

The Office of the Commissioner for Body Corporate and Community Management

The new
Standard Module Regulation
2020



Body Corporate and Community Management

Regulation changes

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

Topics

Committee membership

Committee meetings

General meetings

Disclosure of benefits

Insurance

Administrative matters

Building defect report

Committee membership

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

expiring

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



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

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 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.

Committee meetings

Submitting motions

Making timely decisions

Attending in person

Attendance by representative

Debtor members

VOC

expiring

There is no specific provision for a member of the body corporate to submit a motion for consideration of the committee



new

An owner can submit a motion to the secretary personally, by post or electronically, to be considered by the committee, if they want the body corporate to make a decision

expiring

There is no specific provision about the time frame for considering owners motions



new

The committee has 6 weeks to consider a motion (the **decision period**).

If the committee needs more time they must advise the owner in writing, they must not take longer than another 6 weeks

expiring

There is no specific provision about how a member of the committee attends a committee meeting 'in person'



new

Makes it more clear that all members of the committee may attend a committee meeting by electronic means with permission of the committee e.g. by videoconference.

This also extends to lot owners and their representatives

expiring

Lot owners can attend committee meetings however there is no provision for lot owners' representatives to attend



new

Extends the right of attendance at committee meetings to lot owner representatives that are recorded on the body corporate roll or have evidence the lot owner has asked them to attend and in what capacity

expiring

A committee member is eligible to vote at a meeting of the committee even if they owe a body corporate debt



new

A committee member who owes a body corporate debt, or who was nominated by an entity that owes a body corporate debt, is a ***debtor member*** and ineligible to vote at a committee meeting, or for a vote outside a committee meeting

expiring

No timeframe is provided for committee members to respond to a vote outside a committee meeting (VOC)



new

Committee members must vote on a VOC within 21 days of the notice being given.

The motion can be deemed as passed at any time within the 21 days if there are a majority of votes received *for* the motion.

If insufficient votes to determine the motion are not received within 21 days the motion is taken to have not been agreed to

General meetings

Submitting motions for first AGM
Documents provided for first AGM
Group of same-issue motions
Explanatory schedule
Quorum
Power of attorney
Electronic voting

expiring

No provision regarding owners submitting motions for the **first** AGM



new

A motion submitted by a member of the body corporate prior to the **first** AGM must be included on the agenda if it is practicable

expiring

Specific documents must be given at the first AGM by the developer



new

Additional documents must now be provided in hard copy and electronic form to ensure they can be easily accessed and archived

expiring

Motions about the same issue are combined into a 'motion with alternatives' prepared by the committee



new

2 or more motions submitted proposing different ways of dealing with the same issue must be listed as 'original motions' together on the agenda of the general meeting as a 'group of same-issue motions'.

An explanatory schedule must accompany the motion

expiring

Explanatory material must be provided for a 'motion with alternatives'



new

There must be an explanatory schedule for a 'group of same-issue motions'. The regulation specifies what must be included

expiring

Quorum is prescribed as 25% of voters present and either 1 or 2 voters personally present depending on the size of the scheme



new

Allows the body corporate to change how a quorum at a general meeting is calculated and the number of voters that must be present personally, by special resolution. Also allows presence electronically

expiring

No restrictions on the number of power of attorneys a person can use



new

A person may only vote as a representative for more than one owner if

- the owner of each lot is the same person
- for each lot the representative is a family member of the lot owner
- power of attorney is given by a buyer (under section 211 or 219 of the Act)

expiring

A member of the body corporate can vote electronically



new

The body corporate can decide by ordinary resolution to allow voters to vote electronically. More clarification has been provided on the system for electronic voting

Disclosure of benefits

expiring

Before a body corporate makes a decision to enter into a contract, including a contract of insurance, a body corporate manager and a caretaking service contractor for the scheme is required to disclose any associated commission, payment or other benefit



new

In addition, if the benefit is monetary they must now disclose the amount they are entitled to receive

Insurance

expiring

Restriction on the committee approving the renewal of the annual building insurance due to committee spending limit



new

The committee can spend over its spending limit if it decides the spending is necessary to put in place a relevant policy of insurance, or to renew an existing relevant policy of insurance, unless it is a restricted issue. Must disclose use of a broker at AGM

Administrative matters

Address for service

Sending notices

Serving documents to secretary

Owners providing information for roll

Body corporate updating roll

expiring

No provision to provide an email address as an owner's address for service.



new

An owner can now provide an email address as part of their address for service for the body corporate roll

expiring

Documents are sent to the owners address for service by post



new

An owner can enter into an agreement with the body corporate about how particular documents or information may be given to the owner (for example through a file sharing service)

expiring

Documents are served to the secretary e.g. nominations forms, voting papers



new

The requirement of an owner to give a document or information to the secretary is satisfied if it is given to a body corporate manager who is authorised by the body corporate to exercise some or all of the powers of the secretary

expiring

An owner or mortgagee of the lot has 2 months to provide the body corporate with certain information



new

The time for updating details for the body corporate roll is now reduced to 1 month

expiring

There is no time frame for the body corporate to update the roll after it receives the information from a lot owner



new

The body corporate must record information required to be on the body corporate roll within 14 days after receiving the information

Building defect report

expiring

There is no requirement to obtain a defect assessment report



new

The second AGM agenda must contain a motion proposing the engagement of an appropriately qualified person to prepare a defect assessment report on the building/s the body corporate is responsible for insuring.

The body corporate for schemes registered under a standard format plan of subdivision with stand alone buildings can set up a voluntary defect assessment plan.

Contact us

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