



Queensland

Body Corporate and Community Management Regulation 2008

Explanatory Notes for SL 2008 No. 269

made under the

Body Corporate and Community Management Act 1997

Short title

Body Corporate and Community Management Regulation 2008

Authorising law

Section 322 of the *Body Corporate and Community Management Act 1997*

Policy objectives and reasons for the subordinate legislation

The *Body Corporate and Community Management Act 1997* provides for the establishment, operation and management of community titles schemes. The objects of the Act include the provision of an efficient and effective dispute resolution process for community titles schemes. This object is implemented through Chapter 6 of the Act, which provides a dispute resolution process and establishes the Office of the Commissioner for Body Corporate and Community Management for managing the dispute resolution process.

The policy objective of the *Body Corporate and Community Management Regulation 2008* (the regulation) is to support the provision of an efficient and effective dispute resolution process under the Act by prescribing fees payable for the dispute resolution process and providing administrative processes for the waiver of the fee for a dispute resolution application.

Under the *Statutory Instruments Act 1992*, subordinate legislation expires on 1 September after the tenth anniversary of its making or such extended period as is permitted under the Act. The *Body Corporate and Community Management Regulation 1997* was scheduled to expire on 1 September 2007. However, the date of expiry was extended to 31 August 2008. The regulation replaces the *Body Corporate and Community Management Regulation 1997*.

How the policy objectives will be achieved

The regulation will replace the *Body Corporate and Community Management Regulation 1997* and will prescribe fees payable for dispute resolution processes under the Act and provide administrative processes for the waiver of the fee for a dispute resolution application.

Consistency with authorising law

The regulation is consistent with the authorising law.

Benefits and costs of the legislation

An analysis of the costs and benefits of the regulation is contained in a Regulatory Impact Statement, released in February 2008.

Fundamental legislative principles

The regulation is consistent with fundamental legislative principles.

Consultation

A Regulatory Impact Statement assessing the impact of the regulation was released for consultation in February 2008.

Estimated cost of government implementation

Any implementation costs will be met from the Department of Justice and Attorney-General's existing budget allocations.

Notes on provisions

Clause 1 provides that the short title of the regulation is the *Body Corporate and Community Management Regulation 2008*.

Clause 2 provides for the regulation to commence on 30 August 2008.

Clause 3 provides that the fees payable under the Act are stated in the schedule.

Clause 4 provides that a person may apply to the commissioner in the approved form for waiver of the fee for a dispute resolution application. In relation to waiving payment of the fee, the clause also provides that the commissioner may, in deciding whether payment of the fee would cause an applicant who is an individual financial hardship, consider whether the applicant holds a concession card and require the applicant to provide documentary evidence to support the application.

Clause 5 repeals the *Body Corporate and Community Management Regulation 1997*.

The Schedule prescribes the fees payable under sections 238, 246 and 299 of the Act.

ENDNOTES

- 1 Laid before the Legislative Assembly on . . .
- 2 The administering agency is the Department of Justice and Attorney-General.

© State of Queensland 2008