



Queensland

Body Corporate and Community Management and Other Legislation Amendment Regulation 2023

Subordinate Legislation 2023 No. ...

made under the

Body Corporate and Community Management Act 1997

Building Units and Group Titles Act 1980

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Body Corporate and Community Management and Other Legislation Amendment
Regulation 2023

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Part 1 Preliminary

1 Short title

This regulation may be cited as the *Body Corporate and Community Management and Other Legislation Amendment Regulation 2023*.

2 Commencement

This regulation commences on [insert date].

Part 2 Amendment of Body Corporate and Community Management (Accommodation Module) Regulation 2020

3 Regulation amended

This part amends the *Body Corporate and Community Management (Accommodation Module) Regulation 2020*.

4 Amendment of s 222 (Fee for information given to interested persons—Act, s 205 [SM, s 233])

(1) Section 222(2), ‘section 205(4) of the Act’—

omit, insert—

section 205(5) of the Act

(2) Section 222(2), ‘body corporate information certificate under the subsection’—

omit, insert—

body corporate certificate

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5 Insertion of new s 222A

After section 222—

insert—

222A Matters that must be included in approved form for body corporate certificate—Act, s 205AAA [SM, s 233A]

For section 205AAA(a) of the Act, the following matters are prescribed—

- (a) details of the lot, including—
 - (i) whether the lot is a standard format lot, building format lot or volumetric format lot; and
 - (ii) the lot number and plan number;
- (b) details of the scheme, including—
 - (i) the name of the scheme; and
 - (ii) the regulation module applying to the scheme; and
 - (iii) the name and contact details of each person who is responsible for keeping body corporate records; and
 - (iv) the name and contact details of any body corporate manager for the scheme;
- (c) annual contributions fixed by the body corporate as payable by the owner of the lot;
- (d) special contributions fixed by the body corporate as payable by the owner of the lot;
- (e) discounts that apply to the payment of contributions;
- (f) penalties that apply to the payment of contributions;

- (g) other amounts associated with ownership of the lot that are payable to the body corporate;
- (h) the interest schedule lot entitlement for the lot;
- (i) the contribution schedule lot entitlement for the lot;
- (j) any of the following amounts owed to the body corporate by the owner of the lot—
 - (i) a contribution or an instalment of a contribution;
 - (ii) a penalty for not paying a contribution or an instalment of a contribution by the date for payment;
 - (iii) another amount associated with ownership of the lot;
- (k) the body corporate's sinking fund;
- (l) the insurance held by the body corporate;
- (m) any engagement by the body corporate of a person as a caretaking service contractor for the scheme;
- (n) any authorisation by the body corporate of a person to conduct a letting agent business for the scheme;
- (o) whether a building management statement under the *Land Title Act 1994* applies to the lot;
- (p) improvements on common property for which a person will become responsible if the person becomes the owner of the lot;
- (q) each body corporate asset that is required to be recorded on a register the body corporate keeps.

Part 3 **Amendment of Body Corporate
and Community Management
(Commercial Module)
Regulation 2020**

6 **Regulation amended**

This part amends the *Body Corporate and Community Management (Commercial Module) Regulation 2020*.

7 **Amendment of s 179 (Fee for information given to
interested persons—Act, s 205 [SM, s 233])**

(1) Section 179(2), ‘section 205(4) of the Act’—

omit, insert—

section 205(5) of the Act

(2) Section 179(2), ‘body corporate information certificate under the subsection’—

omit, insert—

body corporate certificate

8 **Insertion of new s 179A**

After section 179—

insert—

**179A Matters that must be included in approved
form for body corporate certificate—Act, s
205AAA [SM, s 233A]**

For section 205AAA(a) of the Act, the following matters are prescribed—

(a) details of the lot, including—

(i) whether the lot is a standard format lot, building format lot or volumetric format lot; and

- (ii) the lot number and plan number;
- (b) details of the scheme, including—
 - (i) the name of the scheme; and
 - (ii) the regulation module applying to the scheme; and
 - (iii) the name and contact details of each person who is responsible for keeping body corporate records; and
 - (iv) the name and contact details of any body corporate manager for the scheme;
- (c) annual contributions fixed by the body corporate as payable by the owner of the lot;
- (d) special contributions fixed by the body corporate as payable by the owner of the lot;
- (e) discounts that apply to the payment of contributions;
- (f) penalties that apply to the payment of contributions;
- (g) other amounts associated with ownership of the lot that are payable to the body corporate;
- (h) the interest schedule lot entitlement for the lot;
- (i) the contribution schedule lot entitlement for the lot;
- (j) any of the following amounts owed to the body corporate by the owner of the lot—
 - (i) a contribution or an instalment of a contribution;
 - (ii) a penalty for not paying a contribution or an instalment of a contribution by the date for payment;

- (iii) another amount associated with ownership of the lot;
- (k) the body corporate's sinking fund;
- (l) the insurance held by the body corporate;
- (m) any engagement by the body corporate of a person as a caretaking service contractor for the scheme;
- (n) any authorisation by the body corporate of a person to conduct a letting agent business for the scheme;
- (o) whether a building management statement under the *Land Title Act 1994* applies to the lot;
- (p) improvements on common property for which a person will become responsible if the person becomes the owner of the lot;
- (q) each body corporate asset that is required to be recorded on a register the body corporate keeps.

