



# Body Corporate Law in QLD

## Practice and Procedure

Marc J. Mercier

Diagrams and Flowcharts Reference Guide



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## How to use this reference guide

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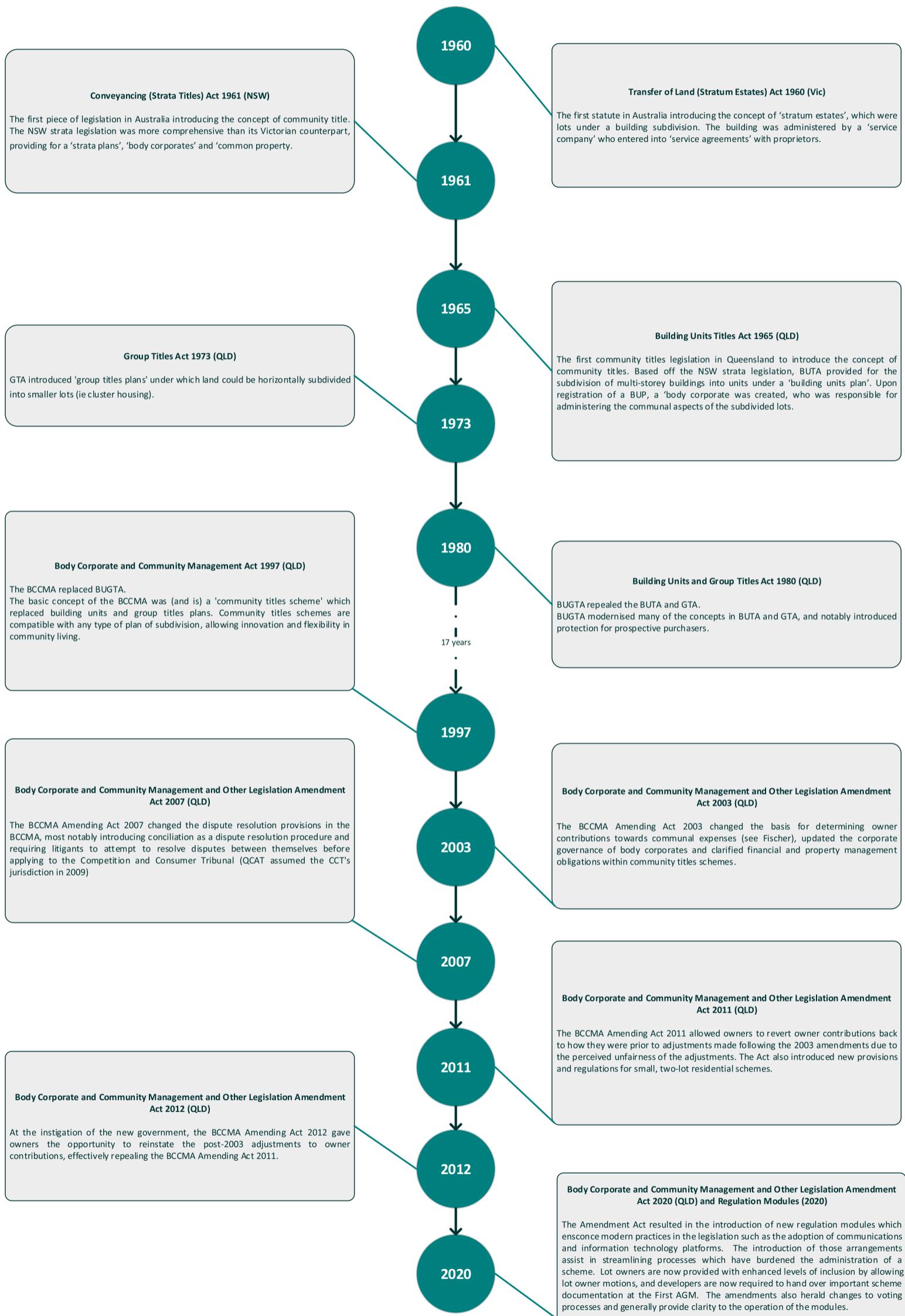
To locate a diagram or flowchart, consult the table of contents on page 5 of this document. References in the table of contents are to numbered paragraphs and page numbers in the printed book.

In the example shown below, “Flowchart No 2.4: CMS Notation” is on page 67 of the printed book, and the corresponding flowchart may be found at page 8 of this reference guide.

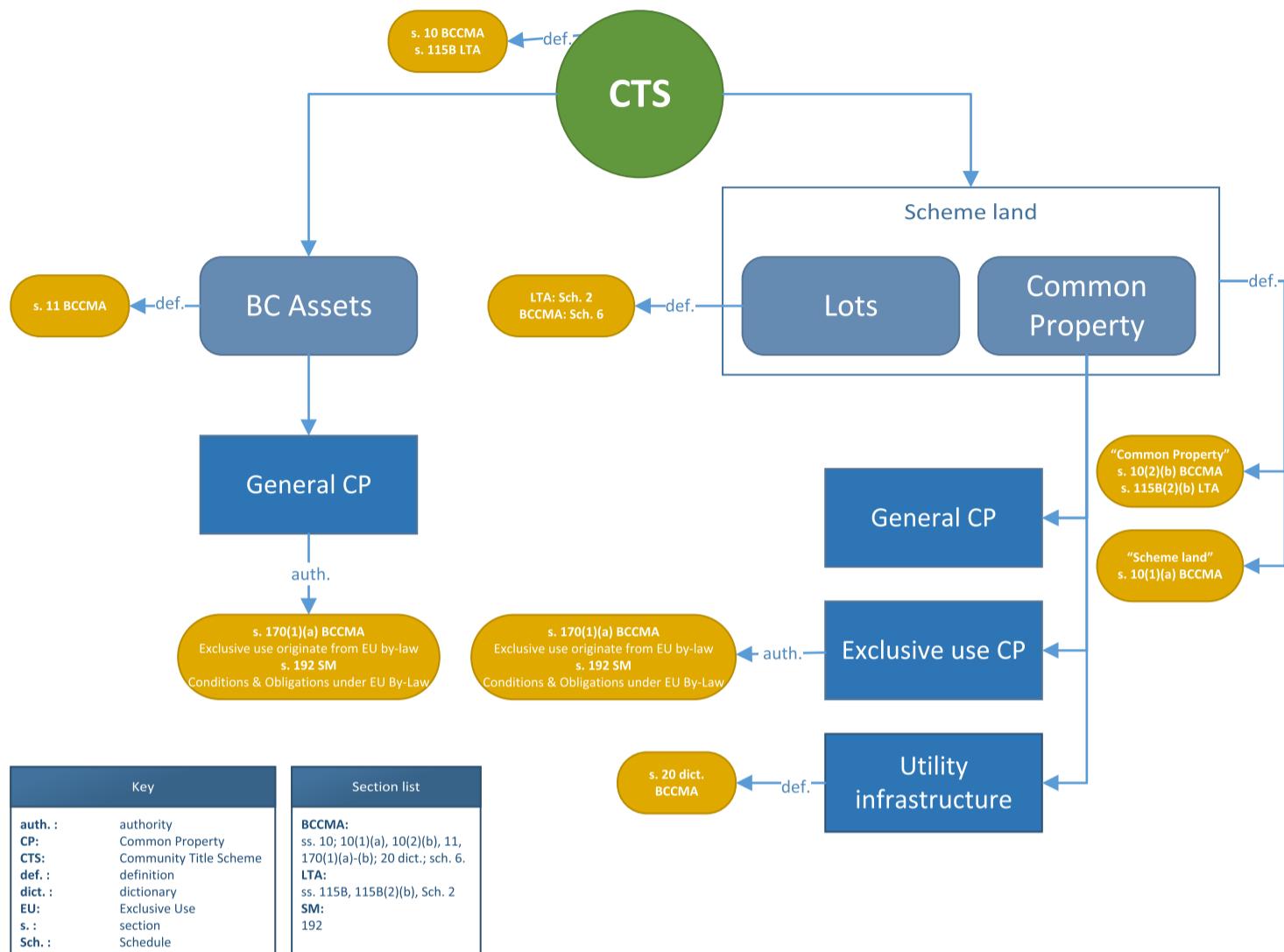
The diagram shows a table of contents with three callout boxes. The first callout, pointing to the top of the table, says 'Numbered paragraph (ie, ¶2-004) where the flowchart appears.' The second callout, pointing to the left margin of the table, says 'Flowchart title and page number in printed book shown in parentheses.' The third callout, pointing to the right margin of the table, says 'Reference guide page number for the flowchart.'

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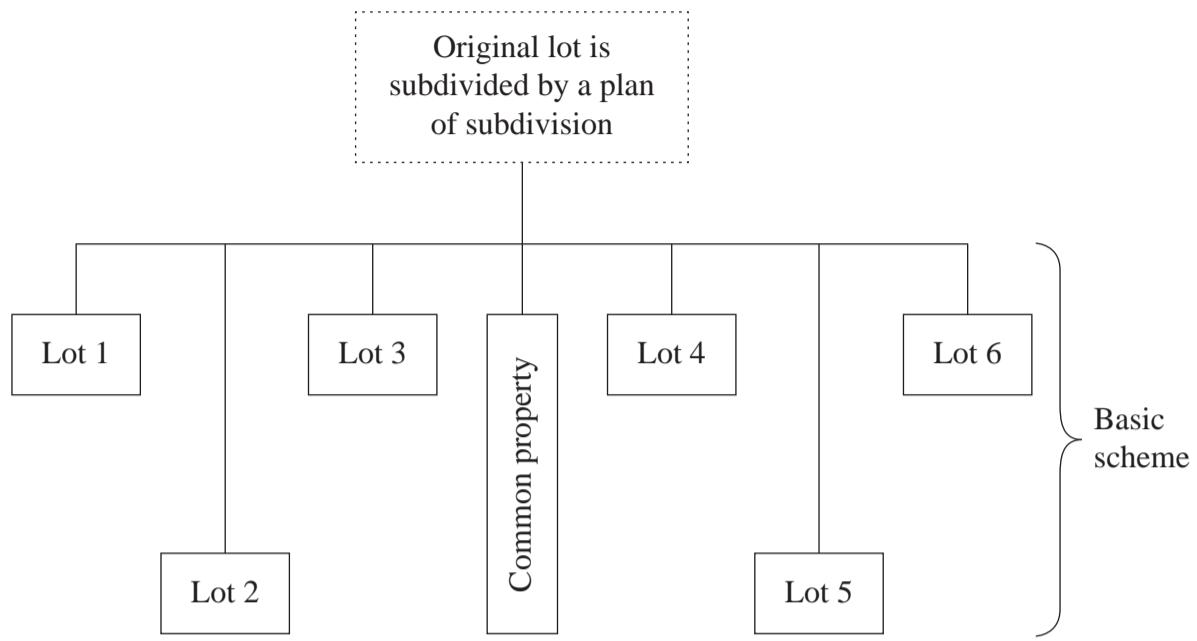
### Flowchart No 1.1: Timeline of BC legislation developments

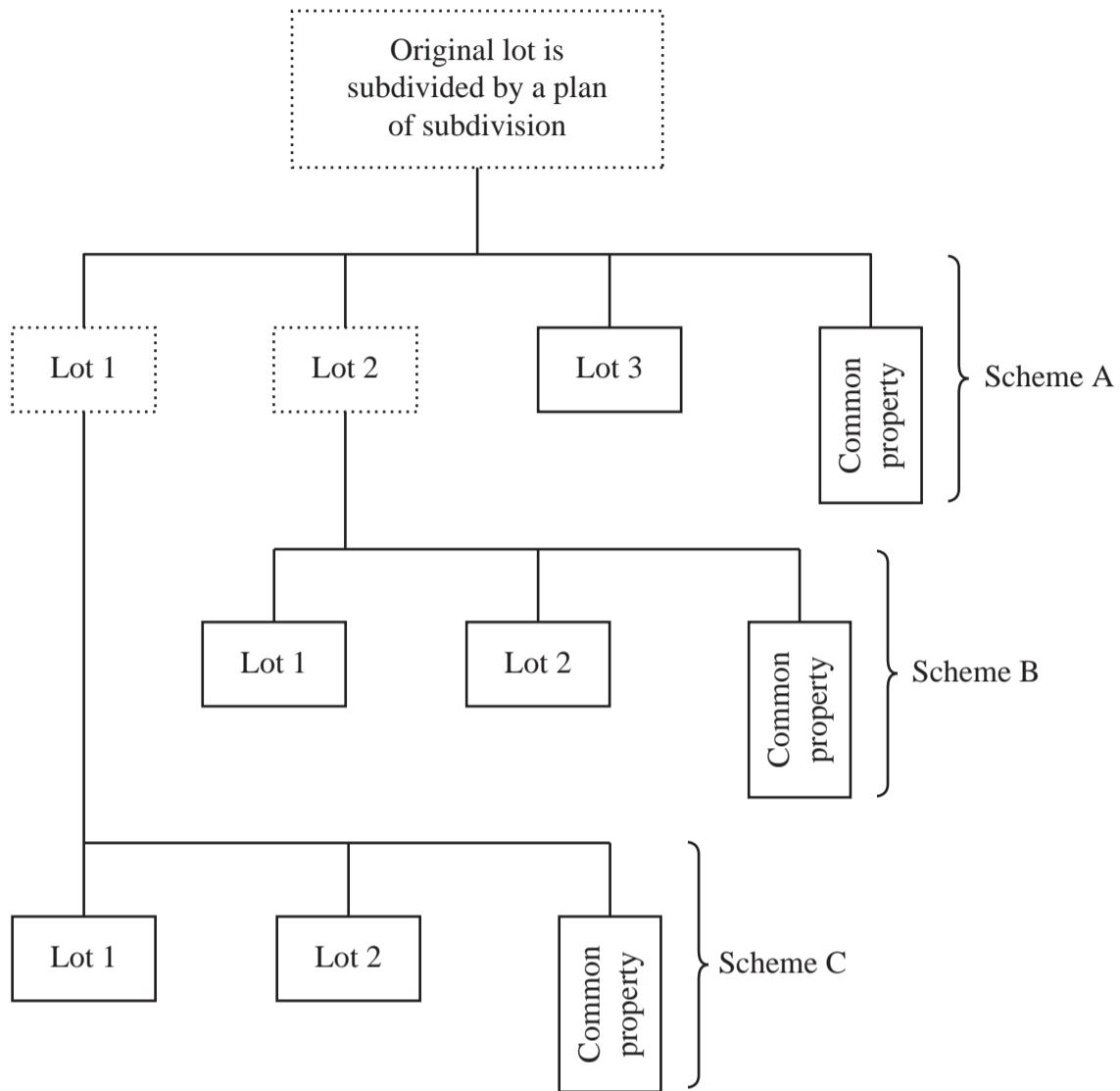


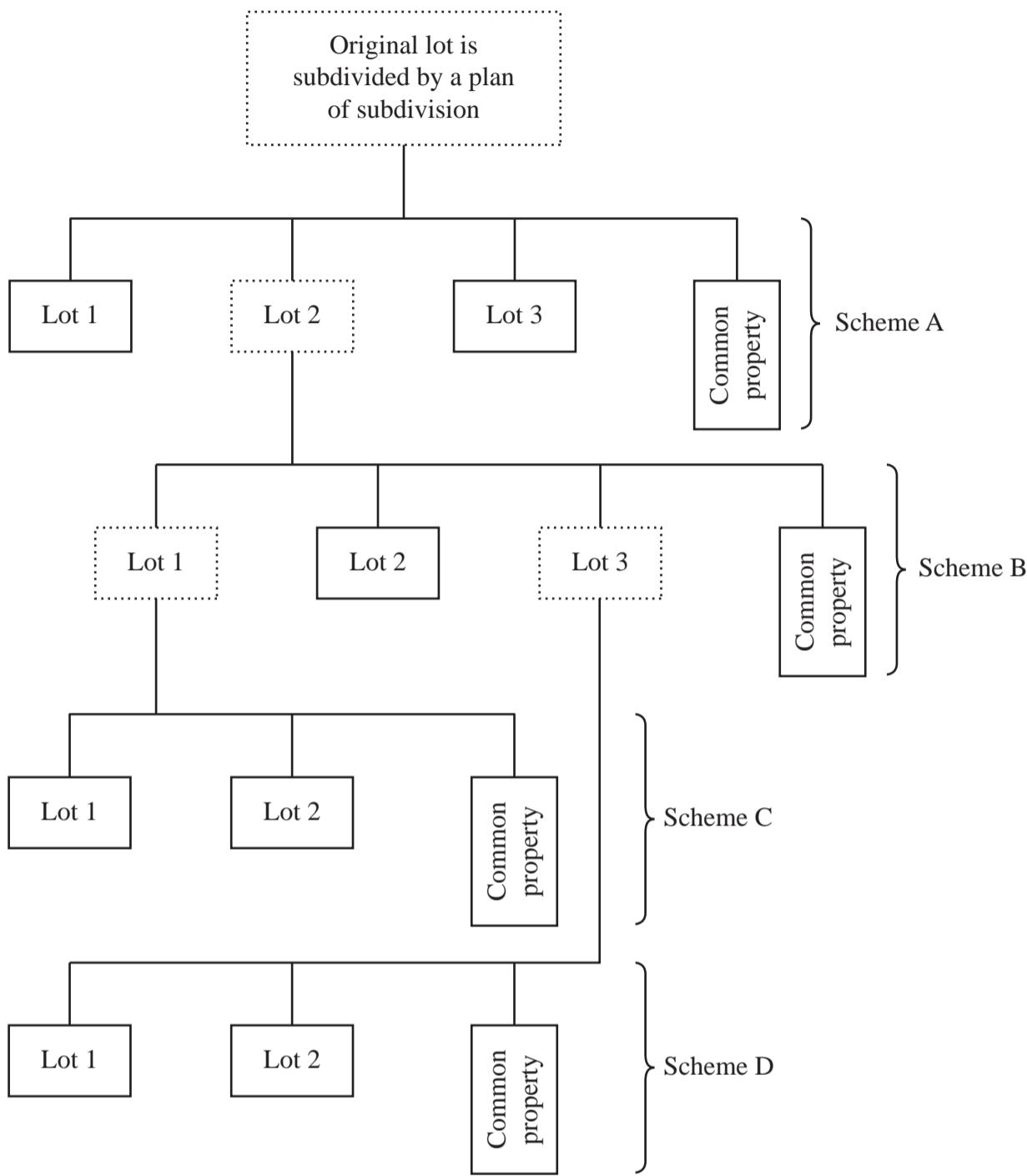
## Flowchart No 2.1: Constitution of Community Title Scheme



## Part 1 Example of basic scheme



**Part 2 Example of simple layered arrangement of schemes**

**Part 3 Example of more complex layered arrangement of schemes**


## Form 14: General Request

QUEENSLAND TITLES REGISTRY  
Land Title Act 1994, Land Act 1994 and Water Act 2000

**GENERAL REQUEST***Duty Imprint*

**Form 14** Version 4  
Page 1 of 1

*Dealing Number***OFFICE USE ONLY****Privacy Statement**

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**1. Nature of request**

REQUEST TO RECORD RESERVATION OF NAME  
FOR COMMUNITY TITLES SCHEME

**Lodger** (Name, address, E-mail & phone number)**Lodger Code**

SMITH & CO.  
SOLICITORS  
218 EDWARD STREET  
BRISBANE QLD 4000  
mail@smithco.com.au  
(07) 3278 5943

21

**2. Lot on Plan Description**

LOT 70 ON SP900432

**Title Reference**

50046270

**3. Registered Proprietor/State Lessee**

BRIGHTON PTY LTD ACN 007 768 903

**4. Interest**

FEE SIMPLE

**5. Applicant**

BRIGHTON PTY LTD ACN 007 768 903

**6. Request**

I hereby request that: the name Brighton Villa be reserved for the community titles scheme proposed for the land described in item 2.

