

From: atef.mousa
To: [Legal Affairs and Community Safety Committee](mailto:LegalAffairsandCommunitySafetyCommittee)
Subject: FW: BC sheduled fees adjustment legislation
Date: Friday, 19 October 2012 7:39:39 AM
Attachments: [Delaney's letter001.pdf](#)

From: [REDACTED]
To: lacsc@parliament.qld.gov.au
Subject: BC sheduled fees adjustment legislation
Date: Mon, 8 Oct 2012 18:41:51 +1100

Dear Sir,

Many thanks for taking the time to consider my submission

I am an owner of a unit in the Q1 building on the Gold Coast, who has been adversely affected by the former Labour government's unfair legislation, Re: The Body Corporate lot entitlements. Since my lot entitlement has been reversed to the previous unfair and unlawful value as a result of the Labour government's legislation, I have been struggling to meet my financial obligations since my fees have increased from \$9000 per annum to over \$18000 per annum which is totally out of proportion to what other lot owners pay in our building. As a result, I have put my unit on the market because I can no longer afford such an exuberant BC fees, however, because of the stale state of the market place, I might be forced to sell my unit at a huge loss which I can not afford either.

Therefore, I was so pleased when I learned about your suggested Legislation which is aimed at reversing the labour government thuggish Legislation and which is aimed at achieving a sense of balance and fairness .

My gravest fear at this point in time is that there appears to be a delay before your fair legislation might apply to us, since our lot entitlement schedule has already been reversed by the labour government legislation and your new legislation does not extend to cover us at this point in time and by the time this might happen, I might have lost my home already.

Therefore, as much as I applaud your courage and your sense of fairness, I would urge you to consider our dire situation and bearing in mind our urgent financial position, which we might not be able sustain for long and which will result in loosing our homes if our lot entitlements are not reversed back to those prior to the labour government 's legislation in the near future.

For your interest I have attached some suggestions and remarks regarding the former Labour governments legislations and the proposed Liberal governments amendments, if possible I would appreciate if you could take the time to look them over and perhaps consider them in your final decision.

Finally I would like to express my sincerest gratitude and appreciation of your courage and sense of fairness that is clearly reflected in your proposed amendments.

Regards

Atef Mousa
Unit owner in the Q1, Surfers Paradise.

1. Reinstatement of last Adjustment Order is imperative.

- The 2011 reversion process was particularly flawed.
- It was ridiculous to allow one single owner the ability to effectively overturn a lawful order of an independent court, tribunal or specialist adjudicator, which deemed the previous contribution lot entitlements to be unfair and iniquitous.
- The Bill rightly addresses this issue by:
 - (a) Removing the ability of a single lot owner to compel the body corporate to undertake the reversion process; and
 - (b) Provides a process for previous adjustment orders to be reinstated (subject to any necessary modifications).

2. Suggested Amendments - Reinstatement time periods

- Under the current timeframes provided within the Bill a body corporate committee that is adverse to reinstating a previous adjustment order may delay the reinstatement of the previous adjustment order by up to six months on the current timeframes as contained within the draft Bill.

SECTION 403(3)

- The time period for which a committee must give written notice to each Lot owner upon receipt of a request from a Lot owner under Section 403(2) is too lengthy.
- It is submitted that a 30 day period is sufficient, particularly given the further timeframes entitled for submissions, the committees decision making, and the lodgement of a new CMS.

SECTION 403(4)

- Whilst the submission period must be for a period of at least 28 days, there is no maximum submission period timeframe to be applied.
- Committees that are adverse to the reinstatement of previous adjustment orders have the opportunity to submit inordinate submission periods in order to further delay the reinstatement of the previous adjustment order.
- It is submitted that a maximum timeframe of say 45 days should be included within the provisions as to prevent a committee from unduly delaying the reinstatement of a previous adjustment order.

SECTION 404(2)

- The Bill provides no timeframe in which a committee must decide what modification, if any, is required to be made under subdivision (3) to the last adjustment order entitlements for a scheme.
- A committee that is adverse to the reinstatement of a previous adjustment order may intentionally delay this decision making process, as no timeframe is applied.
- It is submitted that the decision of the committee ought to be made within a fixed time period, and it is in this respect that it submitted that a period of 14 days ought to be applied to the provisions of *Section 404(2)*.

SECTION 404(4)

- It is submitted that the period of 90 days in which a body corporate is to lodge a request to record a new community management statement (after the committee makes its decision) is too lengthy.
- Body corporate committees that are adverse to the reinstatement of previous adjustment orders will take advantage of this timeframe and delay the lodgement of the new community management statement.
- It is submitted that a 60 day time period in which the committee is to lodge a new community management statement is sufficient.