



Queensland

Body Corporate and Community Management Legislation Amendment Regulation 2024

Subordinate Legislation 2024 No. 40

made under the

Body Corporate and Community Management Act 1997

Contents

		Page
Part 1	Preliminary	
1	Short title	9
2	Commencement	9
Part 2	Amendment of Body Corporate and Community Management (Accommodation Module) Regulation 2020	
3	Regulation amended	9
4	Amendment of s 50 (Submission for consideration of motions at committee meetings [SM, s 58])	9
5	Insertion of new ss 50A and 50B	10
	50A Submission for consideration of motions by committee—requests to keep or bring an animal on a lot or common property [SM, s 58A]	10
	50B Deciding requests for approval to keep or bring an animal on to a lot or common property—Act, s 169B(4) [SM, s 58B]	11
6	Amendment of s 61 (Voting on motion given outside committee meetings [SM, s 69])	12
7	Amendment of s 63 (Minutes and other records of committee [SM, s 71])	13
8	Insertion of new ss 72A and 72B	15
	72A General meetings—requirements about motions to decide requests to keep or bring an animal on to a lot or common property [SM, s 82A]	16

Contents

	72B	Decisions about requests for approval to keep or bring an animal on to a lot or common property—Act, s 169B(4) [SM, s 82B]	17
9		Amendment of s 84 (First annual general meeting [SM, s 94]) . .	17
10		Amendment of s 86 (Documents and materials to be given to body corporate at first annual general meeting [SM, s 96])	17
11		Amendment of s 174 (Disposal of interest in and leasing or licensing of common property—Act, s 154 [SM, s 184])	18
12		Amendment of s 175 (Easements over common property—Act, s 155 [SM, s 185])	19
13		Amendment of s 188 (Insurance of building including lots [SM, s 198])	20
14		Replacement of s 208 (Giving documents or information to lot owners or relevant persons generally [SM, s 218])	20
	208	Giving documents or information to lot owners or relevant persons—Act, s 315A [SM, s 218]	20
15		Insertion of new ss 222A–222C	21
	222A	Giving information to interested person—Act, s 205 [SM, s 233A]	21
	222B	Fee for information given to interested person (layered arrangement)—Act s 205AAB [SM, s 233B]	21
	222C	Giving information to interested person (layered arrangement)—Act, s 205AAB [SM, s 233C]	22
16		Amendment of s 224 (Return of body corporate property [SM, s 235])	22
17		Omission of ch 9, pt 5	23
18		Insertion of new ch 10, pt 2, div 3	23
	Division 3	Transitional provisions for Body Corporate and Community Management Legislation Amendment Regulation 2024	
	246	Definitions for part	23
	247	Motions or requests submitted before commencement	23
	248	Particular minutes and records of motions	24
	249	Disposal of interest in and leasing or licensing of common property—executed document	25
	250	Disposal of interest in and leasing or licensing of common property—unexecuted document	25
	251	Easements over common property—executed document	26
	252	Easements over common property—unexecuted document	27

	253	Original owner’s return of body corporate property— particular circumstances	27
Part 3		Amendment of Body Corporate and Community Management (Commercial Module) Regulation 2020	
19		Regulation amended	28
20		Amendment of s 22 (Submission for consideration of motions at committee meetings [SM, s 58])	28
21		Insertion of new ss 22A and 22B	29
	22A	Submission for consideration of motions by committee— requests to keep or bring an animal on a lot or common property [SM, s 58A]	29
	22B	Deciding requests for approval to keep or bring an animal on to a lot or common property—Act, s 169B(4) [SM, s 58B] 30	30
22		Amendment of s 33 (Voting on motion given outside committee meetings [SM, s 69])	30
23		Amendment of s 35 (Minutes and other records of committee [SM, s 71])	31
24		Insertion of new ss 39A and 39B	34
	39A	General meetings—requirements about motions to decide requests to keep or bring an animal on to a lot or common property [SM, s 82A]	34
	39B	Decisions about requests for approval to keep or bring an animal on to a lot or common property—Act, s 169B(4) [SM, s 82B]	36
25		Amendment of s 52 (First annual general meeting [SM, s 94]) . .	36
26		Amendment of s 54 (Documents and materials to be given to body corporate at first annual general meeting [SM, s 96])	36
27		Amendment of s 131 (Disposal of interest in and leasing or licensing of common property—Act, s 154 [SM, s 184])	36
28		Amendment of s 132 (Easements over common property—Act, s 155 [SM, s 185])	37
29		Amendment of s 145 (Insurance of building including lots [SM, s 198])	38
30		Replacement of s 165 (Giving documents or information to lot owners or relevant persons generally [SM, s 218])	38
	165	Giving documents or information to lot owners or relevant persons—Act, s 315A [SM, s 218]	38
31		Insertion of new ss 179A–179C	39
	179A	Giving information to interested person—Act, s 205 [SM, s 233A]	39
	179B	Fee for information given to interested person (layered arrangement)—Act s 205AAB [SM, s 233B]	40

Contents

	179C	Giving information to interested person (layered arrangement)—Act, s 205AAB [SM, s 233C]	40
32		Amendment of s 181 (Return of body corporate property [SM, s 235])	41
33		Omission of ch 9, pt 5	41
34		Insertion of new ch 10, pt 2, div 3	41
	Division 3	Transitional provisions for Body Corporate and Community Management Legislation Amendment Regulation 2024	
	201	Definitions for part	41
	202	Motions or requests submitted before commencement	42
	203	Particular minutes and records of motions	42
	204	Disposal of interest in and leasing or licensing of common property—executed document	43
	205	Disposal of interest in and leasing or licensing of common property—unexecuted document	44
	206	Easements over common property—executed document	44
	207	Easements over common property—unexecuted document	45
	208	Original owner’s return of body corporate property—particular circumstances	45
Part 4		Amendment of Body Corporate and Community Management (Small Schemes Module) Regulation 2020	
35		Regulation amended	46
36		Amendment of s 19 (Submission for consideration of motions at committee meetings [SM, s 58])	46
37		Insertion of new ss 19A and 19B	47
	19A	Submission for consideration of motions by committee—requests to keep or bring an animal on a lot or common property [SM, s 58A]	47
	19B	Deciding requests for approval to keep or bring an animal on to a lot or common property—Act, s 169B(4) [SM, s 58B]	48
38		Amendment of s 23 (Minutes and other records of committee meetings [SM, s 71])	48
39		Insertion of new ss 32A and 32B	50
	32A	General meetings—requirements about motions to decide requests to keep or bring an animal on to a lot or common property [SM, s 82A]	51
	32B	Decisions about requests for approval to keep or bring an animal on to a lot or common property—Act, s 169B(4) [SM, s 82B]	52

40	Amendment of s 42 (First annual general meeting [SM, s 94]) . . .	52
41	Amendment of s 44 (Documents and materials to be given to body corporate at first annual general meeting [SM, s 96])	52
42	Amendment of s 103 (Disposal of interest in and leasing or licensing of common property—Act, s 154 [SM, s 184])	53
43	Amendment of s 104 (Easements over common property—Act, s 155 [SM, s 185])	54
44	Amendment of s 117 (Insurance of building including lots [SM, s 198])	55
45	Replacement of s 137 (Giving documents or information to lot owners or relevant persons generally [SM, s 218])	55
	137 Giving documents or information to lot owners or relevant persons—Act, s 315A [SM, s 218]	55
46	Insertion of new ss 148A–148C	56
	148A Giving information to interested person—Act, s 205 [SM, s 233A]	56
	148B Fee for information given to interested person (layered arrangement)—Act s 205AAB [SM, s 233B]	57
	148C Giving information to interested person (layered arrangement)—Act, s 205AAB [SM, s 233C]	57
47	Amendment of s 150 (Return of body corporate property [SM, s 235])	58
48	Omission of ch 9, pt 5	58
49	Insertion of new ch 10, pt 2, div 3	58
	Division 3 Transitional provisions for Body Corporate and Community Management Legislation Amendment Regulation 2024	
	169 Definitions for part	58
	170 Motions or requests submitted before commencement	59
	171 Particular minutes and records of motions	59
	172 Disposal of interest in and leasing or licensing of common property—executed document	60
	173 Disposal of interest in and leasing or licensing of common property—unexecuted document	61
	174 Easements over common property—executed document	61
	175 Easements over common property—unexecuted document	62
	176 Original owner’s return of body corporate property—particular circumstances	62

Part 5 Amendment of Body Corporate and Community Management

Contents

	(Specified Two-lot Schemes Module) Regulation 2011	
50	Regulation amended	63
51	Amendment of s 33 (Disposal of interest in and leasing or licensing of common property—Act, s 154)	63
52	Amendment of s 34 (Easements over common property—Act, s 155)	64
53	Amendment of s 49 (Insurance of building including lots)	64
54	Replacement of s 61C (Giving documents or information to lot owners or relevant persons generally)	64
	61C Giving documents or information to lot owners or relevant persons—Act, s 315A	64
55	Amendment of s 67 (Documents and materials to be given to body corporate by original owner)	65
56	Insertion of new s 73A	65
	73A Giving information to interested person—Act, s 205	65
57	Amendment of s 75 (Return of body corporate property)	65
58	Omission of ch 7, pt 5	66
59	Insertion of new ch 8, pt 3	66
	Part 3 Transitional provision for Body Corporate and Community Management Legislation Amendment Regulation 2024	
	86 Disposal of interest in and leasing or licensing of common property—executed document	66
	87 Disposal of interest in and leasing or licensing of common property—unexecuted document	67
	88 Easements over common property—executed document	67
	89 Easements over common property—unexecuted document	68
	90 Original owner’s return of body corporate property—particular circumstances	68
Part 6	Amendment of Body Corporate and Community Management (Standard Module) Regulation 2020	
60	Regulation amended	69
61	Amendment of s 58 (Submission for consideration of motions at committee meetings)	69
62	Insertion of new ss 58A and 58B	70
	58A Submission for consideration of motions by committee—requests to keep or bring an animal on a lot or common property	70
	58B Deciding requests for approval to keep or bring an animal on	

	a lot or common property—Act, s 169B(4)	71
63	Amendment of s 69 (Voting on motion given outside committee meetings)	71
64	Amendment of s 71 (Minutes and other records of committee)	73
65	Amendment of s 72 (Notice of opposition)	75
66	Amendment of s 73 (Giving effect to resolutions of committee meetings)	76
67	Insertion of new ss 82A and 82B	77
	82A General meetings—requirements about motions to decide requests to keep or bring an animal on to a lot or common property	77
	82B Decisions about requests for approval to keep or bring an animal on to a lot or common property—Act, s 169B(4)	78
68	Amendment of s 94 (First annual general meeting)	78
69	Amendment of s 96 (Documents and materials to be given to body corporate at first annual general meeting)	79
70	Amendment of s 184 (Disposal of interest in and leasing or licensing of common property—Act, s 154)	79
71	Amendment of s 185 (Easements over common property—Act, s 155)	80
72	Amendment of s 198 (Insurance of building including lots)	81
73	Replacement of s 218 (Giving documents or information to lot owners or relevant persons generally)	81
	218 Giving documents or information to lot owners or relevant persons—Act, s 315A	81
74	Insertion of new ss 233A–233C	82
	233A Giving information to interested person—Act, s 205	82
	233B Fee for information given to interested person (layered arrangement)—Act, s 205AAB	83
	233C Giving information to interested person (layered arrangement)—Act, s 205AAB	83
75	Amendment of s 235 (Return of body corporate property)	83
76	Omission of ch 9, pt 5	84
77	Insertion of new ch 10, pt 2, div 3	84
	Division 3 Transitional provisions for Body Corporate and Community Management Legislation Amendment Regulation 2024	
	257 Definitions for part	84
	258 Motions or requests submitted before commencement	85
	259 Particular minutes and records of motions	85

Contents

260	Disposal of interest in and leasing or licensing of common property—executed document	86
261	Disposal of interest in and leasing or licensing of common property—unexecuted document	87
262	Easements over common property—executed document	87
263	Easements over common property—unexecuted document	88
264	Original owner’s return of body corporate property—particular circumstances	88

Part 1 Preliminary

1 Short title

This regulation may be cited as the *Body Corporate and Community Management Legislation Amendment Regulation 2024*.

