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16 October 2012-10-16

Research Director
Legal Affairs and Community Safety Committee
Parliament House
George Street
BRISBANE Qld 4000

Dear Sir or Madam:

Re: BODY CORPORATE & COMMUNITY MANAGEMENT & OTHER LEGISLATION
AMENDMENT BILL 2012-10-16

SUBMISSION

My husband and I own and reside in an apartment building called "Westwater" which is on the Gold Coast. We applaud the Government for addressing the very unfair situation that exists in some Body Corporates such as ours, where some owners are having to pay more than their rightful share of body corporate levies. This was caused by developers setting wrongful lot entitlements in the first place, developers having acted in their own selfish interests.

The BCCMA Act in 1997, together with subsequent amendments, allowed this to be corrected by following certain procedures. Consequently in 2007 a group of owners in Westwater applied for an adjustment by a Government appointed adjudicator. This was achieved later that year and a new CTS Schedule came into effect. The Bligh Government Amendment Bill passed in 2011 allowed the adjudicator's order to be reversed simply by one owner requesting the Body Corporate Committee to revert to the former Schedule and it also denied any future appeals for adjustment -- very democratic !!! The change back was very speedily done and within the same year we again found ourselves subsidising other units by having to pay more than our fair share of body corporate expenditure.

There is a misconception that all owners of the larger and higher units are all wealthy millionaires who can afford and so should pay more in fees. This is not true as most are the same as all other owners – just self-funded retirees. A lot of lower and cheaper units are bought for investment purposes. Most owners are finding it tough in today's economy. However, financial means is not the issue here. It is FAIRNESS and everyone is entitled to be treated fairly irrespective of their income or financial standing. No-one should be paying more than what their unit costs the body corporate to run.

Not everyone wants to live in the higher units because they feel the risk of being trapped in a fire is greater there as Fire Brigade machinery can only reach to a certain level from the outside. Also some just have a fear of heights and so prefer a low unit.

We again applaud the Government for its effort to bring justice in this matter and we hope it will not be deterred by the present onslaught of publicity against this Bill. This onslaught has been well organised and well timed to have maximum effect in an attempt to intimidate the Government. No mention is made of FAIRNESS. Also it tends to mislead people by saying that, after adjudication, all units end up paying the same. This is definitely NOT true as penthouses and other large units pay more through the sinking fund. The adjudication just makes it FAIRER.

If and when this Bill is passed, committees could try to delay the process of reversions so we hope there will be a set time frame for this reason.

Yours faithfully,

(Jim & Mavis Boland)