

**From:** [REDACTED]  
**To:** [Legal Affairs and Safety Committee](#)  
**Cc:** [REDACTED]  
**Subject:** BUGTA Consultation/ Submissions  
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To Committee Secretary, Legal Affairs and Safety Committee

Ref: BUGTA Consultation / Submissions

Good afternoon

I like to include my comments as an owner of a property in a Body Corp (BCCM). My complex is Park Square (30675)

1. 45 B: Conflict of interest: a committee member to disclose an interest of an issue should not vote at the committee meeting but in my opinion should not vote at the general meetings as well. As per my traumatic experience, 4 owners (in a complex of 16 units) being 3 of the 4 investors from Melbourne and Sydney have voted at the general meetings for a large job that cost the body corp around \$ 112,000 back in 2017. The job was not guaranteed and that was easily seen only after 6 months. I opposed the job. I was penalized by the Adjudicator. Besides the \$ 2,000 plus submissions fees around \$ 170, I have also to pay a special levy of around \$ 5,000. In addition to pay levies for multiple engineering report and to fix the chairperson's unit for \$ 12,000 without enough proof (so the 3 investors' units).  
4 votes belonged to them and the motion could have easily be lost.
2. 45 C: It should be clear if a committee member who does most of the work can receive a stipend agreed by the Body Corp. That should not be considered benefit.
3. Clause 16: The committee must act reasonable. The word "reasonable" is too ample. It can be interpreted in different ways. I know for my traumatic experience with an irrational Adjudicator who penalized me for requesting QLD legislation to be enforced and the building to be maintained. May be a synonym can also be used "equitable-fair-honest".  
  
The same to apply to the Body Corp decisions that at present in my complex are against legislation many of them.
4. 73 A: How referee must act. As per my traumatic experience with the irrational Adjudicator, who put me under too much stress and contributed to the present dilapidation of the building by penalizing me for requesting QLD legislation to be implemented, I would say "To decide according to QLD legislation" that in many cases as the maintenance of the building is clear: *the building must be maintained*.
5. 94 C: it is my opinion and I mentioned it few times to the Department of Justice and QUT BCCM Review that the defendant must pay for the cost of an Adjudication Order if they are guilty of breaching a bylaw – QLD legislation. I am based in my stressful situation to try to live in a clean, well maintained building where the bylaws are enforced for the benefit of everybody. It becomes too expensive to keep on submitting adjudication

orders. The culprit must reimburse the applicant. They usually will have at least one or two opportunities to remedy the matter. No excuses after that.

6. 132 A: Education and informative service: All owners and tenants MUST be aware of their rights as well as their OBLIGATIONS as soon as they buy or rent a property. As per my negative experience, many tenants and owners think they DO NOT HAVE OBLIGATIONS.
7. Clause 24-6 Notice of committee meeting: It must clearly detail all the subjects that will be discussed at the meeting. As per my negative experience, in the last 4 years there was not a list of matters to discuss, just the general matters as "owners motions", "budget" and "levies". In the last committee meeting in November 2021 the dishonest committee members (4 remain at present but only 2 were present at the meeting, one that lives on site and an investor from Sydney). Both of them agreed with our corrupt managers (that they brought to the body corp) to adulterate the statement of accounts and to "steal" my payment of 6 levies for around \$ 6,000. The matter is with the police for investigation and I am working in engaging a lawyer.

Furthermore I have already suggested that due to what happened to me, not only back in November 2021, but previously, any meeting must be video recorded. Today technology allows and it would be clear to see what the committee or the committee as owners at general meeting have discussed. The minutes are FALSE IN OUR CASE. The managers and committee members are accomplices to benefit themselves as well as other parties ( [REDACTED] in our case, I have reported both to the police).

8. Clause 32 and 33: Act reasonable is too ample as I have described in point 3).
9. Clause 36: If a long term owner is passing through a difficult time they should be allowed to make small levy payments for the period of time that the difficult situation is lasting. Refer to my point 1), I explained we had to pay large amount of levies for a job that did not work and to fix the units of 4 owners being 3 investors from Melbourne and Sydney. When a long term owner requested to make small levy payments, not only the dishonest and corrupt committee rejected the proposition but started debt recovery. It is not fair to pay large amount of levies to accommodate some of the owners and then be badly treated when another one cannot afford to pay in full at one given time.
10. Clause 37: Section 177. Give a copy of the committee meeting. Refer to my point 7). The minutes can be false as it happens in my Body Corp. The manager adjusts the minutes according on what she want the owners to know. For the reason explained above the meetings must be audio recorded and publish on the managers' portal.
11. Clause 38: If an owner nominated himself or herself for two executive positions, at the time of the general meeting to give one of the positions if an owner wants to be in the committee. Again I can talk for my experience. About 4 years ago I wanted to be back in the committee as Treasurer to control the expenses but the dishonest committee members did not agree because I nominated for the AGM and not before September 30. If I would have nominated at due time it would have been the same because they DID

NOT WANT ME IN THE COMMITTEE. They would have voted for the same person to be Secretary and Treasurer. At present there is only one committee member on site who holds the 3 executive positions and 3 investors from Melbourne and Sydney as ordinary members. I do not need to describe the mess we live in at present including fraud and stealing that the police is investigating.

Any owner that wants to be in the committee, and above all, lives on site, must have the chance to be in the committee. Having investors in the committee is of no use. They only benefited over the years with works done in their units and their tenants who keep on breaching the bylaws (one of them breaching the parking bylaw since January 2020 and even intimidated me for taking a picture of his car. Again THEY DO NOT HAVE OBLIGATIONS!!

Thank you for reading my correspondence.

Kind regards,

Maria Duffy

[REDACTED]