Part 4 **Amendment of Body Corporate
and Community Management
(Small Schemes Module)
Regulation 2020**

9 **Regulation amended**

This part amends the *Body Corporate and Community Management (Small Schemes Module) Regulation 2020*.

10 **Amendment of s 148 (Fee for information given to
interested persons—Act, s 205 [SM, s 233])**

- (1) Section 148(2), 'section 205(4) of the Act'—

omit, insert—

section 205(5) of the Act

- (2) Section 148(2), ‘body corporate information certificate under the subsection’—

omit, insert—

body corporate certificate

11 Insertion of new s 148A

After section 148—

insert—

148A Matters that must be included in approved form for body corporate certificate—Act, s 205AAA [SM, s 233A]

For section 205AAA(a) of the Act, the following matters are prescribed—

- (a) details of the lot, including—
 - (i) whether the lot is a standard format lot, building format lot or volumetric format lot; and
 - (ii) the lot number and plan number;
- (b) details of the scheme, including—
 - (i) the name of the scheme; and
 - (ii) the regulation module applying to the scheme; and
 - (iii) the name and contact details of each person who is responsible for keeping body corporate records; and
 - (iv) the name and contact details of any body corporate manager for the scheme;

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- (c) annual contributions fixed by the body corporate as payable by the owner of the lot;
- (d) special contributions fixed by the body corporate as payable by the owner of the lot;
- (e) discounts that apply to the payment of contributions;
- (f) penalties that apply to the payment of contributions;
- (g) other amounts associated with ownership of the lot that are payable to the body corporate;
- (h) the interest schedule lot entitlement for the lot;
- (i) the contribution schedule lot entitlement for the lot;
- (j) any of the following amounts owed to the body corporate by the owner of the lot—
 - (i) a contribution or an instalment of a contribution;
 - (ii) a penalty for not paying a contribution or an instalment of a contribution by the date for payment;
 - (iii) another amount associated with ownership of the lot;
- (k) the body corporate's sinking fund;
- (l) the insurance held by the body corporate;
- (m) whether a building management statement under the *Land Title Act 1994* applies to the lot;
- (n) improvements on common property for which a person will become responsible if the person becomes the owner of the lot;

- (o) each body corporate asset that is required to be recorded on a register the body corporate keeps.

Part 5

Amendment of Body Corporate and Community Management (Specified Two-lot Schemes Module) Regulation 2011

12 Regulation amended

This part amends the *Body Corporate and Community Management (Specified Two-lot Schemes Module) Regulation 2011*.

13 Amendment of s 73 (Fee for information given to interested persons—Act, s 205)

- (1) Section 73(2), ‘section 205(4) of the Act’—
omit, insert—

section 205(5) of the Act

- (2) Section 73(2), ‘body corporate information certificate under the subsection’—
omit, insert—

body corporate certificate

14 Insertion of new s 73A

After section 73—
insert—

73A Matters that must be included in approved form for body corporate certificate—Act, s 205AAA

For section 205AAA(a) of the Act, the following

matters are prescribed—

- (a) details of the lot, including—
 - (i) whether the lot is a standard format lot, building format lot or volumetric format lot; and
 - (ii) the lot number and plan number;
- (b) details of the scheme, including—
 - (i) the name of the scheme; and
 - (ii) the regulation module applying to the scheme; and
 - (iii) the name and contact details of each person who is responsible for keeping body corporate records; and
 - (iv) the name and contact details of any body corporate manager for the scheme;
- (c) the interest schedule lot entitlement for the lot;
- (d) the contribution schedule lot entitlement for the lot;
- (e) the body corporate's sinking fund, if any;
- (f) the insurance held by the body corporate;
- (g) whether a building management statement under the *Land Title Act 1994* applies to the lot;
- (h) improvements on common property for which a person will become responsible if the person becomes the owner of the lot;
- (i) contributions, or other amounts associated with ownership of the lot, owing by the lot's owner for which a person will become liable if the person becomes the owner of the lot;

- (j) lot owner agreements that will be binding on a person if the person becomes the owner of the lot;
- (k) accounts kept with a financial institution by the body corporate;
- (l) each body corporate asset with a value of more than \$1,000.

