

18 October 2012

Research Director
Legal Affairs & Community Safety Committee
Via email – lacsc@parliament.qld.gov.au

Dear Sir/Madam

RE: BCCM & OTHER LEGISLATION AMENDMENT BILL 2012

The introduction of the 2011 Amendments saw a process where one single unit owner submitted a motion seeking to revert to the pre-adjustment CSLE\$, and the body corporate and/or committee was bound to change it back to pre-adjustment CSLE\$. This was despite the fact that a specialist adjudicator and tribunal had determined that such an allocation of CSLE\$ was unjust.

Further, the 2011 Amendments removed the right of a unit owner to have any standing whatsoever to be heard in any court or tribunal as to whether or not the allocation of CSLE\$ were fair and equitable.

This could be in breach of the Legislative Standards Act 1992 for being inconsistent with the principles of natural justice and it the adverse rights and liberties of individuals retrospectively.

The new legislation needs to ensure that we return to the fair equitable level as previously determined by courts, tribunals and specialist adjudicators.

The %eversion process+should be undone with the last adjustment order reinstated.

The current drafting of the Bill has substantial delays, which need to be addressed urgently to return the fair and equitable level:

1. Sec 403(3) . reduce timeframe from 60 days to 30 days
2. Sec 403(4) . need a maximum timeframe of 45 days
3. Sec 404(2) . need a maximum timeframe of 14 days
4. Sec 404(4) . reduce timeframe form 90 days to 60 days

I believe that the proposed amendments stated above will clarify and streamline the process to reinstate previous just and equitable orders.

Thanks you for your consideration of these matters.

Yours faithfully



Craig Chapman