

John A. DUNCAN



17 October 2012

My dear Attorney-General,

Body Corporate and Community Management and Other Legislation Amendment Bill

Tabled 14 September 2012

I am the Chairman of the Body Corporate for Sun City Resort, Community Titles Scheme 24674 situated at 3400 Gold Coast Hwy, Surfers Paradise.

I have been authorised by a unanimous decision of the committee of the Body Corporate to write to you opposing the passage of the abovementioned Bill as being both unjust and unreasonable. We contend that the Bill, if passed, would retrospectively significantly adversely affect the value of owners' property, that is, the value of their units in the resort.

The resort consists of 268 units. The passage of the Bill would have the effect of increasing levies for 220 of the owners for the benefit of 48. The increase for one unit would be 411% but I concede that this is a special case and not typical. The increases for the others, which are of individual unit owners, are of the following amounts:

#	number of units facing an increase in levies of over 100%	8
#	do between 90% and 100%	6
#	do between 80% and 90%	8
#	do between 70% and 80%	12
#	do between 60% and 70%	19
#	do between 50% and 60%	25
#	do between 40% and 50%	28

#	do	between 30% and 40%	25
#	do	between 20% and 30%	28
#	do	between 10% and 20%	33
#	do	under 10%	27

Those units who are disadvantaged are the smaller units and/or those at lower levels. Those that would benefit are those larger units on the higher levels, that is, those of significantly higher value than those disadvantaged. The bill is thus clearly aimed at benefiting the rich at the expense of the less wealthy.

When persons are contemplating the purchase of a unit an important input is the amount of levies that an owner is required to pay. The amount of levies is directly related to the lot entitlement of the unit. Persons purchasing have had a reasonable expectation that the basis of the determination of levies would remain constant providing owners with a reasonable expectation as to the future levies payable. There is also no doubt whatsoever that the quantum of levies is directly relevant and in significant part, determinative, of the market value of owners units. On the passage of the Bill 8 owners will be faced with an increase of levies of over 100% as well as a consequential diminution in the value of their units contrary to any reasonable expectation they had when purchasing the unit. This cannot amount to anything other than diminution of the value of their property by a deliberate act of government, effective retrospectively.

The Bill will thus, if passed, unreasonably diminish the value of 220 units in the resort to the advantage of 48.

In relation to the Sun City Resort there were only 16 sales of units during the period of the currency of the unit entitlements proposed to be applied again by the Bill. As far as Sun City is concerned this was during the period from 18 February 2010 and 11 October 2011.

It is thus only these 16 who could argue that their purchases were based upon the expectation of the levies consequential on the passage of the Bill. Of those 16 only 2 unit owners would, in fact, benefit from the passage of the Bill, so the argument is inconsequential.

I am enclosing a tabulation by individual units showing the effect of the passage of the Bill on units within the resort. It leaves no doubt as to where the balance of justice lies in relation to the passage of the Bill. The balance of justice is overwhelmingly on the side of the abandonment of the Bill.

Yours faithfully

John Duncan

Chairman

The Honourable Jarrod Bleijie MP

Attorney-General and Minister for Justice

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CLE =		Contribution Lot Entitlements			
Lot	Unit	Changed CLEs	CLEs now	Difference in CLEs	Difference if change reversed
3		3575	700	2875	411%
6	103	3305	1550	1755	113%
7	104	3305	1550	1755	113%
12	203	3305	1600	1705	107%
14	205	3305	1600	1705	107%
17	301	3323	1650	1673	101%
25	309	3323	1650	1673	101%
20	304	3305	1650	1655	100%
22	306	3305	1650	1655	100%
26	401	3323	1700	1623	95%
34	409	3323	1700	1623	95%
29	404	3305	1700	1605	94%
31	406	3305	1700	1605	94%
5	102	3644	2050	1594	78%
8	105	3644	2050	1594	78%
35	501	3323	1750	1573	90%
43	509	3323	1750	1573	90%
9	106	4006	2450	1556	64%
38	504	3305	1750	1555	89%