2 Commencement

This regulation commences on 1 May 2024.

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 50 (Submission for consideration of motions at committee meetings [SM, s 58])

(1) Section 50, heading, after ‘meetings’—

insert—

—generally

(2) Section 50, before subsection (1)—

insert—

(1AA) This section does not apply in relation to a motion for consideration at a meeting of the committee if—

[s 5]

- (a) under a by-law for the community titles scheme a person must request the written approval of the body corporate or the committee in relation to the keeping or bringing of an animal on a lot or common property; and
 - (b) the motion is about whether to approve a request to keep or bring an animal on a lot or common property.
- (3) Section 50(2), ‘subsections (3) and (5)’—
omit, insert—
subsections (4) and (6)
- (4) Section 50(4), ‘subsection (3)(a) or (b)’—
omit, insert—
subsection (4)(a) or (b)
- (5) Section 50(6)(b), ‘subsection (2)(b)’—
omit, insert—
subsection (3)(b)
- (6) Section 50(1AA) to (6)—
renumber as section 50(1) to (7).

5 Insertion of new ss 50A and 50B

After section 50—

insert—

50A Submission for consideration of motions by committee—requests to keep or bring an animal on a lot or common property [SM, s 58A]

- (1) This section applies if—
- (a) under a by-law for a community titles scheme, a person must request the written approval of the body corporate or the

committee in relation to the keeping or bringing of an animal on a lot or common property; and

- (b) a decision in relation to the request may be made by the committee.

Note—

See section 72A for when a body corporate must decide a request at a general meeting.

- (2) The request must be in writing and given to the secretary or, in the secretary's absence, the chairperson.
- (3) The committee must decide the request—
 - (a) as a motion for consideration by the committee; and
 - (b) within the period prescribed under section 50B (the *prescribed period*).
- (4) If the committee does not decide the request within the prescribed period the committee is taken to have decided to approve the request (the *deemed decision*).
- (5) The committee must give the person written notice of—
 - (a) a decision made under subsection (3) as soon as practicable after the decision is made; or
 - (b) a deemed decision as soon as practicable after the prescribed period ends.

50B Deciding requests for approval to keep or bring an animal on to a lot or common property—Act, s 169B(4) [SM, s 58B]

For section 169B(4)(a) of the Act, for a decision of a committee, the prescribed period is within 21 days after the request is made to the committee.

6 Amendment of s 61 (Voting on motion given outside committee meetings [SM, s 69])

(1) Section 61(1)(b)—

omit, insert—

(b) given within—

- (i) for a motion that does not relate to a request for approval to keep or bring an animal on a lot or common property—21 days after the notice is given under section 60(2) (the *relevant period*); or
- (ii) for a motion that relates to a request for approval to keep or bring an animal on a lot or common property—21 days after the request was made to the committee (also the *relevant period*).

(2) Section 61(3)—

omit, insert—

(3) Also—

- (a) if the motion is a motion mentioned in subsection (1)(b)(i)—the motion is taken to have not been agreed to if, within the relevant period for the motion, a decision can not be made under subsection (2); and
 - (b) if the motion is a motion mentioned in subsection (1)(b)(ii)—the committee is taken to have decided to approve the request if, within the relevant period for the motion, a decision can not be made under subsection (2).
- (4) The committee must give the person who made the request written notice stating that the request is decided—

- (a) if the motion is decided under subsection (2)—as soon as practicable after the decision is made; or
- (b) if subsection (3)(b) applies—as soon as practicable after the relevant period ends.

7 Amendment of s 63 (Minutes and other records of committee [SM, s 71])

- (1) Section 63(4)(b)(iii), ‘section 50(5)’—
omit, insert—
section 50(6)
- (2) Section 63(6), definition *full and accurate minutes*, paragraph (d), ‘section 50(1)’—
omit, insert—
section 50(2)
- (3) Section 63(6), definition *full and accurate minutes*, paragraph (d)(iii), ‘section 50(5)’—
omit, insert—
section 50(6)
- (4) Section 63(6), definition *full and accurate minutes*, paragraph (d)(iv), ‘section 50(2)(b)’—
omit, insert—
section 50(3)(b)
- (5) Section 63(6), definition *full and accurate minutes*—
insert—
 - (da) for a motion in relation to a request for approval to keep or bring an animal on a lot or common property—
 - (i) the day the request was made to the committee; and

- (ii) if known—the details of the animal the subject of the request; and
 - (iii) if the motion was decided under section 50A and approval was given—any conditions imposed by the committee on the approval;
- (6) Section 63(6), definition *full and accurate minutes*, paragraphs (da) to (i)—
renumber as paragraphs (e) to (j).
- (7) Section 63(6), definition *record of motions*, paragraph (a)(ii), ‘section 50(5)’—
omit, insert—
section 50(6)
- (8) Section 63(6), definition *record of motions*, paragraph (a)(iii), ‘section 50(6)’—
omit, insert—
section 50(7)
- (9) Section 63(6), definition *record of motions*, paragraph (a)
insert—
 - (iv) taken to be agreed to under section 50A(4) or 61(3)(b).
- (10) Section 63(6), definition *record of motions*, paragraph (b), ‘section 50(1)’—
omit, insert—
section 50(2)
- (11) Section 63(6), definition *record of motions*, paragraph (b)(iv), ‘section 50(5)’—
omit, insert—
section 50(6)
- (12) Section 63(6), definition *record of motions*, paragraph (b)(v), ‘section 50(2)(b)’—

omit, insert—

section 50(3)(b)

(13) Section 63(6), definition *record of motions*—

insert—

(ba) for a motion in relation to a request for approval to keep or bring an animal on a lot or common property, that includes—

(i) the day the request was made to the committee; and

(ii) if known—the details of the animal the subject of the request; and

(iii) if the motion was decided under section 50A and approval was given—any conditions imposed by the committee on the approval; and

(14) Section 63(6), definition *record of motions*, paragraphs (ba) to (d)—

renumber as paragraphs (c) to (e).

(15) Section 63(6)—

insert—

details, of an animal, means the following information—

(a) the animal's species;

(b) if relevant—the breed of the animal;

(c) the animal's sex;

(d) the animal's name.

8 Insertion of new ss 72A and 72B

After section 72—

insert—

72A General meetings—requirements about motions to decide requests to keep or bring an animal on to a lot or common property [SM, s 82A]

- (1) This section applies if—
 - (a) under a by-law a person must make a request to a body corporate for written approval in relation to the keeping or bringing of an animal on a lot or common property; and
 - (b) a decision in relation to the request may be made only at a general meeting of the body corporate.
- (2) The request must be in writing and given to the secretary or, in the secretary's absence, the chairperson or, if the committee has not yet been chosen, the original owner.
- (3) The person to whom the request is made under subsection (2) must within 21 days after the request is made (the *relevant period*)—
 - (a) by notice given to each owner of a lot, call a general meeting of the body corporate; and
 - (b) include the request as a motion on the general meeting agenda.
- (4) If the motion is decided at the general meeting, the body corporate must give the person written notice of the decision as soon as practicable after the decision is made.
- (5) If either of the following occurs, the body corporate is taken to have decided to approve the request (a *deemed decision*)—
 - (a) a general meeting is not called within the relevant period;
 - (b) a general meeting is called within the relevant period but the body corporate does

not decide the request within the period prescribed under section 72B (the *prescribed period*).

- (6) The body corporate must give the person written notice of the deemed decision—
 - (a) if subsection (5)(a) applies, as soon as practicable after the relevant period ends; or
 - (b) if subsection (5)(b) applies, as soon as practicable after the prescribed period ends.
- (7) Also, the body corporate must include a record of the deemed decision in the minutes of the general meeting held immediately after the request is approved.

72B Decisions about requests for approval to keep or bring an animal on to a lot or common property—Act, s 169B(4) [SM, s 82B]

For section 169B(4)(a) of the Act, for a decision of a body corporate, the prescribed period is within 6 weeks after a notice is given under section 72A(3)(a).

9 Amendment of s 84 (First annual general meeting [SM, s 94])

Section 84(3)(i)—

omit.

10 Amendment of s 86 (Documents and materials to be given to body corporate at first annual general meeting [SM, s 96])

Section 86(1)(q)—

omit.

11 Amendment of s 174 (Disposal of interest in and leasing or licensing of common property—Act, s 154 [SM, s 184])

(1) Section 174(5)(a)—

omit, insert—

- (a) a relevant certificate certifying the transaction has been authorised under this section; and

(2) Section 174—

insert—

- (6A) If a lot is owned by 2 or more people, a requirement under this section for a lot owner to sign a relevant certificate is complied with if only 1 owner signs the relevant certificate.

(3) Section 174(7)—

insert—

relevant certificate means a certificate signed by—

- (a) if the resolution authorising the transaction under subsection (2) specifies a person who must sign the certificate—the person; or
- (b) otherwise—
 - (i) at least 2 members of the committee, 1 of whom must be the chairperson or secretary of the committee; or
 - (ii) if all the lots in the community titles scheme are in identical ownership—an owner or the representative of the owner; or
 - (iii) if the body corporate has engaged a body corporate manager under a chapter 3, part 5 engagement—
 - (A) the body corporate manager; and

- (B) 1 other person who is an owner of a lot included in the scheme or the representative of the owner.

representative, of an owner of a lot, means a person whose name is recorded on the body corporate's roll as the representative of the owner.

