

**From:** [Barbara Lea](#)  
**To:** [Legal Affairs and Community Safety Committee](#)  
**Subject:** Submission: Community Management & Other Legislation Amendment Bill 2012  
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The Research Director  
Legal Affairs & Community Safety Committee

RE: COMMUNITY MANAGEMENT AND OTHER LEGISLATION BILL 2012

This is a very unfair amendment to the legislation. Many unit owners will be called upon to subsidise the penthouse owners within their unit complexes. The owners of large and valuable units expect the owners of smaller and less prestigious units to subsidise their Body Corporate Levies. This is certainly not “fair and equitable” and is most certainly not democratic. Many unit owners do not have the money to be constantly undergoing the expense of increasing Body Corporate Levies, not to mention the cost of changing the Community Management Scheme each time the levy structure is amended. The roundabout nature of the constantly changing amendments to BCCM is starting to appear sad and farcical.

In our particular unit complex we have had the example of one owner of a penthouse who wished to have the body corporate levies more equally divided between all unit holders. He submitted a motion to the AGM to have the changes made. The motion was defeated by a majority of votes. The motion required a resolution without dissent and was defeated. It was obvious that the majority of lot owners were not in agreement with any changes to the contribution lot entitlement schedule.

The penthouse owner then took his application to QCAT and a favourable adjudication meant that he had been able to bypass the wishes of the majority of the Body Corporate. This is an example of a lot owner submitting a motion requesting a change. However, when another owner of a smaller unit requests to have the original CMS reinstated it is deemed to be unfair. This seems to be a case of double standards.

When we all purchased our units we all accepted the “contribution lot entitlement schedule” to be a fair and equitable reflection of the responsibilities accorded to each lot owner. Nothing has changed in the overall construction or maintenance to the building that says that it would be fair and equitable to change the responsibilities of lot owners.

The democratic principles that have made this country great are not evident in this amendment Bill. Please, please, please carefully consider the adverse ramifications to many people and their ability to remain in their home if they are hit with massive and unplanned increases in their Body Corporate Levies.

Thank you for your time and attention to this submission

William & Barbara Lea

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