



Queensland

# **Resorts and Other Legislation Amendment Bill 2008**





## Queensland

# Resorts and Other Legislation Amendment Bill 2008

## Contents

---

|               |                                                                                          | Page |
|---------------|------------------------------------------------------------------------------------------|------|
| <b>Part 1</b> | <b>Preliminary</b>                                                                       |      |
| 1             | Short title . . . . .                                                                    | 8    |
| 2             | Commencement . . . . .                                                                   | 8    |
| <b>Part 2</b> | <b>Amendment of Integrated Resort Development Act 1987</b>                               |      |
| 3             | Act amended in pt 2 . . . . .                                                            | 8    |
| 4             | Amendment of s 4 (Application for approval of scheme) . . . . .                          | 8    |
| 5             | Amendment of s 9 (Application for amendment of approved scheme) . . . . .                | 9    |
| 6             | Amendment of s 10 (Members to be notified of proposed amendment) . . . . .               | 9    |
| 7             | Insertion of new section 13A . . . . .                                                   | 9    |
|               | 13A Minor variation of site boundaries . . . . .                                         | 9    |
| 8             | Amendment of s 27 (The site) . . . . .                                                   | 10   |
| 9             | Amendment of s 44 (Subdivision by building units or group titles plan) . . . . .         | 11   |
| 10            | Amendment of s 45 (Approval of building units or group titles plan) . . . . .            | 11   |
| 11            | Amendment of s 59 (Subdivision of secondary lots within residential precincts) . . . . . | 11   |
| 12            | Amendment of s 61 (Approval by local government) . . . . .                               | 12   |
| 13            | Insertion of new pt 8, div 1AA. . . . .                                                  | 12   |
|               | Division 1AA Preliminary                                                                 |      |
|               | 100A References to standard module . . . . .                                             | 12   |
| 14            | Amendment of s 101 (Interpretation) . . . . .                                            | 12   |
| 15            | Amendment of s 130 (Primary thoroughfare body corporate manager) . . . . .               | 12   |
| 16            | Insertion of new pt 8, div 1A . . . . .                                                  | 13   |

## Contents

|    |             |                                                                                                     |    |
|----|-------------|-----------------------------------------------------------------------------------------------------|----|
|    | Division 1A | Proxies for principal bodies corporate at general meetings of primary thoroughfare bodies corporate |    |
|    | 133A        | Application of div 1A [SM, s 106] . . . . .                                                         | 13 |
|    | 133B        | Appointment [SM, s 107] . . . . .                                                                   | 14 |
|    | 133C        | Form of proxy [SM, s 108] . . . . .                                                                 | 14 |
|    | 133D        | Use of proxy [SM, s 109] . . . . .                                                                  | 15 |
|    | 133E        | Special provisions about proxy use [SM, s 110]. . . . .                                             | 16 |
|    | 133F        | Offence [SM, s 111] . . . . .                                                                       | 16 |
| 17 |             | Amendment of s 138 (Interpretation) . . . . .                                                       | 17 |
| 18 |             | Replacement of s 140 (Member's nominee). . . . .                                                    | 17 |
|    | 140         | Member's nominee . . . . .                                                                          | 17 |
|    | 140A        | When original owner can not be nominee for body corporate . . . . .                                 | 18 |
| 19 |             | Amendment of s 165 (Principal body corporate manager). . . . .                                      | 19 |
| 20 |             | Insertion of new pt 8, divs 3A and 3B. . . . .                                                      | 20 |
|    | Division 3A | Proxies for general meetings of principal bodies corporate                                          |    |
|    | 168A        | Application of div 3A [SM, s 106] . . . . .                                                         | 20 |
|    | 168B        | Appointment [SM, s 107] . . . . .                                                                   | 20 |
|    | 168C        | Form of proxy [SM, s 108] . . . . .                                                                 | 21 |
|    | 168D        | Use of proxy [SM, s 109] . . . . .                                                                  | 22 |
|    | 168E        | Special provisions about proxy use [SM, s 110]. . . . .                                             | 23 |
|    | 168F        | Offence [SM, s 111] . . . . .                                                                       | 23 |
|    | Division 3B | Accounts and audit                                                                                  |    |
|    | 168G        | Application of div 3B. . . . .                                                                      | 24 |
|    | 168H        | Accounts [SM, s 154] . . . . .                                                                      | 24 |
|    | 168I        | Audit [SM, s 155] . . . . .                                                                         | 25 |
| 21 |             | Amendment of s 173 (Application of div 3 to expanded principal body corporate) . . . . .            | 26 |
| 22 |             | Insertion of new pt 10, div 1 hdg . . . . .                                                         | 27 |
| 23 |             | Amendment of s 179A (Dealing with disputes) . . . . .                                               | 27 |
| 24 |             | Insertion of new ss 179B and 179C, pt 10, div 2 hdg and s 179D . . . . .                            | 27 |
|    | 179B        | Dealing with matter relating to development control by-law . . . . .                                | 27 |
|    | 179C        | Internal dispute resolution processes to be used before application . . . . .                       | 28 |
|    | Division 2  | Other matters                                                                                       |    |

|               |         |                                                                                                            |    |
|---------------|---------|------------------------------------------------------------------------------------------------------------|----|
|               | 179D    | Associates . . . . .                                                                                       | 29 |
| 25            |         | Insertion of new pt 12 . . . . .                                                                           | 30 |
|               | Part 12 | Transitional provisions for Resorts and Other<br>Legislation Amendment Act 2008                            |    |
|               | 184     | Definition for pt 12 . . . . .                                                                             | 30 |
|               | 185     | Existing term of appointment for body corporate<br>manager . . . . .                                       | 31 |
|               | 186     | End of appointment of original owner of secondary<br>lot as nominee for subsidiary body corporate. . . . . | 31 |
|               | 187     | Auditing accounts for first annual general meeting<br>after commencement . . . . .                         | 32 |
| 26            |         | Amendment of sch 2 (Dictionary) . . . . .                                                                  | 32 |
| <b>Part 3</b> |         | <b>Amendment of Mixed Use Development Act 1993</b>                                                         |    |
| 27            |         | Act amended in pt 3 . . . . .                                                                              | 33 |
| 28            |         | Amendment of s 79 (Lodgement of building units or group titles<br>plan) . . . . .                          | 34 |
| 29            |         | Amendment of s 80 (Approval of building units or group titles<br>plan) . . . . .                           | 34 |
| 30            |         | Amendment of s 101 (Subdivision by building units or group<br>titles plan) . . . . .                       | 34 |
| 31            |         | Amendment of s 102 (Approval of building units or group titles<br>plan) . . . . .                          | 34 |
| <b>Part 4</b> |         | <b>Amendment of Sanctuary Cove Resort Act 1985</b>                                                         |    |
| 32            |         | Act amended in pt 4 and schedule . . . . .                                                                 | 35 |
| 33            |         | Amendment of s 4 (Interpretation) . . . . .                                                                | 35 |
| 34            |         | Insertion of new s 4A . . . . .                                                                            | 37 |
|               | 4A      | Meaning of approved use for a zone . . . . .                                                               | 37 |
| 35            |         | Amendment of s 5 (The site) . . . . .                                                                      | 37 |
| 36            |         | Omission of s 7 (Site divided into zones) . . . . .                                                        | 38 |
| 37            |         | Amendment of s 8 (Proposed use plan) . . . . .                                                             | 38 |
| 38            |         | Amendment of s 9 (Town planning provisions) . . . . .                                                      | 39 |
| 39            |         | Amendment of s 10 (Initial subdivision within the site) . . . . .                                          | 40 |
| 40            |         | Amendment of s 12A (The adjacent site) . . . . .                                                           | 41 |
| 41            |         | Omission of s 12C (Adjacent site divided into zones) . . . . .                                             | 42 |
| 42            |         | Amendment of s 12D (Proposed use plan of the adjacent site) . . . . .                                      | 42 |
| 43            |         | Amendment of s 12E (Town planning provisions) . . . . .                                                    | 43 |
| 44            |         | Amendment of s 12F (Initial subdivision within the adjacent<br>site) . . . . .                             | 44 |
| 45            |         | Insertion of new pt 2AA . . . . .                                                                          | 45 |

## Contents

|    |             |                                                                                       |    |
|----|-------------|---------------------------------------------------------------------------------------|----|
|    | Part 2AA    | Amendments by application to Minister                                                 |    |
|    | 12I         | Amendment applications . . . . .                                                      | 45 |
|    | 12J         | Application procedure. . . . .                                                        | 46 |
|    | 12K         | Minister to consider application . . . . .                                            | 46 |
|    | 12L         | Decision on application . . . . .                                                     | 47 |
|    | 12M         | Minor variation of site boundaries . . . . .                                          | 47 |
|    | 12N         | Approval of change of use for zone . . . . .                                          | 48 |
|    | 12O         | Approval of amendment of relevant plan . . . . .                                      | 48 |
| 46 |             | Amendment of s 15 (Subdivision of secondary lots) . . . . .                           | 49 |
| 47 |             | Amendment of s 15A (Plan of survey where variation of<br>boundary approved) . . . . . | 49 |
| 48 |             | Amendment of s 21A (Subdivision of land outside residential<br>zones) . . . . .       | 50 |
| 49 |             | Amendment of s 22 (Interpretation) . . . . .                                          | 50 |
| 50 |             | Insertion of new s 22A . . . . .                                                      | 51 |
|    | 22A         | References to standard module . . . . .                                               | 51 |
| 51 |             | Replacement of s 24 (Member's nominee). . . . .                                       | 51 |
|    | 24          | Member's nominee . . . . .                                                            | 51 |
|    | 24A         | When original owner can not be nominee for body<br>corporate . . . . .                | 53 |
| 52 |             | Amendment of s 47A (Principal body corporate manager) . . . . .                       | 53 |
| 53 |             | Insertion of new pt 3, divs 2B and 2C. . . . .                                        | 54 |
|    | Division 2B | Proxies for general meetings of principal body<br>corporate                           |    |
|    | 47B         | Application of div 2B. . . . .                                                        | 54 |
|    | 47C         | Appointment [SM, s 107] . . . . .                                                     | 54 |
|    | 47D         | Form of proxy [SM, s 108] . . . . .                                                   | 55 |
|    | 47E         | Use of proxy [SM, s 109] . . . . .                                                    | 56 |
|    | 47F         | Special provisions about proxy use [SM, s 110]. . . . .                               | 57 |
|    | 47G         | Offence [SM, s 111] . . . . .                                                         | 58 |
|    | Division 2C | Accounts and audit                                                                    |    |
|    | 47H         | Application of div 3B. . . . .                                                        | 58 |
|    | 47I         | Accounts [SM, s 154] . . . . .                                                        | 58 |
|    | 47J         | Audit [SM, s 155] . . . . .                                                           | 59 |
| 54 |             | Replacement of s 64A (Maintenance etc. of canals) . . . . .                           | 61 |
|    | 64A         | Maintenance etc. of canals. . . . .                                                   | 61 |

|    |                                                                                                                  |    |
|----|------------------------------------------------------------------------------------------------------------------|----|
| 55 | Amendment of s 64B (Surrender of secondary thoroughfare as canal) . . . . .                                      | 61 |
| 56 | Amendment of s 65 (Interpretation) . . . . .                                                                     | 61 |
| 57 | Insertion of new s 65A . . . . .                                                                                 | 62 |
|    | 65A      References to standard module . . . . .                                                                 | 62 |
| 58 | Amendment of s 91A (Primary thoroughfare body corporate manager) . . . . .                                       | 62 |
| 59 | Insertion of new pt 5, div 2B . . . . .                                                                          | 63 |
|    | Division 2B      Proxies for principal body corporate at general meetings of primary thoroughfare body corporate |    |
|    | 91B      Application of div 2B [SM, s 106] . . . . .                                                             | 63 |
|    | 91C      Appointment [SM, s 107] . . . . .                                                                       | 63 |
|    | 91D      Form of proxy [SM, s 108] . . . . .                                                                     | 64 |
|    | 91E      Use of proxy [SM, s 109] . . . . .                                                                      | 64 |
|    | 91F      Special provisions about proxy use [SM, s 110]. . . . .                                                 | 66 |
|    | 91G      Offence [SM, s 111] . . . . .                                                                           | 66 |
| 60 | Amendment of s 103 (Application of laws of the State) . . . . .                                                  | 66 |
| 61 | Insertion of new pt 8, div 1 hdg . . . . .                                                                       | 67 |
| 62 | Amendment of s 104A (Dealing with disputes) . . . . .                                                            | 67 |
| 63 | Insertion of new ss 104B and 104C, pt 8, div 2 hdg and s 104D . . . . .                                          | 67 |
|    | 104B      Dealing with matter relating to development control by-law . . . . .                                   | 67 |
|    | 104C      Internal dispute resolution processes to be used before application . . . . .                          | 68 |
|    | Division 2      Other matters                                                                                    |    |
|    | 104D      Associates . . . . .                                                                                   | 69 |
| 64 | Insertion of new pt 10 . . . . .                                                                                 | 70 |
|    | Part 10      Transitional provisions for Resorts and Other Legislation Amendment Act 2008                        |    |
|    | 113      Definition for pt 10 . . . . .                                                                          | 70 |
|    | 114      Existing term of appointment for body corporate manager . . . . .                                       | 70 |
|    | 115      End of appointment of original owner of secondary lot as nominee for subsidiary body corporate. . . . . | 71 |
|    | 116      Auditing accounts for first annual general meeting after commencement . . . . .                         | 72 |
| 65 | Amendment of sch A (Uses permitted within zones) . . . . .                                                       | 72 |

Contents

---

|                 |                                                                   |           |
|-----------------|-------------------------------------------------------------------|-----------|
| 66              | Replacement of schs B–E . . . . .                                 | 75        |
| <b>Schedule</b> | <b>Minor amendments of Sanctuary Cove Resort Act 1985 . . . .</b> | <b>77</b> |



# 2008

---

## A Bill

for

***An Act to amend the *Integrated Resort Development Act 1987*,  
*Mixed Use Development Act 1993* and the *Sanctuary Cove  
Resort Act 1985* for particular purposes***

---

[s 1]

---

**The Parliament of Queensland enacts—** 1

**Part 1 Preliminary** 2

**Clause 1 Short title** 3  
This Act may be cited as the *Resorts and Other Legislation* 4  
*Amendment Act 2008.* 5

**Clause 2 Commencement** 6  
This Act commences on a day to be fixed by proclamation. 7

**Part 2 Amendment of Integrated** 8  
**Resort Development Act 1987** 9

**Clause 3 Act amended in pt 2** 10  
This part amends the *Integrated Resort Development Act* 11  
*1987.* 12

**Clause 4 Amendment of s 4 (Application for approval of scheme)** 13  
Section 4— 14  
*insert—* 15  
(1B) For subsection (1A), to remove any doubt, it is declared that 16  
an application under division 2 to amend an approved scheme 17  
by varying the boundaries of the site of the approved scheme 18  
is not an application for scheme approval.’. 19

|                 |                                                                                                                                                                                          |                |
|-----------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|
| <b>Clause 5</b> | <b>Amendment of s 9 (Application for amendment of approved scheme)</b>                                                                                                                   | 1<br>2         |
|                 | Section 9—                                                                                                                                                                               | 3              |
|                 | <i>insert—</i>                                                                                                                                                                           | 4              |
|                 | ‘(2) To remove any doubt, it is declared that an application may be made under this division to amend an approved scheme by varying the boundaries of the site of the approved scheme.’. | 5<br>6<br>7    |
| <b>Clause 6</b> | <b>Amendment of s 10 (Members to be notified of proposed amendment)</b>                                                                                                                  | 8<br>9         |
|                 | Section 10, ‘30 days’—                                                                                                                                                                   | 10             |
|                 | <i>omit, insert—</i>                                                                                                                                                                     | 11             |
|                 | ‘30 business days’.                                                                                                                                                                      | 12             |
| <b>Clause 7</b> | <b>Insertion of new section 13A</b>                                                                                                                                                      | 13             |
|                 | After section 13—                                                                                                                                                                        | 14             |
|                 | <i>insert—</i>                                                                                                                                                                           | 15             |
| <b>‘13A</b>     | <b>Minor variation of site boundaries</b>                                                                                                                                                | 16             |
|                 | ‘(1) This section applies to an application to amend an approved scheme by varying the boundaries of the site of the approved scheme.                                                    | 17<br>18<br>19 |
|                 | ‘(2) The Governor in Council may approve the amendment only if—                                                                                                                          | 20<br>21       |
|                 | (a) the Governor in Council considers—                                                                                                                                                   | 22             |
|                 | (i) the proposed variation of the site boundaries is of a minor nature; and                                                                                                              | 23<br>24       |
|                 | <i>Example of a variation that may be of a minor nature—</i>                                                                                                                             | 25             |
|                 | a variation of part of a site boundary to realign it with a thoroughfare within the site                                                                                                 | 26<br>27       |
|                 | (ii) the total area of the site will not be materially changed because of the variation; and                                                                                             | 28<br>29       |

[s 8]

---

- (b) neither the aggregate number of the lots nor the aggregate voting entitlements under the approved scheme will be changed because of the variation; and
  - (c) each affected land owner has given the owner's written consent to the variation.
- ‘(3) If the Governor in Council approves the amendment, section 8 applies to the local government and chief executive for making an appropriate notation of the approved scheme as amended as if the reference in that section to the approved scheme were a reference to the approved scheme as amended.
- ‘(4) In this section—
- affected land owner* means the owner of land, outside the site, that—
- (a) is proposed under the amendment application to be incorporated as part of the scheme; or
  - (b) is otherwise affected by the proposed variation of the site boundaries.’.

