

From: [Kathryn & Garry Sugrue](#)
To: [Legal Affairs and Community Safety Committee](#)
Subject: BCCM & Other Legislation Amendment Bill 2012
Date: Monday, 15 October 2012 2:59:43 PM

Dear Sirs,

Last month we were thrilled to hear that the Government had introduced the above Bill to reverse the inequality with regard to contribution lot entitlements brought about by the previous government. We purchased our apartment in Kangaroo Point safe in the knowledge that all owners in the complex **would share equally** in the maintenance of the building and common property as well as the enjoyment of the amenities. That situation changed when one owner reverted the lot entitlements earlier this year, almost doubling our annual levies (to almost \$13,000!), all for a saving of \$500 per year for them. This particular individual is a multi-millionaire when our current combined income is less than [REDACTED] p.a!!! Hardly fair! Clearly the change has put financial strain on us and we are not happy that this situation may be allowed to continue.

The current Legislation allowing a single party/owner the ability to **overturn a court's decision** is ridiculous. This Bill is extremely important as it will remove this ability and provide a process for previous adjustment orders to be reinstated and common sense to prevail.

We have heard many arguments for and against equalisation of levies. Some people believe that because you have a larger apartment you can afford to pay more – which of course you can see is not the case. Some people argue that larger apartments take more upkeep. In our complex we have no more external walls needing painting than any other apartment (most of our walls are glass sliding doors which we clean) and we wash our own glass balustrades although this is something that the body corporate should organise. Everyone uses the lifts, pool, and tennis courts as well as the underground garage. In fact we probably use the amenities less than most, so the argument is ridiculous. The only fair way is to **EQUALISE** levies therefore not discriminating against any party at all. Many millionaires own small apartments and let them out – indeed the letting pool in our building is substantial – probably 60% of apartments are let, so the argument that smaller apartments are owned by poorer people does not have any basis.

We have sought legal opinion on the Bill and from this feedback we are concerned about some of the areas in the proposed Bill – mainly to do with the Committee's proposed allowed timeframes (especially if these members are personally adversely affected by a proposed reinstatement).

1. The Bill proposes giving the Committee 60 days to advise Lot Owners that a Reinstatement Request has been received – this is too long and we suggest this be reduced to 30 days – having acted on a Committee this is ample time for a Committee to act and issue the necessary correspondence & lodge a new CMS;
2. The Bill proposes that a submission period of at least 28 days is given for owners but it **doesn't specify a 'maximum time frame'** – this timeframe needs to be kept tight given the financial ramifications this may have – this should be say 30 days maximum;
3. The Bill doesn't propose any timeframe under which the committee has to act with regard to changes required under subdivision (3) to the last adjustment order

entitlements for a scheme. A Committee member may intentionally delay the decision making process if a timeframe is not stipulated and we suggest this be say 14 days.

4. The Bill proposes to allow 90 days for a committee to lodge a request to record a new CMS – this is way too lengthy, especially taking into account the above lead time already taken. We suggest this be reduced to 30-45 days would be ample.

Finally, we are very concerned that the Bill will not be enacted until 2013. We are only one of many unit owners under financial pressure because of the current legislation. We strenuously request that you proceed as swiftly as possible with your considerations and enact this Bill (taking into consideration possible amendments as per above), in this calendar year.

Yours faithfully

Kathryn & Garry Sugrue

Owners –

[Redacted]