

The Office of the Commissioner for Body Corporate and Community Management

The new
Standard Module Regulation
2020

‘Committee membership’



Regulation changes

The BCCM regulations were remade on 29 September 2020 and will come into effect on 1 March 2021

Committee membership

Co-owners and representatives
Deeming committee membership
Electronic voting on ballot
Calling from the floor
Chapter 3 Part 5 engagement
Receiving benefits
Removing committee members

expiring

Co-owners can be on the committee depending on how they are nominated

Example – expiring module



Bill and Rachel Brown
Co-owners Lot 3



Joan Smith
Owner Lot 4

Bill nominates
Rachel as Rachel is
his family member

Joan doesn't want to be
on the committee, but
nominates Bill as he is
the owner of lot 3

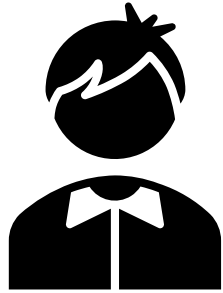
Both Bill and Rachel are
elected to the committee even
though they own only one lot

new

Co-owners, family members of owners and a power of attorney given by an owner can only be elected to the committee in 2 situations:

- the minimum number of committee members (3) has not been reached
- they own more than one lot

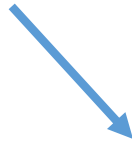
Example – new module



Bill and Rachel Brown
Co-owners of Lot 3



Bill nominates himself as
chair person based on
ownership of lot 3



Bill and Rachel Brown
Co-owners of Lot 5



Rachel nominates herself
as secretary based on
ownership of lot 5



Both Bill and Rachel are
elected to the committee as
they own 2 lots in the scheme

expiring

There is no clarity about committee membership in a scheme of 3 or more lots with only 3 owners. An election would have occurred at the AGM



new

When there are 3 or more lots in the scheme and only 3 owners, the committee consists of the 3 individuals who decide which of the executive positions they wish to hold.

If they can't decide they are held jointly

NEW Minor committee

A committee formed under section 13, subsection 4, 5 and 6 (schemes of 3 or less owners)

expiring

No provision to vote electronically for a committee ballot including a secret ballot



new

The body corporate can by ordinary resolution approve electronic voting for a secret ballot and open ballot.

More clarification has been provided on the system for electronic voting

NEW Maximum number

- if the community titles scheme includes 7 or more lots then the maximum number is 7
- if the community titles scheme includes fewer than 7 lots—the maximum number equals the number of lots
- if the scheme includes 7 or more lots, and it is a principal scheme in a layered arrangement of community title schemes, and the body corporate decides by ordinary resolution that the number of members of the committee must be greater than 7 but not more than 12—the number decided by the body corporate

expiring

There is no compulsion to call from the floor when the committee has reached the 'minimum' number of 3



new

The chairperson must call from the floor to attempt to make up committee membership to the 'maximum number'

expiring

A secret ballot is required to engage a body corporate manager under Chapter 3 Part 5



new

The body corporate may vote by ordinary resolution to have an open ballot to appoint a body corporate manager under Chapter 3 Part 5 instead of a secret ballot

expiring

There is no provision that deals with committee members receiving benefits



new

Committee members are prohibited from receiving a direct or indirect benefit from a caretaking service contractor or service contractor unless authorised by ordinary resolution or unless the benefit is the supply of, or payment for:

- a letting agent business service conducted by the contractor, or
- a service the body corporate has engaged the contractor to provide or
- a service the owner of a lot has engaged the contractor to provide at market price.

Removing committee members

Clarification has been provided about the removal of committee members. The module provides clear distinction between removal by ordinary resolution and removal for a breach of the code of conduct.

Contact us

Phone: 1800 060 119 (free call back service)

Online enquiry: www.qld.gov.au/bodycorporatequestion

Website: www.qld.gov.au/bodycorporate

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