- Clause 8      Amendment of s 27 (The site)**
- (1) Section 27(1), ‘The site’—
- omit, insert—*
- ‘Subject to subsection (2), the site’.
- (2) Section 27(3), ‘subsection (2)’—
- omit, insert—*
- ‘subsection (3)’.
- (3) Section 27(2) to (4)—
- renumber* as section 27(3) to (5).
- (4) Section 27—
- insert—*
- ‘(2) If the approved scheme is amended under part 2, division 2 by varying the boundaries of the site, the site of the approved

scheme consists of all land within the boundaries of the site 1  
set out in the approved scheme as amended.’. 2

**Clause 9      Amendment of s 44 (Subdivision by building units or group titles plan)** 3  
4  
Section 44— 5  
*insert—* 6  
‘(6) A group titles plan must also be accompanied by a diagram 7  
showing the name and numbering, or proposed name and 8  
numbering, of each road that is, or is to be, on the primary 9  
thoroughfare, or the part of the primary thoroughfare, shown 10  
on the plan.’. 11

**Clause 10      Amendment of s 45 (Approval of building units or group titles plan)** 12  
13  
Section 45(1)(a)— 14  
*insert—* 15  
‘(iii) the diagram mentioned in section 44(6); and’. 16

**Clause 11      Amendment of s 59 (Subdivision of secondary lots within residential precincts)** 17  
18  
Section 59— 19  
*insert—* 20  
‘(8) A group titles plan lodged under subsection (4) must also be 21  
accompanied by a diagram showing the name and numbering, 22  
or proposed name and numbering, of each road that is, or is to 23  
be, on— 24  
(a) the primary thoroughfare, or part of the primary 25  
thoroughfare, shown on the plan; and 26  
(b) each secondary thoroughfare, or part of a secondary 27  
thoroughfare, shown on the plan.’. 28

[s 12]

|                  |                                                                                                                                                                                                                      |                      |
|------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|
| <b>Clause 12</b> | <b>Amendment of s 61 (Approval by local government)</b>                                                                                                                                                              | 1                    |
|                  | Section 61(1)(a), after ‘59(5)’—                                                                                                                                                                                     | 2                    |
|                  | <i>insert—</i>                                                                                                                                                                                                       | 3                    |
|                  | ‘and the diagram mentioned in section 59(8)’.                                                                                                                                                                        | 4                    |
| <b>Clause 13</b> | <b>Insertion of new pt 8, div 1AA</b>                                                                                                                                                                                | 5                    |
|                  | Part 8, before division 1—                                                                                                                                                                                           | 6                    |
|                  | <i>insert—</i>                                                                                                                                                                                                       | 7                    |
|                  | <b>‘Division 1AA Preliminary</b>                                                                                                                                                                                     | 8                    |
|                  | <b>‘100A References to standard module</b>                                                                                                                                                                           | 9                    |
|                  | ‘(1) In this part, the information included in square brackets after a section heading is a reference to a similar section of the <i>Body Corporate and Community Management (Standard Module) Regulation 2008</i> . | 10<br>11<br>12<br>13 |
|                  | ‘(2) The brackets and information do not form part of this Act.’.                                                                                                                                                    | 14                   |
| <b>Clause 14</b> | <b>Amendment of s 101 (Interpretation)</b>                                                                                                                                                                           | 15                   |
|                  | Section 101, definition <i>special resolution</i> , ‘ <i>special resolution</i> means’—                                                                                                                              | 16<br>17             |
|                  | <i>omit, insert—</i>                                                                                                                                                                                                 | 18                   |
|                  | ‘ <i>special resolution</i> , for a general meeting of a primary thoroughfare body corporate, means’.                                                                                                                | 19<br>20             |
| <b>Clause 15</b> | <b>Amendment of s 130 (Primary thoroughfare body corporate manager)</b>                                                                                                                                              | 21<br>22             |
|                  | (1) Section 130(1), ‘subsection (3)’—                                                                                                                                                                                | 23                   |
|                  | <i>omit, insert—</i>                                                                                                                                                                                                 | 24                   |
|                  | ‘subsections (3), (5), (6) and (7)’.                                                                                                                                                                                 | 25                   |
|                  | (2) Section 130(6)—                                                                                                                                                                                                  | 26                   |
|                  | <i>renumber</i> as section 130(8).                                                                                                                                                                                   | 27                   |

- (3) Section 130(5)— 1  
*omit, insert—* 2
- ‘(5) The term of appointment of the body corporate manager (after 3  
allowing for any rights or options of extension or renewal, 4  
whether provided for in the instrument of appointment or 5  
subsequently agreed to) must not be longer than 3 years. 6
- Example—* 7
- The appointment of a body corporate manager begins on 1 January 2009 8  
and is for a term of 3 years. The appointment can not end later than 31 9  
December 2011. 10
- ‘(6) If the term of appointment purports to be longer than 3 years, 11  
it is taken to be 3 years. 12
- ‘(7) To remove any doubt, it is declared that at the end of the term 13  
of appointment of a person as the body corporate manager— 14
- (a) the appointment expires; and 15
- (b) the person can not act again as the body corporate 16  
manager without a new appointment.’. 17

**Clause 16 Insertion of new pt 8, div 1A** 18

Part 8, after division 1— 19

*insert—* 20

**‘Division 1A Proxies for principal bodies 21  
corporate at general meetings of 22  
primary thoroughfare bodies 23  
corporate 24**

**‘133A Application of div 1A [SM, s 106] 25**

‘This division applies to the appointment and use of a proxy to 26  
represent a principal body corporate that is a member of a 27  
primary thoroughfare body corporate at a general meeting of 28  
the primary thoroughfare body corporate. 29

[s 16]

---

|                                                                    |    |
|--------------------------------------------------------------------|----|
| <b>‘133B Appointment [SM, s 107]</b>                               | 1  |
| ‘(1) Subject to subsection (2), the principal body corporate may   | 2  |
| appoint a proxy to act for the body corporate at the general       | 3  |
| meeting.                                                           | 4  |
| ‘(2) The appointment of a proxy is effective only if the principal | 5  |
| body corporate or the holder of the proxy gives, by hand, post     | 6  |
| or facsimile, a properly completed proxy form to the secretary     | 7  |
| of the primary thoroughfare body corporate before—                 | 8  |
| (a) the start of the meeting where the proxy is to be              | 9  |
| exercised; or                                                      | 10 |
| (b) if the primary thoroughfare body corporate has fixed an        | 11 |
| earlier time by which proxies must be given (that can              | 12 |
| not, however, be earlier than 24 hours before the time             | 13 |
| fixed for the meeting)—the earlier time.                           | 14 |
| <br><b>‘133C Form of proxy [SM, s 108]</b>                         | 15 |
| ‘A proxy given under this division—                                | 16 |
| (a) must be in the approved form; and                              | 17 |
| (b) must be in the English language; and                           | 18 |
| (c) can not be irrevocable; and                                    | 19 |
| (d) can not be transferred by the holder of the proxy to a         | 20 |
| third person; and                                                  | 21 |
| (e) lapses at the end of the primary thoroughfare body             | 22 |
| corporate’s financial year or at the end of a shorter              | 23 |
| period stated in the proxy; and                                    | 24 |
| (f) may be given by any person who has the right to vote at        | 25 |
| a general meeting; and                                             | 26 |
| (g) subject to the limitations contained in this division, may     | 27 |
| be given to any individual; and                                    | 28 |
| (h) must appoint a named individual.                               | 29 |



---

**‘133D Use of proxy [SM, s 109]**

- |                                                                 |    |
|-----------------------------------------------------------------|----|
|                                                                 | 1  |
| ‘(1) A member of the primary thoroughfare body corporate who is | 2  |
| the proxy for the principal body corporate may vote both in     | 3  |
| the member’s own right and also as proxy of the principal       | 4  |
| body corporate.                                                 | 5  |
| ‘(2) A vote by proxy must not be exercised on behalf of the     | 6  |
| principal body corporate at the general meeting—                | 7  |
| (a) if the person appointed to represent the principal body     | 8  |
| corporate under section 103(1) is personally present at         | 9  |
| the meeting, unless the person consents at the meeting;         | 10 |
| or                                                              | 11 |
| (b) on a particular motion, if a written or electronic vote has | 12 |
| been exercised on the motion on behalf of the principal         | 13 |
| body corporate; or                                              | 14 |
| (c) on a ballot for the election of a member of the executive   | 15 |
| committee, or for otherwise choosing a member of the            | 16 |
| executive committee; or                                         | 17 |
| (d) for voting for a special resolution prohibiting, wholly or  | 18 |
| partly, the use of proxies at executive committee               | 19 |
| meetings or general meetings; or                                | 20 |
| (e) for voting for a majority resolution; or                    | 21 |
| (f) on a motion approving—                                      | 22 |
| (i) the engagement of a person as the body corporate            | 23 |
| manager, a service contractor, or the authorisation             | 24 |
| of a person as a letting agent; or                              | 25 |
| (ii) the amendment or termination of an engagement or           | 26 |
| authorisation mentioned in subparagraph (i); or                 | 27 |
| (g) on a motion decided by secret ballot.                       | 28 |
| ‘(3) A proxy may be exercised by—                               | 29 |
| (a) the proxy holder voting in a show of hands at a general     | 30 |
| meeting; or                                                     | 31 |

[s 16]

---

|       |                                                                                                                                                                                                                                                                                          |                       |
|-------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|
| (b)   | the proxy holder completing a written or electronic vote on a motion before the start of, or at, the general meeting.                                                                                                                                                                    | 1<br>2<br>3           |
| ‘(4)  | In this section—                                                                                                                                                                                                                                                                         | 4                     |
|       | <i>majority resolution</i> means a resolution that may be passed by members of the primary thoroughfare body corporate whose voting entitlements are more than 50% of the total of all voting entitlements recorded in the primary thoroughfare body corporate’s roll under section 117. | 5<br>6<br>7<br>8<br>9 |
| ‘133E | <b>Special provisions about proxy use [SM, s 110]</b>                                                                                                                                                                                                                                    | 10                    |
| ‘(1)  | The principal body corporate can not be prevented by contract from exercising a vote at the general meeting, and can not be required by contract to make someone else the body corporate’s proxy for voting at the general meeting.                                                      | 11<br>12<br>13<br>14  |
| ‘(2)  | A proxy can not be exercised for the principal body corporate by—                                                                                                                                                                                                                        | 15<br>16              |
| (a)   | the original owner of an initial lot or secondary lot; or                                                                                                                                                                                                                                | 17                    |
| (b)   | a body corporate manager for—                                                                                                                                                                                                                                                            | 18                    |
| (i)   | the primary thoroughfare body corporate; or                                                                                                                                                                                                                                              | 19                    |
| (ii)  | the principal body corporate; or                                                                                                                                                                                                                                                         | 20                    |
| (iii) | a body corporate created by the registration of a group titles plan or building units plan subdividing an initial or secondary lot on the site; or                                                                                                                                       | 21<br>22<br>23        |
| (c)   | an associate of a person mentioned in paragraph (a) or (b), unless the associate is 1 of the proprietors constituting a body corporate that is itself a member of the principal body corporate.                                                                                          | 24<br>25<br>26<br>27  |
| ‘133F | <b>Offence [SM, s 111]</b>                                                                                                                                                                                                                                                               | 28                    |
|       | ‘A person must not exercise a proxy, or otherwise purport to vote on behalf of the principal body corporate, at the general meeting of the primary thoroughfare body corporate knowing                                                                                                   | 29<br>30<br>31        |

that the person does not have the right to exercise the proxy or  
otherwise vote on behalf of the principal body corporate. 1  
2  
Maximum penalty—100 penalty units.’. 3

- Clause 17      Amendment of s 138 (Interpretation)** 4
- (1) Section 138— 5  
       *insert—* 6  
       ‘***nominee***, of a member of a principal body corporate, see  
       section 140(1).’ 7  
       8
- (2) Section 138, definition *special resolution*, ‘*special resolution*  
       means’— 9  
       10  
       *omit, insert—* 11  
       ‘***special resolution***, for a general meeting of a principal body  
       corporate, means’. 12  
       13
- Clause 18      Replacement of s 140 (Member’s nominee)** 14
- Section 140— 15  
       *omit, insert—* 16
- ‘140      Member’s nominee** 17
- ‘(1) This section applies to a member of a principal body corporate 18  
       for appointing a person (a ***nominee***) to represent and vote on 19  
       behalf of the member at meetings of the principal body 20  
       corporate. 21
- ‘(2) A member of the principal body corporate that is itself a body 22  
       corporate created by the registration of a group titles plan or a 23  
       building units plan (a ***subsidiary body corporate***)— 24
- (a) must appoint a nominee at its annual general meeting; 25  
           and 26
- (b) otherwise, may appoint a nominee from time to time. 27
- ‘(3) A member of the principal body corporate, other than a 28  
       subsidiary body corporate, may appoint a nominee from time 29  
       to time. 30

[s 18]

---

- ‘(4) Subject to section 140A, a nominee appointed by a subsidiary body corporate must be a member of the subsidiary body corporate.
1  
2  
3
- ‘(5) The appointment of a nominee has no effect until written notice of the appointment is received by the secretary of the principal body corporate.
4  
5  
6
- ‘(6) A nominee appointed by a subsidiary body corporate must represent the subsidiary body corporate—
7  
8
- (a) in the way the subsidiary body corporate directs; and
9
- (b) subject to subparagraph (a), in a way that is in the best interests of the subsidiary body corporate.
10  
11
- ‘(7) The appointment of a nominee for a member ends when the first of the following happens—
12  
13
- (a) the end of 1 year after the appointment;
14
- (b) the secretary of the principal body corporate receives written notice of—
15  
16
- (i) the cancellation of the nominee’s appointment; or
17
- (ii) the appointment of another nominee for the member.
18  
19
- ‘(8) A written notice under subsection (5) or (7)(b) must be signed—
20  
21
- (a) for an appointment or cancellation made by a subsidiary body corporate—by the chairperson and secretary of the subsidiary body corporate; or
22  
23  
24
- (b) otherwise—by the member.
25

**‘140A When original owner can not be nominee for body corporate** 26  
27

- ‘(1) This section applies if more than 50% of the lots created by the registration of a group titles plan or building units plan subdividing a secondary lot are no longer owned by the original owner of the secondary lot.
28  
29  
30  
31

- 
- ‘(2) The body corporate created by the registration of the plan can not appoint as its nominee—1

2

    - (a) the original owner; or3

4
    - (b) an associate (an *ineligible associate*) of the original owner who is not 1 of the proprietors constituting the body corporate.5

6
  - ‘(3) If the original owner or an ineligible associate of the original owner is already a nominee for the body corporate—7

8

    - (a) a general meeting of the body corporate must be held within 2 months; and9

10
    - (b) if it is not sooner ended, the owner’s or associate’s appointment as the nominee ends at the next general meeting of the body corporate.’.11

12

**Clause 19      Amendment of s 165 (Principal body corporate manager)** 14

- (1) Section 165(1), ‘subsection (3)’—15

16

*omit, insert—*

17

‘subsections (3), (5), (6) and (7)’.