**7. Execution by applicant**

(seal)  
or full name of  
company to be shown

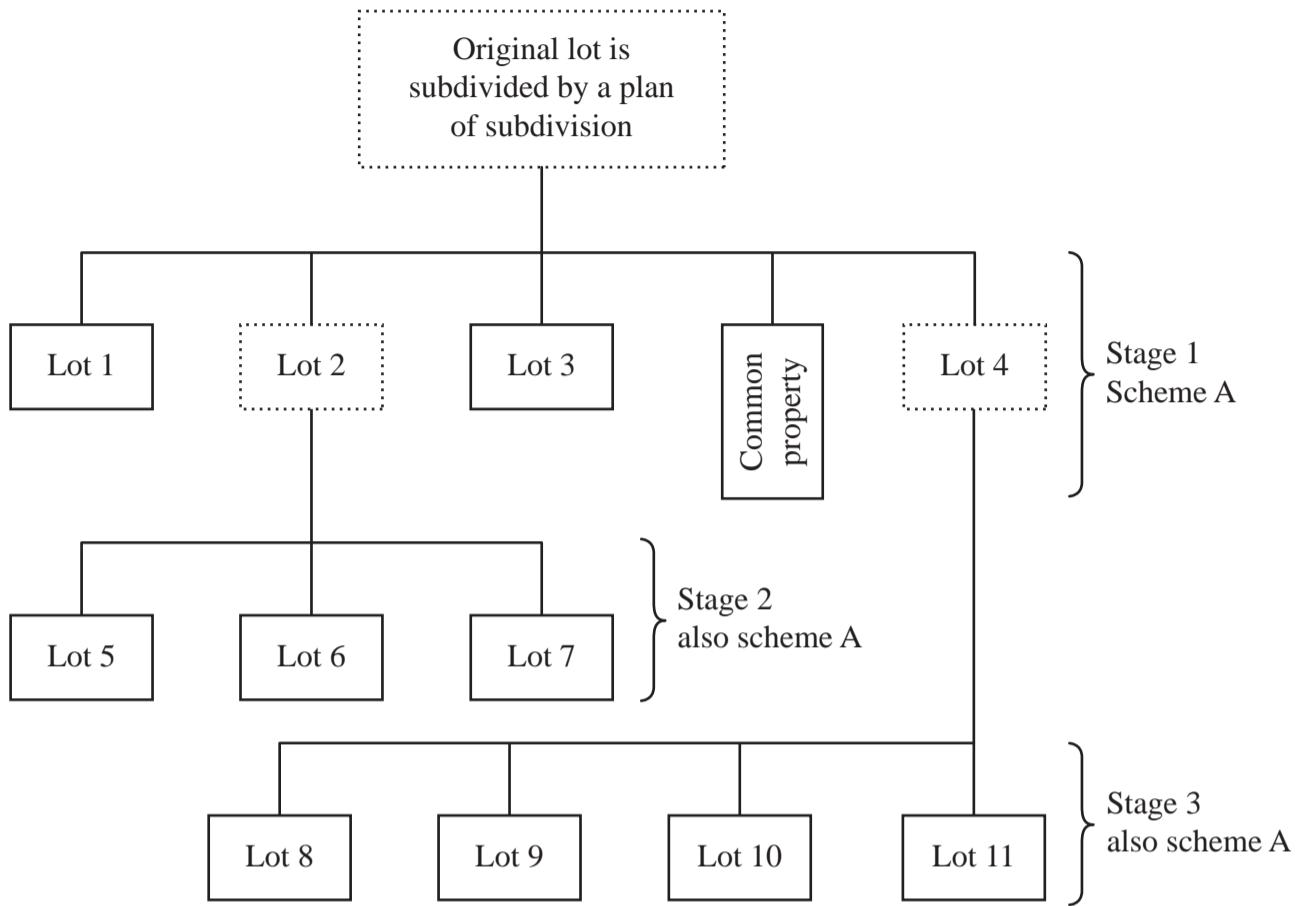
*C Johns, Director*  
CHARLES ANTHONY JOHNS

*K Brown, Director/Secretary*  
KENNETH ROBERT BROWN

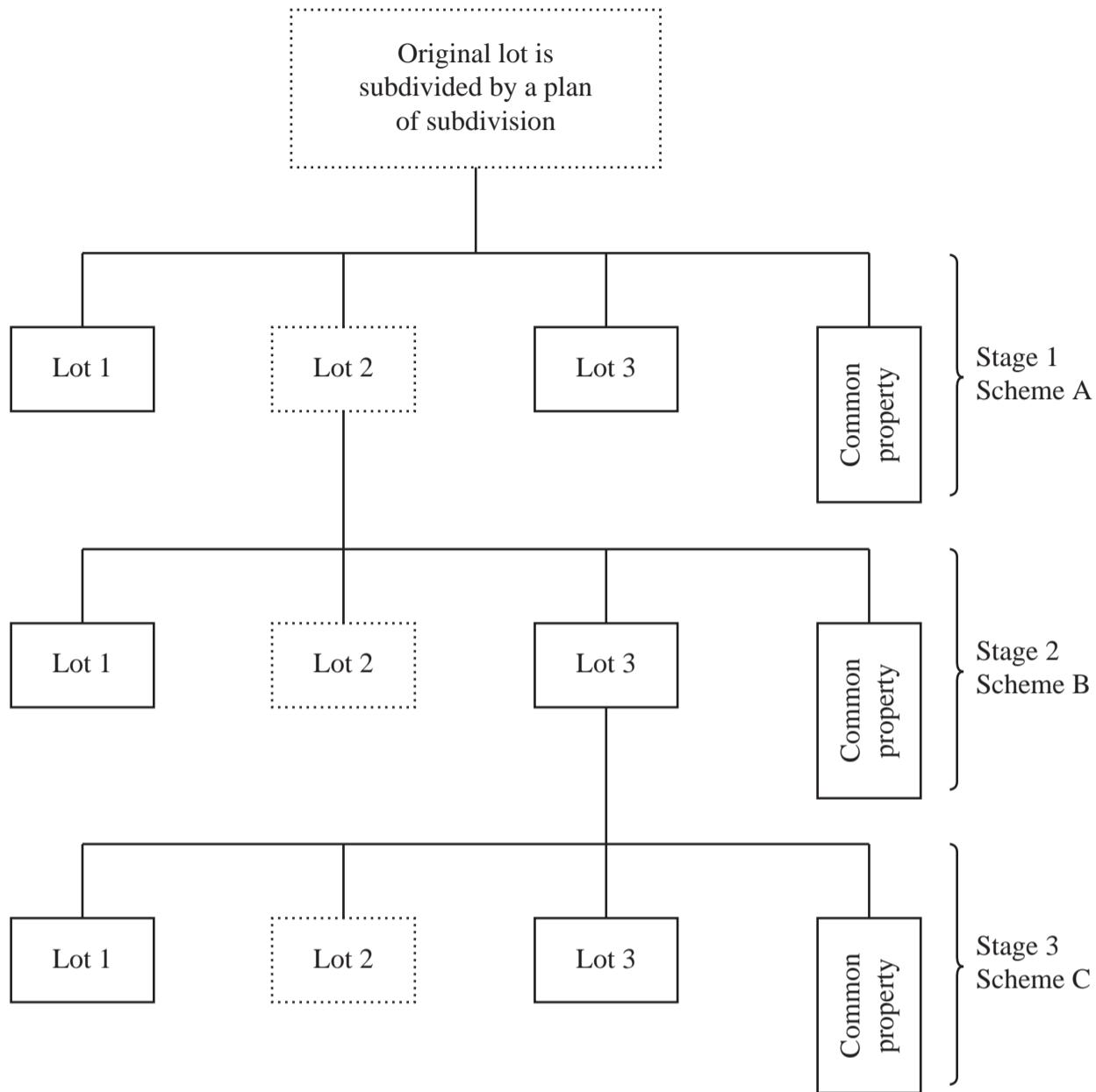
21/9/07  
**Execution Date**

**Applicant's or Solicitor's Signature**

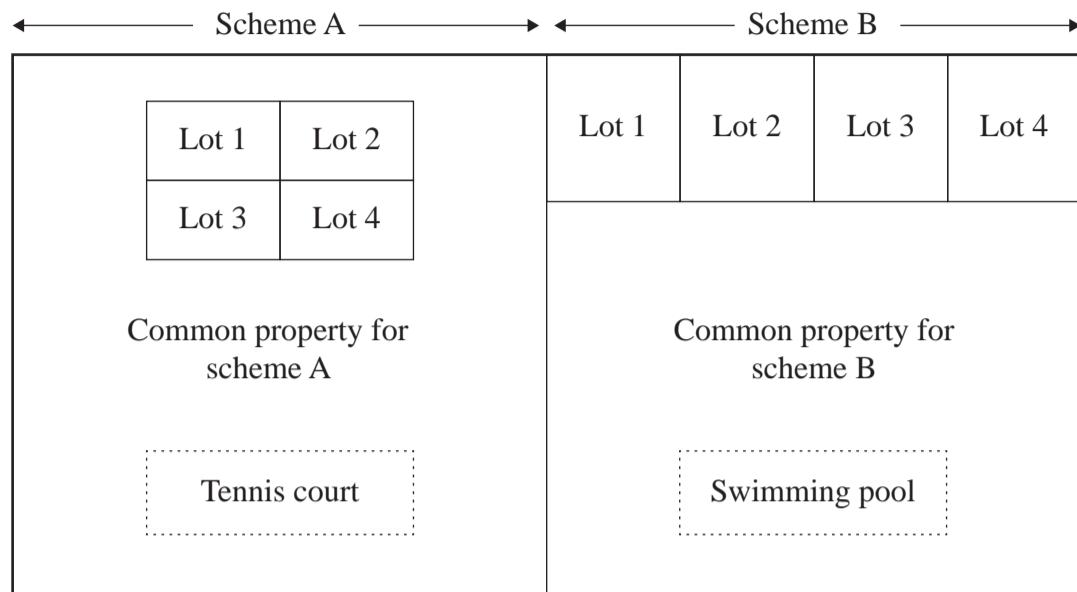
Note: A Solicitor is required to print full name if signing on behalf of the Applicant

**Part 4: Example of progressive subdivision for creating more lots in a scheme**

## Part 5: Example of progressive subdivision for creating layered arrangement of schemes

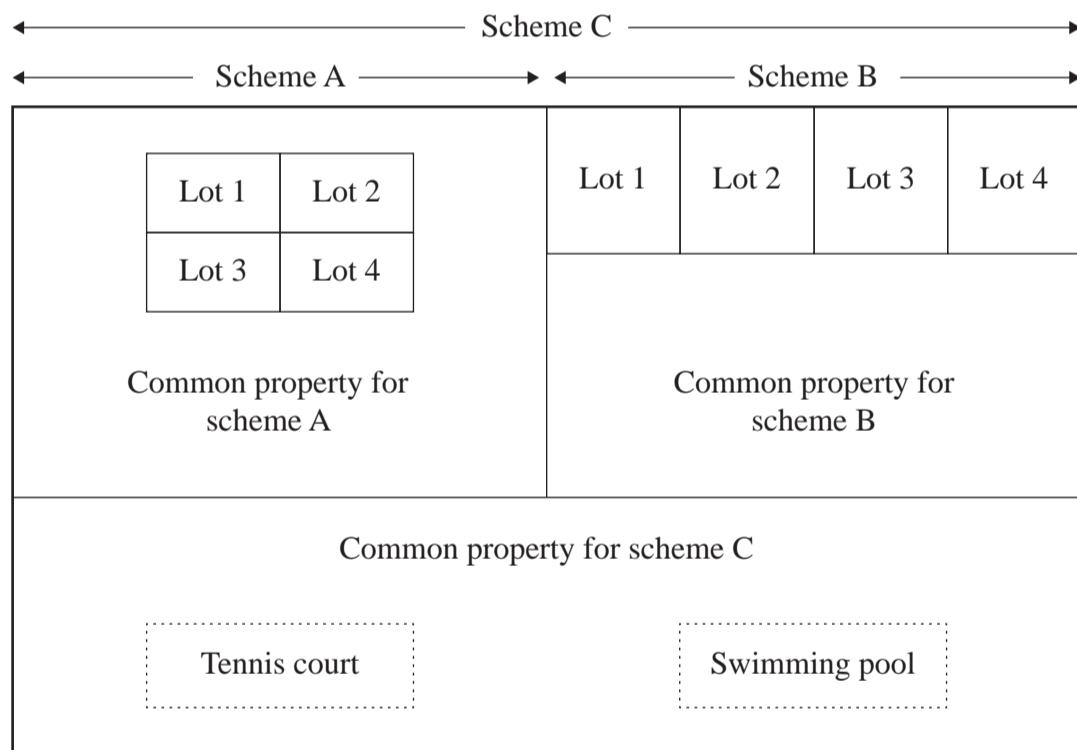


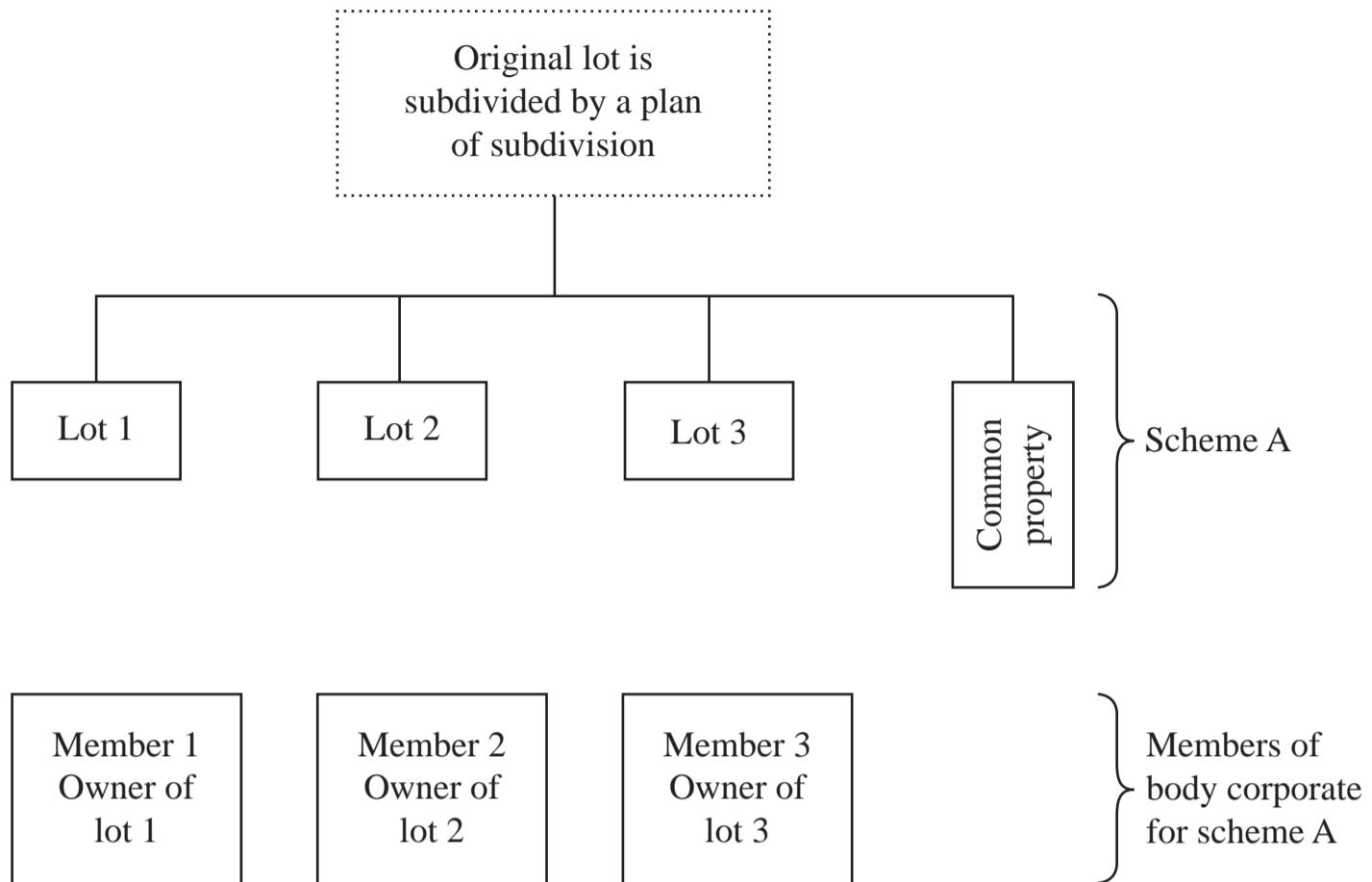
**Part 6: Example of creating layered arrangement of schemes by combining schemes**