12 Amendment of s 175 (Easements over common property—Act, s 155 [SM, s 185])

- (1) Section 175(3)(a), from 'certified' to 'and'—

omit, insert—

signed by—

- (i) if the resolution, or resolutions, specify a person who must sign the copy of the resolution, or resolutions—the person; or
- (ii) otherwise—
- (A) at least 2 members of the committee, 1 of whom must be the chairperson or secretary of the committee; or
- (B) if all the lots in the community titles scheme are in identical ownership—an owner or the representative of the owner; or
- (C) if the body corporate has engaged a body corporate manager under a chapter 3, part 5 engagement—the body corporate manager and 1 other person who is an owner of a lot included in the scheme or the representative of the owner; and

- (2) Section 175—

insert—

- (4) If a lot is owned by 2 or more people, a requirement under this section for a lot owner to

[s 13]

sign a copy of a resolution, or resolutions, is complied with if only 1 owner signs the resolution, or resolutions.

(5) In this section—

representative, of an owner of a lot, means a person whose name is recorded on the body corporate's roll as the representative of the owner.

13 Amendment of s 188 (Insurance of building including lots [SM, s 198])

(1) Section 188(4)—

omit.

(2) Section 188(5) to 188(8)—

renumber as section 188(4) to (7).

14 Replacement of s 208 (Giving documents or information to lot owners or relevant persons generally [SM, s 218])

Section 208—

omit, insert—

208 Giving documents or information to lot owners or relevant persons—Act, s 315A [SM, s 218]

For section 315A of the Act—

- (a) if the document or information is given under sections 153(3)(a), 209 to 211, 222A or 222C the way stated in the section is prescribed; or
- (b) otherwise—the following ways are prescribed—
 - (i) delivering it to the owner, or relevant person, personally;
 - (ii) sending it to the owner's, or relevant person's, address for service;

- (iii) if an agreement exists between the owner, or relevant person, and the body corporate that provides for the owner, or relevant person, to nominate another way for the document or information to be given—in accordance with the agreement.

Example of a nominated way of receiving documents for subparagraph (iii)—

A lot owner nominates that a body corporate may give the owner a document by sending the owner written instructions on how the owner may access and download a document from an online file-sharing website.

15 Insertion of new ss 222A–222C

After section 222—

insert—

222A Giving information to interested person—Act, s 205 [SM, s 233A]

For section 205(2)(b)(ii) of the Act, the prescribed way is—

- (a) by post; or
- (b) by delivering it to the person personally.

222B Fee for information given to interested person (layered arrangement)—Act s 205AAB [SM, s 233B]

(1) For section 205AAB(2) of the Act—

- (a) the prescribed fee for inspecting the records is—
 - (i) if the person inspecting the records is the owner of a lot included in another

- scheme that is included in the layered arrangement—18.25 fee units; or
- (ii) if the body corporate for another scheme that is included in the layered arrangement is inspecting the records—18.25 fee units; or
 - (iii) if the person inspecting the records is not a person mentioned in subparagraph (i) or (ii)—35.10 fee units; and
- (b) the prescribed fee for obtaining a copy of a record kept by the body corporate is 0.65 fee units for each page supplied.
- (2) Section 222(5) applies for working out the amount of a fee under this section.

**222C Giving information to interested person
(layered arrangement)—Act, s 205AAB [SM, s
233C**

For section 205AAB(2)(b)(ii) of the Act, the prescribed way is—

- (a) by post; or
- (b) by delivering it to the person personally.

**16 Amendment of s 224 (Return of body corporate property
[SM, s 235])**

- (1) Section 224(1)(a)(iii)—
omit.
- (2) Section 224(1)(b)—
insert—
- (iii) an original owner; and
- (3) Section 224(3), ‘or (iii)’—

omit.

17 Omission of ch 9, pt 5

Chapter 9, part 5—

omit.

18 Insertion of new ch 10, pt 2, div 3

Chapter 10—

insert—

**Division 3 Transitional provisions for
Body Corporate and
Community Management
Legislation Amendment
Regulation 2024**

246 Definitions for part

In this part—

former, for a provision of this regulation, means the provision as in force from time to time before the commencement.

new, for a provision of this regulation, means the provision as in force from the commencement.

247 Motions or requests submitted before commencement

(1) This section applies if—

- (a) before the commencement, a motion or a request was submitted for consideration to a body corporate or a committee in relation to keeping or bringing an animal on a lot or common property; and

- (b) immediately before the commencement, the motion has not been decided.
- (2) If the body corporate or the committee considers the motion after the commencement, the motion must be decided under the former regulation.
- (3) In this section—
former regulation means this regulation as in force immediately before the commencement.

248 Particular minutes and records of motions

- (1) This section applies in relation to a motion or a request in relation to keeping or bringing an animal on a lot or common property—
 - (a) submitted for consideration to the committee before the commencement; and
 - (b) in relation to which, on the commencement—
 - (i) a decision or deemed decision has not yet been made; or
 - (ii) a decision or deemed decision has been made but communication by the secretary of the decision or deemed decision has not yet occurred.
- (2) Former section 63 continues to apply to the minutes and other records in relation to the motion or request.
- (3) In this section—
communication by the secretary, in relation to a decision or deemed decision of a committee, means the secretary giving a copy of the full and accurate minutes of the meeting at which the decision was made, or a copy of the record of motions that records the deemed decision, to each person who must be given a copy under former

section 63.

deemed decision, in relation to a decision about keeping or bringing an animal on a lot or common property, means a decision taken not to be agreed to by the committee.

full and accurate minutes see former section 63(6).

minutes and other records, of a committee, means the full and accurate minutes and the records of motions for the committee.

record of motions see former section 63(6).

249 Disposal of interest in and leasing or licensing of common property—executed document

- (1) This section applies if—
 - (a) before the commencement, a body corporate had executed a document to certify that the disposal of an interest in or the leasing or licensing of common property of a body corporate (a ***transaction***) had been authorised as required under former section 174(5)(a); and
 - (b) immediately before the commencement, an instrument (the ***instrument***) had not been lodged for registration under the *Land Title Act 1994* to give effect to the transaction.
- (2) Former section 174 continues to apply to the documents that must accompany the instrument lodged for registration under the *Land Title Act 1994*.

250 Disposal of interest in and leasing or licensing of common property—unexecuted document

- (1) This section applies if—

- (a) before the commencement, a disposal of an interest in or the leasing or licensing of common property of a body corporate (a ***transaction***) was authorised or otherwise permitted under former section 174; and
 - (b) immediately before the commencement, the body corporate had not executed a document to certify the transaction as required under former section 174(5)(a).
- (2) New section 174 applies to the documents that must accompany the instrument lodged for registration under the *Land Title Act 1994* to give effect to the transaction.

251 Easements over common property—executed document

- (1) This section applies if—
- (a) before the commencement, a body corporate had, under former section 175—
 - (i) authorised a transaction in relation to common property (the ***transaction***); and
 - (ii) certified a copy of a resolution, or resolutions, in relation to the transaction; and
 - (b) immediately before the commencement, an instrument (the ***instrument***) had not been lodged for registration under the *Land Title Act 1994* to give effect to the transaction.
- (2) Former section 175 continues to apply to the documents that must accompany the instrument lodged for registration under the *Land Title Act 1994*.

252 Easements over common property—unexecuted document

- (1) This section applies if—
 - (a) before the commencement, a grant or surrender of an easement over or affecting common property (a *transaction*) was authorised under former section 175; and
 - (b) immediately before the commencement, the body corporate had not certified a copy of a resolution, or resolutions, authorising the transaction under former section 175(3)(a).
- (2) New section 175 applies to the documents that must accompany the instrument lodged for registration under the *Land Title Act 1994* to give effect to the transaction.

253 Original owner's return of body corporate property—particular circumstances

- (1) This section applies if, before the commencement, an original owner—
 - (a) was, under former section 86, required to provide documents and materials to a body corporate; and
 - (b) had not provided the documents or materials.
- (2) New section 224 does not apply to the original owner.

Part 3

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

19 Regulation amended

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

20 Amendment of s 22 (Submission for consideration of motions at committee meetings [SM, s 58])

- (1) Section 22, heading, after ‘meetings’—

insert—

—generally

- (2) Section 22, before subsection (1)—

insert—

(1AA) This section does not apply in relation to a motion for consideration at a meeting of the committee if—

- (a) under a by-law for the community titles scheme a person must request the written approval of the body corporate or the committee in relation to the keeping or bringing of an animal on a lot or common property; and
- (b) the motion is about whether to approve a request to keep or bring an animal on a lot or common property.

- (3) Section 22(2), ‘subsections (3) and (5)’—

omit, insert—

subsections (4) and (6)

-
- (4) Section 22(4), ‘subsection (3)(a) or (b)’—
omit, insert—
subsection (4)(a) or (b)
- (5) Section 22(6)(b), ‘subsection (2)(b)’—
omit, insert—
subsection (3)(b)
- (6) Section 22(1AA) to (6)—
renumber as section 22(1) to (7).

21 Insertion of new ss 22A and 22B

After section 22—

insert—

22A Submission for consideration of motions by committee—requests to keep or bring an animal on a lot or common property [SM, s 58A]

- (1) This section applies if—
- (a) under a by-law for a community titles scheme, a person must request the written approval of the body corporate or the committee in relation to the keeping or bringing of an animal on a lot or common property; and
 - (b) a decision in relation to the request may be made by the committee.

Note—

See section 39A for when a body corporate must decide a request at a general meeting.

- (2) The request must be in writing and given to the secretary or, in the secretary’s absence, the chairperson.
- (3) The committee must decide the request—

- (a) as a motion for consideration by the committee; and
 - (b) within the period prescribed under section 22B (the *prescribed period*).
- (4) If the committee does not decide the request within the prescribed period the committee is taken to have decided to approve the request (the *deemed decision*).
- (5) The committee must give the person written notice of—
- (a) a decision made under subsection (3) as soon as practicable after the decision is made; or
 - (b) a deemed decision as soon as practicable after the prescribed period ends.

22B Deciding requests for approval to keep or bring an animal on to a lot or common property—Act, s 169B(4) [SM, s 58B]

For section 169B(4)(a) of the Act, for a decision of a committee, the prescribed period is within 21 days after the request is made to the committee.

