

Body Corporate & Community  
Management & Other  
Legislation Amendment Bill 2012  
Submission 262

19 October 2012

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

Mr and Mrs R.J. Adamson

Dear Sir/Madam

RE: Submissions-Body Corporate and Community Management and Other Legislation Amendment  
Bill 2012

We purchased a penthouse unit lot in a high-rise apartment building on the Gold Coast in 2006 believing that the Body Corporate fees were the fixed amount which we could account for in the future. We have been forced to pay an extremely high amount of Body Corporate fee's and are unable to sell to get out of the situation. We have been adversely affected causing hardship by the introduction of the Body Corporate and Community Management and Other Legislation Act 2011.

It is debated by those in favor of the 2011 Amendment that our lot is a larger size to maintain and our consumption of water must be more because of the floor area. The rebut is that the external area is painted once every ten years, although most of the external area for our lot consumes windows that are on balconies that are not charged by Body Corporate to be cleaned. Under the 2011 Amendment we are being charged 8 times more for water than lower leveled lots.

A 40% portion of lot owners were advantaged contributing less Body Corporate fees from the 2011 Amendments (including lots owned by the building manager, restaurant and other lower level lots up to the fifth floor). The other 60% portion of lot owners had an increase in Body Corporate fees from the 2011 Amendments. It is discriminatory that there are lot owners who have lots above the fifth floor with an increase in Body Corporate fees that are the same sized lots to those in the lower part of the building who have had a decrease in Body Corporate fees. Comparing unit lots that are larger or at a higher level does not mean they consume most of the Body Corporate expenses.

30% of lots in our building are occupied for holiday consumers, which are most of the time full with maximum people using facilities regularly during occupying. Most times these users are the main users of the facilities in the building.

Body Corporate expenses have not been distributed fairly by the 2011 Amendment.

Our building's Schedule was determined by voting for the 2011 Act, even though the voters are not fully aware of the fairness or unfairness of their voting's effect on individual lot owners for the whole building and without expertise or qualification are not able to take into account the accurate distribution of the Body Corporate expenses and overturn an order, removing equality and the rights of lot owners from legislation.

We support the abolishment of the reversion process introduced by the 2011 Amendments. We welcome the introduction to reinstate the last Adjustment Orders. We are concerned about the delay that the process could take and the abuse committees may use in stalling the reinstatement process, as this should be a simple process to incur.

We are grateful that the government have taken the stand against and addressing the issues that caused us hardship from the 2011 Amendments.

We thank you for the time and consideration of these matters.

Yours faithfully,

Robert and Jacquie Adamson