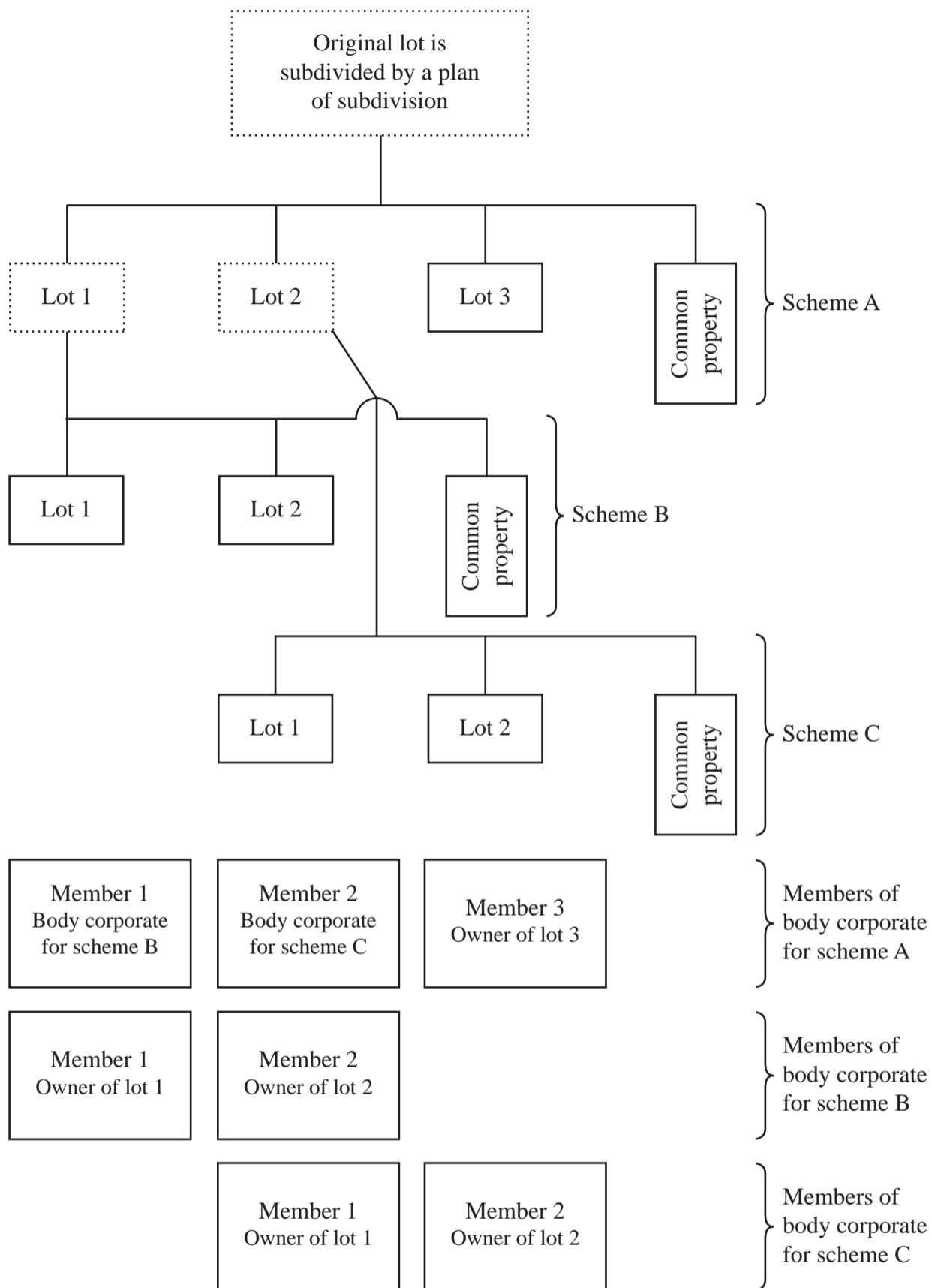
**Before**

**After**

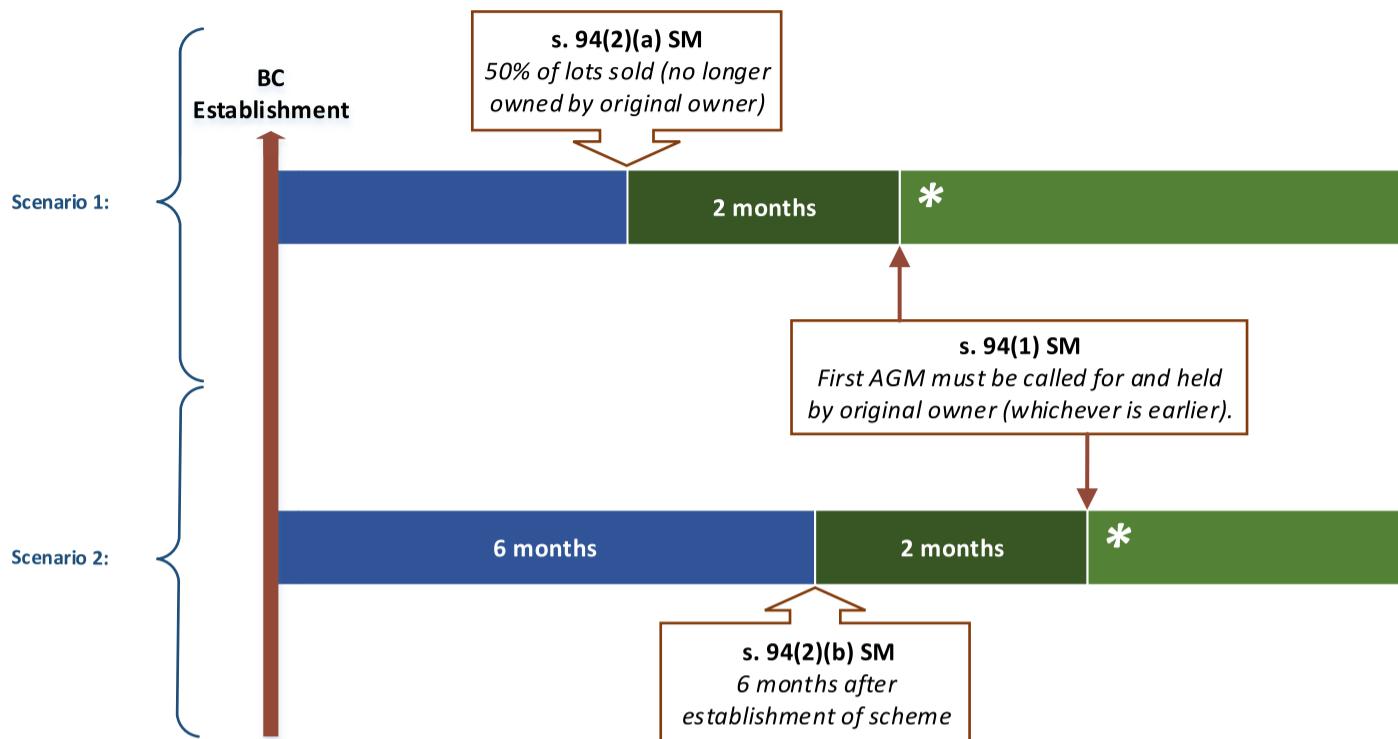


**Part 7: Management structure for basic scheme**

### Part 8: Management structure for layered arrangement



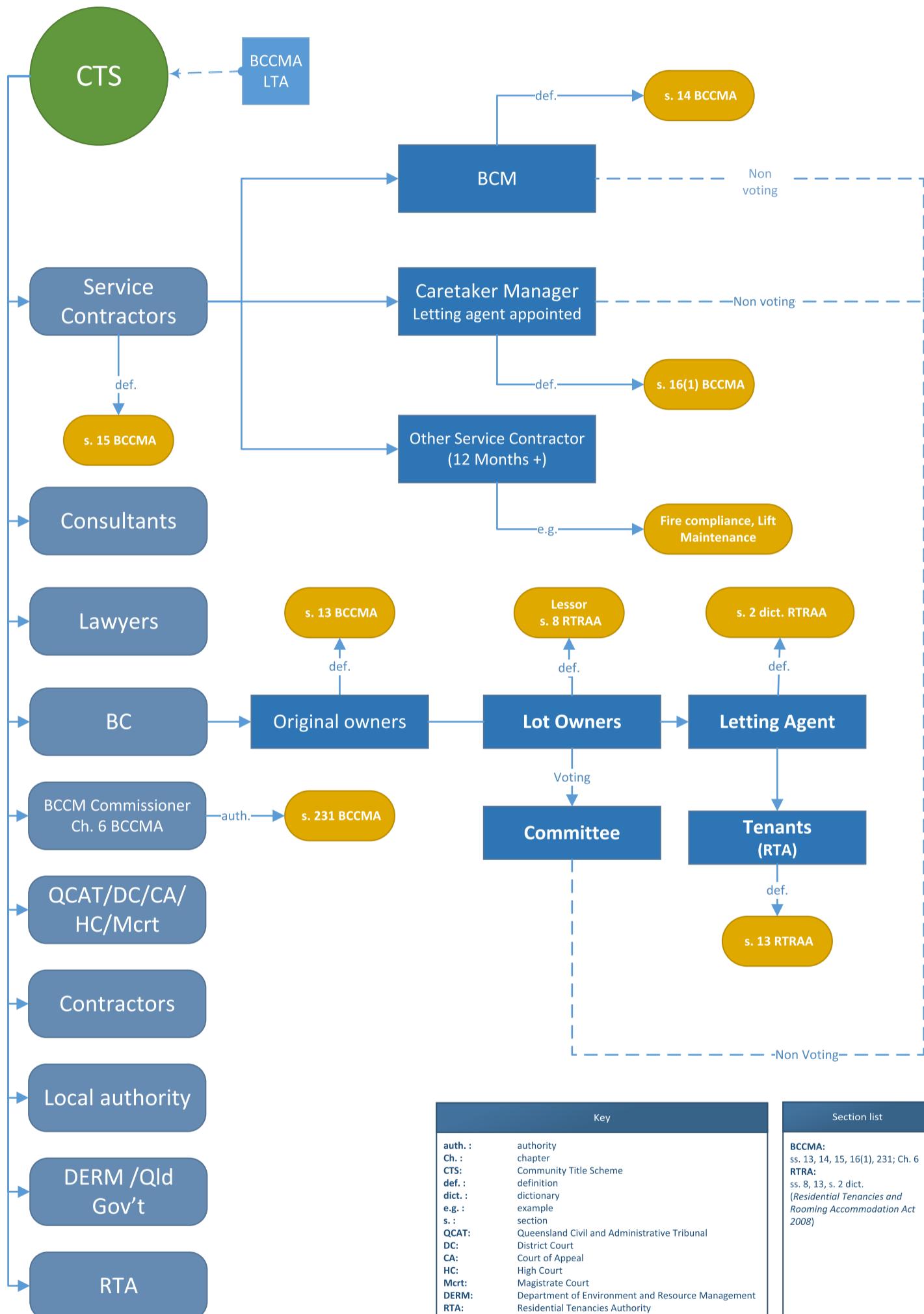
## Flowchart No 2.2: Timeline for first AGM applicable to original owner

**Note**

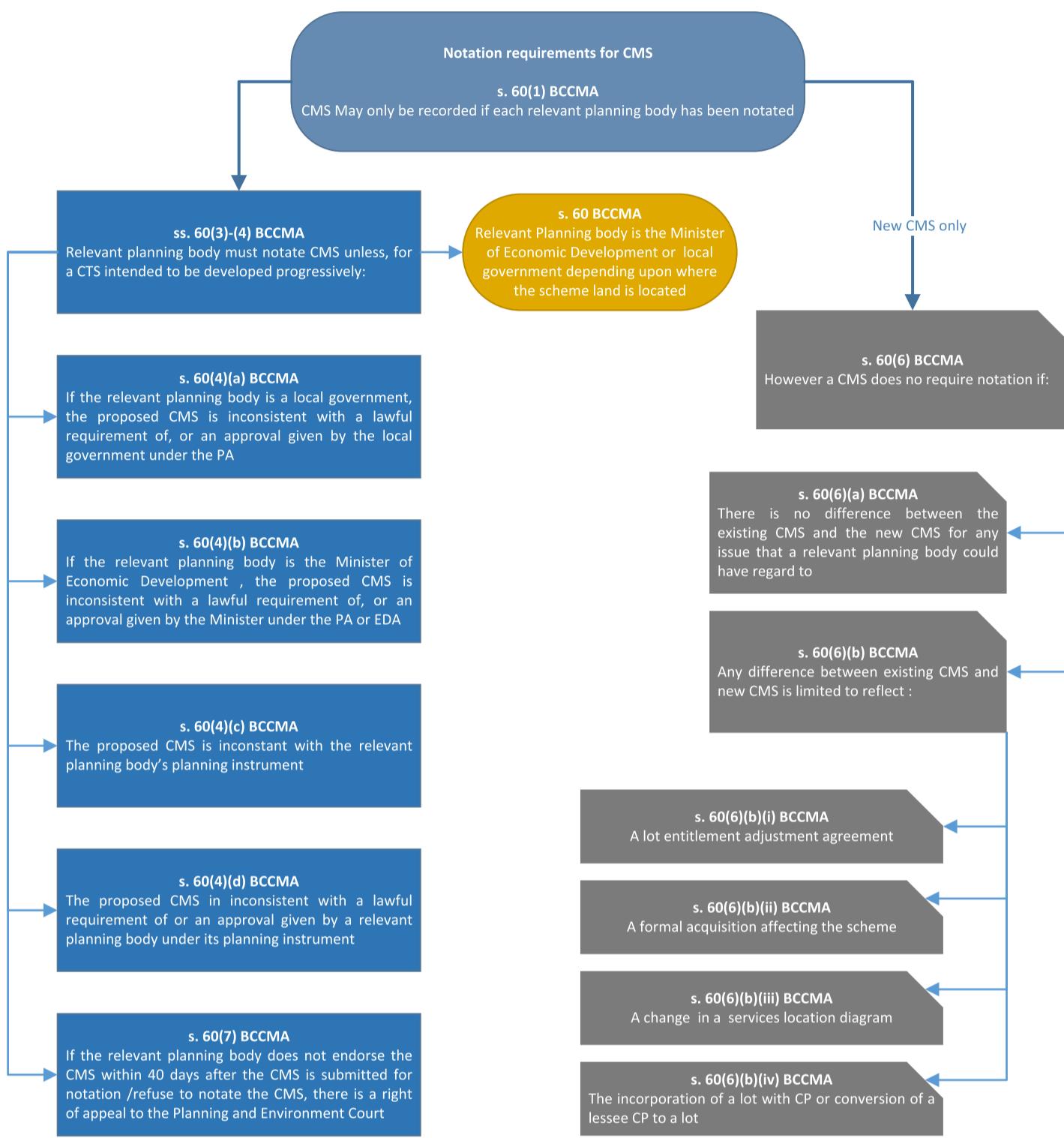
- \* Original owner subject to a maximum of 150 penalty units for non-compliance. (s. 94(1) SM)
- \* Original owner may also be subject to adjudicator's orders to hold first AGM (s. 94(4) SM) for failure to hold first AGM
- \* No Notice of first AGM required to be given (s. 87(4) SM) (if identical ownership of every lot)
- \* Note also the more extensive requirements of the original owner to hand over documents at first AGM (s. 96(1) SM)

Section list	Key
SM: ss. 87, 94, 96	AGM: Annual General Meeting s.: section

### Flowchart No 2.3: CTS stakeholders

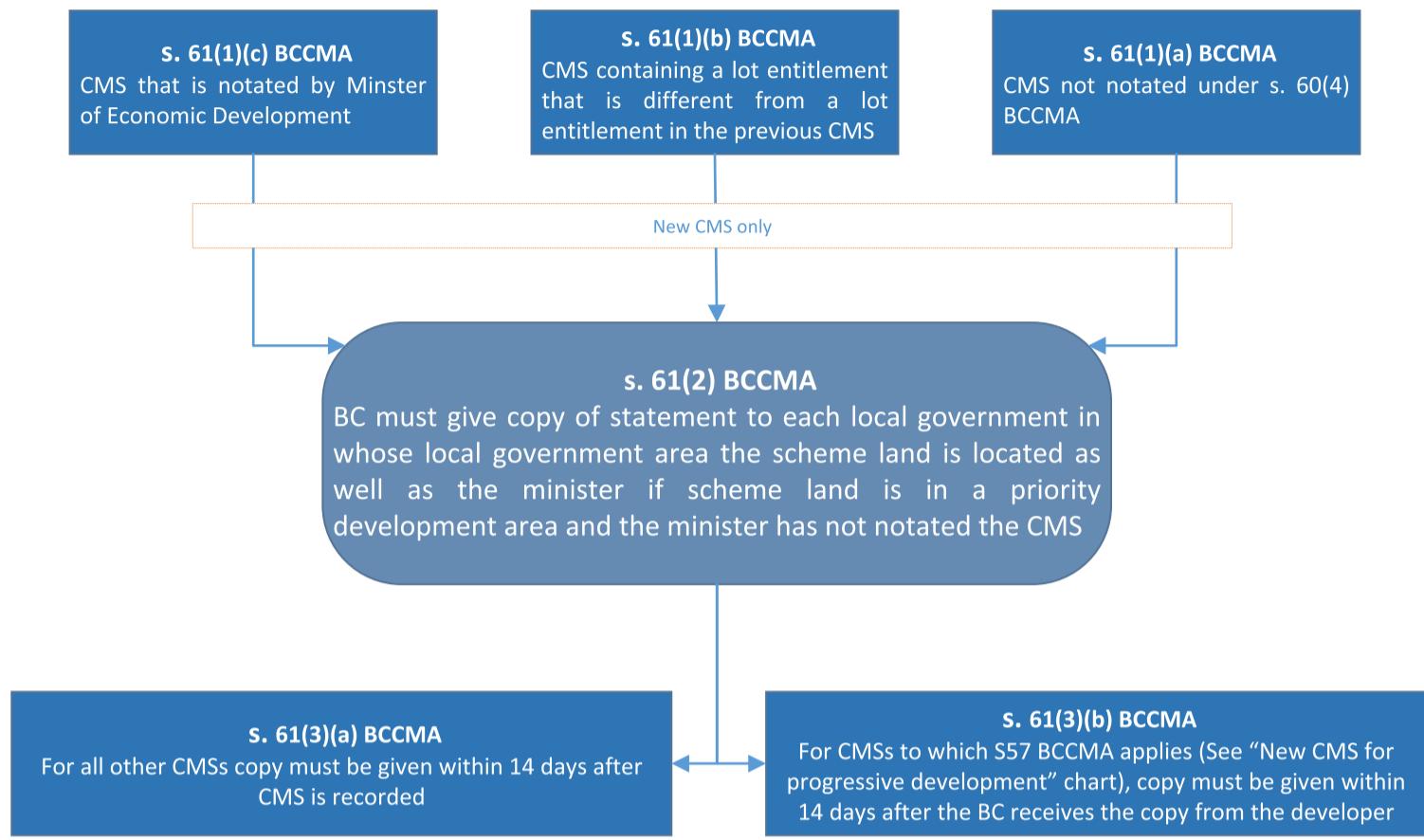


## Flowchart No 2.4: CMS notation



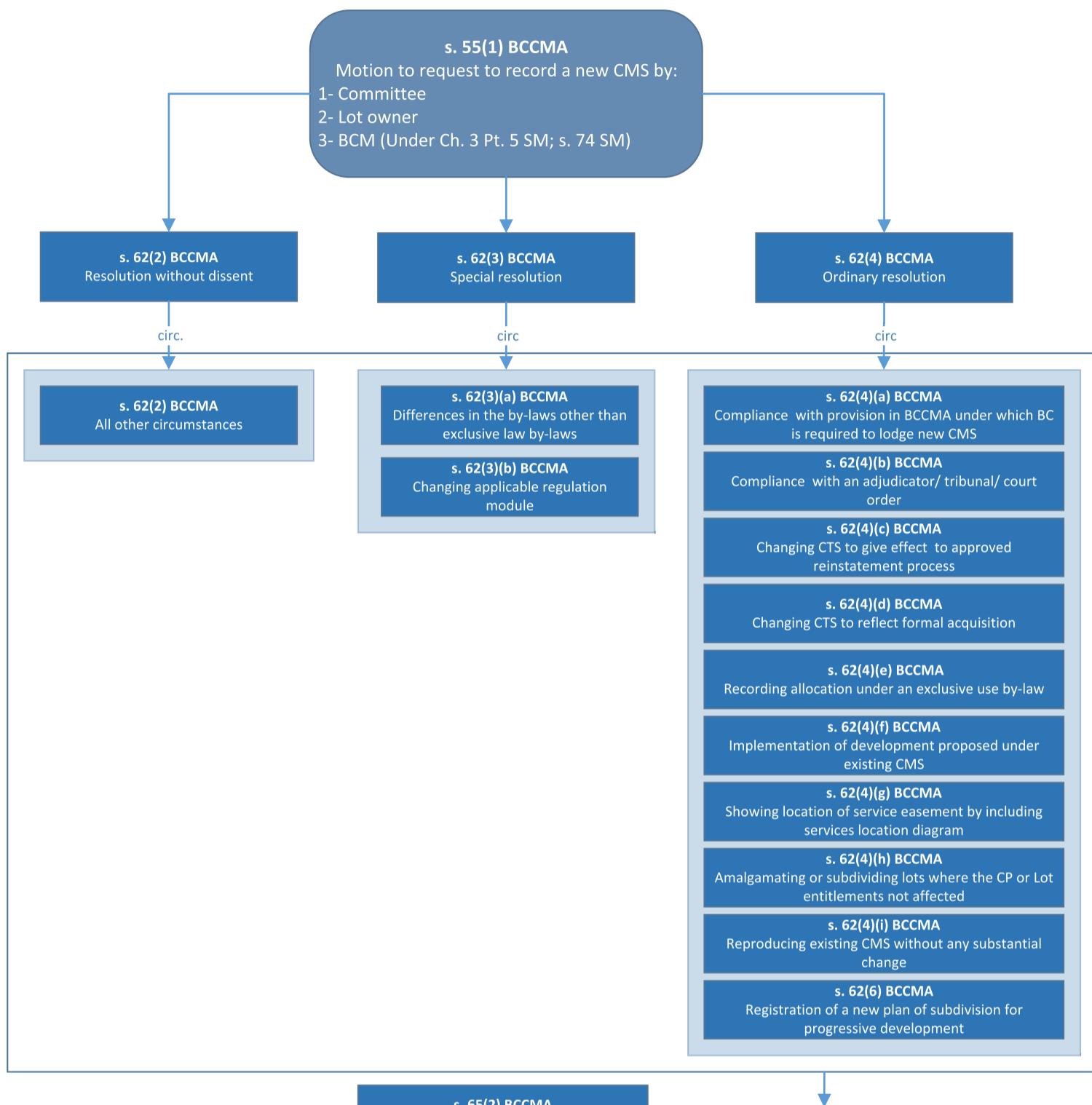
Key	
CTS:	Community Title Scheme
CMS:	Community Management Statement
EDA:	Economic Development Act 2012 (Qld)
PA:	Planning Act 2016 (Qld)
s. :	section

Section list	
<b>BCCMA:</b>	ss. 60, 60(1), 60(3), 60(4), 60(4)(a)-(d), 60(6), 60(6)(a)-(b), 60(b)(i)-(iv), 60(7)

**Flowchart No 2.5: Requirements to give copy of new CMS**


Key	Section list
<b>CTS:</b> Community Title Scheme <b>CMS:</b> Community Management Statement <b>s. :</b> section	<b>BCCMA:</b> ss. 61(a)-(c), 61(2), 61(3)(a)-(b)

## Flowchart No 2.6: Consent to record new CMS

**Note**

New CMS must be prepared by BCM or BC committee or, for Specified 2 Lots Schemes- a owner of the lot or person authorised under a lot owner agreement (s. 63(2) BCCMA) unless there is a formal acquisition or registration of plan of subdivision for progressive development of the scheme (s. 63(3) BCCMA).

Key	
CTS:	Community Title Scheme
ch. :	chapter
CMS:	Community Management Statement
DERM:	Department of Environment and Resource Management
Pt. :	Part
s. :	section

Section list
<b>BCCMA:</b> ss. 55(1), 62(2), 62(3)(a)-(b), 62(4)(a)-(i), 62(6), 63(2)(3), 64, 65(2) <b>SM:</b> s. 74; Ch. 3 Pt. 5

Form list
<b>BCCM forms:</b> 14

## Form 34: Extinguishment of Building Management Statement

QUEENSLAND TITLES REGISTRY  
Land Title Act 1994 and Land Act 1994

**EXTINGUISHMENT OF  
BUILDING MANAGEMENT STATEMENT**

FORM 34 Version 3  
Page 1 of 1

Dealing Number



**OFFICE USE ONLY**

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**Lodger** (Name, address, E-mail & phone number)

SMYTHE & CO.  
SOLICITORS  
45 ADELAIDE STREET  
BRISBANE QLD 4000  
mail@smytheco.com.au  
(07) 3227 9850

**Lodger  
Code**  
490

**1. Dealing number of instrument/document being extinguished**

723568901

2. Lot on Plan Description of affected land	County	Parish	Title Reference
LOT 143 ON SP900567	STANLEY	NORTH BRISBANE	50002571
LOT 144 ON SP900567	STANLEY	NORTH BRISBANE	50002572

**3. Registered Owners/State Lessees**

HIGHRISE DEVELOPMENT PTY LTD ACN 124123 457

**4. Execution**

The Registered Owners/State Lessees identified in item 3 agree to the extinguishment of the building management statement in item 1.

**Witnessing officer must be aware of his/her obligations under section 162 of the Land Title Act 1994**

.....	signature	(seal) or Full name of company to be shown	W Smith, Director WILLIAM THOMAS SMITH
.....	full name		P Jones, Secretary PAUL JOHN JONES
.....	qualification	25/11/2007	.....