22 Amendment of s 33 (Voting on motion given outside committee meetings [SM, s 69])

- (1) Section 33(1)(b)—

omit, insert—

- (b) given within—
 - (i) for a motion that does not relate to a request for approval to keep or bring an animal on a lot or common property—21 days after the notice is given under section 32(2) (the *relevant period*); or

-
- (ii) for a motion that relates to a request for approval to keep or bring an animal on a lot or common property—21 days after the request was made to the committee (also the *relevant period*).
- (2) Section 33(3)—
omit, insert—
- (3) Also—
- (a) if the motion is a motion mentioned in subsection (1)(b)(i)—the motion is taken to have not been agreed to if, within the relevant period for the motion, a decision can not be made under subsection (2); and
 - (b) if the motion is a motion mentioned in subsection (1)(b)(ii)—the committee is taken to have decided to approve the request if, within the relevant period for the motion, a decision can not be made under subsection (2).
- (4) The committee must give the person who made the request written notice stating that the request is decided—
- (a) if the motion is decided under subsection (2)—as soon as practicable after the decision is made; or
 - (b) if subsection (3)(b) applies—as soon as practicable after the relevant period ends.

23 Amendment of s 35 (Minutes and other records of committee [SM, s 71])

- (1) Section 35(4)(b)(iii), from ‘section 22(5)’ to ‘subsection 22(5) applies’—

omit, insert—

section 22(6) applies—the day the committee

decided the subsection applies

- (2) Section 35(6), definition *full and accurate minutes*, paragraph (d), ‘section 22(1)’—

omit, insert—

section 22(2)

- (3) Section 35(6), definition *full and accurate minutes*, paragraph (d)(iii), ‘section 22(5)’—

omit, insert—

section 22(6)

- (4) Section 35(6), definition *full and accurate minutes*, paragraph (d)(iv), ‘section 22(2)(b)’—

omit, insert—

section 22(3)(b)

- (5) Section 35(6), definition *full and accurate minutes*—

insert—

(da) for a motion in relation to a request for approval to keep or bring an animal on a lot or common property—

(i) the day the request was made to the committee; and

(ii) if known—the details of the animal the subject of the request; and

(iii) if the motion was decided under section 22A and approval was given—any conditions imposed by the committee on the approval;

- (6) Section 35(6), definition *full and accurate minutes*, paragraphs (da) to (i)—

renumber as paragraphs (e) to (j).

- (7) Section 35(6), definition *record of motions*, paragraph (a)(ii), ‘section 22(5)’—

omit, insert—

section 22(6)

- (8) Section 35(6), definition *record of motions*, paragraph (a)(iii), ‘section 22(6)’—

omit, insert—

section 22(7)

- (9) Section 35(6), definition *record of motions*, paragraph (a)

insert—

(iv) taken to be agreed to under section 22A(4) or 33(3)(b).

- (10) Section 35(6), definition *record of motions*, paragraph (b), ‘section 22(1)’—

omit, insert—

section 22(2)

- (11) Section 35(6), definition *record of motions*, paragraph (b)(iv), ‘section 22(5)’—

omit, insert—

section 22(6)

- (12) Section 35(6), definition *record of motions*, paragraph (b)(v), ‘section 22(2)(b)’—

omit, insert—

section 22(3)(b)

- (13) Section 35(6), definition *record of motions—*

insert—

(ba) for a motion in relation to a request for approval to keep or bring an animal on a lot or common property, that includes—

- (i) the day the request was made to the committee; and

- (ii) if known—the details of the animal the subject of the request; and
 - (iii) if the motion was decided under section 22A and approval was given—any conditions imposed by the committee on the approval; and
- (14) Section 35(6), definition *record of motions*, paragraphs (ba) to (d)—
renumber as paragraphs (c) to (e).
- (15) Section 35(6)—
insert—

details, of an animal, means the following information—

- (a) the animal’s species;
- (b) if relevant—the breed of the animal;
- (c) the animal’s sex;
- (d) the animal’s name.

24 Insertion of new ss 39A and 39B

After section 39—

insert—

39A General meetings—requirements about motions to decide requests to keep or bring an animal on to a lot or common property [SM, s 82A]

- (1) This section applies if—
 - (a) under a by-law a person must make a request to a body corporate for written approval in relation to the keeping or bringing of an animal on a lot or common property; and

- (b) a decision in relation to the request may be made only at a general meeting of the body corporate.
- (2) The request must be in writing and given to the secretary or, in the secretary's absence, the chairperson or, if the committee has not yet been chosen, the original owner.
- (3) The person to whom the request is made under subsection (2) must within 21 days after the request is made (the *relevant period*)—
 - (a) by notice given to each owner of a lot, call a general meeting of the body corporate; and
 - (b) include the request as a motion on the general meeting agenda.
- (4) If the motion is decided at the general meeting, the body corporate must give the person written notice of the decision as soon as practicable after the decision is made.
- (5) If either of the following occurs, the body corporate is taken to have decided to approve the request (a *deemed decision*)—
 - (a) a general meeting is not called within the relevant period;
 - (b) a general meeting is called within the relevant period but the body corporate does not decide the request within the period prescribed under section 39B (the *prescribed period*).
- (6) The body corporate must give the person written notice of the deemed decision—
 - (a) if subsection (5)(a) applies, as soon as practicable after the relevant period ends; or
 - (b) if subsection (5)(b) applies, as soon as practicable after the prescribed period ends.

- (7) Also, the body corporate must include a record of the deemed decision in the minutes of the general meeting held immediately after the request is approved.

39B Decisions about requests for approval to keep or bring an animal on to a lot or common property—Act, s 169B(4) [SM, s 82B]

For section 169B(4)(a) of the Act, for a decision of a body corporate, the prescribed period is within 6 weeks after a notice is given under section 39A(3)(a).

25 Amendment of s 52 (First annual general meeting [SM, s 94])

Section 52(3)(i)—
omit.

26 Amendment of s 54 (Documents and materials to be given to body corporate at first annual general meeting [SM, s 96])

Section 54(1)(q)—
omit.

27 Amendment of s 131 (Disposal of interest in and leasing or licensing of common property—Act, s 154 [SM, s 184])

- (1) Section 131(5)(a)—
omit, insert—

(a) a relevant certificate certifying the transaction has been authorised under this section; and

- (2) Section 131—
insert—

(6A) If a lot is owned by 2 or more people, a requirement under this section for a lot owner to sign a relevant certificate is complied with if only 1 owner signs the relevant certificate.

(3) Section 131(7)—

insert—

relevant certificate means a certificate signed by—

- (a) if the resolution authorising the transaction under subsection (2) specifies a person who must sign the certificate—the person; or
- (b) otherwise—
 - (i) at least 2 members of the committee, 1 of whom must be the chairperson or secretary of the committee; or
 - (ii) if all the lots in the community titles scheme are in identical ownership—an owner or the representative of the owner.

representative, of an owner of a lot, means a person whose name is recorded on the body corporate's roll as the representative of the owner.

28 **Amendment of s 132 (Easements over common property—Act, s 155 [SM, s 185])**

(1) Section 132(3)(a), from 'certified' to 'and'—

omit, insert—

signed by—

- (i) if the resolution, or resolutions, specify a person who must sign the copy of the resolution, or resolutions—the person; or

- (ii) at least 2 members of the committee, 1 of whom must be the chairperson or secretary of the committee; or
- (iii) if all the lots in the community titles scheme are in identical ownership—an owner or the representative of the owner; and

(2) Section 132—

insert—

- (4) If a lot is owned by 2 or more people, a requirement under this section for a lot owner to sign a copy of a resolution, or resolutions, is complied with if only 1 owner signs the resolution, or resolutions.

- (5) In this section—

representative, of an owner of a lot, means a person whose name is recorded on the body corporate's roll as the representative of the owner.

29 Amendment of s 145 (Insurance of building including lots [SM, s 198])

- (1) Section 145(4)—

omit.

- (2) Section 145(5) to 145(8)—

renumber as section 145(4) to (7).

30 Replacement of s 165 (Giving documents or information to lot owners or relevant persons generally [SM, s 218])

Section 165—

omit, insert—

165 Giving documents or information to lot owners or relevant persons—Act, s 315A [SM, s 218]

For section 315A of the Act—

-
- (a) if the document or information is given under sections 113(3)(a), 166 to 168, 179A or 179C—the way stated in the section is prescribed; or
 - (b) otherwise—the following ways are prescribed—
 - (i) delivering it to the owner, or relevant person, personally;
 - (ii) sending it to the owner's, or relevant person's, address for service;
 - (iii) if an agreement exists between the owner, or relevant person, and the body corporate that provides for the owner, or relevant person, to nominate another way for the document or information to be given—in accordance with the agreement.

Example of a nominated way of receiving documents for subparagraph (iii)—

A lot owner nominates that a body corporate may give the owner a document by sending the owner written instructions on how the owner may access and download a document from an online file-sharing website.

31 Insertion of new ss 179A–179C

After section 179—

insert—

179A Giving information to interested person—Act, s 205 [SM, s 233A]

For section 205(2)(b)(ii) of the Act, the prescribed way is—

- (a) by post; or
- (b) by delivering it to the person personally.

179B Fee for information given to interested person (layered arrangement)—Act s 205AAB [SM, s 233B]

- (1) For section 205AAB(2) of the Act—
 - (a) the prescribed fee for inspecting the records is—
 - (i) if the person inspecting the records is the owner of a lot included in another scheme that is included in the layered arrangement—18.25 fee units; or
 - (ii) if the body corporate for another scheme that is included in the layered arrangement is inspecting the records—18.25 fee units; or
 - (iii) if the person inspecting the records is not a person mentioned in subparagraph (i) or (ii)—35.10 fee units; and
 - (b) the prescribed fee for obtaining a copy of a record kept by the body corporate is 0.65 fee units for each page supplied.
- (2) Section 179(5) applies for working out the amount of a fee under this section.

179C Giving information to interested person (layered arrangement)—Act, s 205AAB [SM, s 233C]

For section 205AAB(2)(b)(ii) of the Act, the prescribed way is—

- (a) by post; or
- (b) by delivering it to the person personally.

32 Amendment of s 181 (Return of body corporate property [SM, s 235])

(1) Section 181(1)(a)(iii)—

omit.

(2) Section 181(1)(b)—

insert—

(iii) the original owner; and

(3) Section 181(3), ‘or (iii)’—

omit.

33 Omission of ch 9, pt 5

Chapter 9, part 5—

omit.

34 Insertion of new ch 10, pt 2, div 3

Chapter 10—

insert—

Division 3

**Transitional provisions for
Body Corporate and
Community Management
Legislation Amendment
Regulation 2024**

201 Definitions for part

In this part—

former, for a provision of this regulation, means the provision as in force from time to time before the commencement.

new, for a provision of this regulation, means the

provision as in force from the commencement.

