

Mrs Suguneshwari Sathananthan
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Thursday, 18th October 2012

The Director
Legal Affairs and Community Safety Committee
Parliament House
George Street
Brisbane QLD 4000

Via E-Mail : lacsc@parliament.qld.gov.au

Dear Sir or Madam,

Body Corporate and Community Management and Other Legislation Amendment Bill 2012

This letter will serve as my submission in regard to the invitation for submissions on the Bill which proposes a number of changes to the Body Corporate and Community Management act 1997 and in particular the repeal of the "2011 Reversion Process."

At the outset, it's my informed understanding that the "2011 Reversion Process" was brought into being because of the widespread abuse of applying 'precedent' following a non-existent precedent judgement in the Gold Coast's Centrepoint high-rise apartment case in 2004.

It surprises me to the hilt that the Hon. J.P. Bleijie MP wants to claim now on the basis of his receipt of 110 letters that the "2011 Reversion Process" was a miscarriage of legislative procedure and quote "abhorrent in the extreme" unquote.

There was overwhelming anecdotal evidence presented then to warrant amendments to the Body Corporate Community Management Act 1997 which became effective by law as of Thursday, 14th April 2011 "to allow an owner to submit a motion proposing the adjustment of the contribution schedule for the scheme to revert to the previous contribution schedule where there has been a previous Order changing the entitlements."

Just because an owner has been awarded the legislative right to move a motion, that in itself cannot and should not be classified as unjust, as proper processes and procedures including adjudication as necessary would have to have been followed which in my case was the order of the day.

Mrs Suguneshwari Sathananthan
[REDACTED]



For the Hon. Minister's information that's exactly what I followed and everything was within stipulated legal bounds. In my case where I live in a mixed dwelling townhouse development which has varying land and built-up sizes and areas, the developer had developed and sold all the units, some free-standing on a Standard Plan. Lot entitlements then were based on the legally abiding Standard Plan.

Then come the 2004 Centrepoint high-rise apartment case, which was a 'cause to try' for one owner who felt aggrieved at paying too much entitlements but was very much aware of its existence when he bought into his penthouse and had the financial wherewithal to bring detrimental financial pain to the other members of the Body Corporate, had those entitlements reversed on a technicality.

Jumping on the bandwagon immediately thereafter, every man and his dog to their absolute financial gain went about reversing their contribution schedule lot entitlements through legal proceedings and subsequent court orders to have legitimately constituted initial legally constituted entitlements changed on the back of a precedent gleaned from unchartered ground in legal proceedings of a singular case which was not representative of the wider Body Corporate Community entitlements scheme.

In my case, I together with four others sought to have those earlier entitlements reinstated to prior 2005 levels as we were by virtue of the Bill passed in 2011, rightful earlier owners. We had an absolute right to act within those legal bounds to have those entitlements of ours reverted to pre-adjustment levels. By those very actions of ours, a very clear 63% majority of owners benefited from this reversion which brought all of us squarely and rightfully back to the very first circumstances we were in pre-April 2005.

This was an outcome the majority of owners were desirous of to be in without any further delay as it was not only a financial drain on our budgets but also our units were not attractive market material for small families, retirees, young couples and might I add, many others many others who wanted to buy into the place.

Westlake Villas is a middle-class mixed dwelling community development and the only one of its kind in Westlake. It has forty-nine units of various dwelling sizes ranging from two and three bedroom lowset villas, three bedroom two storey townhouses all of varying sizes with single lockup garages and five free standing two storey lakefront houses of massive proportions all with double lockup garages and a large lowset free standing house with a double garage.

To my mind now, the Hon. Minister who seems to be bringing questionable integrity to his office by batting so vigorously for a very narrow interest group and the partiality which is so clearly being displayed by him by aggressively progressing to amend needlessly a sensibly thought through and debated Legislative Bill in the Queensland Parliament.

His actions are viewed as very much politically motivated and driven and at most far-fetched, which as clear as daylight seems to be at the behest of investors who will no doubt stand to gain financial windfalls. I am absolutely convinced of this without a shred of doubt.

Mrs. Suzuneswari Sathanathan



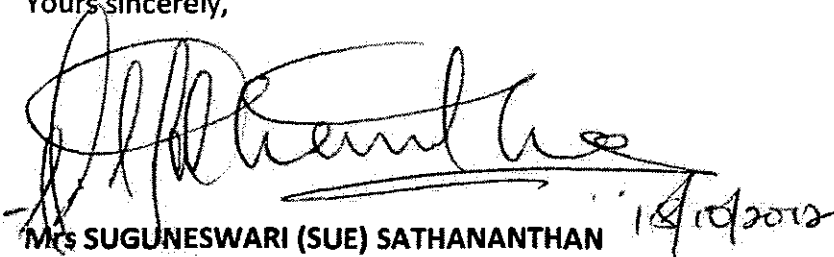
We owner-occupiers of town houses albeit with modest means want to live peacefully and not be at the mercy of people with financial clout able to influence governments of the day. Just because there has been a change of government now in Queensland, that in itself seems to me to be reason enough to have an axe to grind with actions favouring the big end of town. It baffles me!!!

Hand on heart, in the interests of the wider townhouse community at Westlake Villas, I trust myself wholly to have acted within the bounds of the Body Corporate Community Management Act 1997 amended legislation which became effective by law on Thursday, 14th April 2011 allowing me to move the motion ***"that all levies at Westlake Villas be re-instated to the Lot Entitlement pre the 2005 adjustment."***

In concluding this submission and in view of all the foregoing, on the premise of principle, applicable law and legal wisdom, I humbly ask that the Bill in regards to the Body Corporate Community Management Act 1997 amended legislation which became effective by law as of Thursday, 14th April 2011 allowing me or any other body corporate member in like circumstances to move a motion seeking the re-instatement of levies to pre-adjustment levels be upheld without any further amendments which among other matters will include the removal of the process to adjust contribution schedule lot entitlements for owners.

Thank you.

Yours sincerely,


Mrs SUGUNESWARI (SUE) SATHANANTHAN 18/10/2012