18
- (2) Section 165(6)—19

20

*renumber* as section 165(8).

21
- (3) Section 165(5)—22

23

*omit, insert—*

24
- ‘(5) The term of appointment of the body corporate manager (after allowing for any rights or options of extension or renewal, whether provided for in the instrument of appointment or subsequently agreed to) must not be longer than 3 years.25

26

*Example—*

27

The appointment of a body corporate manager begins on 1 January 2009

28

and is for a term of 3 years. The appointment can not end later than 31

29

December 2011.
- ‘(6) If the term of appointment purports to be longer than 3 years, it is taken to be 3 years.30

31

[s 20]

---

|                                                |                                                                                                                                                                        |                |
|------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|
|                                                | ‘(7) To remove any doubt, it is declared that at the end of the term of appointment of a person as the body corporate manager—                                         | 1<br>2         |
|                                                | (a) the appointment expires; and                                                                                                                                       | 3              |
|                                                | (b) the person can not act again as the body corporate manager without a new appointment.’.                                                                            | 4<br>5         |
| <b>Clause 20</b>                               | <b>Insertion of new pt 8, divs 3A and 3B</b>                                                                                                                           | 6              |
|                                                | Part 8—                                                                                                                                                                | 7              |
|                                                | <i>insert—</i>                                                                                                                                                         | 8              |
| <b>‘Division 3A</b>                            | <b>Proxies for general meetings of principal bodies corporate</b>                                                                                                      | 9<br>10        |
| <b>‘168A Application of div 3A [SM, s 106]</b> |                                                                                                                                                                        | 11             |
|                                                | ‘This division applies to the appointment and use of a proxy to represent a member of a principal body corporate at a general meeting of the principal body corporate. | 12<br>13<br>14 |
| <b>‘168B Appointment [SM, s 107]</b>           |                                                                                                                                                                        | 15             |
|                                                | ‘(1) Subject to subsections (2) to (5), a person entitled to vote at the general meeting may appoint a proxy to act for the person at the general meeting.             | 16<br>17<br>18 |
|                                                | ‘(2) The principal body corporate may by special resolution prohibit the use of proxies—                                                                               | 19<br>20       |
|                                                | (a) for particular things described in the special resolution; or                                                                                                      | 21<br>22       |
|                                                | (b) altogether.                                                                                                                                                        | 23             |
|                                                | ‘(3) An appointment under subsection (1) has effect subject to the operation of a special resolution under subsection (2).                                             | 24<br>25       |
|                                                | ‘(4) A person must not hold—                                                                                                                                           | 26             |

[s 20]

- 
- (a) if there are 20 or more lots for which there are voting entitlements for the meeting—proxies greater in number than 5% of the lots; or
  - (b) if there are fewer than 20 lots for which there are voting entitlements for the meeting—more than 1 proxy.
- ‘(5) The appointment of a proxy is effective only if the person or the holder of the proxy gives, by hand, post or facsimile, a properly completed proxy form to the secretary of the principal body corporate before—
- (a) the start of the meeting where the proxy is to be exercised; or
  - (b) if the principal body corporate has fixed an earlier time by which proxies must be given (that can not, however, be earlier than 24 hours before the time fixed for the meeting)—the earlier time.

**‘168C Form of proxy [SM, s 108]**

‘A proxy given under this division—

- (a) must be in the approved form; and
- (b) must be in the English language; and
- (c) can not be irrevocable; and
- (d) can not be transferred by the holder of the proxy to a third person; and
- (e) lapses at the end of the principal body corporate’s financial year or at the end of a shorter period stated in the proxy; and
- (f) may be given by any person who has the right to vote at a general meeting; and
- (g) subject to the limitations contained in this division, may be given to any individual; and
- (h) must appoint a named individual.

[s 20]

---

**‘168D Use of proxy [SM, s 109]**

- |                                                                          |    |
|--------------------------------------------------------------------------|----|
|                                                                          | 1  |
| ‘(1) A member of the principal body corporate ( <i>member A</i> ) who is | 2  |
| the proxy for another member of the principal body corporate             | 3  |
| ( <i>member B</i> ) may vote both in member A’s own right and also       | 4  |
| as proxy of member B.                                                    | 5  |
| ‘(2) If at least 1 co-owner of a lot is present at the meeting, a proxy  | 6  |
| given by another co-owner of the lot is of no effect.                    | 7  |
| ‘(3) A vote by proxy must not be exercised at the general                | 8  |
| meeting—                                                                 | 9  |
| (a) if the member who gave the proxy is personally present               | 10 |
| at the meeting, unless the member consents at the                        | 11 |
| meeting; or                                                              | 12 |
| (b) on a particular motion, if the person who gave the proxy             | 13 |
| has exercised a written or electronic vote on the motion;                | 14 |
| or                                                                       | 15 |
| (c) on a ballot for the election of a member of the executive            | 16 |
| committee, or for otherwise choosing a member of the                     | 17 |
| executive committee; or                                                  | 18 |
| (d) for voting for a special resolution prohibiting, wholly or           | 19 |
| partly, the use of proxies at executive committee                        | 20 |
| meetings or general meetings; or                                         | 21 |
| (e) for voting for a majority resolution; or                             | 22 |
| (f) on a motion approving—                                               | 23 |
| (i) the engagement of a person as the body corporate                     | 24 |
| manager, a service contractor, or the authorisation                      | 25 |
| of a person as a letting agent; or                                       | 26 |
| (ii) the amendment or termination of an engagement or                    | 27 |
| authorisation mentioned in subparagraph (i); or                          | 28 |
| (g) on a motion decided by secret ballot.                                | 29 |
| ‘(4) A proxy may be exercised by—                                        | 30 |
| (a) the proxy holder voting in a show of hands at a general              | 31 |
| meeting; or                                                              | 32 |



|                                                             |                                                                                                                                                                                                                                                                                       |                                |
|-------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|
| (b)                                                         | the proxy holder completing a written or electronic vote on a motion before the start of, or at, the general meeting.                                                                                                                                                                 | 1<br>2<br>3                    |
| ‘(5)                                                        | In this section—<br><br><i>majority resolution</i> means a resolution that may be passed by members of the principal body corporate whose voting entitlements are more than 50% of the total of all voting entitlements recorded in the principal body corporate’s under section 152. | 4<br><br>5<br>6<br>7<br>8<br>9 |
| <b>‘168E Special provisions about proxy use [SM, s 110]</b> |                                                                                                                                                                                                                                                                                       | 10                             |
| ‘(1)                                                        | A member of the principal body corporate can not be prevented by contract from exercising a vote at the general meeting, and can not be required by contract to make someone else the member’s proxy for voting at the general meeting.                                               | 11<br>12<br>13<br>14<br>15     |
| ‘(2)                                                        | A proxy can not be exercised for someone else by—                                                                                                                                                                                                                                     | 16                             |
| (a)                                                         | the original owner of a secondary lot; or                                                                                                                                                                                                                                             | 17                             |
| (b)                                                         | a body corporate manager for—                                                                                                                                                                                                                                                         | 18                             |
| (i)                                                         | the primary thoroughfare body corporate; or                                                                                                                                                                                                                                           | 19                             |
| (ii)                                                        | the principal body corporate; or                                                                                                                                                                                                                                                      | 20                             |
| (iii)                                                       | a body corporate created by the registration of a group titles plan or building units plan subdividing an initial or secondary lot on the site; or                                                                                                                                    | 21<br>22<br>23                 |
| (c)                                                         | an associate of a person mentioned in paragraph (a) or (b), unless the associate is 1 of the proprietors constituting a body corporate that is itself a member of the principal body corporate.                                                                                       | 24<br>25<br>26<br>27           |
| <b>‘168F Offence [SM, s 111]</b>                            |                                                                                                                                                                                                                                                                                       | 28                             |
|                                                             | ‘A person must not exercise a proxy, or otherwise purport to vote on behalf of another person, at the general meeting of the principal body corporate knowing that the person does not                                                                                                | 29<br>30<br>31                 |

[s 20]

---

have the right to exercise the proxy or otherwise vote on 1  
behalf of the other person. 2  
Maximum penalty—100 penalty units. 3

## **‘Division 3B                      Accounts and audit 4**

### **‘168G Application of div 3B 5**

‘This division applies to a principal body corporate for 6  
preparing a statement of accounts under section 151(1)(f). 7

### **‘168H Accounts [SM, s 154] 8**

- ‘(1) The statement of accounts may be prepared on a cash or 9  
accrual basis. 10
- ‘(2) If the accounts are prepared on a cash basis, they must include 11  
disclosure of the following— 12
- (a) the total amounts paid to the fund established under 13  
section 151(1)(i) and the account established under 14  
section 151(1)(k); 15
  - (b) total contributions in arrears; 16
  - (c) balances for all financial institution accounts and 17  
investments; 18
  - (d) all outstanding receipts and payments. 19
- ‘(3) If the accounts are prepared on an accrual basis, they must 20  
show the assets and liabilities of the principal body corporate 21  
at the end of the financial year for which the accounts are 22  
prepared. 23
- ‘(4) The statement of accounts must include— 24
- (a) the corresponding figures for the previous financial 25  
year; and 26
  - (b) disclosure of all remuneration, allowances or expenses 27  
paid to members of the executive committee, identifying 28

[s 20]

---

|                                                                                                                                                                                                                                                                            |    |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|
| the total amounts paid to each member during the financial year under the following categories—                                                                                                                                                                            | 1  |
| (i) remuneration or allowances;                                                                                                                                                                                                                                            | 2  |
| (ii) expenses, split up into travelling, accommodation, meal and other expenses.                                                                                                                                                                                           | 3  |
| ‘(5) A copy of the statement of accounts must accompany the notice of the annual general meeting first happening after the end of the financial year for which the accounts are prepared.                                                                                  | 4  |
|                                                                                                                                                                                                                                                                            | 5  |
|                                                                                                                                                                                                                                                                            | 6  |
|                                                                                                                                                                                                                                                                            | 7  |
|                                                                                                                                                                                                                                                                            | 8  |
| <b>‘168I Audit [SM, s 155]</b>                                                                                                                                                                                                                                             | 9  |
| ‘(1) The principal body corporate must have its statement of accounts for each financial year of the body corporate audited by an auditor.                                                                                                                                 | 10 |
|                                                                                                                                                                                                                                                                            | 11 |
|                                                                                                                                                                                                                                                                            | 12 |
| ‘(2) The auditor to be appointed must be agreed to by ordinary resolution of the principal body corporate.                                                                                                                                                                 | 13 |
|                                                                                                                                                                                                                                                                            | 14 |
| ‘(3) The motion for agreeing to the auditor to be appointed—                                                                                                                                                                                                               | 15 |
| (a) must be included in the agenda for the general meeting at which the motion is to be considered; and                                                                                                                                                                    | 16 |
|                                                                                                                                                                                                                                                                            | 17 |
| (b) must include the name of the auditor proposed to be appointed.                                                                                                                                                                                                         | 18 |
|                                                                                                                                                                                                                                                                            | 19 |
| ‘(4) Also, the body corporate may, by ordinary resolution—                                                                                                                                                                                                                 | 20 |
| (a) resolve to have its accounting records audited for a particular period or a particular project; and                                                                                                                                                                    | 21 |
|                                                                                                                                                                                                                                                                            | 22 |
| (b) appoint an auditor for the audit.                                                                                                                                                                                                                                      | 23 |
| ‘(5) A member of the executive committee, the body corporate manager, or an associate of a member of the executive committee or body corporate manager, can not be appointed to audit the accounting records or the statement of accounts of the principal body corporate. | 24 |
|                                                                                                                                                                                                                                                                            | 25 |
|                                                                                                                                                                                                                                                                            | 26 |
|                                                                                                                                                                                                                                                                            | 27 |
|                                                                                                                                                                                                                                                                            | 28 |
| ‘(6) On finishing an audit of the principal body corporate’s statement of accounts for a financial year, the auditor must give a certificate—                                                                                                                              | 29 |
|                                                                                                                                                                                                                                                                            | 30 |
|                                                                                                                                                                                                                                                                            | 31 |

---

[s 21]

- 
- (a) stating whether the statement of accounts gives a true and fair view of the principal body corporate's financial affairs; and
  - (b) if the statement of accounts does not give a true and fair view of the principal body corporate's financial affairs—identifying the deficiencies in the statement.
- ‘(7) A copy of the auditor’s certificate must accompany the notice of the next annual general meeting held after the certificate is given.
- ‘(8) In this section—
- auditor*** means—
- (a) a person who is a registered company auditor; or
  - (b) a person who—
    - (i) is a member of—
      - (A) CPA Australia and entitled to use the letters ‘CPA’ or ‘FCPA’; or
      - (B) the Institute of Chartered Accountants in Australia and entitled to use the letters ‘CA’ or ‘FCA’; or
      - (C) the National Institute of Accountants and entitled to use the letters ‘MNIA’, ‘FNIA’, ‘PNA’ or ‘FPNA’; and
    - (ii) has a total of 2 years auditing experience, whether or not continuous.’.

- Clause 21      Amendment of s 173 (Application of div 3 to expanded principal body corporate)**
- (1) Section 173, heading, ‘div 3’—  
*omit, insert—*  
**‘divs 3, 3A and 3B’.**
  - (2) Section 173, ‘Division 3 applies’—

*omit, insert—*

‘Divisions 3, 3A and 3B apply’.

**Clause 22      Insertion of new pt 10, div 1 hdg**

Part 10, after part 10 heading—

*insert—*

**‘Division 1                      Dispute resolution’.**

**Clause 23      Amendment of s 179A (Dealing with disputes)**

Section 179A—

*insert—*

‘(2) However, this section—

(a) does not apply to a matter mentioned in section 179B;  
and

(b) is subject to section 179C.’.

