

The Research Director
Legal Affairs & Community Safety Committee
Parliament House
George Street
Brisbane. Qld 4000

11th October 2012

RE:-Body Corporate and Community Management Act (BCCMA) Amendment 2012

Objective:-

The principal objective of the bill is to amend the Body Corporate and Community Management Act 1997 in order to:-

remove the requirement for bodies corporate to undertake a process prescribed in Chapter 8, Part 9, Division 4 of the Act (the 2011 reversion process) to adjust contribution schedule lot entitlements to reflect the original entitlements, as set by the developer on purchasing the unit.

Please use common sense on this the residents on the lower floors should not be subjected to higher levies to supplement penthouses. Making levies equal for everyone is not fair. Why should residents in a 1 bedroom unit pay the same lot entitlements as resident in a penthouse with 4 bedrooms? it's ludicrous. We on the [REDACTED] floor have 10 units to share the levies with, so it makes sense the Penthouse owner who is the only one on his floor has the pay for that floor. Which includes painting, carpet cleaning, renew lighting, cleaning garbage refuse, and 10 times more windows outside the building to be cleaned plus any more expenses with up keep.

This is the second time we have been subjected to this price rise by a few penthouse owners. The first rise in levies was initiated in October 2010 which was thrust upon us without warning without a chance to appeal. We endured that rise for 5 levy periods dating from October 2010 - December 2011. Which I feel we should be compensated for.

After a lot of effort by a few people we successfully managed to have common sense prevail and overturned this ridiculous price hike. Now we have to go through it all again.

My husband and I are on a pension and fixed money dose not allow for excessive price rises in levies. The affect this will have on unit owners trying to sell their units will be catastrophic.

Our levies have risen from \$6452 per year in 2010 to \$8067 per year 2012, unfairly I might add, I mean a penthouse verses a 1 bedroom apartment on the [REDACTED] floor, there is no resemblance of fair play, please let common sense prevail.

This is why I implore you to not let this appeal for equal levies for all be allowed. The higher floors are not equal to us.

Keep levies fair for all, there are a lot of pensioners in units and they do not have a Millionaire life style believe me.

1. The smaller unit owners are not rorting the system. They have not sought to change the levies they agreed to when they purchased their unit. They have no advocate in government standing up for their rights. The smaller unit owners are the victims of this whole charade.

2. This amendment seeks to overturn legislation passed by the previous Labour Government, which became law in April 2011. The 2011 amendment allowed a lot owner to overturn a decision made by QCAT to equalise levies under Section 46A of the BCCMA. In essence, the 2011 amendment forced bodies corporate to adjust levies, which had previously been amended, to a level set by the developer. The developer set levies were the levies most unit owners agreed to when they purchased their unit, This amendment was well received by the majority of unit owners.

3. The basis for making levies equal is the notion that services are provided to all lot owners on an equal basis. In reality this is not the case. This concept is fraud.

Each level has the same area of carpet, the same number of lights, consume the same amount of electricity for these lights ,and require the same amount of cleaning. Each floor has the same number of windows to clean. All services are provided equally to each floor. Then it is not unreasonable to expect that units on each floor should share in the cost of services provided to that floor. Because there are 10 unit owners on one floor and four on another why should the four owners pay less for the provision of services. But this is the outcome of equalisation of levies.

4. The total Contribution Lot Entitlement levy for Q1 in 2011/12 financial year was \$3,380,263. If each floor shared equally in the cost to run and maintain the building then each floor would pay one 72nd of the levy. The levy for each floor would then be \$46,948. Compare this though to the amount each level will pay post the amendment championed by the Attorney General.

Level 74 (one unit) \$ 9,104

Level 69 (4 units) \$28,404

Level 40 (7units) \$47,430

Level 19 (10units) \$66,641

What is the logic behind forcing the units on level 19 - level 1 to pay \$20,000 more than the average cost to provide services to those floors? Why should the four unit owners on level 69 pay \$18,544 less?

Please don't let this amendment go through, it is ludicrous.

Regards

David Warren