40	506	3305	1750	1555	89%
15	206	3653	2100	1553	74%
11	202	3644	2100	1544	74%
44	601	3323	1800	1523	85%
52	609	3323	1800	1523	85%
10	201	4006	2500	1506	60%
16	207	4006	2500	1506	60%
47	604	3305	1800	1505	84%
49	606	3305	1800	1505	84%
19	303	3644	2150	1494	69%
23	307	3644	2150	1494	69%
53	701	3323	1850	1473	80%
61	709	3323	1850	1473	80%
18	302	4006	2550	1456	57%
24	308	4006	2550	1456	57%
1		4105	2650	1455	55%
56	704	3305	1850	1455	79%
58	706	3305	1850	1455	79%
28	403	3644	2200	1444	66%
32	407	3644	2200	1444	66%
62	801	3323	1900	1423	75%
70	809	3323	1900	1423	75%
27	402	4006	2600	1406	54%
33	408	4006	2600	1406	54%
65	804	3305	1900	1405	74%
67	806	3305	1900	1405	74%
37	503	3644	2250	1394	62%
41	507	3644	2250	1394	62%
71	901	3323	1950	1373	70%
79	909	3323	1950	1373	70%
36	502	4006	2650	1356	51%
42	508	4006	2650	1356	51%
74	904	3305	1950	1355	69%
76	906	3305	1950	1355	69%
46	603	3644	2300	1344	58%
50	607	3644	2300	1344	58%
80	1001	3323	2000	1323	66%
88	1009	3323	2000	1323	66%
45	602	4006	2700	1306	48%
51	608	4006	2700	1306	48%
83	1004	3305	2000	1305	65%
85	1006	3305	2000	1305	65%
55	703	3644	2350	1294	55%
59	707	3644	2350	1294	55%
89	1101	3323	2050	1273	62%

97	1109	3323	2050	1273	62%
54	702	4006	2750	1256	46%
60	708	4006	2750	1256	46%
92	1104	3305	2050	1255	61%
94	1106	3305	2050	1255	61%
64	803	3644	2400	1244	52%
68	807	3644	2400	1244	52%
98	1201	3323	2100	1223	58%
106	1209	3323	2100	1223	58%
63	802	4006	2800	1206	43%
69	808	4006	2800	1206	43%
101	1204	3305	2100	1205	57%
103	1206	3305	2100	1205	57%
73	903	3644	2450	1194	49%
77	907	3644	2450	1194	49%
107	1301	3323	2150	1173	55%
115	1309	3323	2150	1173	55%
72	902	4006	2850	1156	41%
78	908	4006	2850	1156	41%
110	1304	3305	2150	1155	54%
112	1306	3305	2150	1155	54%
4	101	4094	2950	1144	39%
82	1003	3644	2500	1144	46%
86	1007	3644	2500	1144	46%
116	1401	3323	2200	1123	51%
124	1409	3323	2200	1123	51%
81	1002	4006	2900	1106	38%
87	1008	4006	2900	1106	38%
119	1404	3305	2200	1105	50%
121	1406	3305	2200	1105	50%
91	1103	3644	2550	1094	43%
95	1107	3644	2550	1094	43%
125	1501	3323	2250	1073	48%
133	1509	3323	2250	1073	48%
90	1102	4006	2950	1056	36%
96	1108	4006	2950	1056	36%
128	1504	3305	2250	1055	47%
130	1506	3305	2250	1055	47%
100	1203	3644	2600	1044	40%
104	1207	3644	2600	1044	40%
134	1601	3323	2300	1023	44%
142	1609	3323	2300	1023	44%
99	1202	4006	3000	1006	34%
105	1208	4006	3000	1006	34%
137	1604	3305	2300	1005	44%

139	1606	3305	2300	1005	44%
109	1303	3644	2650	994	38%
113	1307	3644	2650	994	38%
143	1701	3323	2350	973	41%
151	1709	3323	2350	973	41%
108	1302	4006	3050	956	31%
114	1308	4006	3050	956	31%
146	1704	3305	2350	955	41%
148	1706	3305	2350	955	41%
118	1403	3644	2700	944	35%
122	1407	3644	2700	944	35%
117	1402	4006	3100	906	29%
123	1408	4006	3100	906	29%
154	1803	3305	2400	905	38%
127	1503	3644	2750	894	33%
131	1507	3644	2750	894	33%
13	204	3874	3000	874	29%
126	1502	4006	3150	856	27%
132	1508	4006	3150	856	27%
161	1903	3305	2450	855	35%
163	1905	3305	2450	855	35%
136	1603	3644	2800	844	30%
140	1607	3644	2800	844	30%
21	305	3874	3050	824	27%
135	1602	4006	3200	806	25%
141	1608	4006	3200	806	25%
156	1805	3305	2500	805	32%
168	2003	3305	2500	805	32%
170	2005	3305	2500	805	32%
145	1703	3644	2850	794	28%
149	1707	3644	2850	794	28%
30	405	3874	3100	774	25%
144	1702	4006	3250	756	23%
150	1708	4006	3250	756	23%
175	2103	3305	2550	755	30%
177	2105	3305	2550	755	30%
153	1802	3644	2900	744	26%
157	1806	3644	2900	744	26%
39	505	3874	3150	724	23%
182	2203	3305	2600	705	27%
184	2205	3305	2600	705	27%
160	1902	3644	2950	694	24%
164	1906	3644	2950	694	24%
48	605	3874	3200	674	21%
189	2303	3305	2650	655	25%