**Clause 24      Insertion of new ss 179B and 179C, pt 10, div 2 hdg and  
s 179D**

After section 179A, as amended by this Act—

*insert—*

**‘179B Dealing with matter relating to development control  
by-law**

‘(1) The Commercial and Consumer Tribunal may review or  
otherwise deal with a matter relating to—

(a) a decision of a principal body corporate about a  
development control by-law (a *relevant by-law*) for  
development in a residential precinct in an approved  
scheme; or

(b) contravention or alleged contravention of a relevant  
by-law.

[s 24]

- ‘(2) Each of the following persons may apply to the tribunal to deal with a matter under subsection (1) if the person has standing to make the application—
- (a) the principal body corporate;
  - (b) a body corporate created by the registration of a group titles plan or building units plan subdividing a secondary lot in a residential precinct in the approved scheme;
  - (c) a proprietor or occupier of, or a person having an estate or interest in, a lot in a residential precinct in the approved scheme.
- ‘(3) For subsection (2), a person has standing to make the application if the person is directly and materially affected by the matter to which the application relates.
- Example—*
- A proprietor of a lot in a residential precinct in an approved scheme alleges that the amenity of the lot has been, or will be, adversely affected by development authorised under a development control by-law in an adjoining residential precinct in the scheme.
- ‘(4) If, in dealing with a matter mentioned in subsection (1), the tribunal substitutes a development control by-law, section 176(5) does not apply to the substituted by-law.
- ‘(5) This section is subject to section 179C.

**‘179C Internal dispute resolution processes to be used before application**

- ‘(1) This section applies to—
- (a) a referee for deciding an application for an order under the *Building Units and Group Titles Act 1980*, part 5, relating to a dispute about a matter mentioned in section 179A; and
  - (b) the Commercial and Consumer Tribunal for deciding an application about a matter mentioned in section 179B.

- ‘(2) The referee or tribunal must not decide the application unless the referee or tribunal is satisfied the applicant has made reasonable attempts to resolve the dispute or matter by using internal dispute resolution processes.
- Examples of internal dispute resolution processes—*
- the parties to a dispute communicating with each other
  - the applicant writing to the committee for the relevant principal body corporate
  - the applicant causing a motion to be presented for consideration at a general meeting of the relevant principal body corporate

## ‘Division 2                      Other matters                      11

### ‘179D Associates                      12

- ‘(1) For this Act, a person is associated with someone else if—
- (a) a relationship of a type to which this section applies exists between them; or
  - (b) a series of relationships of a type to which this section applies can be traced between them through another person or other persons.
- ‘(2) This section applies to relationships of the following types—
- (a) marriage or de facto partnership;
  - (b) the relationship of ascendant and descendant (including the relationship of parent and child) or the relationship of persons who have a parent or grandparent in common;
  - (c) business partnership;
  - (d) the relationship of employer and employee;
  - (e) a fiduciary relationship;
  - (f) the relationship of persons, 1 of whom is accustomed, or under an obligation (whether formal or informal), to act

[s 25]

---

|           |                                                                                                                                                                                                                                                                                                   |                          |
|-----------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|
|           | in accordance with the directions, instructions or wishes of the other;                                                                                                                                                                                                                           | 1<br>2                   |
|           | (g) the relationship of a corporation and executive officer of the corporation;                                                                                                                                                                                                                   | 3<br>4                   |
|           | (h) the relationship of a corporation and a person who is in a position to control or substantially influence the corporation's conduct.                                                                                                                                                          | 5<br>6<br>7              |
| '(3)      | Despite subsection (2)(e) and (f), the owner of an initial lot, secondary lot or a lot on a group titles plan or building units plan and a letting agent for an approved scheme or part of an approved scheme are not associated merely because of their relationship as owner and letting agent. | 8<br>9<br>10<br>11<br>12 |
| '(4)      | In this section—                                                                                                                                                                                                                                                                                  | 13                       |
|           | <i>executive officer</i> , of a corporation, means a person who is concerned with, or takes part in, the corporation's management, whether or not the person is a director or the person's position is given the name of executive officer.                                                       | 14<br>15<br>16<br>17     |
|           | <i>letting agent</i> , for an approved scheme or part of an approved scheme, means a person authorised by a body corporate to conduct a letting agent business for the scheme or part.'                                                                                                           | 18<br>19<br>20           |
| Clause 25 | Insertion of new pt 12                                                                                                                                                                                                                                                                            | 21                       |
|           | After section 183—                                                                                                                                                                                                                                                                                | 22                       |
|           | <i>insert—</i>                                                                                                                                                                                                                                                                                    | 23                       |
| 'Part 12  | <b>Transitional provisions for<br/>Resorts and Other Legislation<br/>Amendment Act 2008</b>                                                                                                                                                                                                       | 24<br>25<br>26           |
| '184      | Definition for pt 12                                                                                                                                                                                                                                                                              | 27                       |
|           | 'In this part—                                                                                                                                                                                                                                                                                    | 28                       |
|           | <i>commencement</i> means the commencement of this section.                                                                                                                                                                                                                                       | 29                       |



|             |                                                                                                                                                                                                                                           |    |
|-------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|
| <b>‘185</b> | <b>Existing term of appointment for body corporate manager</b>                                                                                                                                                                            | 1  |
|             |                                                                                                                                                                                                                                           | 2  |
| ‘(1)        | This section applies if—                                                                                                                                                                                                                  | 3  |
| (a)         | before the commencement, a body corporate manager was appointed for—                                                                                                                                                                      | 4  |
|             |                                                                                                                                                                                                                                           | 5  |
| (i)         | a primary thoroughfare body corporate under section 130; or                                                                                                                                                                               | 6  |
|             |                                                                                                                                                                                                                                           | 7  |
| (ii)        | a principal body corporate under section 165; and                                                                                                                                                                                         | 8  |
| (b)         | the term of the appointment has not ended.                                                                                                                                                                                                | 9  |
| ‘(2)        | The term of the appointment ends on the day provided for in the instrument of appointment.                                                                                                                                                | 10 |
|             |                                                                                                                                                                                                                                           | 11 |
| ‘(3)        | For subsection (2), the term of the appointment provided for in the instrument of appointment includes rights or options of extension or renewal provided for in the instrument of appointment.                                           | 12 |
|             |                                                                                                                                                                                                                                           | 13 |
|             |                                                                                                                                                                                                                                           | 14 |
|             |                                                                                                                                                                                                                                           | 15 |
| ‘(4)        | This section applies despite sections 130(5) and (6) and 165(5) and (6).                                                                                                                                                                  | 16 |
|             |                                                                                                                                                                                                                                           | 17 |
| <b>‘186</b> | <b>End of appointment of original owner of secondary lot as nominee for subsidiary body corporate</b>                                                                                                                                     | 18 |
|             |                                                                                                                                                                                                                                           | 19 |
| ‘(1)        | This section applies if—                                                                                                                                                                                                                  | 20 |
| (a)         | before the commencement—                                                                                                                                                                                                                  | 21 |
| (i)         | a subsidiary body corporate under a building units or group titles plan appointed as its nominee, under section 140, the original owner of the secondary lot subdivided by the plan or an ineligible associate of the original owner; and | 22 |
|             |                                                                                                                                                                                                                                           | 23 |
|             |                                                                                                                                                                                                                                           | 24 |
|             |                                                                                                                                                                                                                                           | 25 |
|             |                                                                                                                                                                                                                                           | 26 |
| (ii)        | the original owner ceased to own more than 50% of the lots; and                                                                                                                                                                           | 27 |
|             |                                                                                                                                                                                                                                           | 28 |
| (b)         | immediately before the commencement, the original owner or associate was still the nominee for the subsidiary body corporate.                                                                                                             | 29 |
|             |                                                                                                                                                                                                                                           | 30 |
|             |                                                                                                                                                                                                                                           | 31 |

[s 26]

---

|           |                                                                                                                                                                                                             |                      |
|-----------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|
|           | ‘(2) Despite section 140A, the original owner’s or associate’s appointment as the nominee for the subsidiary body corporate ends when the first of the following happens—                                   | 1<br>2<br>3          |
|           | (a) the end of 6 months after the commencement;                                                                                                                                                             | 4                    |
|           | (b) the secretary of the principal body corporate receives a written notice under section 140(7)(b) of—                                                                                                     | 5<br>6               |
|           | (i) the cancellation of the appointment; or                                                                                                                                                                 | 7                    |
|           | (ii) the appointment of another nominee for the subsidiary body corporate.                                                                                                                                  | 8<br>9               |
|           | ‘(3) In this section—                                                                                                                                                                                       | 10                   |
|           | <i>ineligible associate</i> see section 140A(2)(b).                                                                                                                                                         | 11                   |
|           | <i>subsidiary body corporate</i> , under a building units or group titles plan subdividing a secondary lot within a residential precinct, means the body corporate created by the registration of the plan. | 12<br>13<br>14<br>15 |
| ‘187      | <b>Auditing accounts for first annual general meeting after commencement</b>                                                                                                                                | 16<br>17             |
|           | ‘(1) This section applies if—                                                                                                                                                                               | 18                   |
|           | (a) before the commencement—                                                                                                                                                                                | 19                   |
|           | (i) a principal body corporate authorised a person to prepare a statement of accounts under section 151(1)(f) for adoption at the body corporate’s annual general meeting; and                              | 20<br>21<br>22<br>23 |
|           | (ii) the person started to prepare the statement of accounts; and                                                                                                                                           | 24<br>25             |
|           | (b) the annual general meeting has not happened.                                                                                                                                                            | 26                   |
|           | ‘(2) Section 168I does not apply for auditing the statement of accounts for the period to which the authorisation relates.’.                                                                                | 27<br>28             |
| Clause 26 | <b>Amendment of sch 2 (Dictionary)</b>                                                                                                                                                                      | 29                   |
|           | Schedule 2—                                                                                                                                                                                                 | 30                   |

*insert—*

*‘associate*, of a person, means someone else with whom the person is associated under section 179D.

*Commercial and Consumer Tribunal* means the tribunal of that name established under the *Commercial and Consumer Tribunal Act 2003*.

*financial year—*

- (a) for a primary thoroughfare body corporate, means a period in relation to which the body corporate is required under section 116(1)(f) to prepare a statement of accounts; or
- (b) for a principal body corporate, means a period in relation to which the body corporate is required under section 151(1)(f) to prepare a statement of accounts.

*nominee*, for a member of a principal body corporate, see section 140(1).

*original owner*, of an initial or secondary lot that has been subdivided by a building unit or group titles plan, means the person who was the registered owner of the lot immediately before it was subdivided by the plan.

*special resolution—*

- (a) for a general meeting of a primary thoroughfare body corporate, see section 101; or
- (b) for a general meeting of a principal body corporate, see section 138.’.

## Part 3

## Amendment of Mixed Use Development Act 1993

### Clause 27 Act amended in pt 3

This part amends the *Mixed Use Development Act 1993*.

[s 28]

---

|                  |                                                                                                                                                                                                                                                              |                       |
|------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|
| <b>Clause 28</b> | <b>Amendment of s 79 (Lodgement of building units or group titles plan)</b>                                                                                                                                                                                  | 1<br>2                |
|                  | Section 79—                                                                                                                                                                                                                                                  | 3                     |
|                  | <i>insert—</i>                                                                                                                                                                                                                                               | 4                     |
|                  | ‘(5) A group titles plan must also be accompanied by a diagram showing the name and numbering, or proposed name and numbering, of each road that is, or is to be, on the primary thoroughfare, or the part of the primary thoroughfare, shown on the plan.’. | 5<br>6<br>7<br>8<br>9 |
| <b>Clause 29</b> | <b>Amendment of s 80 (Approval of building units or group titles plan)</b>                                                                                                                                                                                   | 10<br>11              |
|                  | Section 80(1)(b)—                                                                                                                                                                                                                                            | 12                    |
|                  | <i>insert—</i>                                                                                                                                                                                                                                               | 13                    |
|                  | ‘(iii) the diagram mentioned in section 79(5).’.                                                                                                                                                                                                             | 14                    |
| <b>Clause 30</b> | <b>Amendment of s 101 (Subdivision by building units or group titles plan)</b>                                                                                                                                                                               | 15<br>16              |
|                  | Section 101—                                                                                                                                                                                                                                                 | 17                    |
|                  | <i>insert—</i>                                                                                                                                                                                                                                               | 18                    |
|                  | ‘(7) A group titles plan must also be accompanied by a diagram showing the name and numbering, or proposed name and numbering, of each road that is, or is to be, on—                                                                                        | 19<br>20<br>21        |
|                  | (a) the community thoroughfare, or the part of the community thoroughfare, shown on the plan; and                                                                                                                                                            | 22<br>23              |
|                  | (b) each precinct thoroughfare, or part of a precinct thoroughfare, shown on the plan.’.                                                                                                                                                                     | 24<br>25              |
| <b>Clause 31</b> | <b>Amendment of s 102 (Approval of building units or group titles plan)</b>                                                                                                                                                                                  | 26<br>27              |
|                  | Section 102(1)(b)—                                                                                                                                                                                                                                           | 28                    |

*insert—* 1  
‘(iii) the diagram mentioned in section 101(7).’ 2

**Part 4** **Amendment of Sanctuary Cove** 3  
**Resort Act 1985** 4

**Clause 32** **Act amended in pt 4 and schedule** 5  
This part and the schedule amend the *Sanctuary Cove Resort* 6  
*Act 1985*. 7

**Clause 33** **Amendment of s 4 (Interpretation)** 8  
(1) Section 4, heading— 9  
*omit, insert—* 10  
**‘4 Definitions’.** 11  
(2) Section 4, definitions *Albert Shire Council, residential zone* 12  
*and zone—* 13  
*omit.* 14  
(3) Section 4— 15  
*insert—* 16  
**‘adjacent site** see section 12A. 17  
**approved use,** for a zone, see section 4A. 18  
**associate,** of a person, means someone else with whom the 19  
person is associated under section 104D. 20  
**canal** see the *Coastal Protection and Management Act 1995,* 21  
schedule. 22  
**chief executive (local government)** means the chief executive 23  
of the department in which the *Local Government Act 1993* is 24  
administered. 25

[s 33]

|                                                                                                                                                                      |                |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|
| <b>Commercial and Consumer Tribunal</b> means the tribunal of that name established under the <i>Commercial and Consumer Tribunal Act 2003</i> .                     | 1<br>2<br>3    |
| <b>financial year</b> —                                                                                                                                              | 4              |
| (a) for the principal body corporate, see section 22; or                                                                                                             | 5              |
| (b) for the primary thoroughfare body corporate, see section 65.                                                                                                     | 6<br>7         |
| <b>former Albert Shire Council</b> means the local government of that name that was constituted under the <i>Local Government Act 1993</i> or its successors in law. | 8<br>9<br>10   |
| <b>Integrated Planning Act</b> means the <i>Integrated Planning Act 1997</i> .                                                                                       | 11<br>12       |
| <b>local government</b> means the local government for the local government area in which the site and adjacent site are situated.                                   | 13<br>14<br>15 |
| <b>nominee</b> , of a member of the principal body corporate, see section 24(1).                                                                                     | 16<br>17       |
| <b>original owner</b> , of a secondary lot that has been subdivided by a building unit or group titles plan, see section 22.                                         | 18<br>19       |
| <b>relevant plan</b> see section 12I(2).                                                                                                                             | 20             |
| <b>residential zone</b> means any of the following zones—                                                                                                            | 21             |
| (a) Floating Dwelling House Zone;                                                                                                                                    | 22             |
| (b) General Residential Zone;                                                                                                                                        | 23             |
| (c) Harbour, River and Waterfront Residential Zone.                                                                                                                  | 24             |
| <b>site</b> see section 5.                                                                                                                                           | 25             |
| <b>use</b> , for a zone, means a use mentioned in schedule 1, part 2.                                                                                                | 26             |
| <b>zone</b> means a part of the site or adjacent site that—                                                                                                          | 27             |
| (a) has a name mentioned in schedule 1, part 1; and                                                                                                                  | 28             |
| (b) is shown as a zone on the proposed use plan of the site or the proposed use plan of the adjacent site.’.                                                         | 29<br>30       |