**Witnessing Officer**

(Witnessing officer must be in accordance with Schedule 1 of Land Title Act 1994 eg Legal Practitioner, JP, C Dec)

.....	signature
.....	full name
.....	qualification

**Witnessing Officer**

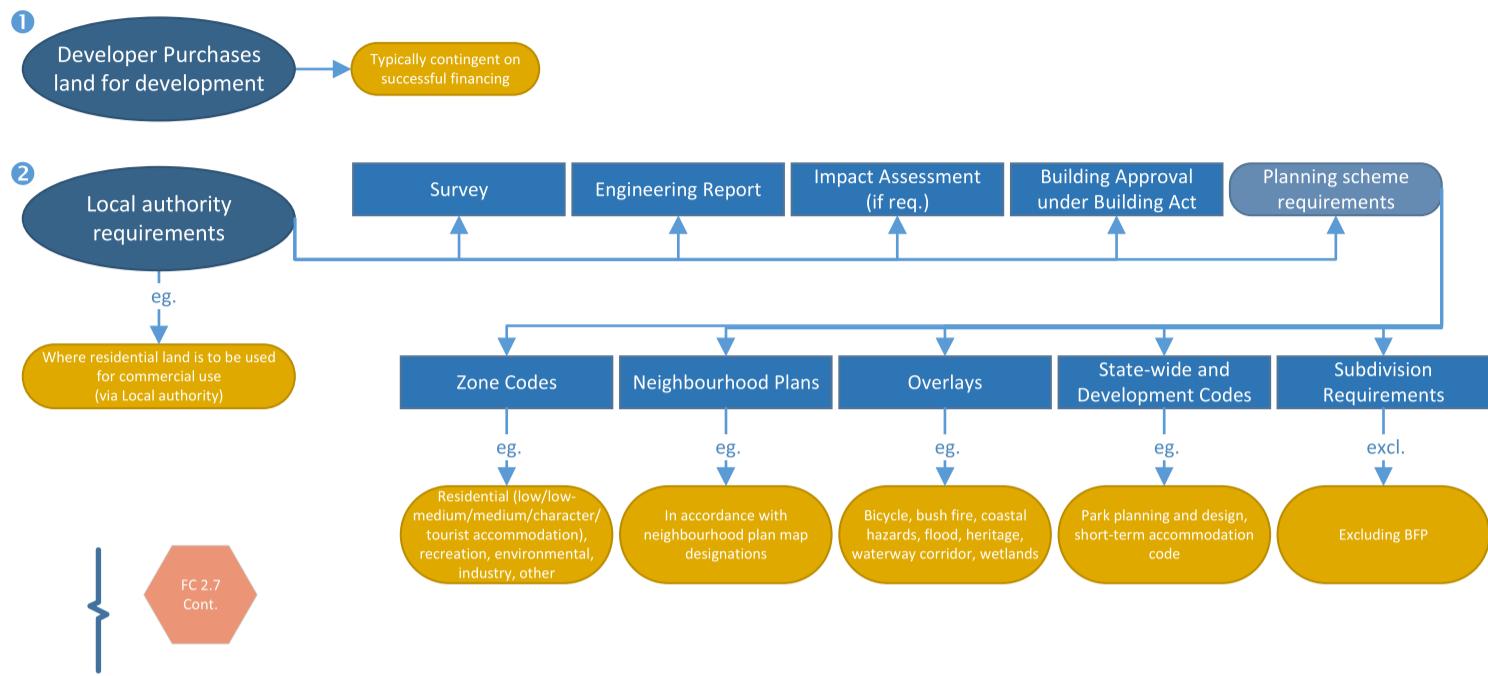
(Witnessing officer must be in accordance with Schedule 1 of Land Title Act 1994 eg Legal Practitioner, JP, C Dec)

/ /  
Execution Date

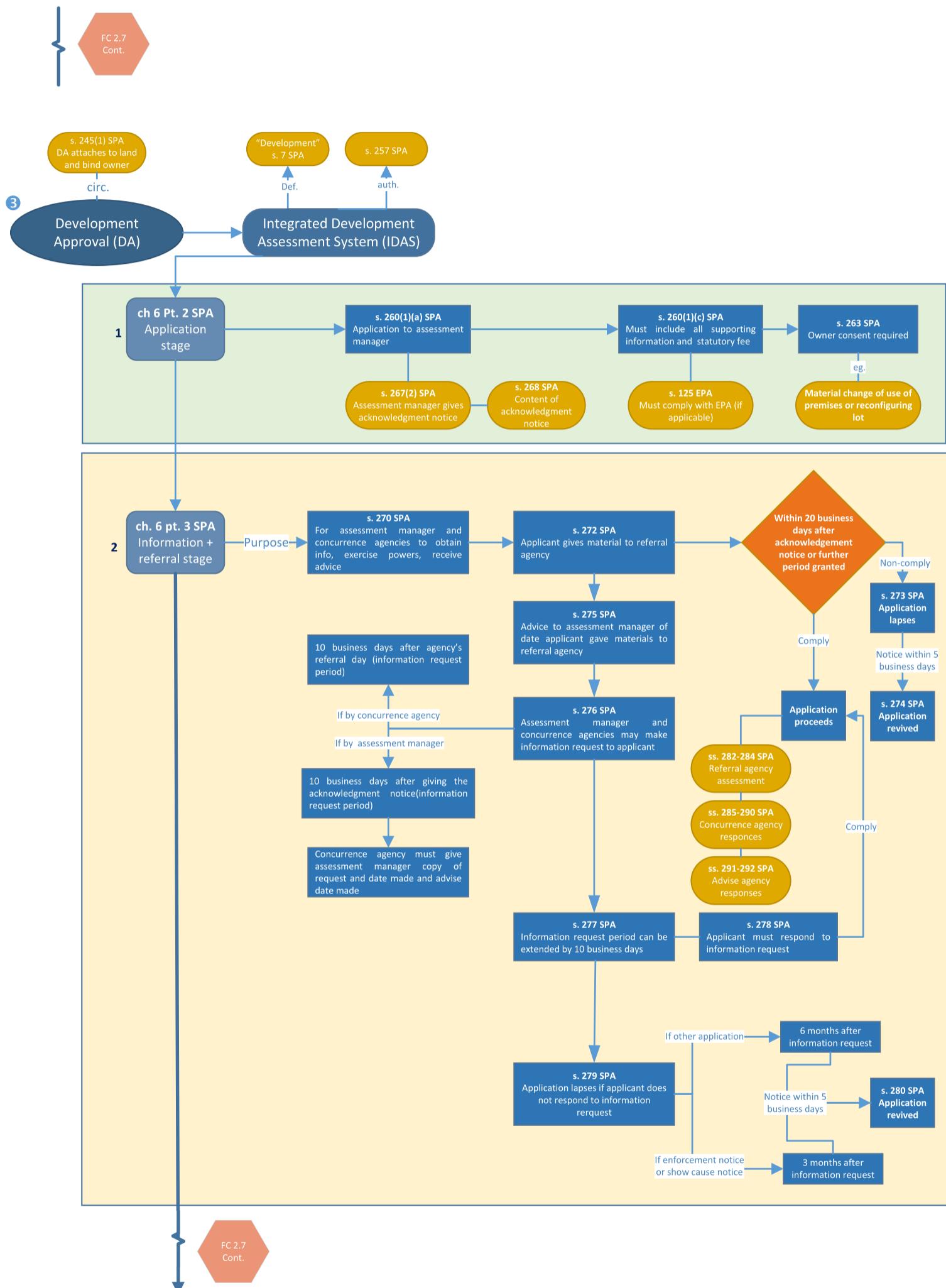
.....  
**Registered Owner's/  
State Lessee's Signature**

.....  
**Registered Owner's/  
State Lessee's Signature**

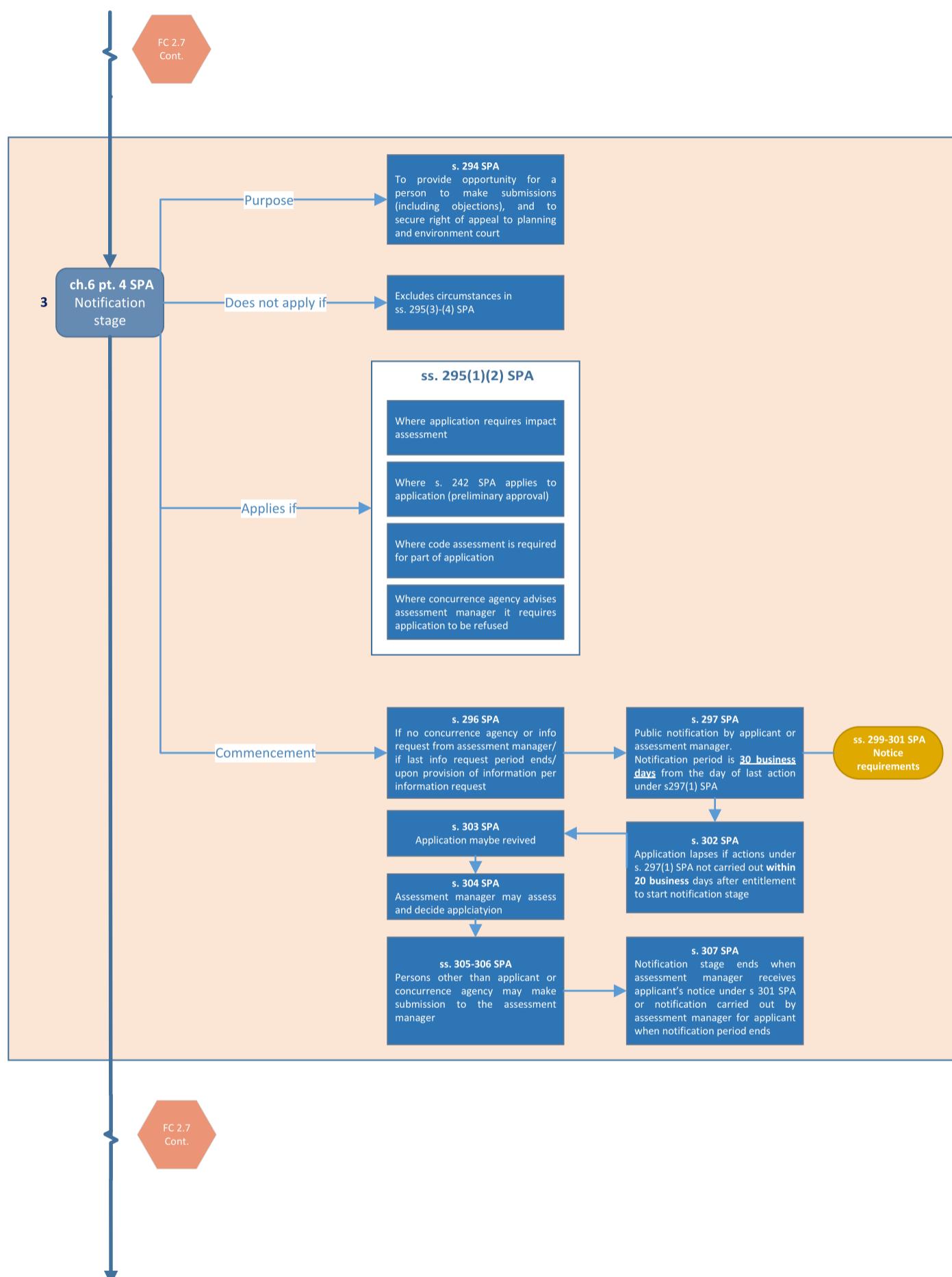
## Flowchart No 2.7: Sustainable Planning Act development application processes



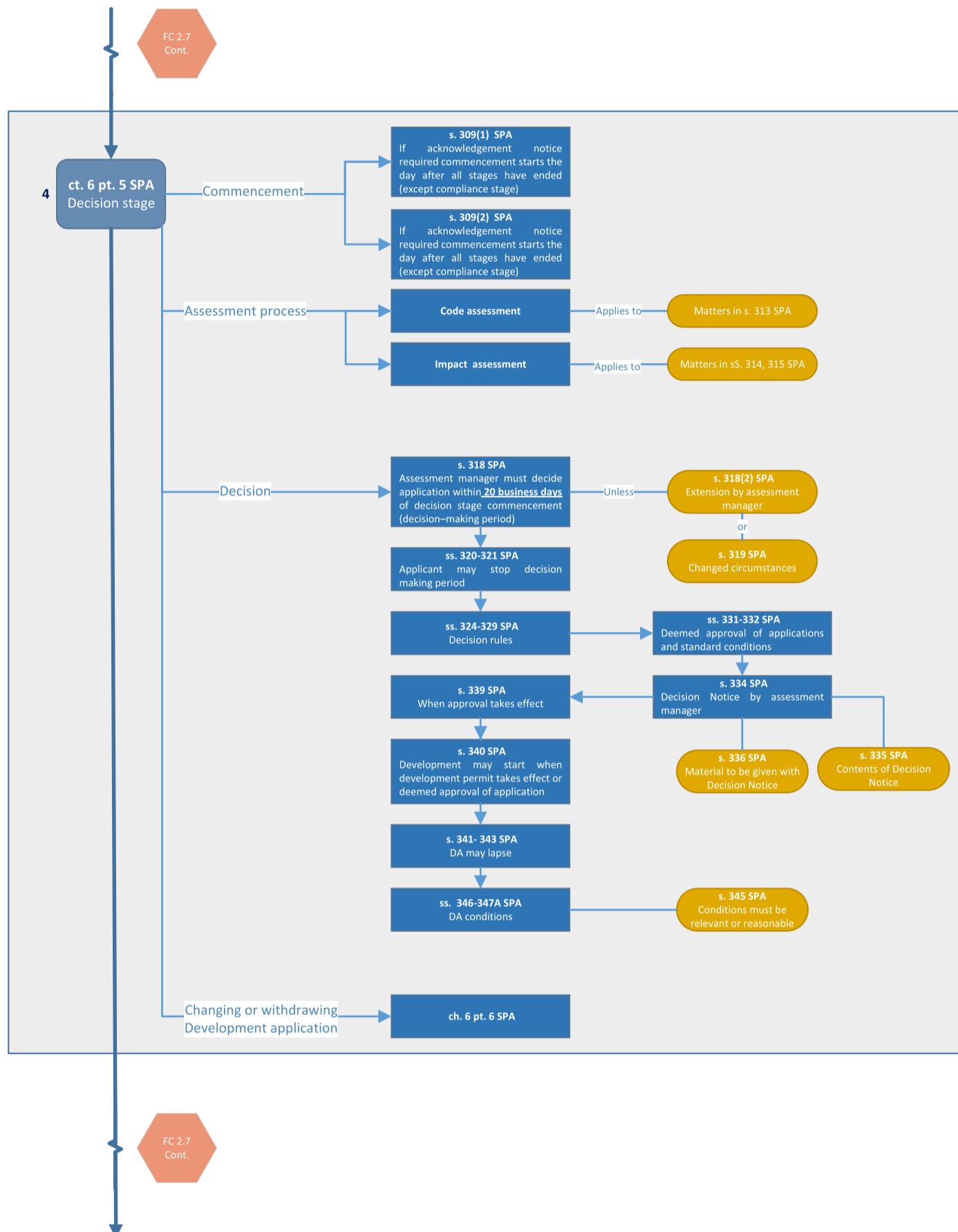
## Flowchart No 2.7: Sustainable Planning Act development application processes (Continued)



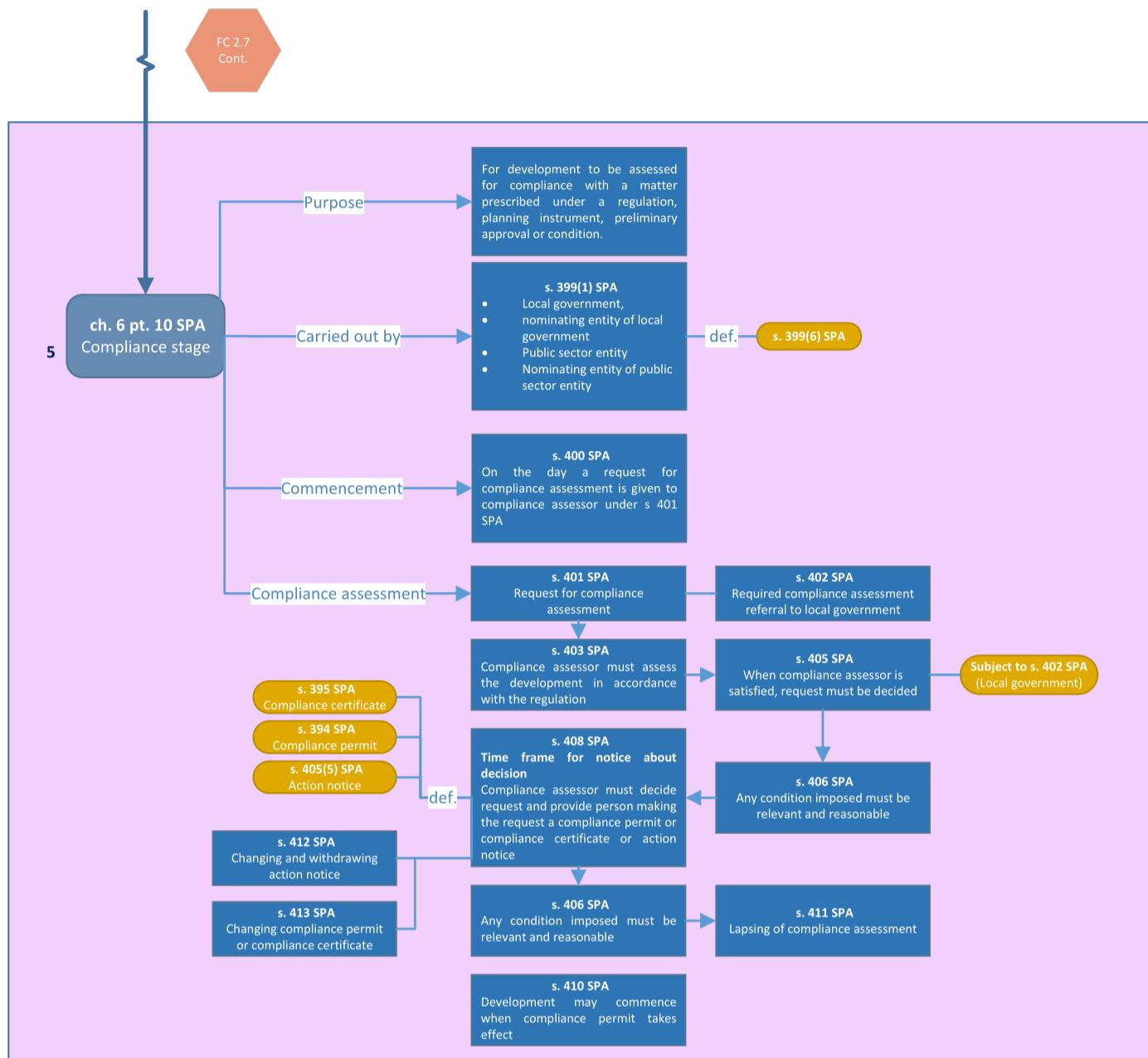
## Flowchart No 2.7: Sustainable Planning Act development application processes (Continued)



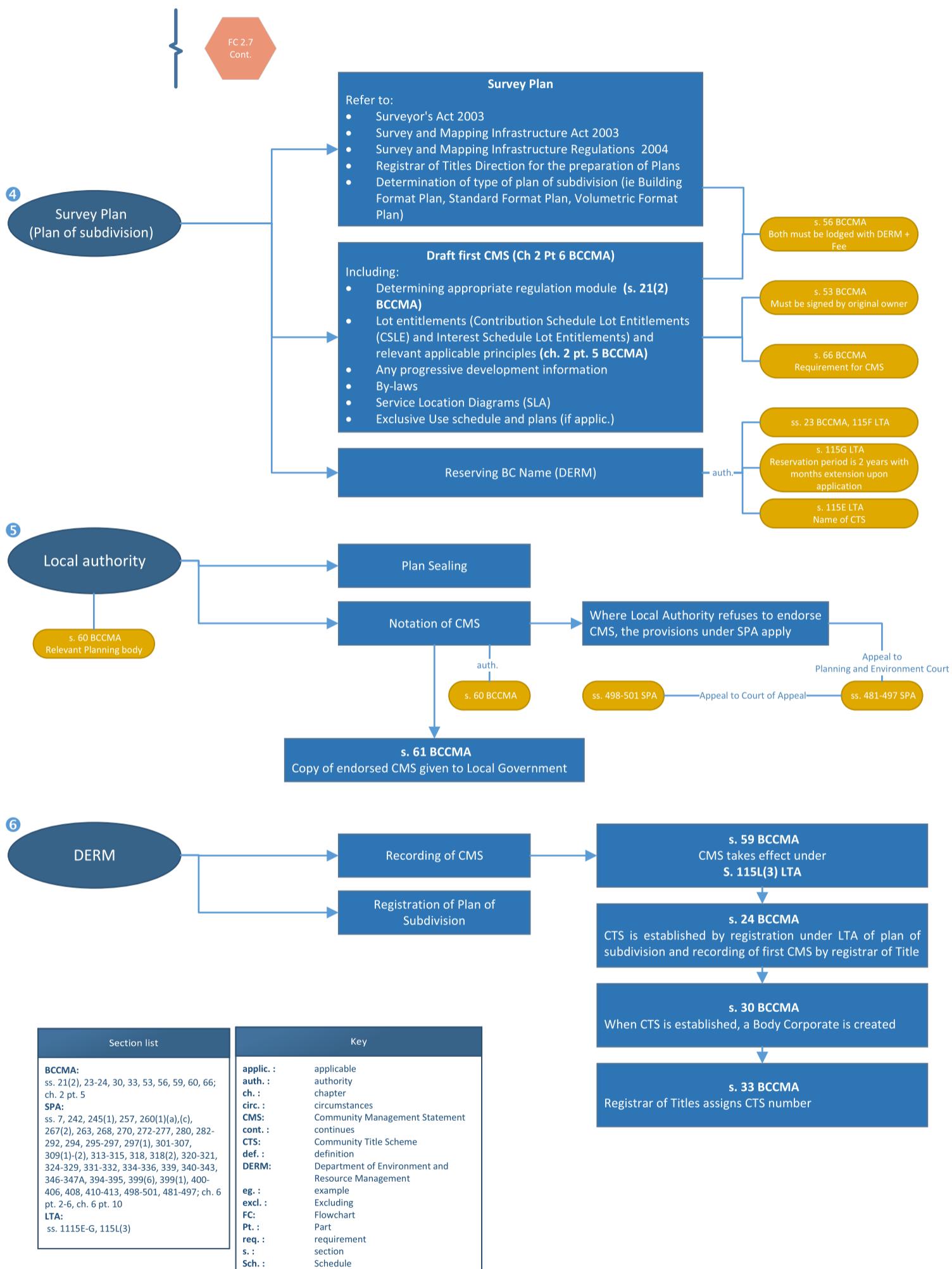
## Flowchart No 2.7: Sustainable Planning Act development application processes (Continued)



