

The Office of the Commissioner for Body Corporate and Community Management

The new
Standard Module Regulation
2020

General meetings



Body Corporate and Community Management

Regulation changes

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

General meetings

Submitting motions for first AGM

Documents provided for first AGM

Group of same issue motions & explanatory schedule

Quorum

Power of attorney

Minutes

Electronic voting

Including administrative matters, disclosure of benefits
and building defect report

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.

new

- a development approval if one was required
- the scheme's community management statement
- copies of documents relating to any claim made against a policy of insurance taken out by the original owner for the body corporate
- any fire and evacuation plan required under the *Fire and Emergency Services Act 1990*
- any contracts or agreements for the supply of utility services to the body corporate
- any documents relating to warranties for: buildings or improvements forming part of scheme land; common property plant and equipment; and any other body corporate asset
- any proxy form under which the original owner is the proxy for an owner of a lot
- of any document under which the original owner derives representative capacity for an owner of a lot

expiring

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



new

Two 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.

Group of same-issue motions – flow chart

2 or more motions proposing alternative ways of dealing with the same issue are listed on the general meeting agenda under the title of 'group of same issue motions'

A voter casts a vote for or against one or more of the original motions

The votes are counted to see if each original motion passes. If a motion passes it becomes a 'qualifying motion'

If there is only 1 qualifying motion this motion becomes the body corporate's decision

If there is more than 1 qualifying motion, count the votes in favour of each motion

If a motion receives the highest number of votes in favour, it becomes the body corporate's decision

If 2 or more motions have the equal highest number of votes in favour, count the votes against each motion

If a motion received the fewest number of votes against the motion, it becomes the body corporate's decision

If more than 1 motion has equal highest number of votes in favour and equal highest number of votes against, the decision is made by chance e.g. toss of a coin

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.

Explanatory schedule

Must include the following:

- title of the group as shown on the agenda
- a list of each notion (the original motion) that is part of the group
- each original motion as it was submitted
- an explanatory note about each motion given by the original submitter of the motion not longer than 300 words
- an explanatory note about how to vote, how the votes are counted and decided

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.

expiring

The chairperson can rule a motion out of order at a general meeting.



new

The chairperson can rule a motion out of order at a general meeting.

Full and accurate minutes includes the reason for ruling a motion out of order.

Administrative matters

Address for service

Sending notices to owners

Serving documents to the 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 given 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.

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.

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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