- 
- |  |                                                                |   |
|--|----------------------------------------------------------------|---|
|  | (4) Section 4, as amended by this Act, definitions—            | 1 |
|  | <i>relocate</i> to schedule 2 as inserted by this Act.         | 2 |
|  | (5) Section 4, as amended by this Act, ‘In this Act—’—         | 3 |
|  | <i>omit, insert—</i>                                           | 4 |
|  | ‘The dictionary in schedule 2 defines particular words used in | 5 |
|  | this Act.’.                                                    | 6 |

- |                  |                                                               |    |
|------------------|---------------------------------------------------------------|----|
| <b>Clause 34</b> | <b>Insertion of new s 4A</b>                                  | 7  |
|                  | Part 1—                                                       | 8  |
|                  | <i>insert—</i>                                                | 9  |
| <b>‘4A</b>       | <b>Meaning of <i>approved use</i> for a zone</b>              | 10 |
|                  | ‘An <i>approved use</i> for a zone is—                        | 11 |
|                  | (a) a use for the zone that is approved under a regulation as | 12 |
|                  | a use for the zone; or                                        | 13 |
|                  | (b) if a change of a use for the zone is approved under part  | 14 |
|                  | 2AA, the use for the zone as changed and approved             | 15 |
|                  | under a regulation.’.                                         | 16 |

- |                  |                                                                              |    |
|------------------|------------------------------------------------------------------------------|----|
| <b>Clause 35</b> | <b>Amendment of s 5 (The site)</b>                                           | 17 |
|                  | (1) Section 5(1)—                                                            | 18 |
|                  | <i>omit, insert—</i>                                                         | 19 |
|                  | ‘(1) Subject to subsection (2), the <i>site</i> is the area of land shown on | 20 |
|                  | the initial plan of survey of the site.                                      | 21 |
|                  | ‘(1A) If the initial plan of survey is amended under part 2AA by             | 22 |
|                  | varying the boundary of the site, the <i>site</i> is the area of land        | 23 |
|                  | shown on the initial plan of survey as amended.’.                            | 24 |
|                  | (2) Section 5(3)—                                                            | 25 |
|                  | <i>omit, insert—</i>                                                         | 26 |
|                  | ‘(3) Despite the <i>Local Government Act 1993</i> , the site forms part of   | 27 |
|                  | the Gold Coast city local government area constituted under                  | 28 |
|                  | that Act.’.                                                                  | 29 |

[s 36]

---

- (3) Section 5(1A) to (3)— 1  
*renumber* as section 5(2) to (4). 2

**Clause 36 Omission of s 7 (Site divided into zones)** 3  
Section 7— 4  
*omit.* 5

**Clause 37 Amendment of s 8 (Proposed use plan)** 6  
(1) Section 8(1) and (2)— 7  
*omit, insert—* 8  
'(1) Subsections (2) to (5) apply to a plan of survey defining the 9  
boundaries of the zones within the site that is lodged with the 10  
local government for approval.' 11  
(2) Section 8(4), 'subsection (3)'— 12  
*omit, insert—* 13  
'subsection (2)'. 14  
(3) Section 8(4), (5), (7) and (8), 'Albert Shire Council'— 15  
*omit, insert—* 16  
'local government'. 17  
(4) Section 8(5) and (8), 'Director of Local Government'— 18  
*omit, insert—* 19  
'chief executive (local government)'. 20  
(5) Section 8(7), 'company'— 21  
*omit, insert—* 22  
'primary thoroughfare body corporate'. 23  
(6) Section 8(7), 'the council'— 24  
*omit, insert—* 25  
'the local government'. 26



- 
- |     |                                         |   |
|-----|-----------------------------------------|---|
| (7) | Section 8(7)(a), ‘subsection (4)’—      | 1 |
|     | <i>omit, insert—</i>                    | 2 |
|     | ‘subsection (3)’.                       | 3 |
| (8) | Section 8(8), ‘subsection (7)’—         | 4 |
|     | <i>omit, insert—</i>                    | 5 |
|     | ‘subsection (6)’.                       | 6 |
| (9) | Section 8(3) to (8)—                    | 7 |
|     | <i>renumber</i> as section 8(2) to (7). | 8 |

- |                  |                                                                                                                                                                                                      |                      |
|------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|
| <b>Clause 38</b> | <b>Amendment of s 9 (Town planning provisions)</b>                                                                                                                                                   | 9                    |
| (1)              | Section 9(1) and (2)—                                                                                                                                                                                | 10                   |
|                  | <i>omit, insert—</i>                                                                                                                                                                                 | 11                   |
| ‘(1)             | Despite the Integrated Planning Act, the local government’s<br>planning scheme under that Act does not apply to the site.’.                                                                          | 12<br>13             |
| (2)              | Section 9(2A), ‘the Albert’—                                                                                                                                                                         | 14                   |
|                  | <i>omit, insert—</i>                                                                                                                                                                                 | 15                   |
|                  | ‘the former Albert’.                                                                                                                                                                                 | 16                   |
| (3)              | Section 9(2A)—                                                                                                                                                                                       | 17                   |
|                  | <i>renumber</i> as section 9(2).                                                                                                                                                                     | 18                   |
| (4)              | Section 9(3)—                                                                                                                                                                                        | 19                   |
|                  | <i>omit, insert—</i>                                                                                                                                                                                 | 20                   |
| ‘(3)             | For the Integrated Planning Act, the use of land or a building<br>or other structure in a zone of the site for an approved use for<br>the zone is taken to be a lawful use under that Act.           | 21<br>22<br>23       |
| ‘(3A)            | Despite the Integrated Planning Act, a development approval<br>under that Act is not required to erect a building or other<br>structure in a zone of the site for an approved use for the<br>zone.’. | 24<br>25<br>26<br>27 |
| (5)              | Section 9(4), from ‘Within’ to ‘that zone.’—                                                                                                                                                         | 28                   |

[s 39]

|                                                                                                                                                            |                |
|------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|
| <i>omit, insert—</i>                                                                                                                                       | 1              |
| ‘A person must not use land, or a building or other structure,<br>in a zone of the site for a use that is not an approved use for<br>the zone.’.           | 2<br>3<br>4    |
| (6) Section 9(5)—                                                                                                                                          | 5              |
| <i>omit, insert—</i>                                                                                                                                       | 6              |
| ‘(5) In this section—                                                                                                                                      | 7              |
| <i>erect</i> , in relation to a building or other structure, includes the<br>following—                                                                    | 8<br>9         |
| (a) doing work for the purpose of erecting the building or<br>structure;                                                                                   | 10<br>11       |
| (b) carrying out structural work, alterations or additions or<br>rebuilding the building or structure;                                                     | 12<br>13       |
| (c) moving the building or structure or rebuilding it, with or<br>without alteration—                                                                      | 14<br>15       |
| (i) within a parcel of land; or                                                                                                                            | 16             |
| (ii) from one parcel of land to another parcel of land;<br>or                                                                                              | 17<br>18       |
| (iii) so that part of the building or structure is on a<br>parcel of land and another part of the building or<br>structure is on another parcel of land.’. | 19<br>20<br>21 |
| (7) Section 9(3A) to (5), as inserted or amended by this Act—                                                                                              | 22             |
| <i>renumber</i> as section 9(4) to (6).                                                                                                                    | 23             |

|                  |                                                                |    |
|------------------|----------------------------------------------------------------|----|
| <b>Clause 39</b> | <b>Amendment of s 10 (Initial subdivision within the site)</b> | 24 |
| (1)              | Section 10, ‘Albert Shire Council’—                            | 25 |
|                  | <i>omit, insert—</i>                                           | 26 |
|                  | ‘local government’.                                            | 27 |
| (2)              | Section 10, ‘Director of Local Government’—                    | 28 |

*omit, insert—* 1  
‘chief executive (local government)’. 2  
(3) Section 10(8)(b), ‘section 8(7)’— 3  
*omit, insert—* 4  
‘section 8(6)’. 5

**Clause 40      Amendment of s 12A (The adjacent site)** 6  
(1) Section 12A(1)— 7  
*omit, insert—* 8  
‘(1) Subject to subsection (2), the ***adjacent site*** is the area of land 9  
shown on the initial plan of survey of the adjacent site. 10  
(1A) If the initial plan of survey of the adjacent site is amended 11  
under part 2AA by varying the boundary of the adjacent site, 12  
the ***adjacent site*** is the area of land shown on the initial plan 13  
of survey of the adjacent site as amended.’. 14  
(2) Section 12A(3)— 15  
*omit, insert—* 16  
‘(3) Despite the *Local Government Act 1993*, the adjacent site 17  
forms part of the Gold Coast city local government area 18  
constituted under that Act.’. 19  
(3) Section 12A(4), ‘subsection (5)’— 20  
*omit, insert—* 21  
‘subsection (6)’. 22  
(4) Section 12A(5), ‘subsection (4)’— 23  
*omit, insert—* 24  
‘subsection (5)’. 25  
(5) Section 12A(1A) to (5)— 26  
*renumber* as section 12A(2) to (6). 27

[s 41]

|                  |                                                                                                                                                                             |    |
|------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|
| <b>Clause 41</b> | <b>Omission of s 12C (Adjacent site divided into zones)</b>                                                                                                                 | 1  |
|                  | Section 12C—                                                                                                                                                                | 2  |
|                  | <i>omit.</i>                                                                                                                                                                | 3  |
| <b>Clause 42</b> | <b>Amendment of s 12D (Proposed use plan of the adjacent site)</b>                                                                                                          | 4  |
|                  | (1) Section 12D(1) and (2)—                                                                                                                                                 | 5  |
|                  | <i>omit, insert—</i>                                                                                                                                                        | 6  |
|                  | ‘(1) Subsections (2) to (5) apply to a plan of survey defining the boundaries of the zones within the adjacent site that is lodged with the local government for approval.’ | 7  |
|                  | (2) Section 12D(4), ‘subsection (3)’—                                                                                                                                       | 8  |
|                  | <i>omit, insert—</i>                                                                                                                                                        | 9  |
|                  | ‘subsection (2)’.                                                                                                                                                           | 10 |
|                  | (3) Section 12D(4), (5), (7) and (8), ‘Albert Shire Council’—                                                                                                               | 11 |
|                  | <i>omit, insert—</i>                                                                                                                                                        | 12 |
|                  | ‘local government’.                                                                                                                                                         | 13 |
|                  | (4) Section 12D(4), (5), (7) and (8), ‘Director of Local Government’—                                                                                                       | 14 |
|                  | <i>omit, insert—</i>                                                                                                                                                        | 15 |
|                  | ‘chief executive (local government)’.                                                                                                                                       | 16 |
|                  | (5) Section 12D(5) and (8), ‘company’—                                                                                                                                      | 17 |
|                  | <i>omit, insert—</i>                                                                                                                                                        | 18 |
|                  | ‘primary thoroughfare body corporate’.                                                                                                                                      | 19 |
|                  | (6) Section 12D(7), ‘the council’—                                                                                                                                          | 20 |
|                  | <i>omit, insert—</i>                                                                                                                                                        | 21 |
|                  | ‘the local government’.                                                                                                                                                     | 22 |
|                  | (7) Section 12D(7)(a), ‘subsection (4)’—                                                                                                                                    | 23 |
|                  | <i>omit, insert—</i>                                                                                                                                                        | 24 |
|                  | ‘subsection (3)’.                                                                                                                                                           | 25 |
|                  |                                                                                                                                                                             | 26 |
|                  |                                                                                                                                                                             | 27 |
|                  |                                                                                                                                                                             | 28 |

- 
- |     |                                           |   |
|-----|-------------------------------------------|---|
| (8) | Section 12D(8), ‘subsection (7)’—         | 1 |
|     | <i>omit, insert—</i>                      | 2 |
|     | ‘subsection (6)’.                         | 3 |
| (9) | Section 12D(3) to (8)—                    | 4 |
|     | <i>renumber</i> as section 12D(2) to (7). | 5 |

- |                  |                                                                   |    |
|------------------|-------------------------------------------------------------------|----|
| <b>Clause 43</b> | <b>Amendment of s 12E (Town planning provisions)</b>              | 6  |
| (1)              | Section 12E(1) and (2)—                                           | 7  |
|                  | <i>omit, insert—</i>                                              | 8  |
| ‘(1)             | Despite the Integrated Planning Act, the local government’s       | 9  |
|                  | planning scheme under that Act does not apply to the adjacent     | 10 |
|                  | site.’.                                                           | 11 |
| (2)              | Section 12E(2A), ‘the Albert’—                                    | 12 |
|                  | <i>omit, insert—</i>                                              | 13 |
|                  | ‘the former Albert’.                                              | 14 |
| (3)              | Section 12E(2A)—                                                  | 15 |
|                  | <i>renumber</i> as section 12E(2).                                | 16 |
| (4)              | Section 12E(3)—                                                   | 17 |
|                  | <i>omit, insert—</i>                                              | 18 |
| ‘(3)             | For the Integrated Planning Act, the use of land or a building    | 19 |
|                  | or other structure in a zone of the adjacent site for an approved | 20 |
|                  | use for the zone is taken to be a lawful use under that Act.      | 21 |
| ‘(3A)            | Despite the Integrated Planning Act, a development approval       | 22 |
|                  | under that Act is not required to erect a building or other       | 23 |
|                  | structure in a zone of the adjacent site for an approved use for  | 24 |
|                  | the zone.’.                                                       | 25 |
| (5)              | Section 12E(4), from ‘Within’ to ‘that zone.’—                    | 26 |
|                  | <i>omit, insert—</i>                                              | 27 |

[s 44]

- 
- ‘A person must not use land, or a building or other structure,  
in a zone of the adjacent site for a use that is not an approved  
use for the zone.’. 1  
2  
3
- (6) Section 12E(4A), ‘subsection (4)’— 4  
*omit, insert—* 5  
‘subsection (5)’. 6
- (7) Section 12E(5)— 7  
*omit, insert—* 8
- ‘(5) In this section— 9  
*erect*, in relation to a building or other structure, includes the 10  
following— 11
- (a) doing work for the purpose of erecting the building or 12  
structure; 13
- (b) carrying out structural work, alterations or additions or 14  
rebuilding the building or structure; 15
- (c) moving the building or structure or rebuilding it, with or 16  
without alteration— 17
- (i) within a parcel of land; or 18
- (ii) from one parcel of land to another parcel of land; 19  
or 20
- (iii) so that part of the building or structure is on a 21  
parcel of land and another part of the building or 22  
structure is on another parcel of land.’. 23
- (8) Section 12E(3A) to (5), as inserted or amended by this Act— 24  
*renumber* as section 12E(4) to (7). 25

- Clause 44 Amendment of s 12F (Initial subdivision within the 26  
adjacent site) 27**
- (1) Section 12F, ‘Albert Shire Council’— 28  
*omit, insert—* 29  
‘local government’. 30
-