191	2305	3305	2650	655	25%
167	2002	3644	3000	644	21%
171	2006	3644	3000	644	21%
57	705	3874	3250	624	19%
196	2403	3305	2700	605	22%
198	2405	3305	2700	605	22%
174	2102	3644	3050	594	19%
178	2106	3644	3050	594	19%
66	805	3874	3300	574	17%
205	2505	3305	2750	555	20%
181	2202	3644	3100	544	18%
185	2206	3644	3100	544	18%
75	905	3874	3350	524	16%
209	2602	3305	2800	505	18%
211	2604	3305	2800	505	18%
188	2302	3644	3150	494	16%
192	2306	3644	3150	494	16%
159	1901	4336	3850	486	13%
165	1907	4336	3850	486	13%
84	1005	3874	3400	474	14%
203	2503	3305	2850	455	16%
214	2702	3305	2850	455	16%
216	2704	3305	2850	455	16%
195	2402	3644	3200	444	14%
199	2406	3644	3200	444	14%
166	2001	4336	3900	436	11%
172	2007	4336	3900	436	11%
93	1105	3874	3450	424	12%
219	2802	3305	2900	405	14%
221	2804	3305	2900	405	14%
202	2502	3644	3250	394	12%
206	2506	3644	3250	394	12%
173	2101	4336	3950	386	10%
179	2107	4336	3950	386	10%
102	1205	3874	3500	374	11%
224	2902	3305	2950	355	12%
226	2904	3305	2950	355	12%
180	2201	4336	4000	336	8%
186	2207	4336	4000	336	8%
111	1305	3874	3550	324	9%
229	3002	3305	3000	305	10%
231	3004	3305	3000	305	10%
187	2301	4336	4050	286	7%
193	2307	4336	4050	286	7%
120	1405	3874	3600	274	8%

234	3102	3305	3050	255	8%
236	3104	3305	3050	255	8%
194	2401	4336	4100	236	6%
200	2407	4336	4100	236	6%
129	1505	3874	3650	224	6%
239	3202	3305	3100	205	7%
241	3204	3305	3100	205	7%
201	2501	4336	4150	186	4%
207	2507	4336	4150	186	4%
138	1605	3874	3700	174	5%
244	3302	3305	3150	155	5%
246	3304	3305	3150	155	5%
147	1705	3874	3750	124	3%
249	3402	3305	3200	105	3%
251	3404	3305	3200	105	3%
152	1801	4237	4150	87	2%
158	1807	4237	4150	87	2%
155	1804	3874	3800	74	2%
254	3502	3305	3250	55	2%
256	3504	3305	3250	55	2%
162	1904	3874	3850	24	1%
169	2004	3874	3900	-26	-1%
176	2104	3874	3950	-76	-2%
183	2204	3874	4000	-126	-3%
190	2304	3874	4050	-176	-4%
197	2404	3874	4100	-226	-6%
204	2504	3874	4150	-276	-7%
210	2603	3874	4200	-326	-8%
215	2703	3874	4250	-376	-9%
220	2803	3874	4300	-426	-10%
225	2903	3874	4350	-476	-11%
213	2701	4237	4750	-513	-11%
217	2705	4237	4750	-513	-11%
230	3003	3874	4400	-526	-12%
208	2601	4600	5150	-550	-11%
212	2605	4600	5150	-550	-11%
218	2801	4237	4800	-563	-12%
222	2805	4237	4800	-563	-12%
235	3103	3874	4450	-576	-13%
223	2901	4237	4850	-613	-13%
227	2905	4237	4850	-613	-13%
240	3203	3874	4500	-626	-14%
228	3001	4237	4900	-663	-14%
232	3005	4237	4900	-663	-14%
245	3303	3874	4550	-676	-15%

233	3101	4237	4950	-713	-14%
237	3105	4237	4950	-713	-14%
250	3403	3874	4600	-726	-16%
238	3201	4237	5000	-763	-15%
242	3205	4237	5000	-763	-15%
255	3503	3874	4650	-776	-17%
243	3301	4237	5050	-813	-16%
247	3305	4237	5050	-813	-16%
248	3401	4237	5100	-863	-17%
252	3405	4237	5100	-863	-17%
253	3501	4237	5150	-913	-18%
257	3505	4237	5150	-913	-18%
2		4863	6150	-1287	-21%
258	3601	4424	6900	-2476	-36%
260	3603	4424	6900	-2476	-36%
261	3701	4424	6950	-2526	-36%
263	3703	4424	6950	-2526	-36%
264	3801	4424	7000	-2576	-37%
266	3803	4424	7000	-2576	-37%
259	3602	4248	6900	-2652	-38%
262	3702	4248	6950	-2702	-39%
265	3802	4248	7000	-2752	-39%
267	3901	6121	9650	-3529	-37%
268	3902	6121	9650	-3529	-37%
		999974	843200		

CLE Contribution Lot Entitlements