202 Motions or requests submitted before commencement

- (1) This section applies if—
 - (a) before the commencement, a motion or a request was submitted for consideration to a body corporate or a committee in relation to keeping or bringing an animal on a lot or common property; and
 - (b) immediately before the commencement, the motion has not been decided.
- (2) If the body corporate or the committee considers the motion after the commencement, the motion must be decided under the former regulation.
- (3) In this section—

former regulation means this regulation as in force immediately before the commencement.

203 Particular minutes and records of motions

- (1) This section applies in relation to a motion or a request in relation to keeping or bringing an animal on a lot or common property—
 - (a) submitted for consideration to the committee before the commencement; and
 - (b) in relation to which, on the commencement—
 - (i) a decision or deemed decision has not yet been made; or
 - (ii) a decision or deemed decision has been made but communication by the secretary of the decision or deemed decision has not yet occurred.

(2) Former section 35 continues to apply to the minutes and other records in relation to the motion or request.

(3) In this section—

communication by the secretary, in relation to a decision or deemed decision of a committee, means the secretary giving a copy of the full and accurate minutes of the meeting at which the decision was made, or a copy of the record of motions that records the deemed decision, to each person who must be given a copy under former section 35.

deemed decision, in relation to a decision about keeping or bringing an animal on a lot or common property, means a decision taken not to be agreed to by the committee.

full and accurate minutes see former section 35(6).

minutes and other records, of a committee, means the full and accurate minutes and the records of motions for the committee.

record of motions see former section 35(6).

204 Disposal of interest in and leasing or licensing of common property—executed document

(1) This section applies if—

(a) before the commencement, a body corporate had executed a document to certify that the disposal of an interest in or the leasing or licensing of common property of a body corporate (a *transaction*) had been authorised as required under former section 131(5)(a); and

(b) immediately before the commencement, an instrument (the *instrument*) had not been

lodged for registration under the *Land Title Act 1994* to give effect to the transaction.

- (2) Former section 131 continues to apply to the documents that must accompany the instrument lodged for registration under the *Land Title Act 1994*.

205 Disposal of interest in and leasing or licensing of common property—unexecuted document

- (1) This section applies if—
 - (a) before the commencement, a disposal of an interest in or the leasing or licensing of common property of a body corporate (a *transaction*) was authorised or otherwise permitted under former section 131; and
 - (b) immediately before the commencement, the body corporate had not executed a document to certify the transaction as required under former section 131(5)(a).
- (2) New section 131 applies to the documents that must accompany the instrument lodged for registration under the *Land Title Act 1994* to give effect to the transaction.

206 Easements over common property—executed document

- (1) This section applies if—
 - (a) before the commencement, a body corporate had, under former section 132—
 - (i) authorised a transaction in relation to common property (the *transaction*); and

-
- (ii) certified a copy of a resolution, or resolutions, in relation to the transaction; and
 - (b) immediately before the commencement, an instrument (the *instrument*) had not been lodged for registration under the *Land Title Act 1994* to give effect to the transaction.
- (2) Former section 132 continues to apply to the documents that must accompany the instrument lodged for registration under the *Land Title Act 1994*.

207 Easements over common property—unexecuted document

- (1) This section applies if—
- (a) before the commencement, a grant or surrender of an easement over or affecting common property (a *transaction*) was authorised under former section 132; and
 - (b) immediately before the commencement, the body corporate had not certified a copy of a resolution, or resolutions, authorising the transaction under former section 132(3)(a).
- (2) New section 132 applies to the documents that must accompany the instrument lodged for registration under the *Land Title Act 1994* to give effect to the transaction.

208 Original owner's return of body corporate property—particular circumstances

- (1) This section applies if, before the commencement, an original owner—
- (a) was, under former section 54, required to provide documents and materials to a body corporate; and

- (b) had not provided the documents or materials.
- (2) New section 181 does not apply to the original owner.

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

35 **Regulation amended**

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

36 **Amendment of s 19 (Submission for consideration of motions at committee meetings [SM, s 58])**

- (1) Section 19, heading, after ‘meetings’—

insert—

—generally

- (2) Section 19, before subsection (1)—

insert—

(1AA) This section does not apply in relation to a motion for consideration at a meeting of the committee if—

- (a) under a by-law for the community titles scheme a person must request the written approval of the body corporate or the committee in relation to the keeping or bringing of an animal on a lot or common property; and

-
- (b) the motion is about whether to approve a request to keep or bring an animal on a lot or common property.
- (3) Section 19(2), ‘subsections (3) and (5)’—
omit, insert—
subsections (4) and (6)
- (4) Section 19(4), ‘subsection (3)(a) or (b)’—
omit, insert—
subsection (4)(a) or (b)
- (5) Section 19(6)(b), ‘subsection (2)(b)’—
omit, insert—
subsection (3)(b)
- (6) Section 19(1AA) to (6)—
renumber as section 19(1) to (7).

37 Insertion of new ss 19A and 19B

After section 19—

insert—

19A Submission for consideration of motions by committee—requests to keep or bring an animal on a lot or common property [SM, s 58A]

- (1) This section applies if—
- (a) under a by-law for a community titles scheme, a person must request the written approval of the body corporate or the committee in relation to the keeping or bringing of an animal on a lot or common property; and
- (b) a decision in relation to the request may be made by the committee.

Note—

See section 32A for when a body corporate must decide a request at a general meeting.

- (2) The request must be in writing and given to the secretary or, in the secretary's absence, the treasurer.
- (3) The committee must decide the request—
 - (a) as a motion for consideration by the committee; and
 - (b) within the period prescribed under section 19B (the *prescribed period*).
- (4) If the committee does not decide the request within the prescribed period the committee is taken to have decided to approve the request (the *deemed decision*).
- (5) The committee must give the person written notice of—
 - (a) a decision made under subsection (3) as soon as practicable after the decision is made; or
 - (b) a deemed decision as soon as practicable after the prescribed period ends.

19B Deciding requests for approval to keep or bring an animal on to a lot or common property—Act, s 169B(4) [SM, s 58B]

For section 169B(4)(a) of the Act, for a decision of a committee, the prescribed period is within 21 days after the request is made to the committee.

38 Amendment of s 23 (Minutes and other records of committee meetings [SM, s 71])

- (1) Section 23(1)(b), from 'taken'—

omit, insert—

taken to be not agreed to under section 19(7) or
taken to be agreed to under section 19A(4) is kept.

- (2) Section 23(4), definition *full and accurate minutes*, paragraph
(d), ‘section 19(1)’—

omit, insert—

section 19(2)

- (3) Section 23(4), definition *full and accurate minutes*, paragraph
(d)(iii), ‘section 19(5)’—

omit, insert—

section 19(6)

- (4) Section 23(4), definition *full and accurate minutes*, paragraph
(d)(iv), ‘section 19(2)(b)’—

omit, insert—

section 19(3)(b)

- (5) Section 23(4), definition *full and accurate minutes—*

insert—

(da) for a motion in relation to a request for
approval to keep or bring an animal on a lot
or common property—

(i) the day the request was made to the
committee; and

(ii) if known—the details of the animal the
subject of the request; and

(iii) if the motion was decided under
section 19A and approval was
given—any conditions imposed by the
committee on the approval;

- (6) Section 23(4), definition *full and accurate minutes*,
paragraphs (da) to (f)—

renumber as paragraphs (e) to (g).

- (7) Section 23(4), definition *record of motions*—
omit, insert—

record of motions means—

- (a) a record of each motion taken to be not agreed to under section 19(7) that includes the following information—
 - (i) the words of the motion;
 - (ii) the date the notice was submitted to the secretary;
 - (iii) the name of the member who submitted the motion; and
 - (b) if the motion is taken to be agreed to under section 19A(4), a record of each motion that includes the following information—
 - (i) the day the request was made to the committee;
 - (ii) if known—the details of the animal the subject of the request.
- (8) Section 23(4)—
insert—

details, of an animal, means the following information—

- (a) the animal's species;
- (b) if relevant—the breed of the animal;
- (c) the animal's sex;
- (d) the animal's name.

39 Insertion of new ss 32A and 32B

After section 32—

insert—

32A General meetings—requirements about motions to decide requests to keep or bring an animal on to a lot or common property [SM, s 82A]

- (1) This section applies if—
 - (a) under a by-law a person must make a request to a body corporate for written approval in relation to the keeping or bringing of an animal on a lot or common property; and
 - (b) a decision in relation to the request may be made only at a general meeting of the body corporate.
- (2) The request must be in writing and given to the secretary or, in the secretary's absence, the treasurer or, if the committee has not yet been chosen, the original owner.
- (3) The person to whom the request is made under subsection (2) must within 21 days after the request is made (the *relevant period*)—
 - (a) by notice given to each owner of a lot, call a general meeting of the body corporate; and
 - (b) include the request as a motion on the general meeting agenda.
- (4) If the motion is decided at the general meeting, the body corporate must give the person written notice of the decision as soon as practicable after the decision is made.
- (5) If either of the following occurs, the body corporate is taken to have decided to approve the request (a *deemed decision*)—
 - (a) a general meeting is not called within the relevant period;
 - (b) a general meeting is called within the relevant period but the body corporate does

[s 40]

not decide the request within the period prescribed under section 32B (the *prescribed period*).

- (6) The body corporate must give the person written notice of the deemed decision—
 - (a) if subsection (5)(a) applies, as soon as practicable after the relevant period ends; or
 - (b) if subsection (5)(b) applies, as soon as practicable after the prescribed period ends.
- (7) Also, the body corporate must include a record of the deemed decision in the minutes of the general meeting held immediately after the request is approved.

32B Decisions about requests for approval to keep or bring an animal on to a lot or common property—Act, s 169B(4) [SM, s 82B]

For section 169B(4)(a) of the Act, for a decision of a body corporate, the prescribed period is within 6 weeks after a notice is given under section 32A(3)(a).

40 Amendment of s 42 (First annual general meeting [SM, s 94])

Section 42(3)(h)—

omit.

41 Amendment of s 44 (Documents and materials to be given to body corporate at first annual general meeting [SM, s 96])

Section 44(1)(q)—

omit.

42 Amendment of s 103 (Disposal of interest in and leasing or licensing of common property—Act, s 154 [SM, s 184])

(1) Section 103(5)(a)—

omit, insert—

- (a) a relevant certificate certifying the transaction has been authorised under this section; and

(2) Section 103—

insert—

- (6A) If a lot is owned by 2 or more people, a requirement under this section for a lot owner to sign a relevant certificate is complied with if only 1 owner signs the relevant certificate.

