



Queensland

# **Body Corporate and Community Management Amendment Bill 2009**





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# Body Corporate and Community Management Amendment Bill 2009

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**2009**

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**A Bill**

for

**An Act to amend the Body Corporate and Community  
Management Act 1997**

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	<b>The Parliament of Queensland enacts—</b>	1
<b>Clause 1</b>	<b>Short title</b>	2
	This Act may be cited as the <i>Body Corporate and Community Management Amendment Act 2009</i> .	3 4
<b>Clause 2</b>	<b>Act amended</b>	5
	This Act amends the <i>Body Corporate And Community Management Act 1997</i> .	6 7
<b>Clause 3</b>	<b>Replacement of s 212 (Cancellation for not complying with basic requirements)</b>	8 9
	Section 212—	10
	<i>omit, insert—</i>	11
<b>‘212</b>	<b>Provision about settlement taken to be included in contract</b>	12 13
	‘(1) This section applies to a contract entered into by a person (the <i>seller</i> ) with another person (the <i>buyer</i> ) for the sale to the buyer of a lot intended to come into existence as a lot included in a community titles scheme when the scheme is established or changed.	14 15 16 17 18
	‘(2) The contract is taken to include a term (the <i>deemed term</i> ) providing that, despite any other term of the contract, settlement must not take place earlier than 14 days after the seller gives advice to the buyer that the scheme has been established or changed.	19 20 21 22 23
	‘(3) The deemed term has priority over any other term of the contract relating to settlement.	24 25
	‘(4) Without limiting subsection (3), any notice the seller gives to the buyer is void to the extent it is inconsistent with the deemed term.	26 27 28

<b>'212A Buyer may cancel if there is no proposed community management statement</b>	1 2
'(1) This section applies to a contract entered into by a person with another person (the <i>buyer</i> ) for the sale to the buyer of a lot intended to come into existence as a lot included in a community titles scheme when the scheme is established or changed.	3 4 5 6 7
'(2) When the contract is entered into there must be a proposed community management statement for the scheme as established or changed.	8 9 10
'(3) The buyer may cancel the contract if—	11
(a) there has been a contravention of subsection (2); and	12
(b) the contract has not already been settled.'	13
 <b>Clause 4            Insertion of new ch 8, pt 6A</b>	 14
Chapter 8—	15
<i>insert—</i>	16
 <b>'Part 6A                            Transitional provision for Body Corporate and Community Management Amendment Act 2009</b>	 17 18 19 20
 <b>'362A Section 212 to have retrospective affect</b>	 21
'(1) Section 212, as inserted by the <i>Body Corporate and Community Management Amendment Act 2009</i> , (the <i>inserted section</i> ) applies, to the exclusion of existing section 212(1), to a contract mentioned in the inserted section whether entered into before or after the commencement.	22 23 24 25 26
'(2) Subject to subsection (3), subsection (1) applies for all purposes (including a legal proceeding started but not decided before the commencement).	27 28 29

[s 4]

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- ‘(3) Subsection (1)— 1
- (a) does not apply for the purpose of a contract settled 2  
before 5 June 2009; and 3
- (b) does not apply for the purpose of— 4
- (i) a contract that has, before 5 June 2009, been 5  
lawfully cancelled because the contract failed to 6  
make provision as required by existing section 7  
212(1); or 8
- (ii) a legal proceeding relating to the lawfulness of the 9  
cancellation; and 10
- (c) does not apply for the purpose of a legal proceeding 11  
decided before the commencement. 12
- ‘(4) In this section— 13
- commencement** means the commencement of this section. 14
- existing section 212(1)** means section 212(1) as in force 15  
before the commencement. 16
- legal proceeding**, in subsection (2), includes an appeal from a 17  
legal proceeding mentioned in subsection (3)(c).’ 18