Part 6

Amendment of Body Corporate and Community Management (Standard Module) Regulation 2020

15 Regulation amended

This part amends the *Body Corporate and Community Management (Standard Module) Regulation 2020*.

16 Amendment of s 233 (Fee for information given to interested persons—Act, s 205)

- (1) Section 233(2), ‘section 205(4) of the Act’—

omit, insert—

section 205(5) of the Act

- (2) Section 233(2), ‘body corporate information certificate under the subsection’—

omit, insert—

body corporate certificate

17 Insertion of new s 233A

After section 233—

insert—

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233A Matters that must be included in approved form for body corporate certificate—Act, s 205AAA

For section 205AAA(a) of the Act, the following matters are prescribed—

- (a) details of the lot, including—
 - (i) whether the lot is a standard format lot, building format lot or volumetric format lot; and
 - (ii) the lot number and plan number;
- (b) details of the scheme, including—
 - (i) the name of the scheme; and
 - (ii) the regulation module applying to the scheme; and
 - (iii) the name and contact details of each person who is responsible for keeping body corporate records; and
 - (iv) the name and contact details of any body corporate manager for the scheme;
- (c) annual contributions fixed by the body corporate as payable by the owner of the lot;
- (d) special contributions fixed by the body corporate as payable by the owner of the lot;
- (e) discounts that apply to the payment of contributions;
- (f) penalties that apply to the payment of contributions;
- (g) other amounts associated with ownership of the lot that are payable to the body corporate;
- (h) the interest schedule lot entitlement for the lot;

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- (i) the contribution schedule lot entitlement for the lot;
 - (j) any of the following amounts owed to the body corporate by the owner of the lot—
 - (i) a contribution or an instalment of a contribution;
 - (ii) a penalty for not paying a contribution or an instalment of a contribution by the date for payment;
 - (iii) another amount associated with ownership of the lot;
 - (k) the body corporate's sinking fund;
 - (l) the insurance held by the body corporate;
 - (m) any engagement by the body corporate of a person as a caretaking service contractor for the scheme;
 - (n) any authorisation by the body corporate of a person to conduct a letting agent business for the scheme;
 - (o) whether a building management statement under the *Land Title Act 1994* applies to the lot;
 - (p) improvements on common property for which a person will become responsible if the person becomes the owner of the lot;
 - (q) each body corporate asset that is required to be recorded on a register the body corporate keeps.

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Part 7 **Amendment of Building Units
and Group Titles Regulation
2008**

18 **Regulation amended**

This part amends the *Building Units and Group Titles Regulation 2008*.

19 **Insertion of new s 10A**

After section 10—

insert—

**10A Matters that must be included in approved
form for body corporate certificate—Act, s
40AA**

For section 40AA(5)(a) of the Act, the following matters relating to a lot are prescribed—

- (a) details of the lot, including—
 - (i) whether the lot is shown on a building units plan or a group titles plan; and
 - (ii) the lot number and plan number;
- (b) details of the plan, including—
 - (i) the name of the building or parcel endorsed on the plan; and
 - (ii) the number of the plan;
- (c) the name and contact details of the secretary of the body corporate;
- (d) the name and contact details of any body corporate manager for the body corporate;
- (e) amounts associated with ownership of the lot that are payable to the body corporate,

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- including amounts payable under a by-law under the Act, section 30(7);
- (f) contributions determined by the body corporate under the Act, section 38A(1), (2), (3) and (5);
 - (g) an amount determined under the Act, section 38A(4);
 - (h) any unpaid amount of—
 - (i) an amount payable under a by-law under the Act, section 30(7); or
 - (ii) an amount recoverable under the Act, section 33(3) or (4); or
 - (iii) a contribution levied under the Act, section 38B; or
 - (iv) a contribution levied under the Act, section 124(2); or
 - (v) another amount associated with ownership of the lot that is payable to the body corporate;
 - (i) the lot entitlement of every lot the subject of the plan;
 - (j) the aggregate lot entitlement for the plan;
 - (k) any arrangement entered into between the body corporate and another entity for the conduct of a business by the entity of letting lots on behalf of proprietors;
 - (l) any arrangement that is—
 - (i) entered into between the body corporate and an entity who has entered into an arrangement mentioned in paragraph (k); and

- (ii) for the entity to carry out maintenance and repair for which the body corporate is responsible;
- (m) the by-laws in force for the plan;
- (n) the body corporate's sinking fund;
- (o) the insurance held by the body corporate.

20 Amendment of sch 3 (Fees)

Schedule 3, part 2, item 8, 'section 40(1)(c) of the Act'—
omit, insert—
section 40AA(2) of the Act

ENDNOTES

- 1 Made by the Governor in Council on [Made by Governor Date].
- 2 Notified on the Queensland legislation website on [Notification Date].
- 3 The administering agency is the Department of Justice and Attorney-General.

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