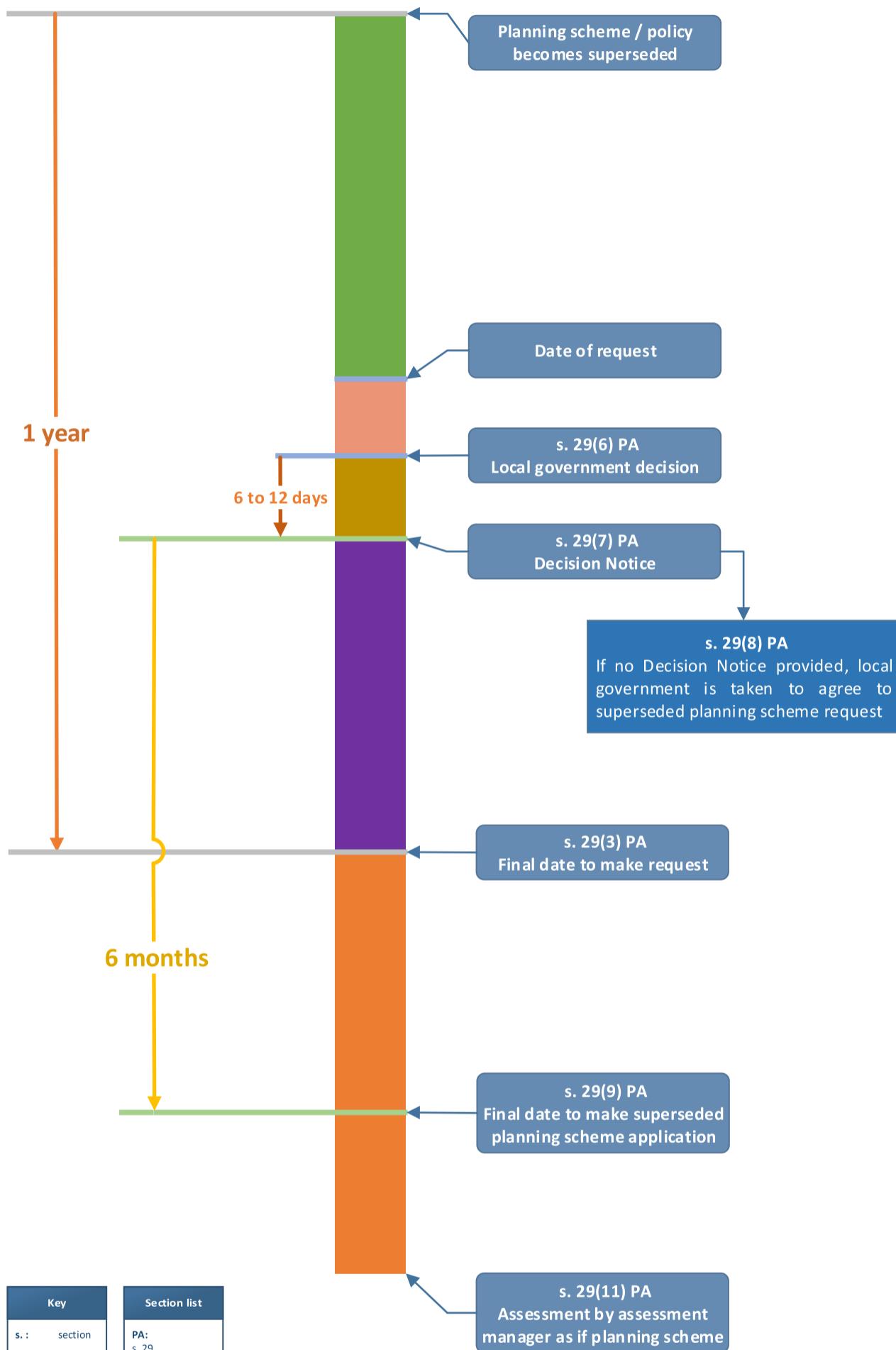
## Flowchart No 2.7: Sustainable Planning Act development application processes (Continued)



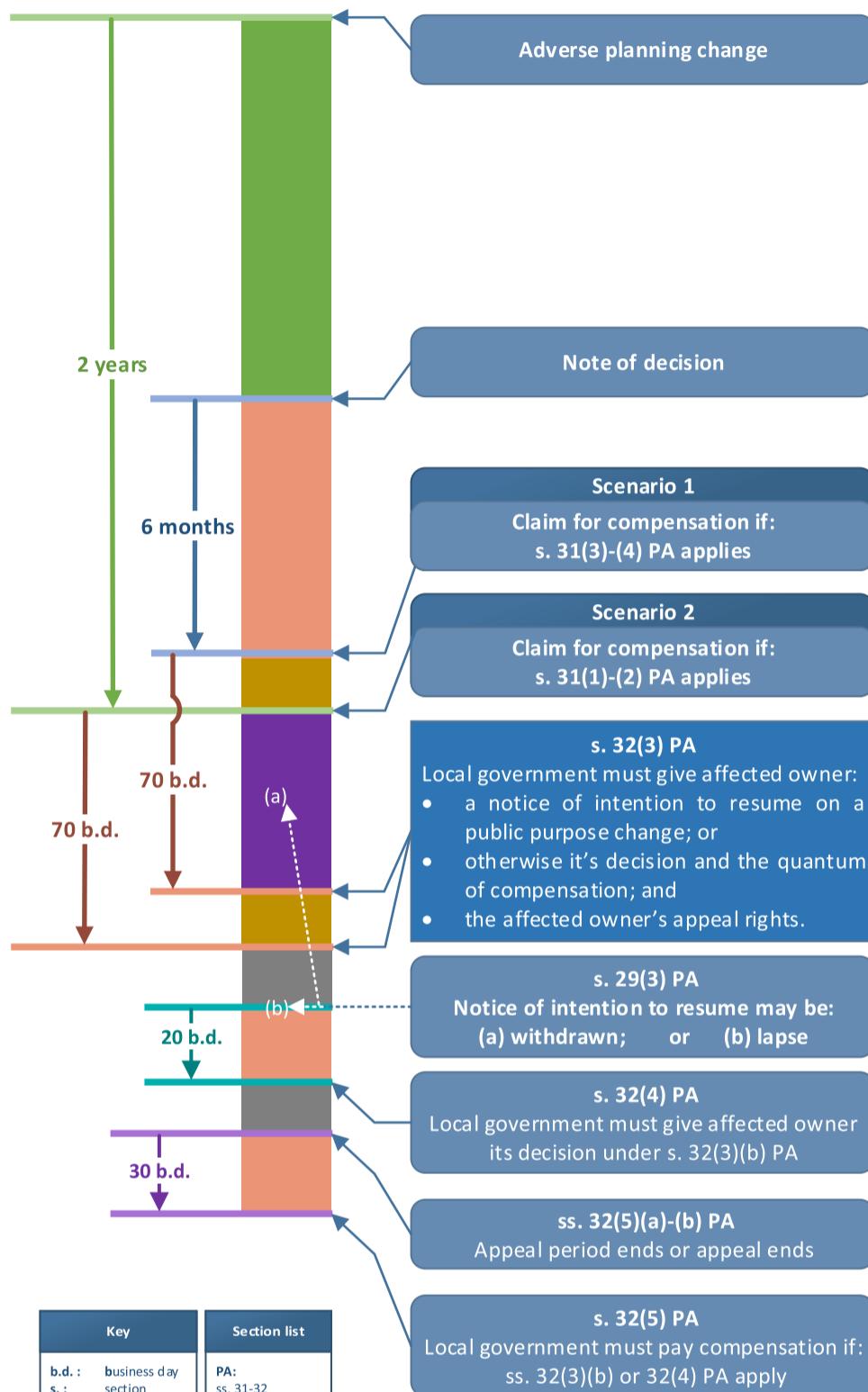
## Flowchart No 2.7: Sustainable Planning Act development application processes (Continued)



## Flowchart No 2.8: Request to apply superseded planning scheme



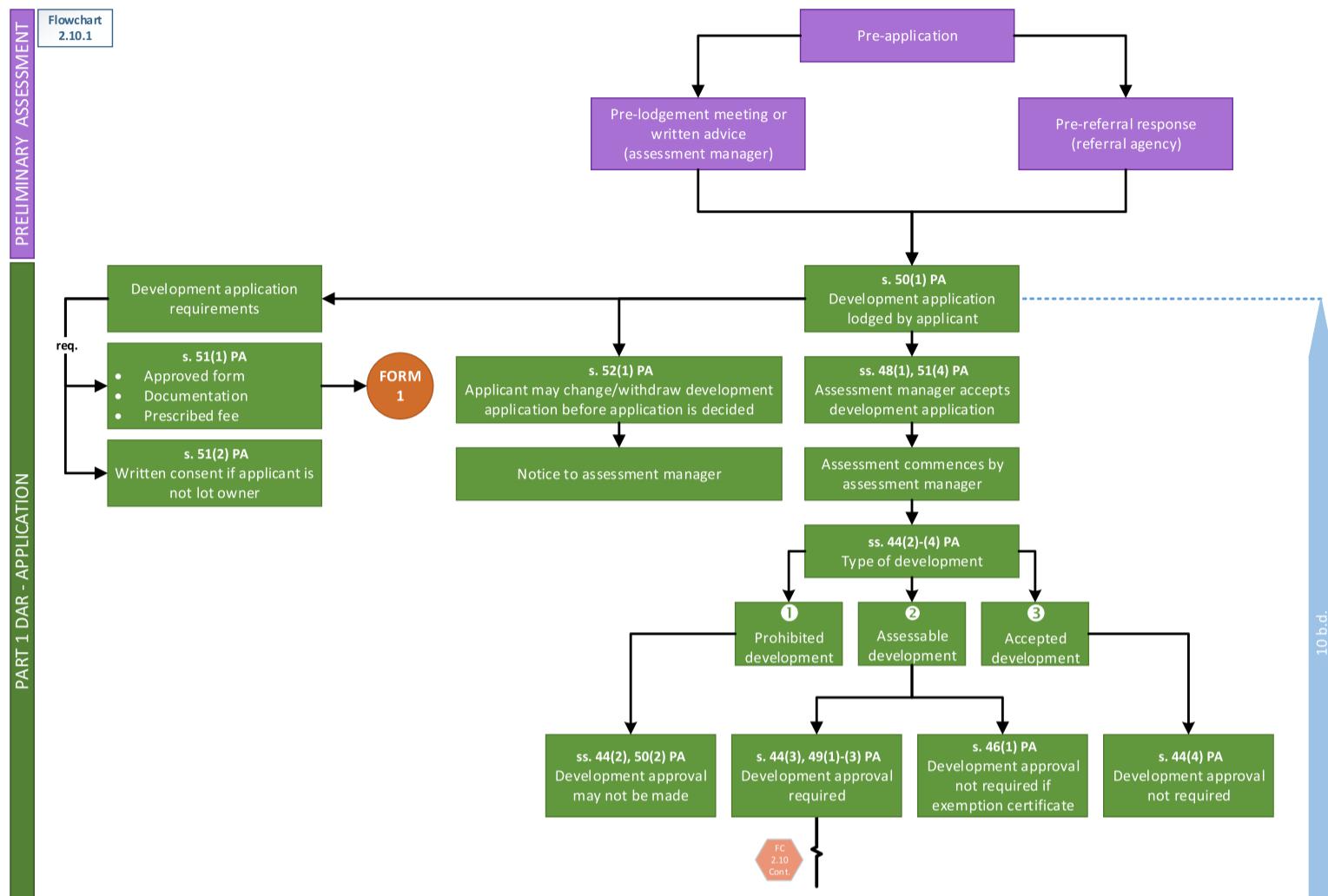
## Flowchart No 2.9: Compensation timeframe for adverse planning change



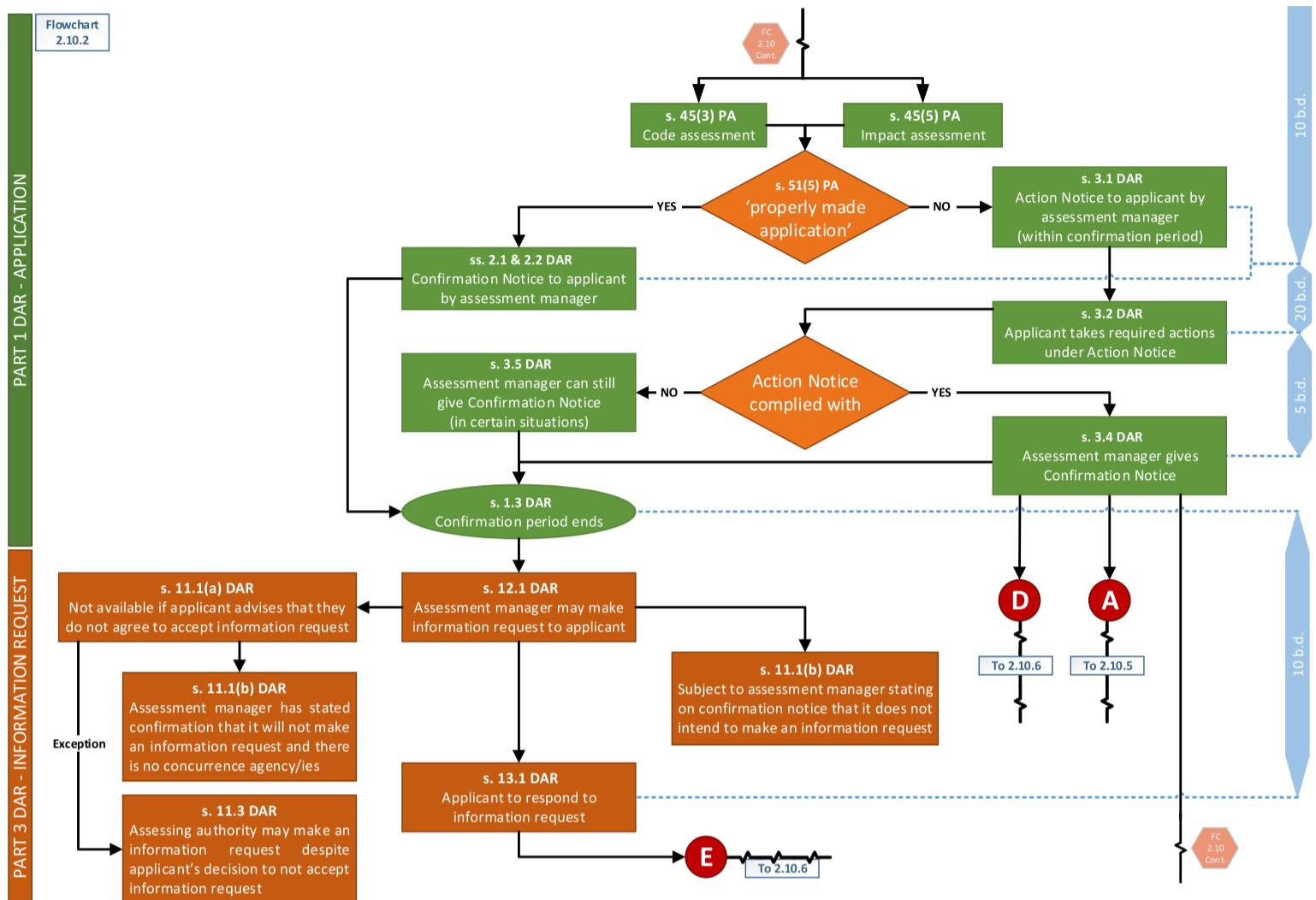
**Name of referral agency and referral agency's assessment period**

	<b>Name of referral agency</b>	<b>Referral agency's assessment period</b> <i>(or a further period as agreed between the applicant and the referral agency)</i>
<b>1</b>	The local government, as the concurrence agency for:	
	(a) Building work to demolish or remove any building or structure or rebuild, after removal, any building or structure, or	10 business days
	(b) Building assessment work, as defined in s.7 <i>Building Act</i> , for a single detached class 1(a)(i) building, class 1(a)(ii) building comprising not more than 2 attached dwelling or a class 10 building, or	10 business days
	(c) Other building assessment work.	15 business days
<b>2</b>	Queensland Fire and Emergency Service	15 business days
<b>3</b>	If not prescribed under Schedule 2 (s.9.2(b) DAR).	25 business days

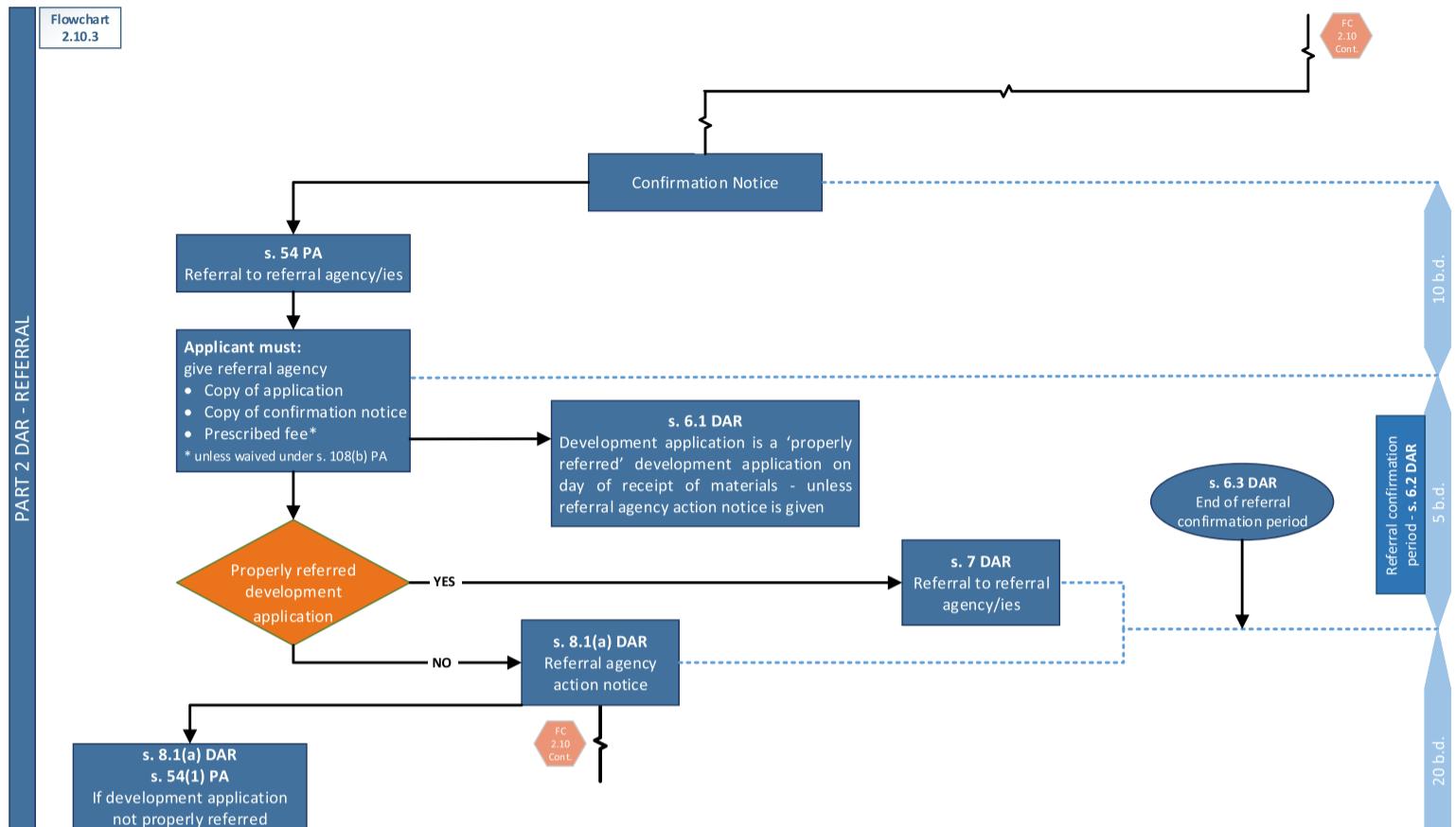
## Flowchart No 2.10: Planning Act development application process



