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## **Body Corporate and Community Management and Other Legislation Amendment Bill 2012**

To Whom It May Concern.

The Body Corporate and Community Management Act (1997) was amended in 2003/2004 by a Special Adjudicator. The decision to change the act was neither fair nor just. The act was changed so that every unit owner paid equal Body Corporate levies, whether they owned a one bedroom unit or a Penthouse. The act was changed after much lobbying from Penthouse owners and it makes one wonder if the Special Adjudicator was a penthouse owner.

The developer who builds a building is responsible for setting the lot entitlements for each unit. I believe this should not be changed to suit a minority of unit owners. Existing buildings should stay as set out by the developer.

If these laws need to be amended for future buildings, I suggest that developers have a set formula to follow. For example use the area of the unit and its location (height) within the building to regulate the body corporate levies. If a set formula is used to determine the body corporate levy there can be no dispute about the distribution of levies.

I believe in fairness. I believe that I should pay similar levies to those who have similar floor area and similar strata levels. Yet the situation that we have is grossly unfair. When an owner of a penthouse, which is five times the area of a normal unit, pays the same levies as the owner of the normal unit, this situation is totally unfair. I purchased my unit on the third floor, because of the lower Body Corporate fees and that is what I could afford.

At our Body Corporate meeting three weeks ago, our Chairman who is also a Penthouse owner, stated that he had spent \$40,000 in the last year to have the April 2011 ruling overturned so that everyone pays the same body corporate fees. It amazes me how money talks. How the privileged few, with their money and wealth can lobby and coerce politicians and government officials and law makers so that they are supported by the people least able to pay higher body corporate fees. So that they are supported by the ones who have bought into a complex and once again it is the little people who are supporting the Penthouse Body Corporate Levies.

If 190 Penthouse owners have also spent \$40,000 to lobby and coerce government officials and politicians, no wonder the law is changed. The solicitors fighting this and or the Queensland Government must be benefiting hugely. Once again we see how money talks.

In an article in the Courier Mail in April 2012 Premier Newman stated that he would sort out the mess (The Body Corporate and Community Management Act) created by the Labor Party and

'expects his Minister to sort it out quickly'. Is this because of pressure from the Penthouse owners and their money in contributions? I can't see how the change to this act has anything to do with the Labor Party.

Maybe fees can be adjusted but never equal. It should be up to each building to come to an arrangement that is satisfactory to everyone.

The specialist adjudicators and politicians and law makers need to get together and develop an act that is fair and just. Reverting to an act where an owner of a penthouse that is five times the size of the other units in the complex pays the same as everyone else is not fair and just.

The penthouse owners appear to be the ones to have the money to pay whatever it takes to have the decisions made in their favour. As this is affecting thousands of owners who are not penthouse owners, I ask that thought is put into the distribution of levies to make it fair for everyone.

Thank you for your time.

A handwritten signature in black ink, appearing to be 'Judith Stephens', with a long horizontal line extending to the right.

Judith Stephens