

## Commissioner Foreword



Welcome to our October edition of Common Ground.

Our Common Ground article this month is designed to help you get to know your way around your community management statement (CMS). The CMS is an important document that informs you about your community titles scheme, by providing you with information such as the by-laws you need to comply with and your portion of body corporate fees. It is a document that is often overlooked by purchasers as well as existing lot owners. Our article aims to give insights into what else you may find in this helpful document.

I would also like to take the opportunity to remind you about another of our valuable resources – our online training modules. Our self-paced online training modules are available free-of-charge and cover topics including:

- [role of the committee](#)
- [committee meetings](#)
- [general meetings](#)
- [financial management](#)
- [maintenance](#)

They also incorporate information about the new regulations that commenced on 1 March 2021. So if you are new to community living, recently elected to your body corporate committee or simply want a refresh on the regulation changes, it might be worthwhile taking a look. You can register to complete the training modules [here](#).

**Michelle Scott**  
Commissioner for Body Corporate and Community Management




## Getting to know your community management statement

All community titles schemes located in Queensland are created by registering a community management statement (CMS) with Titles Queensland, formerly the Queensland Land Titles Registry. If you want to know the rules for living in your body corporate (by-laws), who pays what towards the running and maintenance of your scheme, or if use of any common property is allocated to individual lots, you may want to get yourself a copy.

### **Community Management Statement**

The CMS is a document that establishes a body corporate once it is registered with Titles Queensland, along with a survey plan identifying the scheme land. The CMS document contains a number of parts and five schedules containing invaluable information that, when taken together with the *Body Corporate and Community Management Act 1997* (the Act) and regulations, provide for the operation and management of a scheme.



By referring to the CMS, those living, working and investing in community titles schemes can avoid conflict and help the body corporate run smoothly.

Importantly, the registered CMS must include, amongst other things:

- the identifying name for the scheme;
- its unique identifying number;
- the lot on plan;
- title reference from the scheme;
- the regulation module that applies to the scheme, and
  - a schedule of lot entitlements for the scheme (Schedule A),
  - explanation of the development of the scheme land (Schedule B),
  - scheme by-laws (Schedule C),
  - certain other details such as architectural codes (Schedule D), and
  - a description of lots that have been allocated exclusive use areas of common property (Schedule E).

### **What you can find in the CMS schedules**

#### **Lot entitlements (Schedule A)**

You may find referring to Schedule A of the CMS, which sets out the lot entitlements for each lot, especially helpful when deciding to buy a property in a community titles scheme. It will inform you about matters such as the proportion you will contribute towards the running costs of the body corporate and your share of voting rights, in some situations, and the value of your lot for rates and other government charges, compared with other lot owners. Each owner needs to pay their share.

The schedule of lot entitlements is first set by the developer and actually comprises two parts: a 'contribution schedule' and an 'interest schedule'. Each owner needs to pay their share of expenses, such as maintenance and body corporate manager fees, in accordance with their contribution schedule lot entitlements as well as the value of your vote in some types of body corporate decisions. Interest schedule lot entitlements on the other hand, will help you work out your share of the common property and body corporate assets if the scheme were to end. In some cases, the interest schedule of lot entitlements is also used to determine your share of the insurance levies and council rates.


#### **Explanation of development of scheme land (Schedule B)**

A developer may plan to develop the scheme in stages. If this is the case, Schedule B of the CMS will contain concept drawings and other information to assist you to understand the future development proposed. As new lots are developed, although the grand total of lot entitlements remains the same, the costs will be shared between a greater number of lots. The committee may also approve the lodgment of a new CMS to reflect this progression of the development over time.

Schedule B will also help you identify whether your body corporate is part of a layered scheme. An example of a layered scheme is where a number of bodies corporate are created and located inside the boundary of a larger scheme; therefore sharing associated costs and certain benefits of facilities like additional parking, gyms and restaurants.

#### **By-laws (Schedule C)**

By-laws are the rules for living in a particular community titles scheme. They assist the body corporate to manage the overall appearance of the lots and common property and to provide those living in the scheme with peaceful use and enjoyment of their lot and common property.



For example, a by-law may require owners to seek prior approval from the body corporate before bringing their pet onto the scheme land, or before installing an air conditioning unit to a common property wall.

If a by-law is registered in the CMS it can be enforced by the body corporate.

### **Other details (Schedule D)**

Other details that may be included in Schedule D include easements relevant to the scheme. In a community titles scheme, an easement can exist in either a lot or common property, giving rights to enter or use another lot or common property. Additionally, a statutory easement may exist, automatically creating rights for the party that the easement benefits.

In particular, a statutory easement may exist for accessing various elements such as common walls, a shared roof, wiring and guttering, or a building next to a boundary, where it is not possible to maintain the building without entering the adjacent lot or common property. Services location diagrams, such as electricity and the sewer, may also be included showing the location of these easements. Schedule D of a CMS includes any statutory easements for community titles schemes and, if for certain schemes registered under a standard format plan, other types of easements

Other details that may be found in Schedule D include architectural codes and landscaping requirements. These requirements are in addition to the body corporate by-laws and may dictate the type of fencing, house size or colour scheme owners can have.

### **Exclusive use by-laws (Schedule E)**

An exclusive use by-law is a specific type of by-law that, unlike the by-laws found in Schedule C that apply for the benefit of everyone in the scheme, apply only for the benefit of a particular lot. Often exclusive use by-laws will, for example, grant rights to use a particular common property car park to an owner or occupier. When exclusive use is granted over common property, details of this, and a plan showing the area involved, will be included in Schedule E.

### **Obtaining a copy of the CMS**

Information about how to obtain a copy of the latest CMS for a community titles scheme is available by contacting Titles Queensland.

Each time the body corporate makes a decision in relation to certain matters such as scheme by-laws that will change the CMS, a new CMS must be lodged with Titles Queensland within three months. This ensures that the most up-to-date information is available to those that wish to purchase a copy. A CMS has no effect until it is registered with Titles Queensland.

If you are considering buying a property in a community titles scheme, you may also consider conducting a search of body corporate records such as minutes of previous general meetings to confirm whether the copy of the CMS you have obtained from Titles Queensland is about to change.

As the CMS provides information and answers to many body corporate questions, knowing in advance what is expected of you and the body corporate will make for better community living.



## Standard format plan maintenance webinar

If you missed it earlier this year, or would like to see it again, our webinar about standard format plan maintenance has now been uploaded to our website. The transcript and Q&A are also available.

[Standard format plan maintenance](#)



## Previous editions of Common Ground

You can access all previous editions of Common Ground and manage your subscription details by clicking the link below.

[Previous editions](#)

### Body Corporate and Community Management

[www.qld.gov.au/bodycorporate](http://www.qld.gov.au/bodycorporate)

1800 060 119

The material presented in this publication is distributed by the Queensland Government for information only and is subject to change without notice. The Queensland Government disclaims all responsibility and liability (including liability in negligence) for all expenses, losses, damages and costs incurred as a result of the information being inaccurate or incomplete in any way and for any reason. © State of Queensland (Department of Justice and Attorney-General) 2013