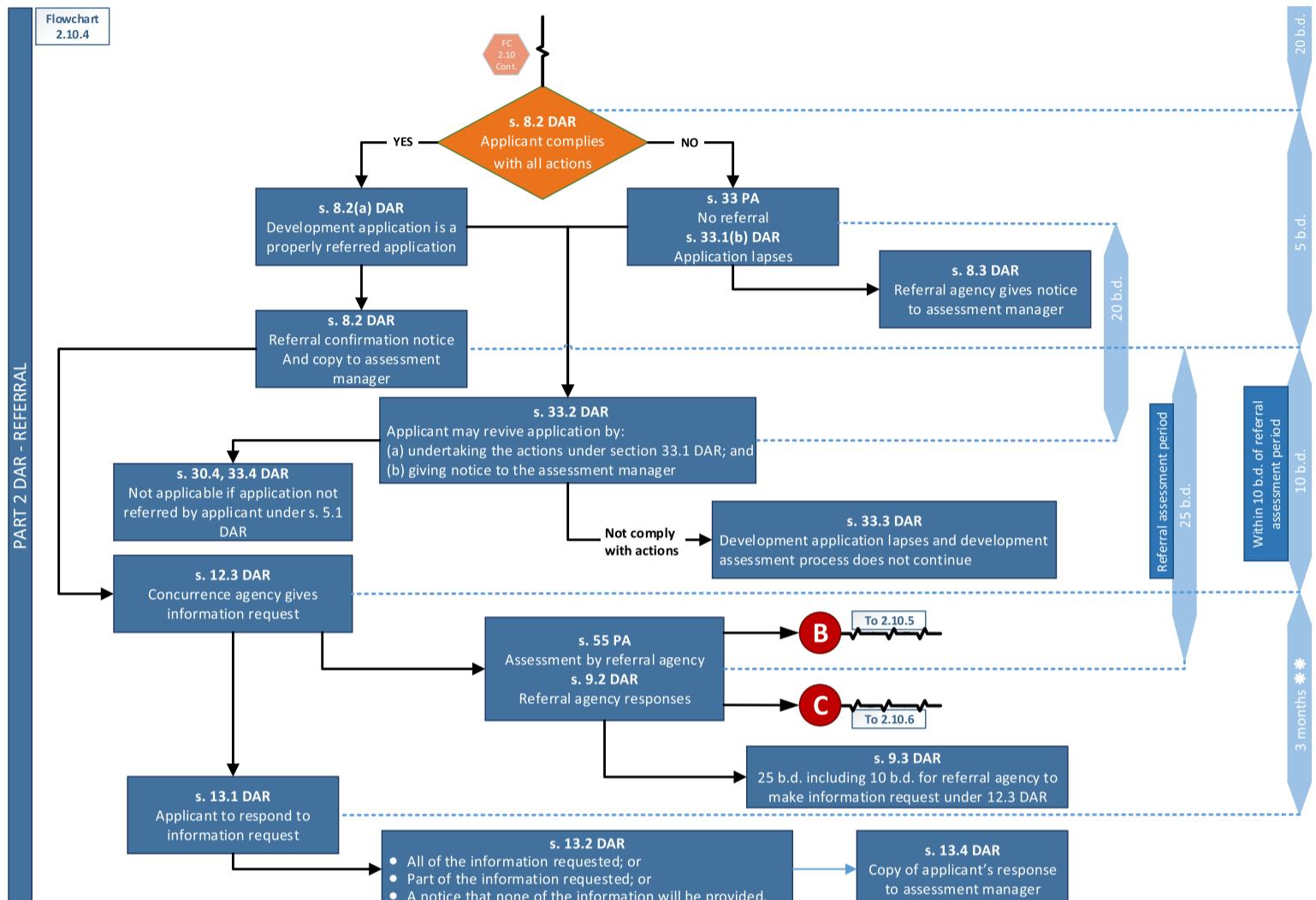
## Flowchart No 2.10: Planning Act development application process (Continued)



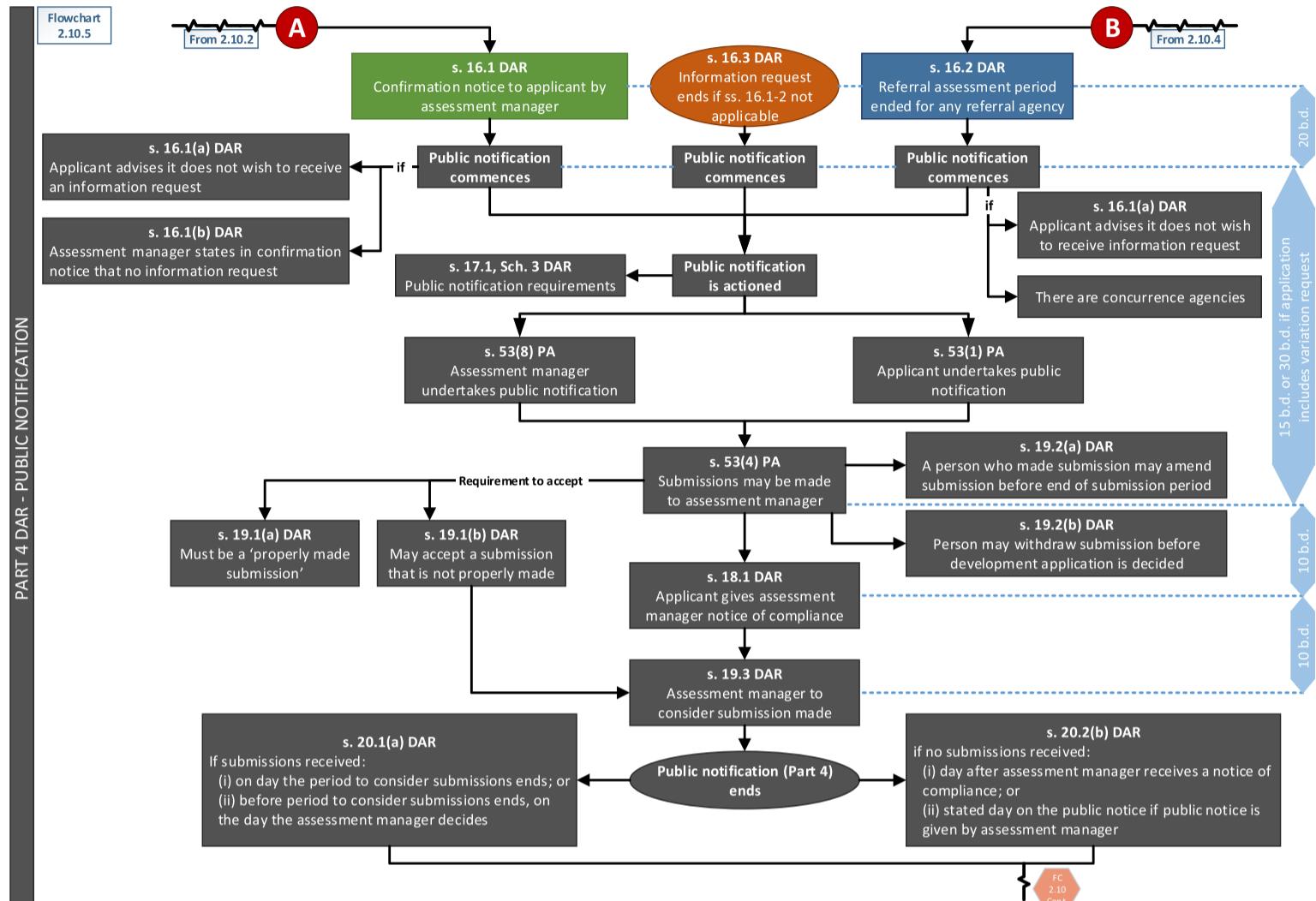
## Flowchart No 2.10: Planning Act development application process (Continued)



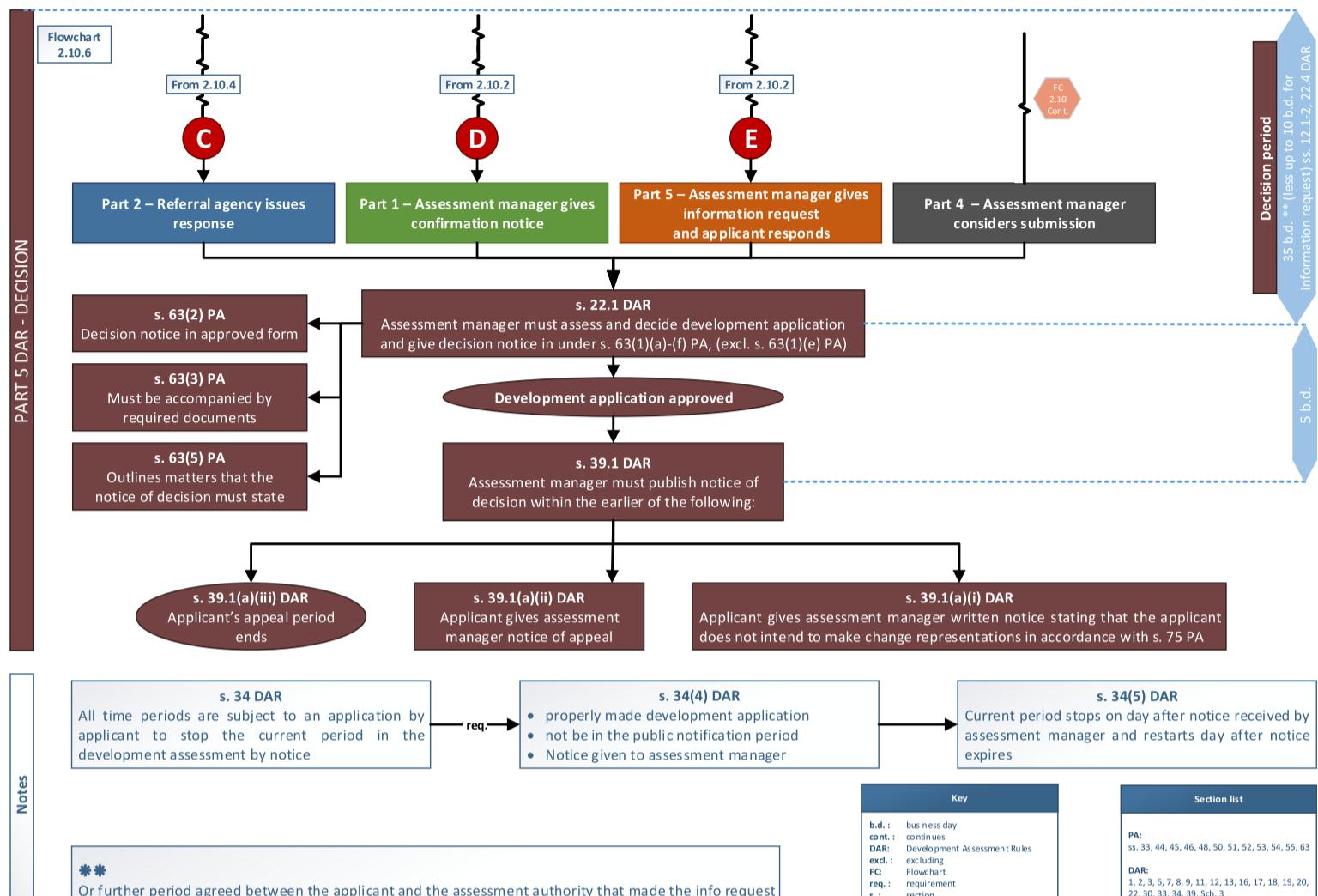
## Flowchart No 2.10: Planning Act development application process (Continued)

