

E&RH Woodforth

18<sup>th</sup> October 2012  
Brook Hastie  
Research Director  
Legal Affairs and Community Safety Committee

Dear Ms Hastie,

**Re: Submissions from L58 Pinnacle Surfers Paradise CTS 31781**

In response for submissions regarding the 2012 changes to BCCM legislation we wish to submit the following.

May we say, first and foremost, that we like many of our neighbours, support and approve of the recent change in the BCCM Legislation of 14<sup>th</sup> September 2012, that reverts the BCCM Legislation that was introduced in 2011 by the previous government (without any public consultation or democratic process) and reinstated the former BCCM Legislation of 1997. The 2011 legislation was blatantly flawed, unconstitutional and just simply immoral. It removed a vital component that makes up the very fabric of our democratic society, which is our constitutional and democratic right to appeal. We have been deeply concerned since the 2011 BCCM legislation was introduced for its potential to precedent change to all legislation, whereas, it could, at the whim of a government, empower it to simply abolish or modify existing legislation for the benefit of their political agenda, without just cause or, a proper or democratic process. No government should be granted or assume to have the power or justification to remove, modify or introduce legislation that as a consequence impedes or denies the rights and entitlements of the people to challenge or appeal it. The 1997 BCCM legislation was constitutionally correct and, we with many others support the 2012 BCCM legislation that reinstates these principles.

We own a two bedroom apartment in a complex made up of 76 lots. Our complex consists of 20 one bedroom apartments, a combination of 39 two and three bedroom apartments, 12 sub-penthouses, 1 penthouse and 1 free standing home. Under the 1997 BCCM legislation our complex was subject to an application to adjust the levies in 2009 by a sub-penthouse owner. The application was approved by QSAC which was determined by the findings from two comprehensive survey reports submitted by two independent professional BCCM consulting firms. A new CSLE was registered in context with the consultant's recommendations and through an order enforced by the QSAC governing body. Under the new CSLE all owners of two and three bedroom Lots were financially advantaged by a lower, albeit modest reduction in our levies. The sub-penthouse and the penthouse owners were awarded much lower levy instalments than they previously paid under the preceding CSLE. Under the previous CSLE Lot 1, a free standing home of 600sqm and, the largest lot in our scheme, was previously on a disproportionate lot entitlement of 7 lot entitlements (the equivalent to a one + one bedroom lot). Lot 1 was subsequently and justifiably increased to reflect levy contributions consistent with the revised CSLE and in accordance with its size. With exception to all the one bedroom Lot owners and Lot 1, the revised CSLE was accepted by the large majority of all other lot owners as being fair and equitable. It amortised the administration levies equally amongst all owners and adjusted the sinking fund levies proportionate to all lots in accord with their sqm size. The 2011 legislation changed our CTS back to the previous CSLE which had been deemed inequitable, unfair and unjust by QSAC adjudication. It again imposed the previous disproportionate and unfair levies and financial pressure on the majority of our lot owners for the unfair and unjustified benefit of a minority number of smaller lot owners.

Regrettably it is the selfish belief and opinion of the minority of one bedroom lot owners in many CTS's, that any lot owners who can afford to own a 2 or 3 bedroom lot or especially an even larger lot, are considered as being 'wealthy' and for that reason, they can therefore afford to pay higher levies and subsidise smaller lot owners, to receive no added or greater service or benefits from the scheme than the smaller lot owners receive. A CSLE should be scheduled equitably so that no lot owner subsidises another lot owner, regardless of their wealth. We trust that you will give consideration to our submission and await your findings in due course.

Yours truly,  
Eleanor Woodforth