

Helen & Michael Morgan



Body Corporate & Community
Management & Other
Legislation Amendment Bill 2012
Submission 093

11 October 2012

Body Research Director
Legal Affairs & Community Safety Committee
Parliament House
George Street
BRISBANE 4000

Dear Sir

**RE: SUBMISSIONS REGARDING BODY CORPORATE & COMMUNITY MANAGEMENT & OTHER
LEGISLATION AMENDMENT BILL 2012**

We are the owners of apartment [REDACTED] being lot 39 in CTS 31804.

We appreciate the opportunity to provide a submission to support the latest legislative change.

Our body corporate fees have increased significantly and as we are self funded retirees, it has had a substantial adverse effect on our livelihood.

Our belief is the 2011 reversion process was defective and totally inequitable to allow a single lot owner the ability to overrule a lawful order of the Court, Tribunal or specialist Adjudicator which ruled the previous contribution lot entitlements to be unfair and unbalanced.

The new Bill addresses these issues however we feel there are some sections which require amendment and therefore we respectfully put forward our submissions.

SECTION 403(3)

We feel 60 days is excessive and submit that a 30 day time period is sufficient for a committee to give notice to each lot owner upon receipt of a request from a lot owner under Section 403(2).

SECTION 403(4)

There is no maximum timeframe to be applied to the submission period.

Where a committee was not in favour of the reinstatement of the previous adjustment order for whatever reason, it will present the committee with the opportunity to intentionally delay the submission periods for as long as it wished and this could become a tactic for some Committees.

We suggest a maximum timeframe of 60 days should be included with the provisions to prevent a committee from unduly delaying the reinstatement of a previous adjustment order.

SECTION 404(2)

Again the Bill provides no time frame in which a committee must make a decision and the opportunity exists for those committees who are against the reinstatement of a previous adjustment order to prolong a decision indefinitely.

We submit that a period of 30 days should be applied to the provision of Section 404(2) in order for a committee to make their decision.

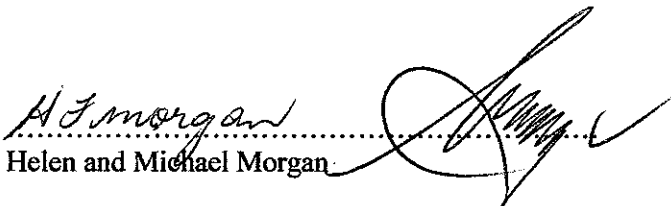
SECTION 404(4)

After the committee makes a decision, a period of 90 days to lodge a request to record a new community management statement is an unnecessarily lengthy period.

A 60 day time period should be sufficient for a committee to lodge a new CMS.

We sincerely hope that you will give consideration to our submissions and again we cannot be more grateful that the government has seen the common sense to reinstate previous adjustment orders which were lawfully applied and we feel that finally a sense of fairness has prevailed.

Yours Faithfully


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Helen and Michael Morgan