CORPORATE AND COMMUNITY MANAGEMENT LEGISLATION  
AMENDMENT BILL 2012**

**Reference: Submissions by the Public**

Dear Committee,

Thank you for the opportunity to make comment on the draft bill for the changes to the Body Corporate and Community Management Act 1997 including the removal of the 2011 revision process.

Firstly, let me state that I find it a refreshing change to see a Government with the political will to “get it right”. I commend the Government for having the intestinal fortitude to make the move towards reversing (in my opinion) some of the most politically motivated, and ill-considered legislation to ever pass through any house, of any Government.

My own personal experience saw what was an extremely fair and equitable set of changes that were made to our Contribution Entitlements, by an Adjudicator; being potentially reversed to circumstances that virtually allowed for one half of the owners to fund the cost of running the Estate and pay the costs incurred by the other half of the Lots. This inequitable situation appeared to have been set up in favour of a crafty Developer to suit circumstances as they were at the time of the initial registration of the scheme. I could not believe we could be dragged back to this situation with no right of appeal.

There are two things that must always remain preserved in Body Corporate and Community Management Schemes. These are as follows:

- a. There must always be an appeal process that an owner can pursue if he feels that changes made subject him to unfair and inequitable circumstances, and
- b. The allocation of Lot Entitlements must reflect the financial impact that the Lot has on the scheme. In essence, Lot Entitlements should be equal except to the extent that there is a valid reason for them not to be equal. The proposed changes achieve that end.

Again, I commend the Government, and applaud the changes to the legislation

Yours faithfully,

  
Robert Christie