- 
- (2) Section 12F, ‘Director of Local Government’— 1  
*omit, insert—* 2  
‘chief executive (local government)’. 3
  - (3) Section 12F(8)(b), ‘section 12D(7)’— 4  
*omit, insert—* 5  
‘section 12D(6)’. 6

|                  |                                              |    |
|------------------|----------------------------------------------|----|
| <b>Clause 45</b> | <b>Insertion of new pt 2AA</b>               | 7  |
|                  | After part 2A—                               | 8  |
|                  | <i>insert—</i>                               | 9  |
| <b>‘Part 2AA</b> | <b>Amendments by application to Minister</b> | 10 |
|                  |                                              | 11 |

|             |                                                                                                                        |    |
|-------------|------------------------------------------------------------------------------------------------------------------------|----|
| <b>‘121</b> | <b>Amendment applications</b>                                                                                          | 12 |
| ‘(1)        | The primary thoroughfare body corporate may apply to the Minister under this part for any of the following amendments— | 13 |
|             |                                                                                                                        | 14 |
|             |                                                                                                                        | 15 |
|             | (a) changing an approved use for a zone by—                                                                            | 16 |
|             | (i) replacing the use with a different approved use; or                                                                | 17 |
|             | (ii) including an additional approved use for the zone;                                                                | 18 |
|             | (b) amending the proposed use plan of the site or the proposed use plan of the adjacent site by—                       | 19 |
|             |                                                                                                                        | 20 |
|             | (i) replacing a zone name with a different zone name;                                                                  | 21 |
|             | or                                                                                                                     | 22 |
|             | (ii) varying the boundary of a zone on the plan, other than a variation to which section 8(6)(b) or 12D(6)(b) applies; | 23 |
|             |                                                                                                                        | 24 |
|             |                                                                                                                        | 25 |
|             | (c) amending the initial plan of survey of the site by varying the boundary of the site;                               | 26 |
|             |                                                                                                                        | 27 |

[s 45]

---

|             |                                                                                                                                                                                                             |                      |
|-------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|
| (d)         | amending the initial plan of survey of the adjacent site by varying the boundary of the adjacent site.                                                                                                      | 1<br>2               |
| ‘(2)        | Each of the plans mentioned in subsection (1)(b) to (d) is a <i>relevant plan</i> .                                                                                                                         | 3<br>4               |
| <b>‘12J</b> | <b>Application procedure</b>                                                                                                                                                                                | 5                    |
| ‘(1)        | Before making the application, the primary thoroughfare body corporate must—                                                                                                                                | 6<br>7               |
| (a)         | for an amendment of a relevant plan, make the proposed amended plan available for inspection by the members of the primary thoroughfare body corporate and the members of the principal body corporate; and | 8<br>9<br>10<br>11   |
| (b)         | give a written notice to each of the members of the primary thoroughfare body corporate and the members of the principal body corporate stating—                                                            | 12<br>13<br>14       |
| (i)         | the nature of the amendment; and                                                                                                                                                                            | 15                   |
| (ii)        | that a member may give the primary thoroughfare body corporate written comments about the amendment within a period of at least 30 business days after the notice is given.                                 | 16<br>17<br>18<br>19 |
| ‘(2)        | The application must include—                                                                                                                                                                               | 20                   |
| (a)         | for an amendment of a relevant plan—a copy of the proposed amended plan; and                                                                                                                                | 21<br>22             |
| (b)         | a copy of the notice given under subsection (1)(b); and                                                                                                                                                     | 23                   |
| (c)         | all written comments given to the primary thoroughfare body corporate under subsection (1)(b)(ii); and                                                                                                      | 24<br>25             |
| (d)         | other matters, if any, that the Minister considers are necessary for deciding the application.                                                                                                              | 26<br>27             |
| <b>‘12K</b> | <b>Minister to consider application</b>                                                                                                                                                                     | 28                   |
| ‘(1)        | The Minister must—                                                                                                                                                                                          | 29                   |



[s 45]

- 
- (a) consider the application including any written comments included in the application; and 1  
2
- (b) consult any local government, department of government or statutory authority that, in the Minister's opinion, is likely to be affected by the amendment. 3  
4  
5
- ‘(2) The Minister may also consult another person, if, in the Minister's opinion, the person is likely to be affected by the amendment. 6  
7  
8
- ‘12L Decision on application 9**
- ‘The Governor in Council may, subject to section 12M— 10
- (a) approve the amendment; or 11
- (b) approve the amendment with modifications or subject to conditions; or 12  
13
- (c) refuse to approve the amendment. 14
- ‘12M Minor variation of site boundaries 15**
- ‘(1) This section applies to an amendment of— 16
- (a) the initial plan of survey of the site by varying the boundary of the site; or 17  
18
- (b) the initial plan of survey of the adjacent site by varying the boundary of the adjacent site. 19  
20
- ‘(2) The Governor in Council may approve the amendment only if— 21  
22
- (a) the Governor in Council considers— 23
- (i) the proposed variation of the boundary is of a minor nature; and 24  
25
- (ii) the total area of the site or adjacent site will not be materially changed because of the variation; and 26  
27
- (b) neither the aggregate number of the lots on the plan nor the aggregate voting entitlements for the lots will be changed because of the variation; and 28  
29  
30
-

[s 45]

---

|             |                                                                                                                                                                           |                |
|-------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|
| (c)         | each affected land owner has given the owner's written consent to the variation.                                                                                          | 1<br>2         |
| ‘(3)        | In this section—                                                                                                                                                          | 3              |
|             | <i>affected land owner</i> means the owner of land, outside the site or adjacent site, that is—                                                                           | 4<br>5         |
| (a)         | proposed under the amendment application to be incorporated as part of Sanctuary Cove Resort; or                                                                          | 6<br>7         |
| (b)         | otherwise affected by the proposed variation of the site boundary.                                                                                                        | 8<br>9         |
| <b>‘12N</b> | <b>Approval of change of use for zone</b>                                                                                                                                 | 10             |
|             | ‘If the Governor in Council approves an amendment to change an approved use for a zone, the amendment does not take effect until it has been approved under a regulation. | 11<br>12<br>13 |
| <b>‘12O</b> | <b>Approval of amendment of relevant plan</b>                                                                                                                             | 14             |
| ‘(1)        | This section applies if the Governor in Council approves an amendment of a relevant plan under this part.                                                                 | 15<br>16       |
| ‘(2)        | The chief executive must—                                                                                                                                                 | 17             |
| (a)         | notify the approval of the amendment by a gazette notice stating—                                                                                                         | 18<br>19       |
| (i)         | the amendment that has been approved; and                                                                                                                                 | 20             |
| (ii)        | the modifications, if any, made by the approval and the conditions, if any, to which the approval is subject; and                                                         | 21<br>22<br>23 |
| (iii)       | the places where a copy of the approval is available for inspection; and                                                                                                  | 24<br>25       |
| (b)         | keep a copy of the approval available for inspection at the office of the chief executive at Brisbane during business hours; and                                          | 26<br>27<br>28 |
| (c)         | note the approval on the amended plan; and                                                                                                                                | 29             |

- (d) give to the registrar of titles and the local government a copy of—
  - (i) the approved amendment; and
  - (ii) the amended plan endorsed under paragraph (c).
- ‘(3) The chief executive must, on payment by a person of the reasonable fee decided by the chief executive, give a copy of the amendment to the person.
- ‘(4) The registrar of titles must register the amended relevant plan.’.

**Clause 46      Amendment of s 15 (Subdivision of secondary lots)**

- (1) Section 15—
  - insert—*
- ‘(2CA) A group titles plan mentioned in subsection (2) or (2A) that is submitted to the local government must be accompanied by a diagram showing the name and numbering, or proposed name and numbering, of each road that is, or is to be, on—
  - (a) the primary thoroughfare, or the part of the primary thoroughfare, shown on the plan; and
  - (b) each secondary thoroughfare, or part of a secondary thoroughfare, shown on the plan.’.
- (2) Section 15(3), ‘Albert Shire Council’—
  - omit, insert—*
  - ‘local government’.

**Clause 47      Amendment of s 15A (Plan of survey where variation of boundary approved)**

- (1) Section 15A(1), ‘section 8(7) or 12D(7)’—
  - omit, insert—*
  - ‘section 8(6) or 12D(6)’.
- (2) Section 15A(2), ‘Albert Shire Council’—

[s 48]

---

*omit, insert—* 1  
‘local government’. 2  
(3) Sections 15A(3), ‘director of local government’— 3  
*omit, insert—* 4  
‘chief executive (local government)’. 5

**Clause 48      Amendment of s 21A (Subdivision of land outside residential zones)** 6  
7  
(1) Section 21A, ‘Albert Shire Council’— 8  
*omit, insert—* 9  
‘local government’. 10  
(2) Sections 21A(3), ‘director of local government’— 11  
*omit, insert—* 12  
‘chief executive (local government)’. 13  
(3) Section 21A(4), ‘the council’— 14  
*omit, insert—* 15  
‘the local government’. 16  
(4) Section 21A(3) and (4)— 17  
*renumber* as section 21A(4) and (5). 18  
(5) Section 21A— 19  
*insert—* 20  
‘(3) A plan of subdivision lodged with the local government under 21  
this section must be accompanied by a diagram showing the 22  
name and numbering, or proposed name and numbering, of 23  
each road that is, or is to be, on the primary thoroughfare, or 24  
the part of the primary thoroughfare, shown on the plan.’. 25

**Clause 49      Amendment of s 22 (Interpretation)** 26  
(1) Section 22, heading— 27

*omit, insert—*

**‘22 Definitions for pt 3’.**

(2) Section 22—

*insert—*

**‘financial year** means a period in relation to which the principal body corporate is required under section 33(1)(f) to prepare a statement of accounts.

**nominee**, of a member of the principal body corporate, see section 24(1).

**original owner**, of a secondary lot that has been subdivided by a building unit or group titles plan, means the person who was the registered owner of the lot immediately before it was subdivided by the plan.’.

**Clause 50 Insertion of new s 22A**

After section 22—

*insert—*

**‘22A References to standard module**

‘(1) In this part, the information included in square brackets after a section heading is a reference to a similar section of the *Body Corporate and Community Management (Standard Module) Regulation 2008*.

‘(2) The brackets and information do not form part of this Act.’.

**Clause 51 Replacement of s 24 (Member’s nominee)**

Section 24—

*omit, insert—*

**‘24 Member’s nominee**

‘(1) This section applies to a member of the principal body corporate for appointing a person (a **nominee**) to represent and vote on behalf of the member at meetings of the principal body corporate.

[s 51]

---

- ‘(2) A member of the principal body corporate that is itself a body corporate created by the registration of a group titles plan or a building units plan (a *subsidiary body corporate*)—
- (a) must appoint a nominee at its annual general meeting; and
- (b) otherwise, may appoint a nominee from time to time.
- ‘(3) A member of the principal body corporate, other than a subsidiary body corporate, may appoint a nominee from time to time.
- ‘(4) Subject to section 24A, a nominee appointed by a subsidiary body corporate must be a member of the subsidiary body corporate.
- ‘(5) The appointment of a nominee has no effect until written notice of the appointment is received by the secretary of the principal body corporate.
- ‘(6) A nominee appointed by a subsidiary body corporate must represent the subsidiary body corporate—
- (a) in the way the subsidiary body corporate directs; and
- (b) subject to subparagraph (a), in a way that is in the best interests of the subsidiary body corporate.
- ‘(7) The appointment of a nominee for a member ends when the first of the following happens—
- (a) the end of 1 year after the appointment;
- (b) the secretary of the principal body corporate receives written notice of—
- (i) the cancellation of the nominee’s appointment; or
- (ii) the appointment of another nominee for the member.
- ‘(8) A written notice under subsection (5) or (7)(b) must be signed—
- (a) for an appointment or cancellation made by a subsidiary body corporate—by the chairperson and secretary of the

- subsidiary body corporate; or 1  
(b) otherwise—by the member. 2

**‘24A When original owner can not be nominee for body corporate 3  
4**

- ‘(1) This section applies if more than 50% of the lots created by 5  
the registration of a group titles plan or building units plan 6  
subdividing a secondary lot are no longer owned by the 7  
original owner of the secondary lot. 8  
(2) The body corporate created by the registration of the plan can 9  
not appoint as its nominee— 10  
(a) the original owner; or 11  
(b) an associate (an *ineligible associate*) of the original 12  
owner who is not 1 of the proprietors constituting the 13  
body corporate. 14  
(3) If the original owner or an ineligible associate of the original 15  
owner is already a nominee for the body corporate— 16  
(a) a general meeting of the body corporate must be held 17  
within 2 months; and 18  
(b) if it is not sooner ended, the owner’s or associate’s 19  
appointment as the nominee ends at the next general 20  
meeting of the body corporate.’. 21

**Clause 52 Amendment of s 47A (Principal body corporate manager) 22**

- (1) Section 47A(1), ‘subsection (2)’— 23  
*omit, insert—* 24  
‘subsections (2), (8), (9) and (10)’. 25  
(2) Section 47A(9)— 26  
*renumber* as section 47A(11). 27  
(3) Section 47A(8)— 28

[s 53]

---

*omit, insert—*

‘(8) The term of appointment of the body corporate manager (after allowing for any rights or options of extension or renewal, whether provided for in the instrument of appointment or subsequently agreed to) must not be longer than 3 years.

*Example—*

The appointment of a body corporate manager begins on 1 January 2009 and is for a term of 3 years. The appointment can not end later than 31 December 2011.

‘(9) If the term of appointment purports to be longer than 3 years, it is taken to be 3 years.

‘(10) To remove any doubt, it is declared that at the end of the term of appointment of a person as the body corporate manager—

- (a) the appointment expires; and
- (b) the person can not act again as the body corporate manager without a new appointment.’.

**Clause 53      Insertion of new pt 3, divs 2B and 2C**

Part 3—

*insert—*

**‘Division 2B                      Proxies for general meetings of  
principal body corporate**

**‘47B      Application of div 2B**

‘This division applies to the appointment and use of a proxy to represent a member of the principal body corporate at a general meeting of the principal body corporate.

**‘47C      Appointment [SM, s 107]**

‘(1) Subject to subsections (2) to (5), a person entitled to vote at the general meeting may appoint a proxy to act for the person at the general meeting.



