

The Office of the Commissioner for Body Corporate and Community Management

Body Corporate Legislation 2019

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Body Corporate and Community Management



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<https://www.justice.qld.gov.au/community-engagement/community-consultation>

Committee membership

Now

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

Proposed

Co-owners and spouses of owners can only be elected to the committee in 2 situations

Committee membership

Now

There is no compulsion to call from the floor when you reach the minimum number of 3

Proposed

Chairperson must call from the floor to attempt to make up committee membership to 7

Committee membership

Now

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

Proposed

Body Corporate may vote by ordinary resolution to have an open ballot to appoint a body corporate manager under Chapter 3 Part 5

Committee meetings

Now

No obligation on the committee to make a timely decision on an owner's motion.

Proposed

If a body corporate member submits a motion to the secretary, the committee must **as soon as reasonably practicable** include the motion at the next committee meeting or decide the motion by VOC

Committee meetings

Now

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

Proposed

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

Committee meetings

Now

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

Proposed

Extend 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.

Committee meetings

Now

Committee members can vote if they owe a body corporate debt during their term of office.

Proposed

A voting member of the committee cannot vote personally or by proxy if they owe a body corporate debt during their term of office or their nominating entity owes a body corporate debt.

Committee meetings

Now

No timeframe provided for committee members to respond to a vote outside a committee meeting

Proposed

- 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 for the motion.
- If sufficient votes to determine the motion are not received within 21 days the motion is taken to have not been agreed to.

General meetings

Now

No clarity on how to deal with motions with alternatives where the different alternatives require a different resolution type.

Proposed

The resolution required to pass the motion with alternatives is determined by the type of resolution required to pass the alternative that receives the highest number of votes

General meetings

Now

No specific provision which makes the committee approve the agenda for the AGM.

Proposed

Require the committee to approve the agenda for each general meeting.

General meetings

Now

Quorum is prescribed by legislation

Proposed

- Allow the body corporate to change how a quorum at a general meeting is calculated and the number of voters that must be present, by special resolution.
- Clarify how owners who owe a body corporate debt and who own multiple lots are considered when counting a quorum.

General meetings

Now

No restriction on how many powers of attorney one individual can use

Proposed

A person may only vote as a representative for more than one owner if the person is a member of the lot owner's family

(Unless the power of attorney is given to the original owner under a contract of sale.)

Insurance

Now

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

Proposed

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.

Administration

Now

Only some notices can be sent electronically.
Does not include general or committee meeting notices.

Proposed

Modernise communication enabling documents, notices or other information given under the Act to be emailed provided an email address is a part of an owner's address for service.

Administration

Now

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

Proposed

The time for updating details for the body corporate roll will be reduced to 1 month.

Administration

Now

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

Proposed

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

New Buildings

Proposed

The developer is to provide at the first AGM:

- A five year administrative fund forecast
- A copy of the CMS
- Copies of any warranties
- Building and maintenance contracts
- A fire safety plan

New Buildings

Proposed

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

What does this mean for you?

- Body corporate record keeping:
 - Transparency
 - Openness
 - An “interested person”
- Joint decision-making:
 - Individuals don’t make arbitrary decisions
- Acting in everyone’s interests

What does this mean for you?

- Participation
 - If someone is putting up their hand...encourage and welcome it!
- Reasonableness:
 - Making reasonable decisions
 - Acting reasonably
 - What is “reasonable”??

Contact us & Questions?

Phone: 1800 060 119 (free call back service)

Online enquiry:

www.qld.gov.au/bodycorporatequestion

Website: www.qld.gov.au/bodycorporate

Search Adjudicators' Orders:

<http://www.austlii.edu.au/cgi-bin/viewdb/au/cases/qld/QBCCMCmr/>



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