(3) Section 103(7)—

insert—

relevant certificate means a certificate signed by—

- (a) if the resolution authorising the transaction under subsection (2) specifies a person who must sign the certificate—the person; or
- (b) otherwise—
 - (i) the secretary and treasurer of the committee; or
 - (ii) if 1 persons holds office as the secretary and treasurer of the committee—the person and 1 other person who is an owner of a lot included in the scheme or the representative of the owner; or
 - (iii) if all the lots in the community titles scheme are in identical ownership—an owner or the representative of the owner; or

- (iv) if the body corporate has engaged a body corporate manager under a chapter 3, part 5 engagement—
 - (A) the body corporate manager; and
 - (B) 1 other person who is an owner of a lot included in the scheme or the representative of the owner.

representative, of an owner of a lot, means a person whose name is recorded on the body corporate's roll as the representative of the owner.

43 Amendment of s 104 (Easements over common property—Act, s 155 [SM, s 185])

- (1) Section 104(3)(a), from 'certified' to 'and'—

omit, insert—

signed by—

- (i) if the resolution, or resolutions, specify a person who must sign the copy of the resolution, or resolutions—the person; or
- (ii) otherwise—
 - (A) the secretary and the treasurer of the committee; or
 - (B) if 1 person holds office as the secretary and treasurer of the committee—the person and 1 other person who is an owner of lot included in the scheme or the representative of the owner; or
 - (C) if all the lots in the community titles scheme are in identical ownership—an owner or the representative of the owner; or
 - (D) if the body corporate has engaged a body corporate manager under a chapter 3, part 5 engagement—the

body corporate manager and 1 other person who is an owner of a lot included in the scheme or the representative of the owner; and

(2) Section 104—

insert—

(4) If a lot is owned by 2 or more people, a requirement under this section for a lot owner to sign a copy of a resolution, or resolutions, is complied with if only 1 owner signs the resolution, or resolutions.

(5) In this section—

representative, of an owner of a lot, means a person whose name is recorded on the body corporate's roll as the representative of the owner.

44 Amendment of s 117 (Insurance of building including lots [SM, s 198])

(1) Section 117(4)—

omit.

(2) Section 117(5) to 117(8)—

renumber as section 117(4) to (7).

45 Replacement of s 137 (Giving documents or information to lot owners or relevant persons generally [SM, s 218])

Section 137—

omit, insert—

137 Giving documents or information to lot owners or relevant persons—Act, s 315A [SM, s 218]

For section 315A of the Act—

(a) if the document or information is given under sections 82(3)(a), 138 to 139, 148A or

148C—the way stated in the section is prescribed; or

- (b) otherwise—the following ways are prescribed—
- (i) delivering it to the owner, or relevant person, personally;
 - (ii) sending it to the owner's, or relevant person's, address for service;
 - (iii) if an agreement exists between the owner, or relevant person, and the body corporate that provides for the owner, or relevant person, to nominate another way for the document or information to be given—in accordance with the agreement.

Example of a nominated way of receiving documents for subparagraph (iii)—

A lot owner nominates that a body corporate may give the owner a document by sending the owner written instructions on how the owner may access and download a document from an online file-sharing website.

46 Insertion of new ss 148A–148C

After section 148—

insert—

148A Giving information to interested person—Act, s 205 [SM, s 233A]

For section 205(2)(b)(ii) of the Act, the prescribed way is—

- (a) by post; or
- (b) by delivering it to the person personally.

148B Fee for information given to interested person (layered arrangement)—Act s 205AAB [SM, s 233B]

- (1) For section 205AAB(2) of the Act—
- (a) the prescribed fee for inspecting the records is—
 - (i) if the person inspecting the records is the owner of a lot included in another scheme that is included in the layered arrangement—18.25 fee units; or
 - (ii) if the body corporate for another scheme that is included in the layered arrangement is inspecting the records—18.25 fee units; or
 - (iii) if the person inspecting the records is not a person mentioned in subparagraph (i) or (ii)—35.10 fee units; and
 - (b) the prescribed fee for obtaining a copy of a record kept by the body corporate is 0.65 fee units for each page supplied.
- (2) Section 148(5) applies for working out the amount of a fee under this section.

148C Giving information to interested person (layered arrangement)—Act, s 205AAB [SM, s 233C]

For section 205AAB(2)(b)(ii) of the Act, the prescribed way is—

- (a) by post; or
- (b) by delivering it to the person personally.

47 Amendment of s 150 (Return of body corporate property [SM, s 235])

(1) Section 150(1)(a)(iii)—

omit.

(2) Section 150(1)(b)—

insert—

(iii) the original owner; and

(3) Section 150(3), ‘or (iii)’—

omit.

48 Omission of ch 9, pt 5

Chapter 9, part 5—

omit.

49 Insertion of new ch 10, pt 2, div 3

Chapter 10—

insert—

Division 3

**Transitional provisions for
Body Corporate and
Community Management
Legislation Amendment
Regulation 2024**

169 Definitions for part

In this part—

former, for a provision of this regulation, means the provision as in force from time to time before the commencement.

new, for a provision of this regulation, means the

provision as in force from the commencement.

170 Motions or requests submitted before commencement

- (1) This section applies if—
 - (a) before the commencement, a motion or a request was submitted for consideration to a body corporate or a committee in relation to keeping or bringing an animal on a lot or common property; and
 - (b) immediately before the commencement, the motion or request has not been decided.
- (2) If the body corporate or the committee considers the motion or request after the commencement, the motion must be decided under the former regulation.
- (3) In this section—

former regulation means this regulation as in force immediately before the commencement.

171 Particular minutes and records of motions

- (1) This section applies in relation to a motion or a request in relation to keeping or bringing an animal on a lot or common property—
 - (a) submitted for consideration to the committee before the commencement; and
 - (b) in relation to which, on the commencement—
 - (i) a decision or deemed decision has not yet been made; or
 - (ii) a decision or deemed decision has been made but communication by the

secretary of the decision or deemed decision has not yet occurred.

(2) Former section 23 continues to apply to the minutes and other records in relation to the motion or request.

(3) In this section—

communication by the secretary, in relation to a decision or deemed decision of a committee, means the secretary giving a copy of the full and accurate minutes of the meeting at which the decision was made, or a copy of the record of motions that records the deemed decision, to each person who must be given a copy under former section 23.

deemed decision, in relation to a decision about keeping or bringing an animal on a lot or common property, means a decision taken not to be agreed to by the committee.

full and accurate minutes see former section 23(4).

minutes and other records, of a committee, means the full and accurate minutes and the records of motions for the committee.

record of motions see former section 23(4).

172 Disposal of interest in and leasing or licensing of common property—executed document

(1) This section applies if—

(a) before the commencement, a body corporate had executed a document to certify the disposal of an interest in or the leasing or licensing of common property of a body corporate (a *transaction*) had been authorised as required under former section 103(5)(a); and

- (b) immediately before the commencement, an instrument (the *instrument*) had not been lodged for registration under the *Land Title Act 1994* to give effect to the transaction.
- (2) Former section 103 continues to apply to the documents that must accompany the instrument lodged for registration under the *Land Titles Act 1994*.

173 Disposal of interest in and leasing or licensing of common property—unexecuted document

- (1) This section applies if—
 - (a) before the commencement, a disposal of an interest in or the leasing or licensing of common property of a body corporate (a *transaction*) was authorised or otherwise permitted under former section 103; and
 - (b) immediately before the commencement, the body corporate had not executed a document to certify the transaction as required under former section 103(5)(a).
- (2) New section 103 applies to the documents that must accompany the instrument lodged for registration under the *Land Title Act 1994* to give effect to the transaction.

174 Easements over common property—executed document

- (1) This section applies if—
 - (a) before the commencement, a body corporate had, under former section 104—
 - (i) authorised a transaction in relation to common property (the *transaction*); and

- (ii) certified a copy of a resolution, or resolutions, in relation to the transaction; and
 - (b) immediately before the commencement, an instrument (the *instrument*) had not been lodged for registration under the *Land Title Act 1994* to give effect to the transaction.
- (2) Former section 104 continues to apply to the documents that must accompany the instrument lodged for registration under the *Land Title Act 1994*.

175 Easements over common property—unexecuted document

- (1) This section applies if—
 - (a) before the commencement, a grant or surrender of an easement over or affecting common property (a *transaction*) was authorised under former section 104; and
 - (b) immediately before the commencement, the body corporate had not certified a copy of a resolution, or resolutions, authorising the transaction under former section 104(3)(a).
- (2) New section 104 applies to the documents that must accompany the instrument lodged for registration under the *Land Title Act 1994* to give effect to the transaction.

176 Original owner's return of body corporate property—particular circumstances

- (1) This section applies if, before the commencement, an original owner—
 - (a) was, under former section 44, required to provide documents and materials to a body corporate; and

- (b) had not provided the documents or materials.
- (2) New section 150 does not apply to the original owner.

Part 5 **Amendment of Body Corporate and Community Management (Specified Two-lot Schemes Module) Regulation 2011**

50 **Regulation amended**

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

51 **Amendment of s 33 (Disposal of interest in and leasing or licensing of common property—Act, s 154)**

- (1) Section 33(4)(a)—
omit, insert—
 - (a) a relevant certificate certifying the transaction has been authorised under this section; and
- (2) Section 33—
insert—
 - (5A) If a lot is owned by 2 or more people, a requirement under this section for a lot owner to sign a relevant certificate is complied with if only 1 owner signs the relevant certificate.
- (3) Section 33(6)—
insert—

relevant certificate means a certificate signed

by—

- (a) the owner of each lot; or
- (b) the owner of a lot and a representative of the owner of the other lot; or
- (c) a representative of the owner of each lot; or
- (d) if all the lots in the community titles scheme are in identical ownership—an owner or a representative of the owner.

52 Amendment of s 34 (Easements over common property—Act, s 155)

Section 34(3)(a), from ‘certified’ to ‘seal’—
omit.

53 Amendment of s 49 (Insurance of building including lots)

- (1) Section 49(4)—
omit.
- (2) Section 49(5) to 49(7)—
renumber as section 49(4) to (6).

54 Replacement of s 61C (Giving documents or information to lot owners or relevant persons generally)

Section 61C—
omit, insert—

61C Giving documents or information to lot owners or relevant persons—Act, s 315A

For section 315A of the Act, the following ways are prescribed—

- (a) delivering it to the owner, or relevant person, personally;

- (b) sending it to the owner's, or relevant person's, address for service;
- (c) if an agreement exists between the owner, or relevant person, and the body corporate that provides for the owner, or relevant person, to nominate another way for the document or information to be given—in accordance with the agreement.

Example of a nominated way of receiving documents for paragraph (c)—

A lot owner nominates that a body corporate may give the owner a document by sending the owner written instructions on how the owner may access and download a document from an online file-sharing website.

55 Amendment of s 67 (Documents and materials to be given to body corporate by original owner)

Section 67(2)(n)—

omit.

