The Office of the Commissioner for Body Corporate and Community Management

The new Standard Module Regulation 2020

General meetings





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



new

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

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.



new

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

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



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

committee.

new

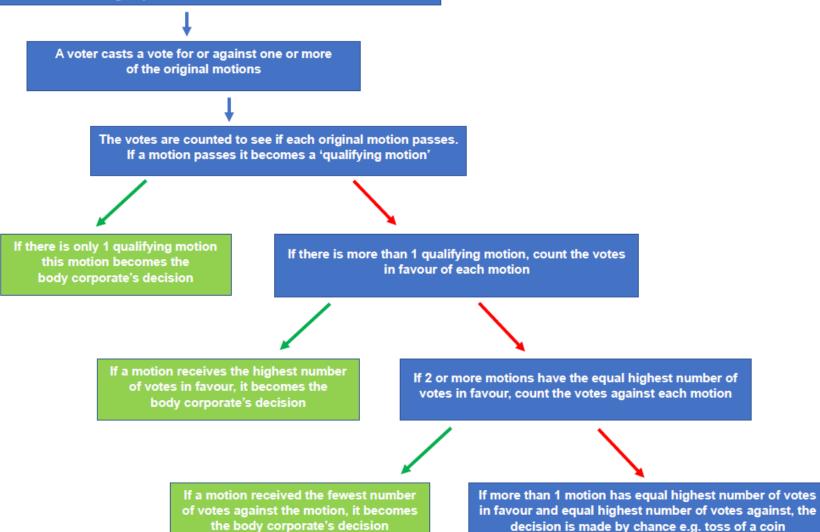
Two or more motions submitted proposing different ways of dealing with the same issue must be listed as 'original motions' together on the agenda of the general meeting as a 'group of same-issue motions'.

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'





new

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

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



new

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

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.



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)



new

A member of the body corporate can vote electronically.

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.



new

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

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



new

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

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



new

Documents are sent to the owners address for service by post.

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).



new

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

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.

new

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

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

new

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

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

new

There is no requirement to obtain a defect assessment report.

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

Phone: 1800 060 119 (free call back service)

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

Website: www.qld.gov.au/bodycorporate

Shortened URL: www.qld.gov.au/bodycorp-regchanges