---

|                                                                                                                                                                                                                        |                      |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|
| ‘(2) The principal body corporate may by special resolution prohibit the use of proxies—                                                                                                                               | 1<br>2               |
| (a) for particular things described in the special resolution; or                                                                                                                                                      | 3<br>4               |
| (b) altogether.                                                                                                                                                                                                        | 5                    |
| ‘(3) An appointment under subsection (1) has effect subject to the operation of a special resolution under subsection (2).                                                                                             | 6<br>7               |
| ‘(4) A person must not hold—                                                                                                                                                                                           | 8                    |
| (a) if there are 20 or more lots for which there are voting entitlements for the meeting—proxies greater in number than 5% of the lots; or                                                                             | 9<br>10<br>11        |
| (b) if there are fewer than 20 lots for which there are voting entitlements for the meeting—more than 1 proxy.                                                                                                         | 12<br>13             |
| ‘(5) The appointment of a proxy is effective only if the person or the holder of the proxy gives, by hand, post or facsimile, a properly completed proxy form to the secretary of the principal body corporate before— | 14<br>15<br>16<br>17 |
| (a) the start of the meeting where the proxy is to be exercised; or                                                                                                                                                    | 18<br>19             |
| (b) if the principal body corporate has fixed an earlier time by which proxies must be given (that can not, however, be earlier than 24 hours before the time fixed for the meeting)—the earlier time.                 | 20<br>21<br>22<br>23 |
| <br><b>‘47D Form of proxy [SM, s 108]</b>                                                                                                                                                                              | <br>24               |
| ‘A proxy under this division—                                                                                                                                                                                          | 25                   |
| (a) must be in the approved form; and                                                                                                                                                                                  | 26                   |
| (b) must be in the English language; and                                                                                                                                                                               | 27                   |
| (c) can not be irrevocable; and                                                                                                                                                                                        | 28                   |
| (d) can not be transferred by the holder of the proxy to a third person; and                                                                                                                                           | 29<br>30             |

---

[s 53]

---

|                                      |                                                                                                                                                                                                                           |                      |
|--------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|
| (e)                                  | lapses at the end of the principal body corporate's financial year or at the end of a shorter period stated in the proxy; and                                                                                             | 1<br>2<br>3          |
| (f)                                  | may be given by any person who has the right to vote at a general meeting; and                                                                                                                                            | 4<br>5               |
| (g)                                  | subject to the limitations contained in this division, may be given to any individual; and                                                                                                                                | 6<br>7               |
| (h)                                  | must appoint a named individual.                                                                                                                                                                                          | 8                    |
| <b>'47E Use of proxy [SM, s 109]</b> |                                                                                                                                                                                                                           | 9                    |
| '(1)                                 | A member of the principal body corporate ( <i>member A</i> ) who is the proxy for another member of the principal body corporate ( <i>member B</i> ) may vote both in member A's own right and also as proxy of member B. | 10<br>11<br>12<br>13 |
| '(2)                                 | If at least 1 co-owner of a lot is present at the general meeting, a proxy given by another co-owner of the lot is of no effect.                                                                                          | 14<br>15             |
| '(3)                                 | A vote by proxy must not be exercised at the general meeting—                                                                                                                                                             | 16<br>17             |
| (a)                                  | if the member who gave the proxy is personally present at the meeting, unless the member consents at the meeting; or                                                                                                      | 18<br>19<br>20       |
| (b)                                  | on a particular motion, if the person who gave the proxy has exercised a written or electronic vote on the motion; or                                                                                                     | 21<br>22<br>23       |
| (c)                                  | on a ballot for the election of a member of the executive committee, or for otherwise choosing a member of the executive committee; or                                                                                    | 24<br>25<br>26       |
| (d)                                  | for voting for a special resolution prohibiting, wholly or partly, the use of proxies at executive committee meetings or general meetings; or                                                                             | 27<br>28<br>29       |
| (e)                                  | for voting for a majority resolution; or                                                                                                                                                                                  | 30                   |
| (f)                                  | on a motion approving—                                                                                                                                                                                                    | 31                   |

- 
- (i) the engagement of a person as the body corporate manager, a service contractor, or the authorisation of a person as a letting agent; or
    - (ii) the amendment or termination of an engagement or authorisation mentioned in subparagraph (i); or
  - (g) on a motion decided by secret ballot.
- ‘(4) A proxy may be exercised by—
- (a) the proxy holder voting in a show of hands at a general meeting; or
  - (b) the proxy holder completing a written or electronic vote on a motion before the start of, or at, the general meeting.
- ‘(5) In this section—
- majority resolution* means a resolution that may be passed by members of the principal body corporate whose voting entitlements are more than 50% of the total of all voting entitlements recorded in the principal body corporate’s roll under section 34.

**‘47F Special provisions about proxy use [SM, s 110]**

- ‘(1) A member of the principal body corporate can not be prevented by contract from exercising a vote at the general meeting, and can not be required by contract to make someone else the member’s proxy for voting at the general meeting.
- ‘(2) A proxy can not be exercised for someone else by—
  - (a) the original owner of a secondary lot; or
  - (b) a body corporate manager for—
    - (i) the primary thoroughfare body corporate; or
    - (ii) the principal body corporate; or
    - (iii) a body corporate created by the registration of a group titles plan or building units plan subdividing a secondary lot; or

[s 53]

---

|                     |                                                                                                                                                                                                                                                                              |                        |
|---------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|
| (c)                 | an associate of a person mentioned in paragraph (a) or (b), unless the associate is 1 of the proprietors constituting a body corporate that is itself a member of the principal body corporate.                                                                              | 1<br>2<br>3<br>4       |
| <b>‘47G</b>         | <b>Offence [SM, s 111]</b>                                                                                                                                                                                                                                                   | 5                      |
|                     | ‘A person must not exercise a proxy, or otherwise purport to vote on behalf of another person, at the general meeting of the principal body corporate knowing that the person does not have the right to exercise the proxy or otherwise vote on behalf of the other person. | 6<br>7<br>8<br>9<br>10 |
|                     | Maximum penalty—100 penalty units.                                                                                                                                                                                                                                           | 11                     |
| <b>‘Division 2C</b> | <b>Accounts and audit</b>                                                                                                                                                                                                                                                    | 12                     |
| <b>‘47H</b>         | <b>Application of div 3B</b>                                                                                                                                                                                                                                                 | 13                     |
|                     | ‘This division applies to the principal body corporate for preparing a statement of accounts under section 33(1)(f).                                                                                                                                                         | 14<br>15               |
| <b>‘47I</b>         | <b>Accounts [SM, s 154]</b>                                                                                                                                                                                                                                                  | 16                     |
| ‘(1)                | The statement of accounts may be prepared on a cash or accrual basis.                                                                                                                                                                                                        | 17<br>18               |
| ‘(2)                | If the accounts are prepared on a cash basis, they must include disclosure of the following—                                                                                                                                                                                 | 19<br>20               |
| (a)                 | the total amounts paid to the fund established under section 331(1)(i) and the account established under section 33(1)(k);                                                                                                                                                   | 21<br>22<br>23         |
| (b)                 | total contributions in arrears;                                                                                                                                                                                                                                              | 24                     |
| (c)                 | balances for all financial institution accounts and investments;                                                                                                                                                                                                             | 25<br>26               |
| (d)                 | all outstanding receipts and payments.                                                                                                                                                                                                                                       | 27                     |

- 
- ‘(3) If the accounts are prepared on an accrual basis, they must  
show the assets and liabilities of the principal body corporate  
at the end of the financial year for which the accounts are  
prepared.
- ‘(4) The statement of accounts must include—
- (a) the corresponding figures for the previous financial  
year; and
  - (b) disclosure of all remuneration, allowances or expenses  
paid to members of the executive committee, identifying  
the total amounts paid to each member during the  
financial year under the following categories—
    - (i) remuneration or allowances;
    - (ii) expenses, split up into travelling, accommodation,  
meal and other expenses.
- ‘(5) A copy of the statement of accounts must accompany the  
notice of the annual general meeting first happening after the  
end of the financial year for which the accounts are prepared.

**‘47J Audit [SM, s 155]**

- ‘(1) The principal body corporate must have its statement of  
accounts for each financial year of the body corporate audited  
by an auditor.
- ‘(2) The auditor to be appointed must be agreed to by ordinary  
resolution of the principal body corporate.
- ‘(3) The motion for agreeing to the auditor to be appointed—
- (a) must be included in the agenda for the general meeting  
where the motion is to be considered; and
  - (b) must include the name of the auditor proposed to be  
appointed.
- ‘(4) Also, the body corporate may, by ordinary resolution—
- (a) resolve to have its accounting records audited for a  
particular period or a particular project; and
  - (b) appoint an auditor for the audit.

[s 53]

---

- ‘(5) A member of the executive committee, the body corporate manager, or an associate of a member of the executive committee or body corporate manager, can not be appointed to audit the accounting records or the statement of accounts of the principal body corporate. 1  
2  
3  
4  
5
- ‘(6) On finishing an audit of the principal body corporate’s statement of accounts for a financial year, the auditor must give a certificate— 6  
7  
8
- (a) stating whether the statement of accounts gives a true and fair view of the principal body corporate’s financial affairs; and 9  
10  
11
- (b) if the statement of accounts does not give a true and fair view of the principal body corporate’s financial affairs—identifying the deficiencies in the statement. 12  
13  
14
- ‘(7) A copy of the auditor’s certificate must accompany the notice of the next annual general meeting held after the certificate is given. 15  
16  
17
- ‘(8) In this section— 18
- auditor** means— 19
- (a) a person who is a registered company auditor; or 20
- (b) a person who— 21
- (i) is a member of— 22
- (A) CPA Australia and entitled to use the letters ‘CPA’ or ‘FCPA’; or 23  
24
- (B) the Institute of Chartered Accountants in Australia and entitled to use the letters ‘CA’ or ‘FCA’; or 25  
26  
27
- (C) the National Institute of Accountants and entitled to use the letters ‘MNIA’, ‘FNIA’, ‘PNA’ or ‘FPNA’; and 28  
29  
30
- (ii) has a total of 2 years auditing experience, whether or not continuous.’. 31  
32

|                  |                                                                          |    |
|------------------|--------------------------------------------------------------------------|----|
| <b>Clause 54</b> | <b>Replacement of s 64A (Maintenance etc. of canals)</b>                 | 1  |
|                  | Section 64A—                                                             | 2  |
|                  | <i>omit, insert—</i>                                                     | 3  |
| <b>'64A</b>      | <b>Maintenance etc. of canals</b>                                        | 4  |
|                  | 'The principal body corporate must preserve, maintain and                | 5  |
|                  | keep clean a canal, or the part of a canal, that is part of a            | 6  |
|                  | secondary thoroughfare.'                                                 | 7  |
| <b>Clause 55</b> | <b>Amendment of s 64B (Surrender of secondary thoroughfare as canal)</b> | 8  |
|                  | (1) Section 64B(1)—                                                      | 10 |
|                  | <i>omit, insert—</i>                                                     | 11 |
|                  | '(1) This section applies to a canal, including the part of a canal,     | 12 |
|                  | that is part of a secondary thoroughfare.'                               | 13 |
|                  | (2) Section 64B, 'Albert Shire Council'—                                 | 14 |
|                  | <i>omit, insert—</i>                                                     | 15 |
|                  | 'local government'.                                                      | 16 |
|                  | (3) Section 64B, 'Canals Act 1958'—                                      | 17 |
|                  | <i>omit, insert—</i>                                                     | 18 |
|                  | 'Coastal Protection and Management Act 1995'.                            | 19 |
|                  | (4) Section 64B(2), 'a canal'—                                           | 20 |
|                  | <i>omit, insert—</i>                                                     | 21 |
|                  | 'the canal'.                                                             | 22 |
| <b>Clause 56</b> | <b>Amendment of s 65 (Interpretation)</b>                                | 23 |
|                  | (1) Section 65, heading—                                                 | 24 |
|                  | <i>omit, insert—</i>                                                     | 25 |
| <b>'65</b>       | <b>Definitions for pt 5'.</b>                                            | 26 |
|                  | (2) Section 65—                                                          | 27 |

[s 57]

---

*insert—*

1

‘*financial year*, for the primary thoroughfare body corporate,  
means a period in relation to which the primary thoroughfare  
body corporate is required under section 77(1)(f) to prepare a  
statement of accounts.’.

2

3

4

5

**Clause 57      Insertion of new s 65A**

6

After section 65—

7

*insert—*

8

**‘65A      References to standard module**

9

‘(1) In this part, the information included in square brackets after a  
section heading is a reference to a similar section of the *Body  
Corporate and Community Management (Standard Module)  
Regulation 2008*.

10

11

12

13

‘(2) The brackets and information do not form part of this Act.’.

14

**Clause 58      Amendment of s 91A (Primary thoroughfare body  
corporate manager)**

15

16

(1) Section 91A(1), ‘subsection (2)’—

17

*omit, insert—*

18

‘subsections (2), (8), (9) and (10)’.

19

(2) Section 91A(9)—

20

*renumber* as section 91A(11).

21

(3) Section 91A(8)—

22

*omit, insert—*

23

‘(8) The term of appointment of the body corporate manager (after  
allowing for any rights or options of extension or renewal,  
whether provided for in the instrument of appointment or  
subsequently agreed to) must not be longer than 3 years.

24

25

26

27



*Example—*

The appointment of a body corporate manager begins on 1 January 2009 and is for a term of 3 years. The appointment can not end later than 31 December 2011.

‘(9) If the term of appointment purports to be longer than 3 years, it is taken to be 3 years.

‘(10) To remove any doubt, it is declared that at the end of the term of appointment of a person as the body corporate manager—

(a) the appointment expires; and

(b) the person can not act again as the body corporate manager without a new appointment.’.

## **Clause 59 Insertion of new pt 5, div 2B**

Part 5—

*insert—*

### **‘Division 2B Proxies for principal body corporate at general meetings of primary thoroughfare body corporate**

#### **‘91B Application of div 2B [SM, s 106]**

‘This division applies to the appointment and use of a proxy to represent the principal body corporate at a general meeting of the primary thoroughfare body corporate.

#### **‘91C Appointment [SM, s 107]**

‘(1) Subject to subsection (2), the principal body corporate may appoint a proxy to act for the body corporate at the general meeting.

‘(2) The appointment of a proxy is effective only if the principal body corporate or the holder of the proxy gives, by hand, post or facsimile, a properly completed proxy form to the secretary of the primary thoroughfare body corporate before—

[s 59]

---

- (a) the start of the meeting where the proxy is to be exercised; or 1  
2
- (b) if the primary thoroughfare body corporate has fixed an earlier time by which proxies must be given (that can not, however, be earlier than 24 hours before the time fixed for the meeting)—the earlier time. 3  
4  
5  
6

**‘91D Form of proxy [SM, s 108]** 7

‘A proxy given under this division— 8

- (a) must be in the approved form; and 9
- (b) must be in the English language; and 10
- (c) can not be irrevocable; and 11
- (d) can not be transferred by the holder of the proxy to a third person; and 12  
13
- (e) lapses at the end of the primary thoroughfare body corporate’s financial year or at the end of a shorter period stated in the proxy; and 14  
15  
16
- (f) may be given by any person who has the right to vote at a general meeting; and 17  
18
- (g) subject to the limitations contained in this division, may be given to any individual; and 19  
20
- (h) must appoint a named individual. 21

**‘91E Use of proxy [SM, s 109]** 22

‘(1) A member of the primary thoroughfare body corporate who is the proxy for the principal body corporate may vote both in the member’s own right and also as proxy of the principal body corporate. 23  
24  
25  
26

‘(2) A vote by proxy must not be exercised on behalf of the principal body corporate at the general meeting— 27  
28

- (a) if the person appointed to represent the principal body corporate under section 67(1) is personally present at 29  
30

- 
- the meeting, unless the person consents at the meeting; 1
  - or 2
  - (b) on a particular motion, if a written or electronic vote has 3
  - been exercised on the motion on behalf of the principal 4
  - body corporate; or 5
  - (c) on a ballot for the election of a member of the executive 6
  - committee, or for otherwise choosing a member of the 7
  - executive committee; or 8
  - (d) for voting for a special resolution prohibiting, wholly or 9
  - partly, the use of proxies at executive committee 10
  - meetings or general meetings; or 11
  - (e) for voting for a majority resolution; or 12
  - (f) on a motion approving— 13
    - (i) the engagement of a person as the body corporate 14
    - manager, a service contractor, or the authorisation 15
    - of a person as a letting agent; or 16
    - (ii) the amendment or termination of an engagement or 17
    - authorisation mentioned in subparagraph (i); or 18
  - (g) on a motion decided by secret ballot. 19
  - ‘(3) A proxy may be exercised by— 20
    - (a) the proxy holder voting in a show of hands at a general 21
    - meeting; or 22
    - (b) the proxy holder completing a written or electronic vote 23
    - on a motion before the start of, or at, the general 24
    - meeting. 25
  - ‘(4) In this section— 26
 