56 Insertion of new s 73A

After section 73—

insert—

73A Giving information to interested person—Act, s 205

For section 205(2)(b)(ii) of the Act, the prescribed way is—

- (a) by post; or
- (b) by delivering it to the person personally.

57 Amendment of s 75 (Return of body corporate property)

(1) Section 75(1)(a)(iii)—

[s 58]

omit.

(2) Section 75(1)(b)—

insert—

(iii) the original owner; and

(3) Section 75(3), ‘or (iii)’—

omit.

58 Omission of ch 7, pt 5

Chapter 7, part 5—

omit.

59 Insertion of new ch 8, pt 3

Chapter 8—

insert—

Part 3

**Transitional provision
for Body Corporate and
Community
Management
Legislation
Amendment Regulation
2024**

**86 Disposal of interest in and leasing or licensing
of common property—executed document**

(1) This section applies if—

- (a) before the commencement, a body corporate had executed a document to certify that the disposal of an interest in or the leasing or licensing of common property of a body corporate (a *transaction*) had been

authorised as required under former section 33(4)(a); and

- (b) immediately before the commencement, an instrument (the *instrument*) had not been lodged for registration under the *Land Title Act 1994* to give effect to the transaction.
- (2) Former section 33 continues to apply to the documents that must accompany the instrument lodged for registration under the *Land Title Act 1994*.

87 Disposal of interest in and leasing or licensing of common property—unexecuted document

- (1) This section applies if—
- (a) before the commencement, a disposal of an interest in or the leasing or licensing of common property of a body corporate (a *transaction*) was authorised or otherwise permitted under former section 33; and
 - (b) immediately before the commencement, the body corporate had not executed a document to certify the transaction as required under former section 33(4)(a).
- (2) New section 33 applies to the documents that must accompany the instrument lodged for registration under the *Land Title Act 1994* to give effect to the transaction.

88 Easements over common property—executed document

- (1) This section applies if—
- (a) before the commencement, a body corporate had, under former section 34, executed a lot owner agreement in relation to common property (the *transaction*); and

- (b) immediately before the commencement, an instrument had not been lodged for registration under the *Land Title Act 1994* to give effect to the transaction.
- (2) Former section 34 continues to apply in relation to the copy of the lot owner agreement that must accompany the instrument lodged for registration under the *Land Title Act 1994*.

89 Easements over common property—unexecuted document

- (1) This section applies if—
 - (a) before the commencement, a grant or surrender of an easement over or affecting common property (a *transaction*) was authorised under former section 34; and
 - (b) immediately before the commencement, the body corporate had not executed a lot owner agreement authorising the transaction under former section 34(3)(a).
- (2) New section 34 applies to the documents that must accompany the instrument lodged for registration under the *Land Title Act 1994* to give effect to the transaction.

90 Original owner's return of body corporate property—particular circumstances

- (1) This section applies if, before the commencement, an original owner—
 - (a) was, under former section 67, required to provide documents and materials to a body corporate; and
 - (b) had not provided the documents or materials.

- (2) New section 75 does not apply to the original owner.

Part 6 **Amendment of Body Corporate and Community Management (Standard Module) Regulation 2020**

60 **Regulation amended**

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

61 **Amendment of s 58 (Submission for consideration of motions at committee meetings)**

- (1) Section 58, heading, after ‘meetings’—

insert—

—generally

- (2) Section 58, before subsection (1)—

insert—

(1AA) This section does not apply in relation to a motion for consideration at a meeting of the committee if—

- (a) under a by-law for the community titles scheme a person must request the written approval of the body corporate or the committee in relation to the keeping or bringing of an animal on a lot or common property; and
- (b) the motion is about whether to approve a request to keep or bring an animal on a lot or common property.

- (3) Section 58(2), ‘subsections (3) and (5)’—

omit, insert—

subsections (4) and (6)

- (4) Section 58(4), ‘subsection (3)(a) or (b)’—

omit, insert—

subsection (4)(a) or (b)

- (5) Section 58(6)(b), ‘subsection (2)(b)’—

omit, insert—

subsection (3)(b)

- (6) Section 58(1AA) to (6)—

renumber as section 58(1) to (7).

62 Insertion of new ss 58A and 58B

After section 58—

insert—

58A Submission for consideration of motions by committee—requests to keep or bring an animal on a lot or common property

- (1) This section applies if—

- (a) under a by-law for a community titles scheme, a person must request the written approval of the body corporate or the committee in relation to the keeping or bringing of an animal on a lot or common property; and
- (b) a decision in relation to the request may be made by the committee.

Note—

See section 82A for when a body corporate must decide a request at a general meeting.

- (2) The request must be in writing and given to the secretary or, in the secretary’s absence, the

chairperson.

- (3) The committee must decide the request—
 - (a) as a motion for consideration by the committee; and
 - (b) within the period prescribed under section 58B (the *prescribed period*).
- (4) If the committee does not decide the request within the prescribed period the committee is taken to have decided to approve the request (the *deemed decision*).
- (5) The committee must give the person written notice of—
 - (a) a decision made under subsection (3) as soon as practicable after the decision is made; or
 - (b) a deemed decision as soon as practicable after the prescribed period ends.

58B Deciding requests for approval to keep or bring an animal on a lot or common property—Act, s 169B(4)

For section 169B(4)(a) of the Act, for a decision of a committee, the prescribed period is within 21 days after the request is made to the committee.

63 Amendment of s 69 (Voting on motion given outside committee meetings)

- (1) Section 69(1)(b)—

omit, insert—

 - (b) given within—
 - (i) for a motion that does not relate to a request for approval to keep or bring an animal on a lot or common

property—21 days after the notice is given under section 68(2) (the *relevant period*); or

- (ii) for a motion that relates to a request for approval to keep or bring an animal on a lot or common property—21 days after the request was made to the committee (also the *relevant period*).

(2) Section 69(3)—

omit, insert—

(3) Also—

- (a) if the motion is a motion mentioned in subsection (1)(b)(i)—the motion is taken to have not been agreed to if, within the relevant period for the motion, a decision can not be made under subsection (2); and
 - (b) if the motion is a motion mentioned in subsection (1)(b)(ii)—the committee is taken to have decided to approve the request if, within the relevant period for the motion, a decision can not be made under subsection (2).
- (4) The committee must give the person who made the request written notice stating that the request is decided—
- (a) if the motion is decided under subsection (2)—as soon as practicable after the decision is made; or
 - (b) if subsection (3)(b) applies—as soon as practicable after the relevant period ends.

64 Amendment of s 71 (Minutes and other records of committee)

- (1) Section 71(4)(b)(iii), from ‘section 58(5)’ to ‘subsection 58(5) applies’—

omit, insert—

section 58(6) applies—the day the committee decided the subsection applies

- (2) Section 71(6), definition *full and accurate minutes*, paragraph (d), ‘section 58(1)’—

omit, insert—

section 58(2)

- (3) Section 71(6), definition *full and accurate minutes*, paragraph (d)(iii), ‘section 58(5)’—

omit, insert—

section 58(6)

- (4) Section 71(6), definition *full and accurate minutes*, paragraph (d)(iv), ‘section 58(2)(b)’—

omit, insert—

section 58(3)(b)

- (5) Section 71(6), definition *full and accurate minutes*—

insert—

(da) for a motion in relation to a request for approval to keep or bring an animal on a lot or common property—

(i) the day the request was made to the committee; and

(ii) if known—the details of the animal the subject of the request; and

(iii) if the motion was decided under section 58A and approval was given—any conditions imposed by the committee on the approval;

- (6) Section 71(6), definition *full and accurate minutes*, paragraphs (da) to (i)—
renumber as paragraphs (e) to (j).
- (7) Section 71(6), definition *record of motions*, paragraph (a)(ii), ‘section 58(5)’—
omit, insert—
section 58(6)
- (8) Section 71(6), definition *record of motions*, paragraph (a)(iii), ‘section 58(6)’—
omit, insert—
section 58(7)
- (9) Section 71(6), definition *record of motions*, paragraph (a)—
insert—
(iv) taken to be agreed to under section 58A(4) or 69(3)(b); and
- (10) Section 71(6), definition *record of motions*, paragraph (b), ‘section 58(1)’—
omit, insert—
section 58(2)
- (11) Section 71(6), definition *record of motions*, paragraph (b)(iv), ‘section 58(5)’—
omit, insert—
section 58(6)
- (12) Section 71(6), definition *record of motions*, paragraph (b)(v), ‘section 58(2)(b)’—
omit, insert—
section 58(3)(b)
- (13) Section 71(6), definition *record of motions*—
insert—

-
- (ba) for a motion in relation to a request for approval to keep or bring an animal on a lot or common property, that includes—
- (i) the day the request was made to the committee; and
 - (ii) if known—the details of the animal the subject of the request; and
 - (iii) if the motion was decided under section 58A and approval was given—any conditions imposed by the committee on the approval; and
- (14) Section 71(6), definition *record of motions*, paragraphs (ba) to (d)—

renumber as paragraphs (c) to (e).

- (15) Section 71(6)—
insert—

details, of an animal, means the following information—

- (a) the animal's species;
- (b) if relevant—the breed of the animal;
- (c) the animal's sex;
- (d) the animal's name.

65 Amendment of s 72 (Notice of opposition)

- (1) Section 72(2)—
omit, insert—

- (2) However, a notice of opposition may not be given—
- (a) for a resolution that—
 - (i) is of a routine, administrative nature; and

- (ii) involves spending not more than the greater of—
 - (A) \$200; or
 - (B) \$5 multiplied by the number of lots included in the scheme; or
 - (b) for a resolution approving a request for approval to keep or bring an animal on a lot or common property.
- (2) Section 72—
 - insert—*
 - (5) In this section—
 - resolution of the committee*** includes a decision of the committee—
 - (a) deemed to have been made under section 58A(4); or
 - (b) taken to have been decided under section 69(3)(b).

66 **Amendment of s 73 (Giving effect to resolutions of committee meetings)**

- (1) Section 73(1)—
 - insert—*
 - (e) the resolution approves a request for approval to keep or bring an animal on a lot or common property.
- (2) Section 73—
 - insert—*
 - (4) In this section—
 - resolution of the committee*** includes a decision of the committee—

- (a) deemed to have been made under section 58A(4); or
- (b) taken to have been decided under section 69(3)(b).

