



17 October 2012

The Research Director
Legal Affairs and Community Safety Committee
Parliament House
Brisbane QLD 4000

Email: lacsc@parliament.qld.gov.au

Dear Sir/Madam,

Re: 2012 BCCMA Amendment Bill

I refer to the proposed legislation encompassed in the abovementioned Amendment Bill.

I hereby object in the strongest terms to the proposed Bill, as I see its impact having serious and far reaching consequences well beyond its negative effect on the Queensland real estate market. The proposed changes will adversely affect many thousands of unit owners who are to be financially blindsided by the changes. Furthermore, the changes represent a fundamental and retrospective resetting of the commercial arrangements between owners of unit & apartments within the Queensland property market.

I fail to understand how a government of any persuasion could consider such a violation of basic principles in equity and of respect for existing precedence and accepted practice within such an important sector of the Queensland economy. Is not contract law and precedence the fundamental premise we seek to protect when parties enter into arrangements in good faith and with full knowledge of their contractual obligations, as has been the case in relation to levies struck under existing entitlement schemes. I do not accept the government is entitled to override this premise as it seeks to do through this Bill.

If, for any reason, the government somehow believes in the changes proposed, it should at least make them prospective such that everyone who buys property constructed in the future will do so knowing full well their contractual rights and responsibilities in owning such property prior to and after its acquisition. Leave the upheaval of existing rights and entitlements well alone.

You will no doubt hear and receive many submissions in relation to these changes. Tens of thousands of unit owners would believe and expect that the time honoured practice of entering into contracts with other unit owners through their body corporate would not be denigrated by those they have entrusted to government. Certainty and consistency are fundamental to good governance and fairness as much as destroying property rights are an anathema.

It is stunning to think that a government which purports to protect the rights and relationships of its private citizens would countenance a betrayal of such basic principles as it proposes to do through this amendment Bill. It strikes at the fundamental tenant of security of rights to property for those living in Queensland.

It then leaves us to wonder what other long standing contractual obligations and practice the government will disrupt or destroy at its whim. The amendment Bill represents a particularly dangerous and concerning precedent and will no doubt leave many thousands of Queenslanders harbouring these concerns.

I again implore the government not to enact the proposed Bill as it contravenes in so many ways the rights and obligations enshrined for its citizens owning property in this State.

Finally, given the extent of the changes outlined in the amendment Bill would you please seek the government to at least extend the time for submissions by a further 90 days. Such a courtesy would provide thousands of owners the opportunity to absorb and respond to such a significant change to their property rights as the government is proposing in this Bill.

Thank you for considering my submission. I would only be too pleased to discuss the submission should that be of assistance to you.

Yours faithfully,


Vince Fitzsimons
Property Owner.