**majority resolution** means a resolution that may be passed by 27

members of the primary thoroughfare body corporate whose 28

voting entitlements are more than 50% of the total of all 29

voting entitlements recorded in the primary thoroughfare 30

body corporate’s roll under section 78. 31
-

[s 60]

---

|                  |                                                                                                                                                                                                                                                                                                                   |                            |
|------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|
| <b>‘91F</b>      | <b>Special provisions about proxy use [SM, s 110]</b>                                                                                                                                                                                                                                                             | 1                          |
| ‘(1)             | The principal body corporate can not be prevented by contract from exercising a vote at the general meeting, and can not be required by contract to make someone else the body corporate’s proxy for voting at the general meeting.                                                                               | 2<br>3<br>4<br>5           |
| ‘(2)             | A proxy can not be exercised for the principal body corporate by—                                                                                                                                                                                                                                                 | 6<br>7                     |
| (a)              | the original owner of a secondary lot; or                                                                                                                                                                                                                                                                         | 8                          |
| (b)              | a body corporate manager for—                                                                                                                                                                                                                                                                                     | 9                          |
| (i)              | the primary thoroughfare body corporate; or                                                                                                                                                                                                                                                                       | 10                         |
| (ii)             | the principal body corporate; or                                                                                                                                                                                                                                                                                  | 11                         |
| (iii)            | a body corporate created by the registration of a group titles plan or building units plan subdividing a secondary lot; or                                                                                                                                                                                        | 12<br>13<br>14             |
| (c)              | an associate of a person mentioned in paragraph (a) or (b), unless the associate is 1 of the proprietors constituting a body corporate that is itself a member of the principal body corporate.                                                                                                                   | 15<br>16<br>17<br>18       |
| <b>‘91G</b>      | <b>Offence [SM, s 111]</b>                                                                                                                                                                                                                                                                                        | 19                         |
|                  | ‘A person must not exercise a proxy, or otherwise purport to vote on behalf of the principal body corporate, at the general meeting of the primary thoroughfare body corporate knowing that the person does not have the right to exercise the proxy or otherwise vote on behalf of the principal body corporate. | 20<br>21<br>22<br>23<br>24 |
|                  | Maximum penalty—100 penalty units.’.                                                                                                                                                                                                                                                                              | 25                         |
| <b>Clause 60</b> | <b>Amendment of s 103 (Application of laws of the State)</b>                                                                                                                                                                                                                                                      | 26                         |
| (1)              | Section 103(3)—                                                                                                                                                                                                                                                                                                   | 27                         |
|                  | <i>omit, insert—</i>                                                                                                                                                                                                                                                                                              | 28                         |
| ‘(3)             | The <i>Coastal Protection and Management Act 1995</i> and the Integrated Planning Act do not apply to the development, or                                                                                                                                                                                         | 29<br>30                   |

proposed development, of a part of the site as a harbour  
facility. 1  
2

‘(4) In this section— 3  
*harbour facility* see schedule 1, part 3.’. 4

**Clause 61 Insertion of new pt 8, div 1 hdg 5**  
Part 8, after part 8 heading— 6  
*insert— 7*

**‘Division 1 Dispute resolution’. 8**

**Clause 62 Amendment of s 104A (Dealing with disputes) 9**  
Section 104A— 10  
*insert— 11*  
‘(2) However, this section— 12  
(a) does not apply to a matter mentioned in section 104B; 13  
and 14  
(b) is subject to section 104C.’. 15

**Clause 63 Insertion of new ss 104B and 104C, pt 8, div 2 hdg and 16**  
**s 104D 17**  
After section 104A, as amended by this Act— 18  
*insert— 19*

**‘104B Dealing with matter relating to development control 20**  
**by-law 21**

‘(1) The Commercial and Consumer Tribunal may review or 22  
otherwise deal with a matter relating to— 23  
(a) a decision of the principal body corporate about a 24  
development control by-law; or 25  
(b) contravention or alleged contravention of a development 26  
control by-law. 27

[s 63]

- ‘(2) Each of the following persons may apply to the tribunal to deal with a matter under subsection (1) if the person has standing to make the application—
- (a) the principal body corporate;
  - (b) a body corporate created by the registration of a group titles plan or building units plan subdividing a secondary lot in a residential zone;
  - (c) a proprietor or occupier of, or a person having an estate or interest in, a lot in a residential zone.
- ‘(3) For subsection (2), a person has standing to make the application if the person is directly and materially affected by the matter to which the application relates.
- Example—*
- A proprietor of a lot in a residential zone alleges that the amenity of the lot has been, or will be, adversely affected by development authorised under a development control by-law in an adjoining residential zone.
- ‘(4) If, in dealing with a matter mentioned in subsection (1), the tribunal substitutes a development control by-law, section 95(5) does not apply to the substituted by-law.
- ‘(5) This section is subject to section 104C.

#### **‘104C Internal dispute resolution processes to be used before application**

- ‘(1) This section applies to—
- (a) a referee for deciding an application for an order under the *Building Units and Group Titles Act 1980*, part 5, relating to a dispute about a matter mentioned in section 104A; and
  - (b) the Commercial and Consumer Tribunal for deciding an application about a matter mentioned in section 104B.
- ‘(2) The referee or tribunal must not decide the application unless the referee or tribunal is satisfied the applicant has made reasonable attempts to resolve the dispute or matter by using internal dispute resolution processes.

---

*Examples of internal dispute resolution processes—*

- the parties to a dispute communicating with each other 1 2
- the applicant writing to the committee for the principal body corporate 3 4
- the applicant causing a motion to be presented for consideration at a general meeting of the principal body corporate 5 6

## **‘Division 2                      Other matters                      7**

### **‘104D Associates                      8**

- ‘(1) For this Act, a person is associated with someone else if— 9
- (a) a relationship of a type to which this section applies exists between them; or 10 11
  - (b) a series of relationships of a type to which this section applies can be traced between them through another person or other persons. 12 13 14
- ‘(2) This section applies to relationships of the following types— 15
- (a) marriage or de facto partnership; 16
  - (b) the relationship of ascendant and descendant (including the relationship of parent and child) or the relationship of persons who have a parent or grandparent in common; 17 18 19 20
  - (c) business partnership; 21
  - (d) the relationship of employer and employee; 22
  - (e) a fiduciary relationship; 23
  - (f) the relationship of persons, 1 of whom is accustomed, or under an obligation (whether formal or informal), to act in accordance with the directions, instructions or wishes of the other; 24 25 26 27
  - (g) the relationship of a corporation and executive officer of the corporation; 28 29

[s 64]

---

(h) the relationship of a corporation and a person who is in a position to control or substantially influence the corporation's conduct. 1  
2  
3

‘(3) Despite subsection (2)(e) and (f), the owner of a secondary lot or lot on a group titles plan or building units plan and a letting agent for the Sanctuary Cove Resort or part of the resort are not associated merely because of their relationship as owner and letting agent. 4  
5  
6  
7  
8

‘(4) In this section— 9

*executive officer*, of a corporation, means a person who is concerned with, or takes part in, the corporation's management, whether or not the person is a director or the person's position is given the name of executive officer. 10  
11  
12  
13

*letting agent*, for the resort or part of the resort, means a person authorised by a body corporate to conduct a letting agent business for the resort or part.’. 14  
15  
16

**Clause 64 Insertion of new pt 10 17**

After section 112— 18

*insert—* 19

**‘Part 10 Transitional provisions for 20  
Resorts and Other Legislation 21  
Amendment Act 2008 22**

**‘113 Definition for pt 10 23**

‘In this section— 24

*commencement* means the commencement of this section. 25

**‘114 Existing term of appointment for body corporate 26  
manager 27**

‘(1) This section applies if— 28



- 
- (a) before the commencement, a body corporate manager was appointed for—
    - (i) the principal body corporate under section 47A; or
    - (ii) the primary thoroughfare body corporate under section 91A; and
  - (b) the term of the appointment has not ended.
  - ‘(2) The term of the appointment ends on the day provided for in the instrument of appointment.
  - ‘(3) For subsection (2), the term of the appointment provided for in the instrument of appointment includes rights or options of extension or renewal provided for in the instrument of appointment.
  - ‘(4) This section applies despite sections 47A(8) and (9) and 91A(8) and (9).
- ‘115 End of appointment of original owner of secondary lot as nominee for subsidiary body corporate**
- ‘(1) This section applies if—
    - (a) before the commencement—
      - (i) a subsidiary body corporate under a building units or group titles plan appointed as its nominee under section 24, the original owner of the secondary lot subdivided by the plan or an ineligible associate of the original owner; and
      - (ii) the original owner ceased to own more than 50% of the lots; and
    - (b) immediately before the commencement, the original owner or ineligible associate was still the nominee for the subsidiary body corporate.
  - ‘(2) Despite section 24A, the owner’s or associate’s appointment as the nominee for the subsidiary body corporate ends when the first of the following happens—
    - (a) the end of 6 months after the commencement;
-

[s 65]

- (b) the secretary of the principal body corporate receives a written notice under section 24(7)(b) of—
  - (i) the cancellation of the appointment; or
  - (ii) the appointment of another nominee for the subsidiary body corporate.
- ‘(3) In this section—
  - ineligible associate* see section 24A(2)(b).
  - subsidiary body corporate*, under a building units or group titles plan subdividing a secondary lot within a residential zone, means the body corporate created by the registration of the plan.

**‘116 Auditing accounts for first annual general meeting after commencement**

- ‘(1) This section applies if—
  - (a) before the commencement—
    - (i) the principal body corporate authorised a person to prepare a statement of accounts under section 33(1)(f) for adoption at the body corporate’s annual general meeting; and
    - (ii) the person started to prepare the statement of accounts; and
  - (b) the annual general meeting has not happened.
- ‘(2) Section 47J does not apply for auditing the statement of accounts for the period to which the authorisation relates.’.

**Clause 65 Amendment of sch A (Uses permitted within zones)**

- (1) Schedule A, heading—
  - omit, insert—*

|                    |                                                                                                        |           |
|--------------------|--------------------------------------------------------------------------------------------------------|-----------|
| <b>‘Schedule 1</b> | <b>Names of and uses for zones</b>                                                                     | <b>1</b>  |
|                    | section 4, definitions <i>use</i> and <i>zone</i> ’.                                                   | 2         |
| (2)                | Schedule A, as amended by this Act, item 1, definition <i>harbour facility</i> , ‘has been developed’— | 3<br>4    |
|                    | <i>omit, insert—</i>                                                                                   | 5         |
|                    | ‘has been, or is intended to be, developed’.                                                           | 6         |
| (3)                | Schedule A, as amended by this Act, item 1, ‘1. In this schedule—’—                                    | 7<br>8    |
|                    | <i>omit, insert—</i>                                                                                   | 9         |
| <b>‘Part 1</b>     | <b>Names of zones</b>                                                                                  | <b>10</b> |
|                    | Administration Zone                                                                                    | 11        |
|                    | Floating Dwelling House Zone                                                                           | 12        |
|                    | General Residential Zone                                                                               | 13        |
|                    | Golf Course Zone                                                                                       | 14        |
|                    | Harbour Zone                                                                                           | 15        |
|                    | Harbour, River and Waterfront Residential Zone                                                         | 16        |
|                    | International Hotel Zone                                                                               | 17        |
|                    | Primary Thoroughfare Zone                                                                              | 18        |
|                    | Recreation Club Zone                                                                                   | 19        |
|                    | Village Zone                                                                                           | 20        |
| <b>‘Part 2</b>     | <b>Uses for zones</b>                                                                                  | <b>21</b> |
|                    | • accommodation units                                                                                  | 22        |

[s 65]

---

|                             |    |
|-----------------------------|----|
| • brewery                   | 1  |
| • car hire premises         | 2  |
| • catering facility         | 3  |
| • child care centre         | 4  |
| • club                      | 5  |
| • commercial premises       | 6  |
| • commissary                | 7  |
| • dwelling house            | 8  |
| • educational establishment | 9  |
| • fauna park                | 10 |
| • floating dwelling house   | 11 |
| • gatehouse                 | 12 |
| • harbour facility          | 13 |
| • health care institution   | 14 |
| • helipad                   | 15 |
| • indoor entertainments     | 16 |
| • international hotel       | 17 |
| • lake                      | 18 |
| • landscaping               | 19 |
| • licensed premises         | 20 |
| • liquid fuel depot         | 21 |
| • marina                    | 22 |
| • motel                     | 23 |
| • outdoor entertainment     | 24 |
| • park                      | 25 |
| • place of assembly         | 26 |
| • place of worship          | 27 |

---

|                              |    |
|------------------------------|----|
| • plant nursery              | 1  |
| • premises                   | 2  |
| • recreation                 | 3  |
| • recreation club            | 4  |
| • service station            | 5  |
| • shop                       | 6  |
| • site maintenance depot     | 7  |
| • special dwelling house     | 8  |
| • thoroughfare               | 9  |
| • transport terminal         | 10 |
| • utility undertaking        | 11 |
| • vehicular parking area     | 12 |
| • veterinary surgery         | 13 |
| • visitor information centre | 14 |
| • waste transfer facility    | 15 |
| • water recreation           | 16 |
| • yacht club                 | 17 |

|                |                                      |           |
|----------------|--------------------------------------|-----------|
| <b>‘Part 3</b> | <b>Definitions of uses for zones</b> | <b>18</b> |
|----------------|--------------------------------------|-----------|

|               |    |
|---------------|----|
| ‘In part 2—’. | 19 |
|---------------|----|

|                                                           |    |
|-----------------------------------------------------------|----|
| (3) Schedule A, as amended by this Act, item 2 and table— | 20 |
| <i>omit.</i>                                              | 21 |

|                  |                                |           |
|------------------|--------------------------------|-----------|
| <b>Clause 66</b> | <b>Replacement of schs B–E</b> | <b>22</b> |
|                  | Schedules B to E—              | 23        |

[s 66]

---

|                                    |   |
|------------------------------------|---|
| <i>omit, insert—</i>               | 1 |
| <b>‘Schedule 2      Dictionary</b> | 2 |
| section 4’.                        | 3 |

|                 |                                                                                                                                                                                                                                         |                       |
|-----------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|
| <b>Schedule</b> | <b>Minor amendments of<br/>Sanctuary Cove Resort Act<br/>1985</b>                                                                                                                                                                       | 1<br>2<br>3           |
|                 | section 29                                                                                                                                                                                                                              | 4                     |
| <b>1</b>        | <b>Sections 4, definitions <i>proposed use plan</i> and <i>proposed use plan of the adjacent site</i>, 13, 52, 54(1), 58, 59, 61, 63(b), 64, 106(1) and 108, ‘Albert Shire Council’—</b><br><i>omit, insert—</i><br>‘local government’. | 5<br>6<br>7<br>8<br>9 |
| <b>2</b>        | <b>Sections 13(5B), ‘Director of Local Government’—</b><br><i>omit, insert—</i><br>‘chief executive (local government)’.                                                                                                                | 10<br>11<br>12        |
| <b>3</b>        | <b>Section 51, heading, ‘Albert Shire Council’—</b><br><i>omit, insert—</i><br>‘Local government’.                                                                                                                                      | 13<br>14<br>15        |
| <b>4</b>        | <b>Section 51, ‘the Albert Shire Council’—</b><br><i>omit, insert—</i><br>‘the local government’.                                                                                                                                       | 16<br>17<br>18        |
| <b>5</b>        | <b>Section 106, heading, ‘Albert Shire Council’—</b><br><i>omit, insert—</i><br>‘local government’.                                                                                                                                     | 19<br>20<br>21        |

© State of Queensland 2008