67 Insertion of new ss 82A and 82B

After section 82—

insert—

82A General meetings—requirements about motions to decide requests to keep or bring an animal on to a lot or common property

- (1) This section applies if—
 - (a) under a by-law a person must make a request to a body corporate for written approval in relation to the keeping or bringing of an animal on a lot or common property; and
 - (b) a decision in relation to the request may be made only at a general meeting of the body corporate.
- (2) The request must be in writing and given to the secretary or, in the secretary's absence, the chairperson or, if the committee has not yet been chosen, the original owner.
- (3) The person to whom the request is made under subsection (2) must within 21 days after the request is made (the *relevant period*)—
 - (a) by notice given to each owner of a lot, call a general meeting of the body corporate; and
 - (b) include the request as a motion on the general meeting agenda.
- (4) If the motion is decided at the general meeting, the body corporate must give the person written notice of the decision as soon as practicable after

the decision is made.

- (5) If either of the following occurs, the body corporate is taken to have decided to approve the request (a *deemed decision*)—
 - (a) a general meeting is not called within the relevant period;
 - (b) a general meeting is called within the relevant period but the body corporate does not decide the request within the period prescribed under section 82B (the *prescribed period*).
- (6) The body corporate must give the person written notice of the deemed decision—
 - (a) if subsection (5)(a) applies, as soon as practicable after the relevant period ends; or
 - (b) if subsection (5)(b) applies, as soon as practicable after the prescribed period ends.
- (7) Also, the body corporate must include a record of the deemed decision in the minutes of the general meeting held immediately after the request is approved.

82B Decisions about requests for approval to keep or bring an animal on to a lot or common property—Act, s 169B(4)

For section 169B(4)(a) of the Act, for a decision of a body corporate, the prescribed period is within 6 weeks after a notice is given under section 82A(3)(a).

68 Amendment of s 94 (First annual general meeting)

Section 94(3)(i)—

omit.

69 Amendment of s 96 (Documents and materials to be given to body corporate at first annual general meeting)

Section 96(1)(q)—

omit.

70 Amendment of s 184 (Disposal of interest in and leasing or licensing of common property—Act, s 154)

(1) Section 184(5)(a)—

omit, insert—

(a) a relevant certificate certifying the transaction has been authorised under this section; and

(2) Section 184—

insert—

(6A) If a lot is owned by 2 or more people, a requirement under this section for a lot owner to sign a relevant certificate is complied with if only 1 owner signs the relevant certificate.

(3) Section 184(7)—

insert—

relevant certificate means a certificate signed by—

(a) if the resolution authorising the transaction under subsection (2) specifies a person who must sign the certificate—the person; or

(b) otherwise—

(i) at least 2 members of the committee, 1 of whom must be the chairperson or secretary of the committee; or

(ii) if all the lots in the community titles scheme are in identical ownership—an

[s 71]

owner or the representative of the owner; or

(iii) if the body corporate has engaged a body corporate manager under a chapter 3, part 5 engagement—

(A) the body corporate manager; and

(B) 1 other person who is an owner of a lot included in the scheme or the representative of the owner.

representative, of an owner of a lot, means a person whose name is recorded on the body corporate's roll as the representative of the owner.

71 **Amendment of s 185 (Easements over common property—Act, s 155)**

(1) Section 185(3)(a), from 'certified' to 'and'—

omit, insert—

signed by—

(i) if the resolution, or resolutions, specify a person who must sign the copy of the resolution, or resolutions—the person; or

(ii) otherwise—

(A) at least 2 members of the committee, 1 of whom must be the chairperson or secretary of the committee; or

(B) if all the lots in the community titles scheme have identical ownership—an owner or the representative of the owner; or

(C) if the body corporate for a community titles scheme has engaged a body corporate manager under a chapter 3, part 5 engagement—the body corporate manager and 1 other person

who is an owner of a lot in the scheme
or the representative of the owner; and

(2) Section 185—

insert—

(4) If a lot is owned by 2 or more people, a requirement under this section for a lot owner to sign a copy of a resolution, or resolutions, is complied with if only 1 owner signs the resolution, or resolutions.

(5) In this section—

representative, of an owner of a lot, means a person whose name is recorded on the body corporate's roll as the representative of the owner.

72 Amendment of s 198 (Insurance of building including lots)

(1) Section 198(4)—

omit.

(2) Section 198(5) to 198(8)—

renumber as section 198(4) to (7).

73 Replacement of s 218 (Giving documents or information to lot owners or relevant persons generally)

Section 218—

omit, insert—

218 Giving documents or information to lot owners or relevant persons—Act, s 315A

For section 315A of the Act—

(a) if the document or information is given under sections 163(3)(a), 219 to 222, 233A or 233C—the way stated in the section is prescribed; or

- (b) otherwise—the following ways are prescribed—
 - (i) delivering it to the owner, or relevant person, personally;
 - (ii) sending it to the owner's, or relevant person's, address for service;
 - (iii) if an agreement exists between the owner, or relevant person, and the body corporate that provides for the owner, or relevant person, to nominate another way for the document or information to be given—in accordance with the agreement.

Example of a nominated way of receiving documents for subparagraph (iii)—

A lot owner nominates that a body corporate may give the owner a document by sending the owner written instructions on how the owner may access and download a document from an online file-sharing website.

74 Insertion of new ss 233A–233C

After section 233—

insert—

233A Giving information to interested person—Act, s 205

For section 205(2)(b)(ii) of the Act, the prescribed way is—

- (a) by post; or
- (b) by delivering it to the person personally.

233B Fee for information given to interested person (layered arrangement)—Act, s 205AAB

- (1) For section 205AAB(2) of the Act—
- (a) the prescribed fee for inspecting the records is—
 - (i) if the person inspecting the records is the owner of a lot included in another scheme that is included in the layered arrangement—18.25 fee units; or
 - (ii) if a body corporate for another scheme that is included in the layered arrangement is inspecting the records—18.25 fee units; or
 - (iii) if the person inspecting the records is not a person mentioned in subparagraph (i) or (ii)—35.10 fee units; and
 - (b) the prescribed fee for obtaining a copy of a record kept by the body corporate is 0.65 fee units for each page supplied.
- (2) Section 233(5) applies for working out the amount of a fee under this section.

233C Giving information to interested person (layered arrangement)—Act, s 205AAB

For section 205AAB(2)(b)(ii) of the Act, the prescribed way is—

- (a) by post; or
- (b) by delivering it to the person personally.

75 Amendment of s 235 (Return of body corporate property)

- (1) Section 235(1)(a)(iii)—
omit.

[s 76]

(2) Section 235(1)(b)—

insert—

(iii) an original owner; and

(3) Section 235(3), ‘or (iii)’—

omit.

76 Omission of ch 9, pt 5

Chapter 9, part 5—

omit.

77 Insertion of new ch 10, pt 2, div 3

Chapter 10—

insert—

Division 3

**Transitional provisions for
Body Corporate and
Community Management
Legislation Amendment
Regulation 2024**

257 Definitions for part

In this part—

former, for a provision of this regulation, means the provision as in force from time to time before the commencement.

new, for a provision of this regulation, means the provision as in force from the commencement.

258 Motions or requests submitted before commencement

- (1) This section applies if—
 - (a) before the commencement, a motion or a request was submitted for consideration to a body corporate or a committee in relation to keeping or bringing an animal on a lot or common property; and
 - (b) immediately before the commencement, the motion or request has not been decided.
- (2) If the body corporate or the committee considers the motion after the commencement, the motion must be decided under the former regulation.
- (3) In this section—

former regulation means this regulation as in force immediately before the commencement.

259 Particular minutes and records of motions

- (1) This section applies in relation to a motion or a request in relation to keeping or bringing an animal on a lot or common property—
 - (a) submitted for consideration to the committee before the commencement; and
 - (b) in relation to which, on the commencement—
 - (i) a decision or deemed decision has not yet been made; or
 - (ii) a decision or deemed decision has been made but communication by the secretary of the decision or deemed decision has not yet occurred.
- (2) Former section 71 continues to apply to the minutes and other records in relation to the motion or request.

(3) In this section—

communication by the secretary, in relation to a decision or deemed decision of a committee, means the secretary giving a copy of the full and accurate minutes of the meeting at which the decision was made, or a copy of the record of motions that records the deemed decision, to each person who must be given a copy under former section 71.

deemed decision, in relation to a decision about keeping or bringing an animal on a lot or common property, means a decision taken not to be agreed to by the committee.

full and accurate minutes see former section 71(6).

minutes and other records, of a committee, means the full and accurate minutes and the records of motions for the committee.

record of motions see former section 71(6).

260 Disposal of interest in and leasing or licensing of common property—executed document

(1) This section applies if—

- (a) before the commencement, a body corporate had executed a document to certify that the disposal of an interest in or the leasing or licensing of common property of a body corporate (a *transaction*) had been authorised as required under former section 184(5)(a); and
- (b) immediately before the commencement, an instrument (the *instrument*) had not been lodged for registration under the *Land Title Act 1994* to give effect to the transaction.

(2) Former section 184 continues to apply to the

documents that must accompany the instrument lodged for registration under the *Land Title Act 1994*.

261 Disposal of interest in and leasing or licensing of common property—unexecuted document

- (1) This section applies if—
 - (a) before the commencement, a disposal of an interest in or the leasing or licensing of common property of a body corporate (a *transaction*) was authorised or otherwise permitted under former section 184; and
 - (b) immediately before the commencement, the body corporate had not executed a document to certify the transaction as required under former section 184(5)(a).
- (2) New section 184 applies to the documents that must accompany the instrument lodged for registration under the *Land Title Act 1994* to give effect to the transaction.

262 Easements over common property—executed document

- (1) This section applies if—
 - (a) before the commencement, a body corporate had, under former section 185—
 - (i) authorised a transaction in relation to common property (the *transaction*); and
 - (ii) certified a copy of a resolution, or resolutions, in relation to the transaction; and
 - (b) immediately before the commencement, an instrument (the *instrument*) had not been

lodged for registration under the *Land Title Act 1994* to give effect to the transaction.

- (2) Former section 185 continues to apply to the documents that must accompany the instrument lodged for registration under the *Land Title Act 1994*.

263 Easements over common property—unexecuted document

- (1) This section applies if—
 - (a) before the commencement, a grant or surrender of an easement over or affecting common property (a *transaction*) was authorised under former section 185; and
 - (b) immediately before the commencement, the body corporate had not certified a copy of a resolution, or resolutions, authorising the transaction under former section 185(3)(a).
- (2) New section 185 applies to the documents that must accompany the instrument lodged for registration under the *Land Title Act 1994* to give effect to the transaction.

264 Original owner's return of body corporate property—particular circumstances

- (1) This section applies if, before the commencement, an original owner—
 - (a) was, under former section 96, required to provide documents and materials to a body corporate; and
 - (b) had not provided the documents or materials.
- (2) New section 235 does not apply to the original owner.

ENDNOTES

- 1 Made by the Governor in Council on 24 April 2024.
- 2 Notified on the Queensland legislation website on 26 April 2024.
- 3 The administering agency is the Department of Justice and Attorney-General.

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