

**SUBMISSION ON THE  
BCCM & OTHER LEGISLATION AMENDMENT BILL 2012**

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

By email: lacsc@parliament.qld.gov.au

1. My full name is Peter Joseph Rowell and I reside at [REDACTED].
2. I am the owner of Lot [REDACTED] in Paloma CTS 5924. This building is located at 94-97 Albatross Avenue Mermaid Beach QLD.
3. This building consists of 12 units. The top four units are penthouse units.
4. This building was built on or about 1984.
5. When I purchased Lot [REDACTED] (Unit [REDACTED]) nine years ago, my Contribution Lot Entitlement was 82/1200.
6. This Contribution Lot Entitlement was subsequently ordered to be changed consequent upon a decision of the Commercial and Consumer Tribunal on 29 October 2009. As a result of that decision, my Contribution Lot Entitlement was altered to 81/1003.

There were also changes made to the Contribution Lot Entitlements of the other units. The penthouse units received an advantage. Their Contribution Lot Entitlement changed from 136/1200 to 88/1003 for three penthouse units and 87/1003 for the remaining penthouse unit.

7. The consequence of this is that the expenses that I have had to pay since then have significantly increased.
8. Those expenses will substantially increase in the future given that the building will need to undergo high maintenance costs in the very near future due to its age and condition.
9. I consider that it is only fair and reasonable that my Contribution Lot Entitlement should revert back to what it was when I purchased my unit nine years ago. I consider that I will be significantly financially disadvantaged if the current position is allowed to continue and if the proposed Bill becomes law.
10. There has already been a motion passed to revert the Contribution Lot Entitlements to what they previously were when I purchased my unit, which motion has recently been declared a valid motion by QCAT.

11. Further, it is not fair and equitable that the proposed Bill, if passed, be given retrospective effect to the 14 September 2012.

12. In summary, I consider that each of the unit owners would have known what they were acquiring when they purchased their units. When I purchased my unit, the Contribution Lot Entitlement was 82/1200 and I believe that it is only fair and equitable that the position should be restored.

The ability to change the Contribution Lot Entitlement undermines the certainty and the security that I thought that I had by reason of the registration of a community management statement incorporating (amongst other things) Contribution Lot Entitlements at the Titles Office.

13. This building was created under the previous Building Units and Group Titles Legislation which did not incorporate any principles concerning relativity or equality. The developer of this building was entitled under that legislation to determine in its complete discretion the contribution and interest lot entitlements for the various units. The developer did so. That position should never have been allowed to change.

Subsequent amendments to the BCCM legislation should never have been applied to buildings constructed under BUGTA legislation.



Peter Rowell

18 October 2012