

From Dr Ian McColl

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To Secretary, Legal Affairs and Community Safety Committee.

Body Corporate and Community Management and Other Legislation Amendment Bill 2012

Dear Sir,

As a resident of Riverlea Waters Estate, a Body Corporate which has previously had a District Court judgment changing its CMS in 2001, I would like to add my support to the objectives of the above Bill. The 2011 reversion process was a flawed piece of legislation which overturned a legal decision which had run for 11 years with little dispute. The revision allowed one individual to reverse that legal decision with no possibility of objection and was grossly unfair.

However there are aspects of this Bill that need clarification and strict timelines enforced.

Section 403(3) The time period for which a committee must give written notice to each Lot owner under Section 403(2) is too long. 30 days should be sufficient.

Section 403(4) There is no maximum submission period timeframe. In my opinion 45 days would be a reasonable time to prevent a Committee from prolonged delaying the reinstatement of a previous legal adjustment order.

Section 404 (2) There is no timeframe here for a committee to decide on modifications. I consider they should be directed to do so within a period of 14 days.

Section 404 (4) The 90 day period allowing a committee to lodge a request to record a new community management statement is too lengthy. A 60 day time period should suffice.

This is an excellent bill introduced by the LNP to reverse the perverse actions of the previous Labour government. The 2011 amendments had a devastating effect on my ability to sell my home and introduced great uncertainty to prospective purchasers about the future. I commend the LNP for reversing this to once again allow legal court judgments in Queensland to take effect.

Yours faithfully

Dr Ian McColl