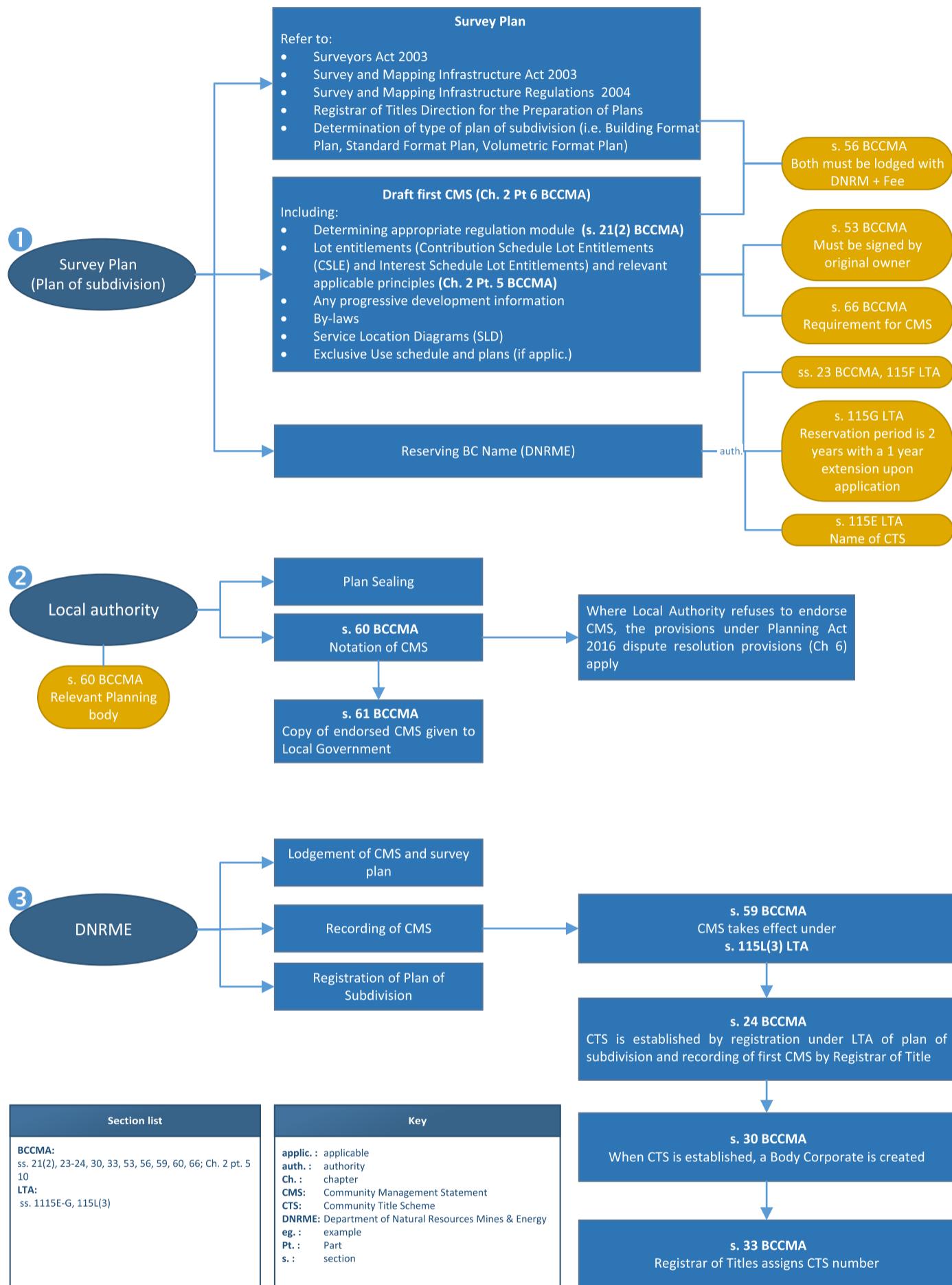


## Flowchart No 2.10: Planning Act development application process (Continued)

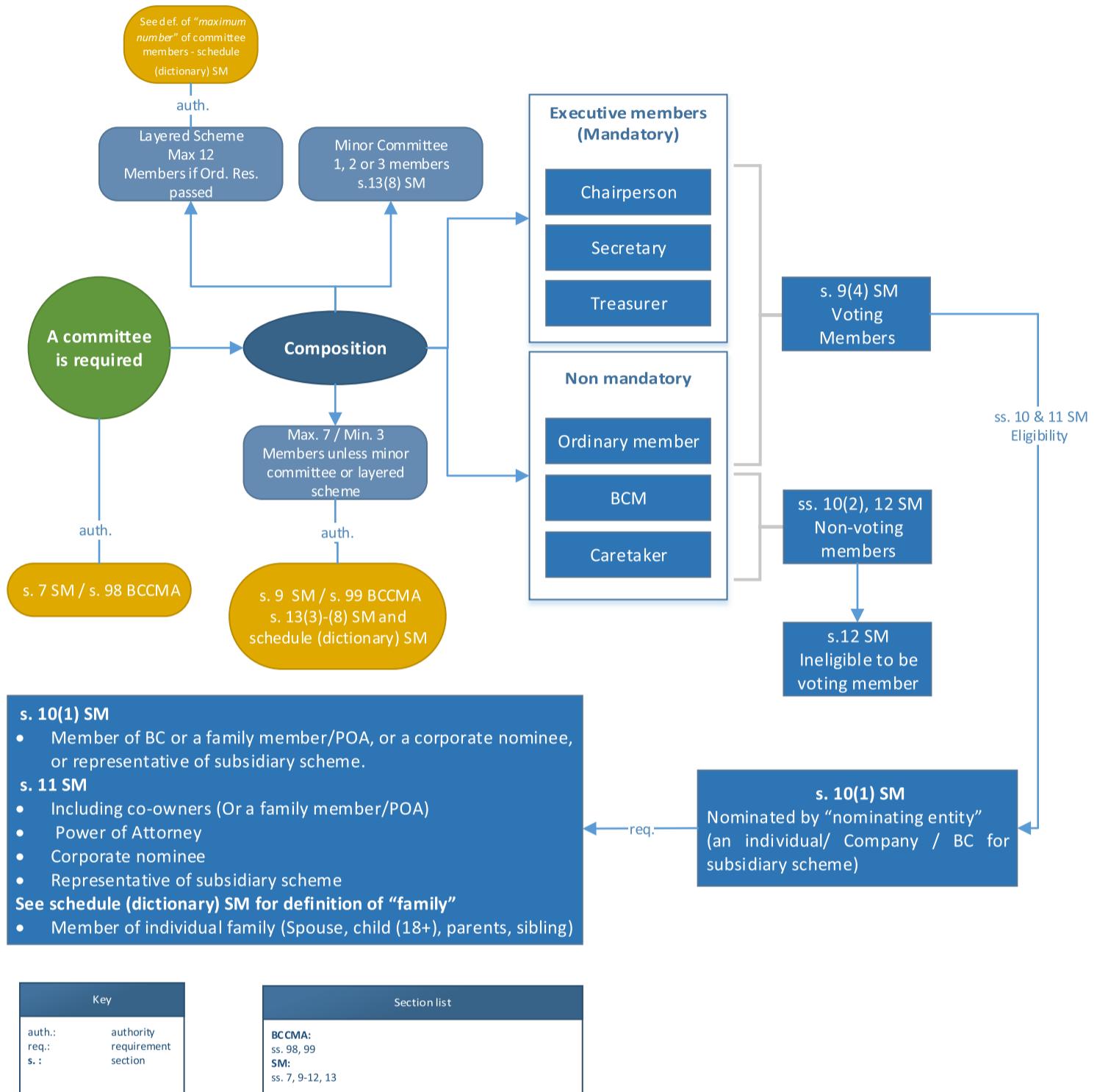


## Flowchart No 2.10: Planning Act development application process (Continued)

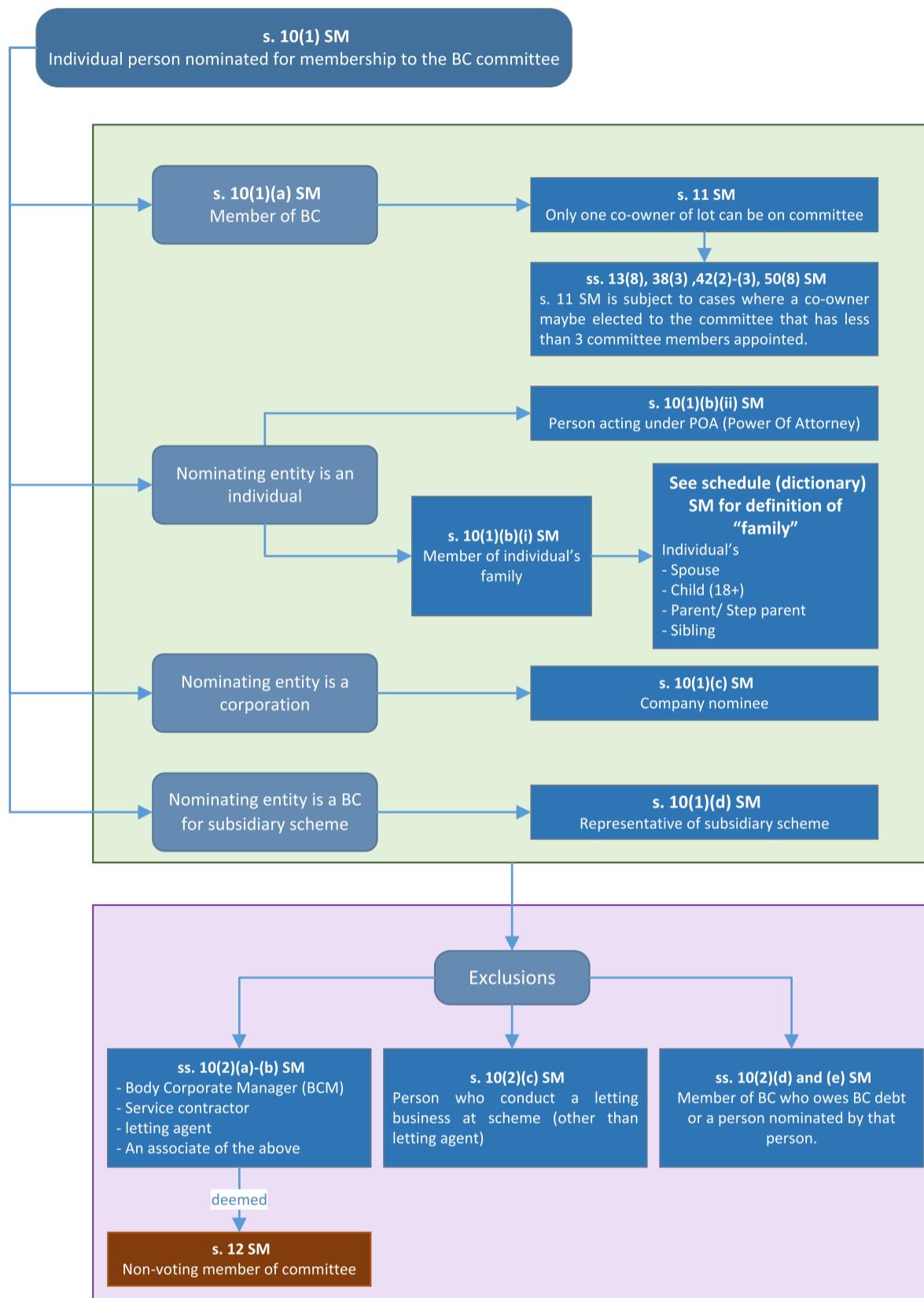


**Flowchart No 2.11: Establishment of body corporate post development application process**


## Flowchart No 4.1: The body corporate committee

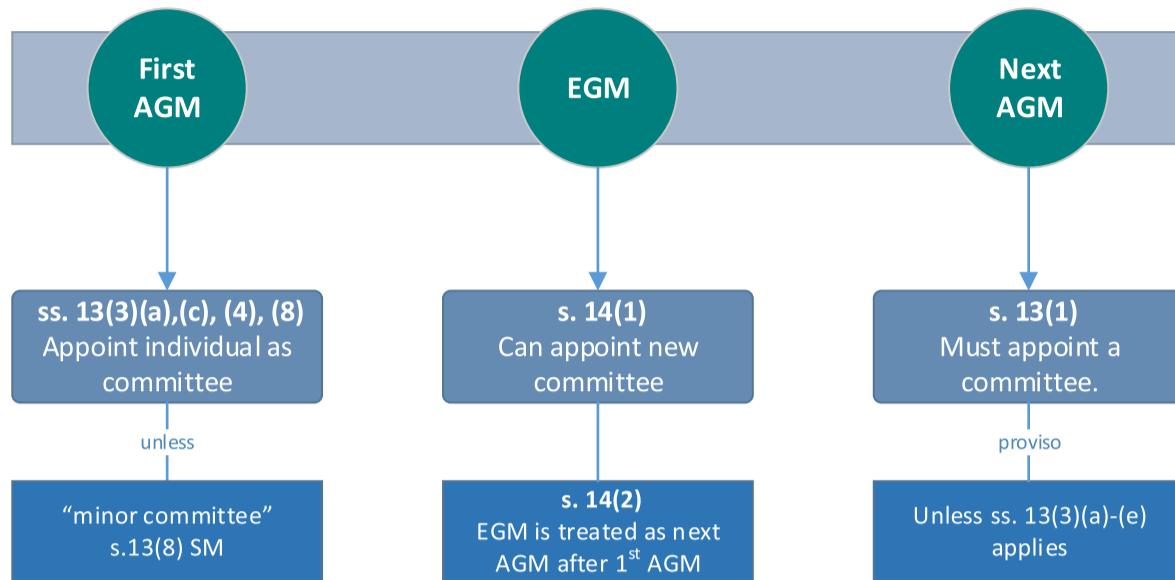


## Flowchart No 4.2: Eligibility to be committee voting member



Key	Section list
s. : section	<b>SM:</b> ss. 10-12, 38(3), 42(2)-(3), 50(8).

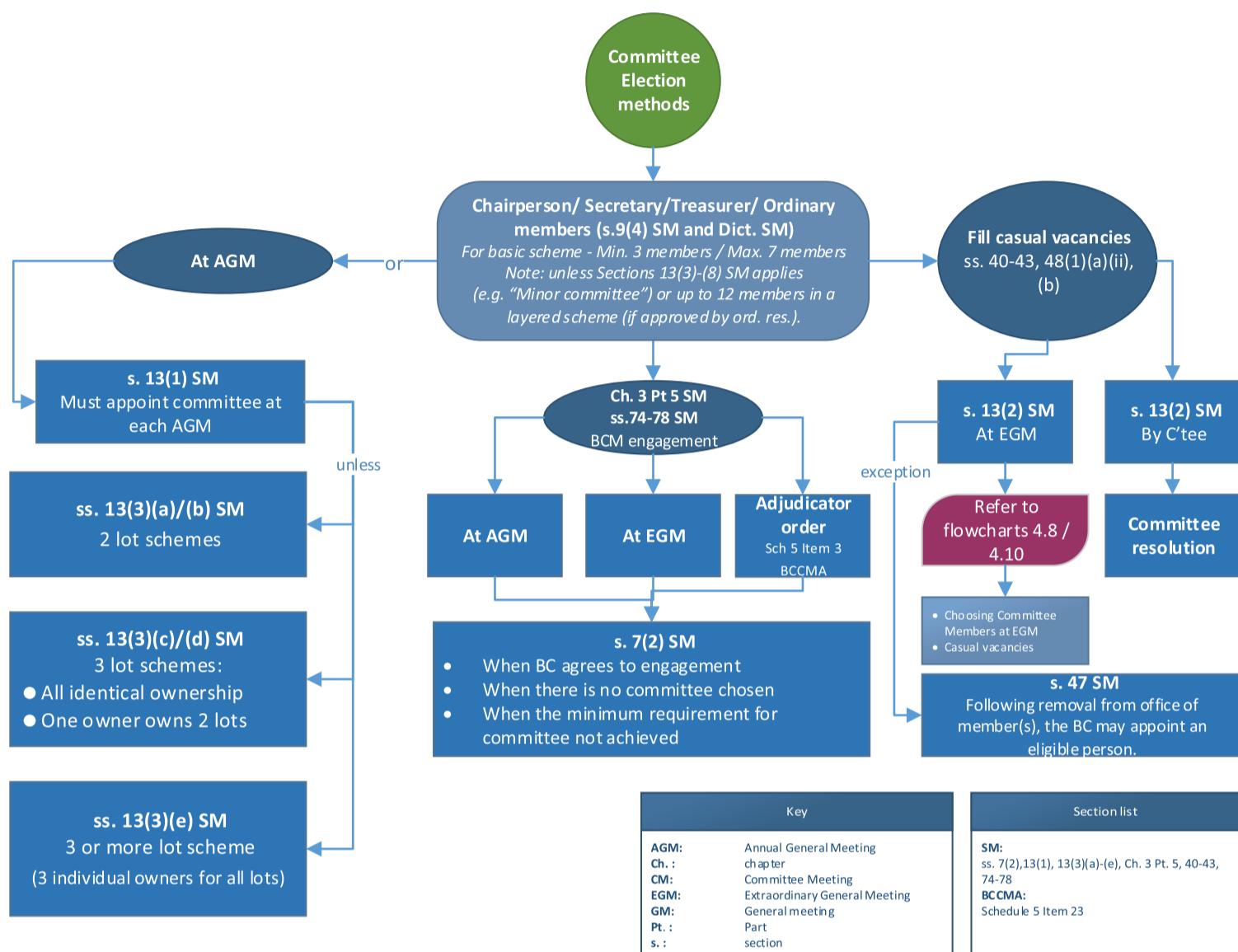
**Flowchart No 4.3: Choosing committee for 2 and 3-lot scheme — when one individual owns all lots in scheme**



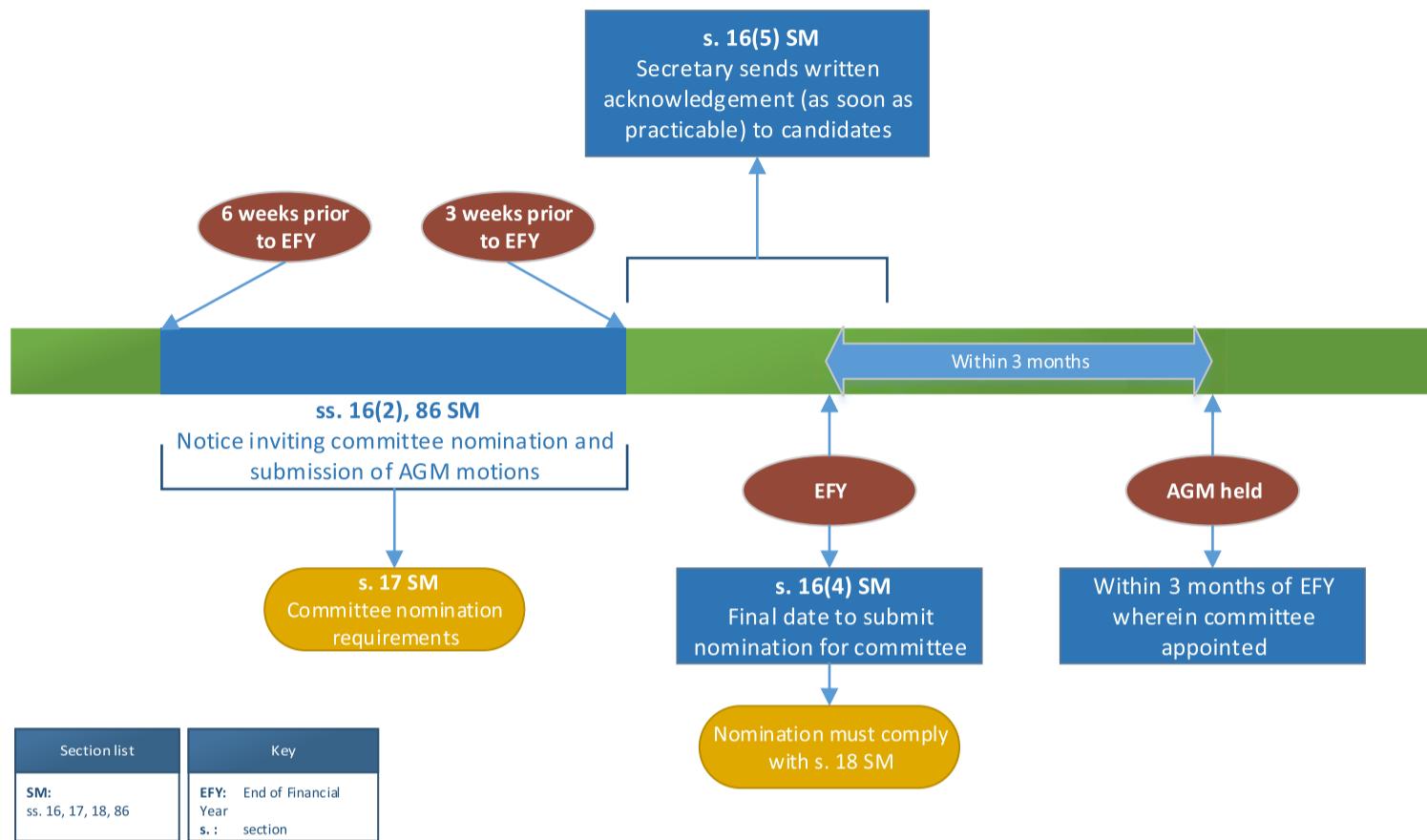
Key
AGM: Annual General Meeting
EGM: Extraordinary General Meeting
GM: General meeting
s. : section

Section list
ss. 13, 14

## Flowchart No 4.4: Committee Election scenarios



## Flowchart No 4.5: Committee nomination timeframe



## Sample Committee Nomination Form

<b>COMMITTEE NOMINATION FORM</b> <b>FOR BODY CORPORATE GENERAL MEETINGS</b> <b>Body Corporate for SAMPLE SCHEME CTS 12345</b>			
<b>Nominations must reach our office no later than [INSERT EFY FOR SCHEME]</b>			
Name of Lot Owner: Mr/Mrs/Ms/Dr: _____			
Lot number: _____			
Signature of Lot Owner(s)	_____ _____ _____	Date:	_____
<b>PART A - CANDIDATE DETAILS (COMPLETE ONLY IF THE CANDIDATE IS A LOT OWNER)</b> <i>(Please Print)</i>			
Name of Candidate: (Lot Owner)	Mr/Mrs/Ms/Dr: _____		
Position(s) nominated for:	Chairperson <input type="checkbox"/>	Secretary <input type="checkbox"/>	Treasurer <input type="checkbox"/>
Details of Payments Sought (if any)	_____ _____ _____		
Signature of Candidate Lot Owner:	_____ _____ _____	Date:	_____
<b>PART B – CANDIDATE DETAILS (COMPLETE ONLY IF THE CANDIDATE IS NOT THE LOT OWNER)</b> <i>(Please Print)</i>			
Name of Candidate:	Mr/Mrs/Ms/Dr: _____		
Residential or Business Address of Candidate:	_____ _____ _____		
Position(s) nominated for:	Chairperson <input type="checkbox"/>	Secretary <input type="checkbox"/>	Treasurer <input type="checkbox"/>
Ordinary Member <input type="checkbox"/>			
The Candidate is: <i>(Basis on which Candidate has been nominated – please select)</i>	A Member of Owner's Family <input type="checkbox"/> If a member of Owner's Family, please specify below: Spouse <input type="checkbox"/> Child 18+ <input type="checkbox"/> Parent <input type="checkbox"/> Sibling <input type="checkbox"/>  Another Lot Owner <input type="checkbox"/> Power of Attorney (POA) <input type="checkbox"/> <i>(Please supply POA with this form)</i> Nominee of a Corporate Owner <input type="checkbox"/> <i>(Please complete attached Company Nominee Form)</i>		
Signature of Non-Owner Candidate:	_____ _____ _____	Date:	_____
<b>OFFICE USE ONLY</b>			
Date Nomination Received	_____ _____ _____	Date Acknowledgement Sent	_____
Financial Status	YES <input type="checkbox"/> NO <input type="checkbox"/>	Initials	_____

**Sample Ballot Paper (Committee Election by Secret Ballot)**

*Body Corporate and Community Management Act 1997 (Qld)  
Body Corporate and Community Management (Standard Module) Regulation 2020 (Qld)*

**SAMPLE SCHEME CTS 12345**

**AGM SECRET VOTING PAPER (2021)  
FOR COMMITTEE MEMBER ELECTION BY SECRET BALLOT**

NAMES OF CANDIDATES	VOTE Mark the Candidate(s) you wish to elect	STATUS OF CANDIDATE	NON-OWNER RESIDENTIAL OR BUSINESS ADDRESS	PAYMENT FOR SERVICES REQUIRED	NOMINATED BY
<b>EXECUTIVE COMMITTEE MEMBER POSITION - CHAIRPERSON *</b>					
CITIZEN, John		Family Member (Lot 45)	N/A	No	Owner (Lot 45)
MERCIER, Marc		Owner (Lot 73)	N/A	No	Self-nomination (Lot 73)
<b>ORDINARY COMMITTEE MEMBER POSITIONS *</b>					
BROWN, Paul		Co-Owner (Lot 4)	N/A	No	Self-nomination (Lot 4)
GREEN, Sally		Owner (Lot 23)	N/A	No	Self-nomination (Lot 23)
GREY, PETER		Owner (Lot 66)	N/A	No	Self-nomination (Lot 66)
JABERI, Fariba		Owner (Lot 81)	N/A	No	Self-nomination (Lot 81)
ROSE, Penny		Owner (Lot 8)	N/A	No	Self-nomination (Lot 8)
SILVER, JAMES		Owner (Lot 14)	N/A	No	Self-nomination (Lot 14)

*\* The maximum number of members on the committee is seven (7); Chairperson, Secretary, Treasurer and four (4) ordinary member positions. A person may hold more than one, or all three, of the executive positions at any one time, in which case, the number of ordinary member positions increases accordingly to a maximum of seven (7) members in total.*

**INSTRUCTIONS FOR COMPLETING SECRET VOTING PAPER FOR COMMITTEE APPOINTMENT**

1. Place a mark opposite the names of the candidates that you wish to vote for;
2. **DO NOT** identify your name or lot number on this Ballot Paper;
3. Enclose your Secret Voting Paper for Committee Appointment in the envelope marked "Ballot Paper";
4. **DO NOT** enclose voting paper on motions in the envelope marked "Ballot Paper";
5. Complete all the details required on the Particulars Tab of the envelope marked "Ballot Paper";
6. Enclose the "Ballot Paper" envelope in the envelope addressed to "The Returning Officer":

**SAMPLE SCHEME CTS 12345**  
**C/- THE RETURNING OFFICER,**  
**PO BOX 1234**  
**BRISBANE QLD 4000**

7. Return your Ballot Paper sealed in the provided Ballot Paper Envelope by hand to the Returning Officer before the start of the Meeting, **or** by posting in the completed and sealed envelope (in time to ensure receipt by the Returning Officer **before** the start of the Meeting).

Body Corporate Manager  
For and on behalf of the Body Corporate Secretary  
01 November 2021

Sample Scheme CTS 1234 – Secret Voting Paper (Committee Appointment)

**Sample Ballot Paper (Committee Election by Open Ballot)**

*Body Corporate and Community Management Act 1997 (Qld)  
Body Corporate and Community Management (Accommodation Module) Regulation 2020 (Qld)*

**SAMPLE SCHEME CTS 12345**  
**AGM COMMITTEE OPEN BALLOT PAPER (2021)**  
**FOR EXECUTIVE COMMITTEE MEMBER APPOINTMENT**  
**BY OPEN BALLOT**

NAMES OF CANDIDATES (Alphabetical Order)	VOTE Mark the Candidate you wish to elect	STATUS OF CANDIDATE	NON-OWNER: RESIDENTIAL OR BUSINESS ADDRESS	PAYMENT FOR SERVICES REQUIRED	NOMINATED BY
<b>EXECUTIVE COMMITTEE MEMBER - SECRETARY POSITION</b>					
JABERI, Fariba		Owner (Lot 81)	N/A	No	Self-nomination (Lot 81)
MERCIER, Marc		Owner (Lot 73)	N/A	No	Self-nomination (Lot 73)

**INSTRUCTIONS FOR COMPLETING/SUBMITTING YOUR COMMITTEE OPEN BALLOT PAPER**

- 1 Place a mark opposite the name of the candidate that you wish to vote for;
- 2 Complete the particulars at the bottom of this Committee Ballot Paper;
- 3 Post/Email or Fax your Committee Ballot Paper (in time to ensure receipt by the Secretary or Body Corporate Manager before the start of the Meeting) to:



SAMPLE SCHEME CTS 12345  
 C/- THE BODY CORPORATE MANAGER  
 P.O. BOX 1234  
 BRISBANE QLD 4000



E: [sampleemail@bodycorporatemanager.com](mailto:sampleemail@bodycorporatemanager.com)



F: (07) 1234 1234

- 4 Alternatively, you may hand your Committee Open Ballot Paper to the Committee Secretary or Body Corporate Manager before the start of the Meeting.

