

From: [Patricia Savage](#)
To: [Legal Affairs and Community Safety Committee](#)
Subject: Forwarded Email: BODY CORPORATE AND COMMUNITY MANAGEMENT & OTHER LEGISLATION AMENDMENT BILL 2012
Date: Thursday, 18 October 2012 10:01:07 AM

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The Research Director,
Parliamentary Legal Affairs and Community Safety Committee.

Re. Body Corporate and Community Management and other Legislation Amendment Bill 2012.

I wish to let you know that I support the new legislation repealing the ALP (Peter Lawlor) legislation which was so unfair and unjust. Many industry leaders (unit holders assoc., Quantity Surveyors/loss adjusters) lawyers including the Qld. Law Society all agreed that the ALP 2011 legislation was very bad law. Even the Coalition opposition party vigorously argued against this bad law but lost because they did not have the numbers in parliament.

Our building followed the Coalition 1997 legislation and after two Quantity Surveyors reports, specialist adjudication and agreement by the Commissioner our Contribution Lot entitlements schedule was changed to reflect a much fairer apportionment of common area costs. At this time the increases in levies for the low rise units in our building went up by a small margin - not more than about \$1,200.00 pa but when the Peter Lawlor changed the legislation in 2011 my levies more than doubled from about \$8,000 pa to \$20,000 pa!

I fully agree that larger units should pay more but NOT significantly more as proposed by the original developers schedule which was based purely on marketing strategies. The levies should not be based purely on the size, level, views etc. as levies should reflect the true and fair apportionment of costs for common property areas. Just because an owner has a larger apartment on a high floor does not mean this owner should pay significantly more for costs associated with Managers/Caretaking fees, gardening, pool and other amenities, cleaning, security, electricity etc.

I would point out that when the Peter Lawlor legislation was passed it had almost an immediate effect to revert to the original Contribution Lot Entitlement Schedule with just one owner submitting a motion and it was carried without the ability for anyone to challenge the motion. Moreover, it had an immediate effective date and we had to pay back-dated levies.

I note that although the new LNP Government are in full agreement that the 2011 ALP legislation was bad law and even though Jann Stuckey (LNP) argued strongly against the ALP legislation the new proposed legislation will not be enacted until early 2013 and appears to have a very long process with the prospect of further delays should there be arguments for modifications.

It is also very concerning that the fairer apportionment of costs for previous orders to be reinstated could be further delayed with a very lengthy process under Section 403(2). Even worse, committees comprising of owners AGAINST the new law have the opportunity under the LNP law to further delay the reinstatement of the previous adjustment order by submitting numerous objections etc.

Therefore, even though the LNP wish to appeal the ALP law which was

considered to be very bad law it won't happen for several months. Yet when Peter Lawlor passed his Bill in Parliament it had an almost immediate effect in changing the levies with no rights to even challenge the Bill.

I would respectfully ask the Committee to consider a faster procedure for the reinstatement of the last adjustment order and avoid unfair and biased Body Corporate Committees from purposely delaying the change because they would be personally affected or where they represent a majority group who would not want their levies to be increased.

Thank you for considering my submission.

Yours sincerely,

Mrs Patricia Savage MBE

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