

Body Corporate & Community
Management & Other
Legislation Amendment Bill 2012
Submission 194

Our Ref: NRS:NLJ:20120506

18 October, 2012

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



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Dear Director,

**RE: BODY CORPORATE & COMMUNITY MANAGEMENT &
OTHER LEGISLATION AMENDMENT BILL 2012**

We make this submission to the committee in relation to the above Bill.

We have acted for various individuals and Bodies Corporate and it is our submission that those clients fully support the above Bill being enacted as legislation.

Currently, there is a requirement for Bodies Corporate to undertake the process prescribed in Chapter 8, Part 9, Division 4 of the *Body Corporate and Community Management Act 1997* ("the Act") to adjust the contribution schedule lot entitlements to reflect the original entitlements prior to any order of a competent Court if any lot owner submits a motion requesting such a change.

It is our understanding that certain lot owners are utilising the reversion process to their (unfair) advantage such that Court orders, which have been obtained at great cost and following significant investigations by appropriately qualified experts who have investigated the fairness of the distribution, are overturned or rendered redundant because of this arbitrary reversion process. The outcome of the current legislation has been, at least for some lot owners, that there is an unfair and unjust distribution of contribution schedule lot entitlements. This of course results in hefty and incongruous fees and levies which cannot be rectified by application to the Commissioner because of the arbitrary legislation.

Accordingly, we support the *Body Corporate and Community Management and Other Legislation Amendment Bill 2012* and we are of the opinion, given our experience with the reversion process both anecdotally and within the jurisdiction of the Commissioner on

applications, that the Bill will have a significant positive affect and remove the arbitrary reversion process which has seen many lot owners in a significantly disadvantageous and unfair position.

Yours faithfully,
NR BARBI SOLICITOR PTY LTD



per. Noel Barbi | Director

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