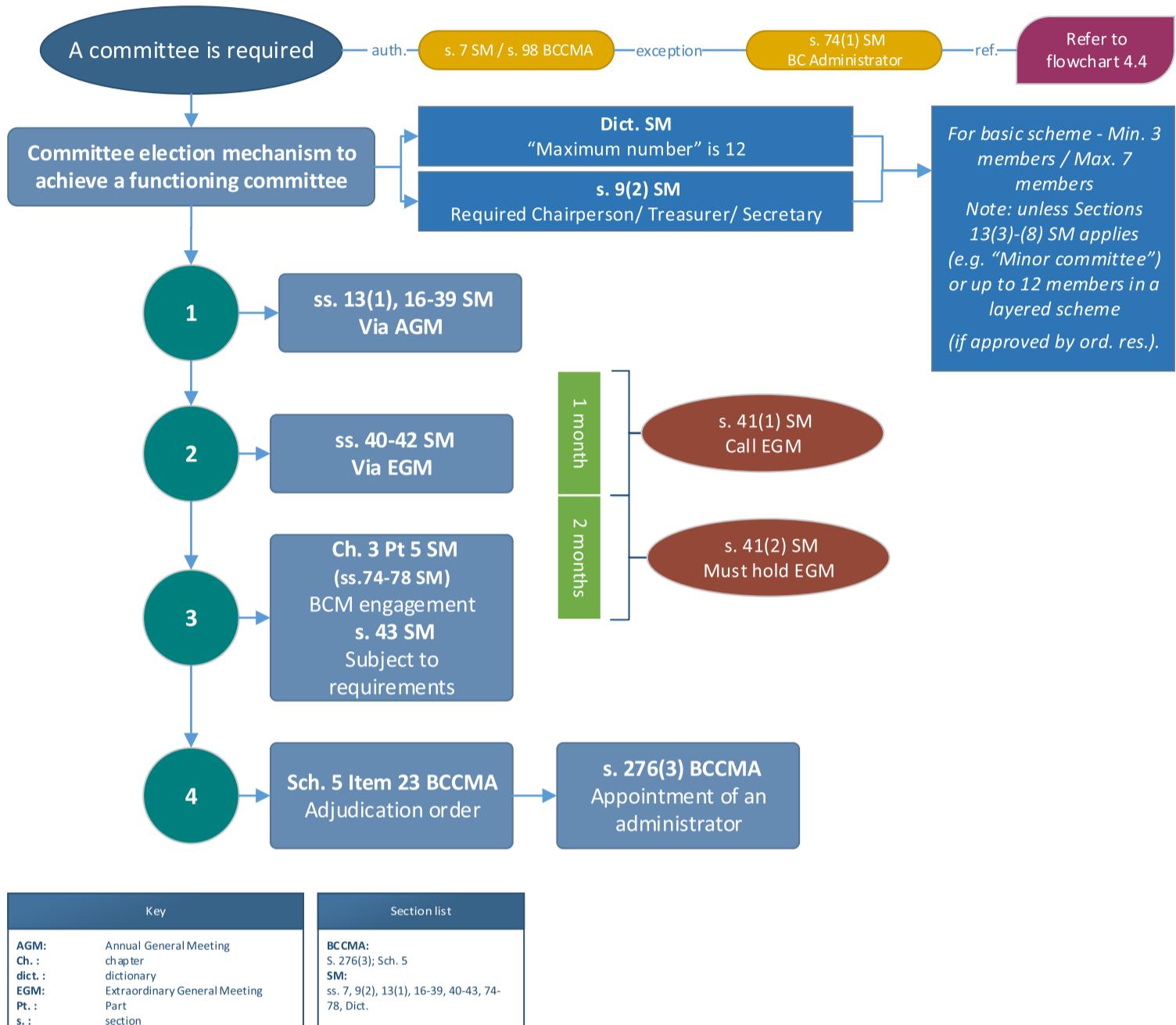
Body Corporate Manager  
 For and on behalf of the Body Corporate Secretary  
 01 November 2021

**The Body Corporate for SAMPLE SCHEME CTS 12345**  
*(Please sign and complete the details below on every page of this open ballot paper)*

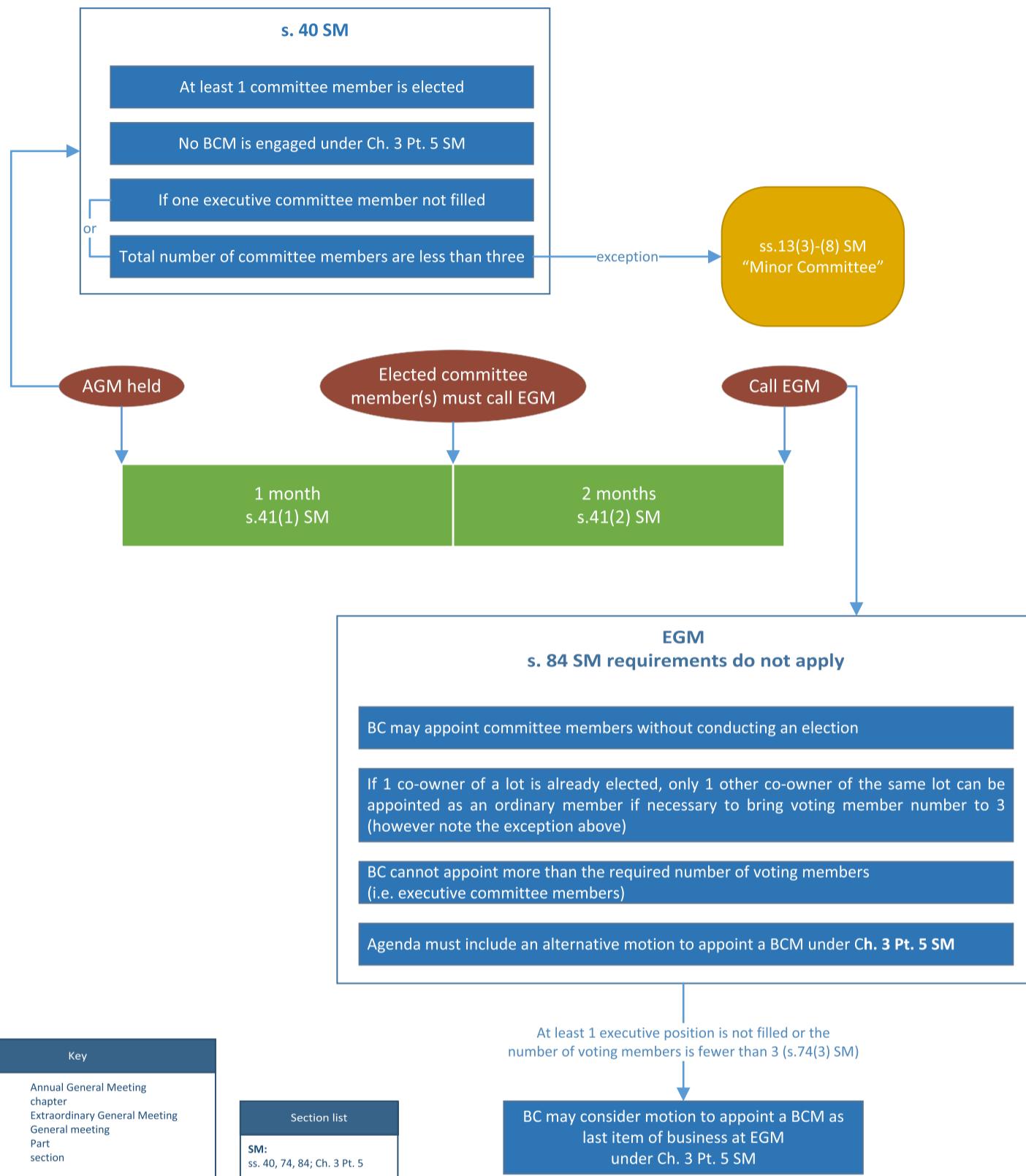
Name(s) of Voter(s): \_\_\_\_\_ Lot No.: \_\_\_\_\_

Signature of Voter(s): \_\_\_\_\_ Date: / / 2021

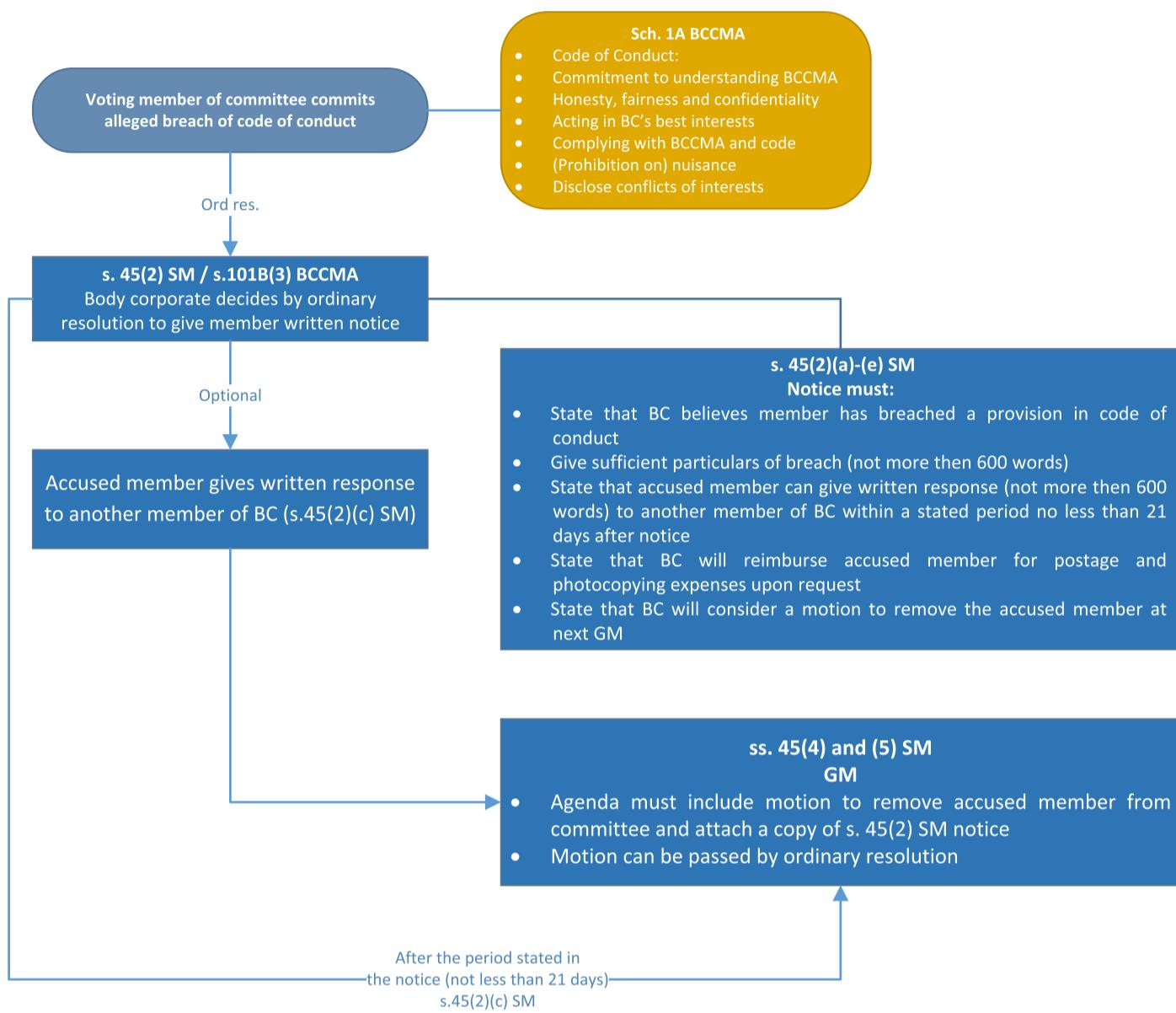
## Flowchart No 4.6: Achieving a functional committee



## Flowchart No 4.7: Choosing committee members at EGM



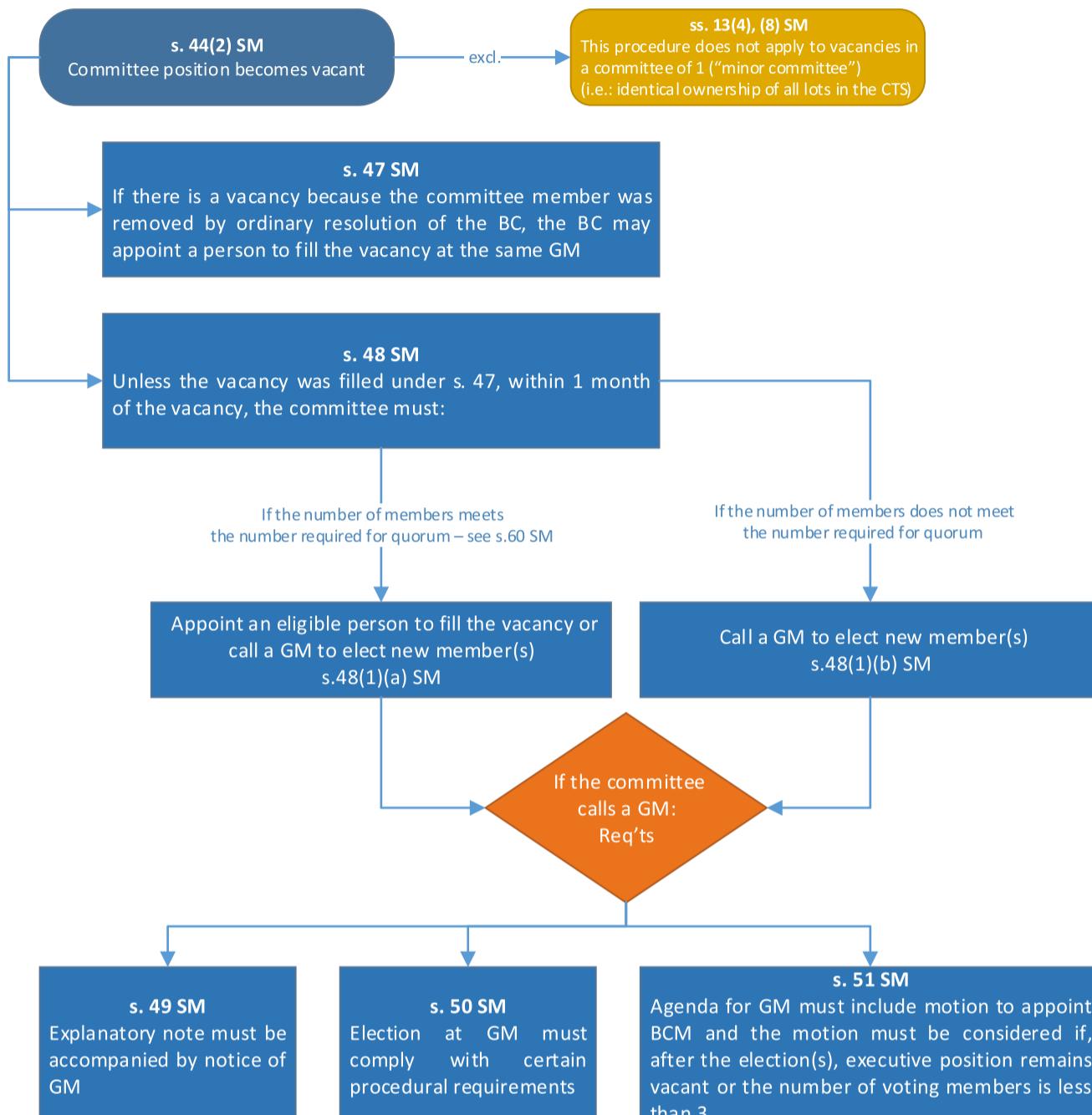
## Flowchart No 4.8: Breach of code of conduct and removal of committee member



Section list
BCCMA: s.101B(3), Sch. 1A SM: s. 45

Key
GM: General Meeting s.: section Sch.: Schedule

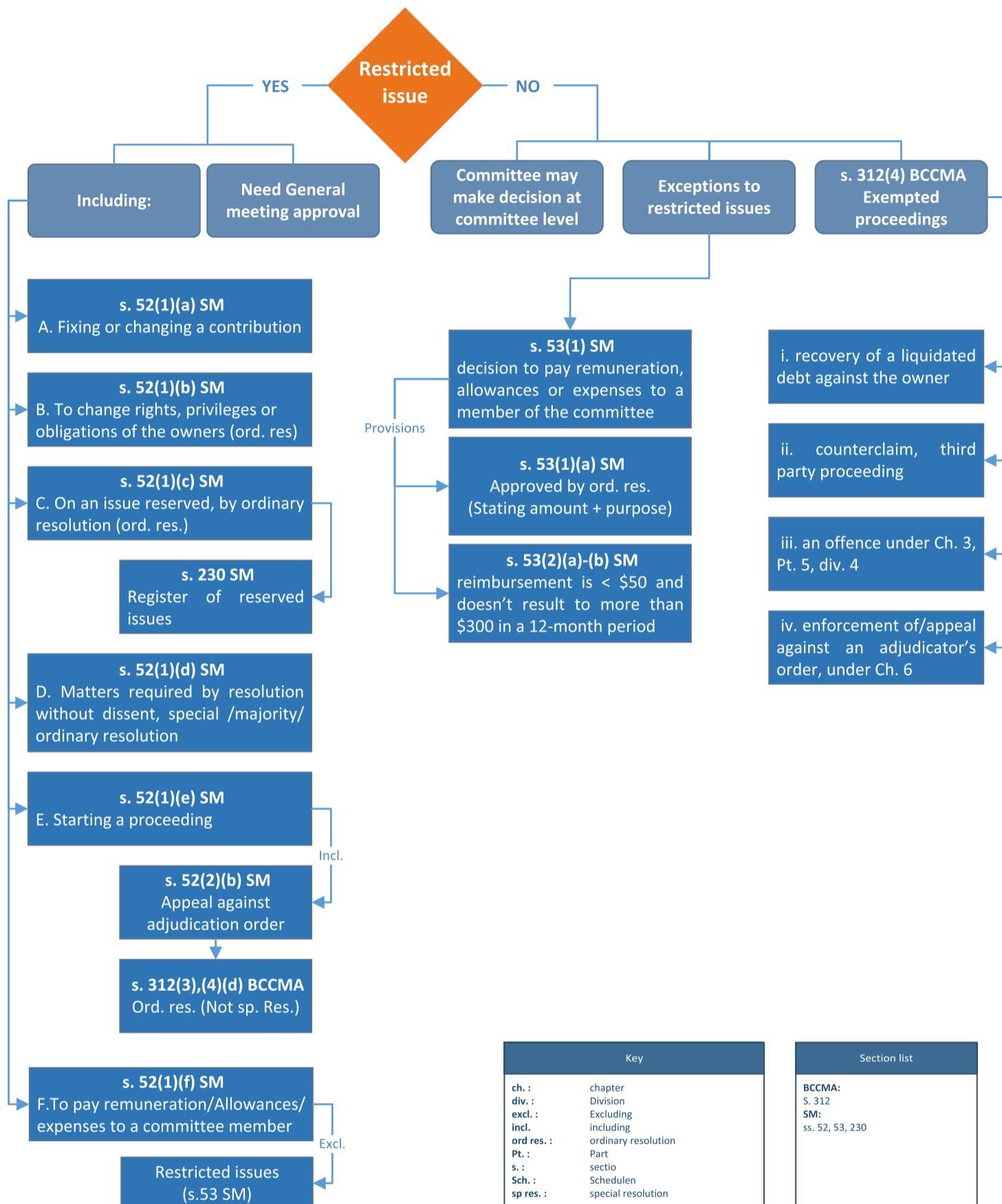
## Flowchart No 4.9: Filling casual vacancies



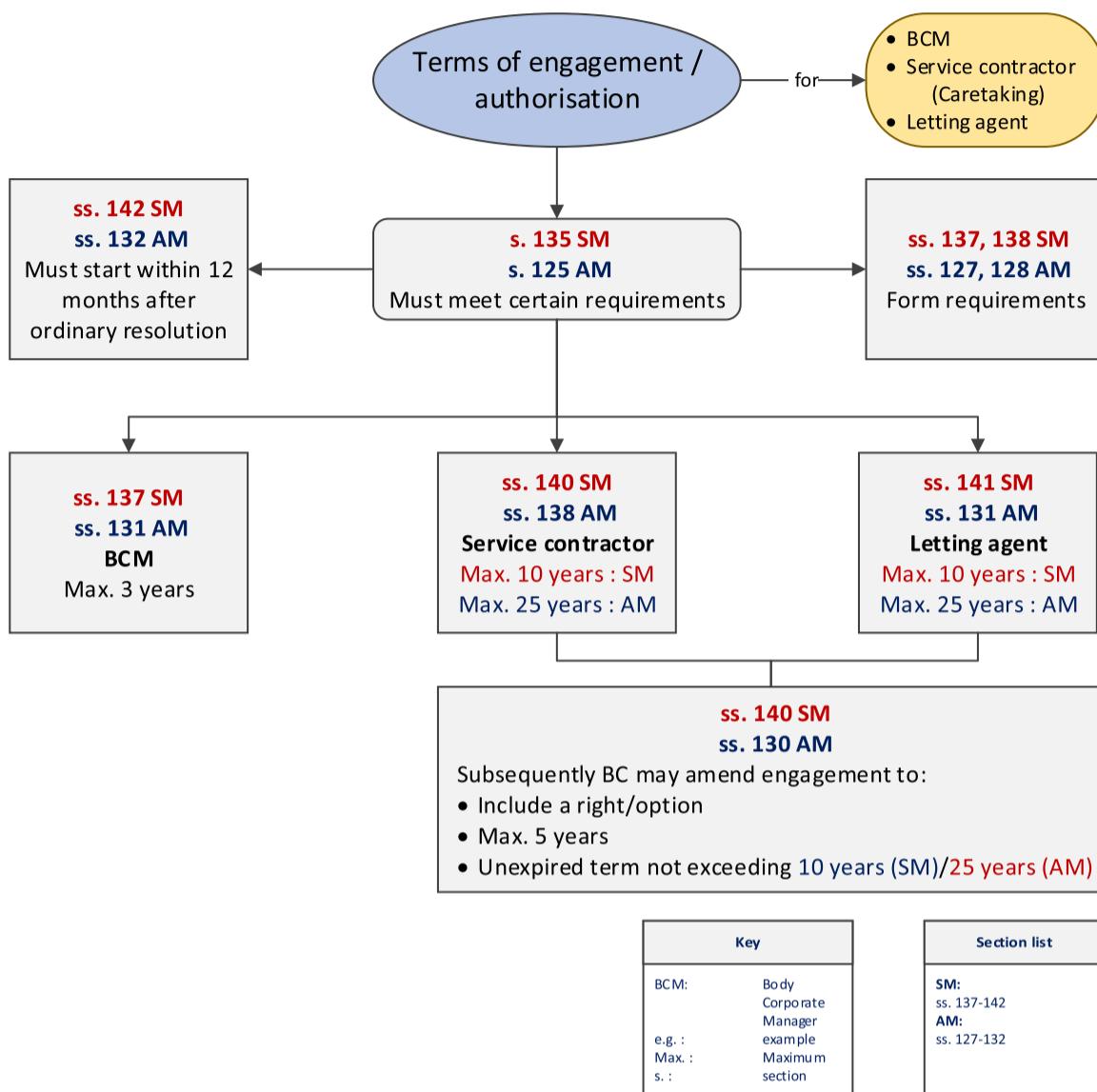
Key	
GM:	General Meeting section

Section list	
SM:	ss. 13(4) and (8), 44(2), 47, 48, 49, 50, 51

## Flowchart No 4.10: Restricted issues for committee



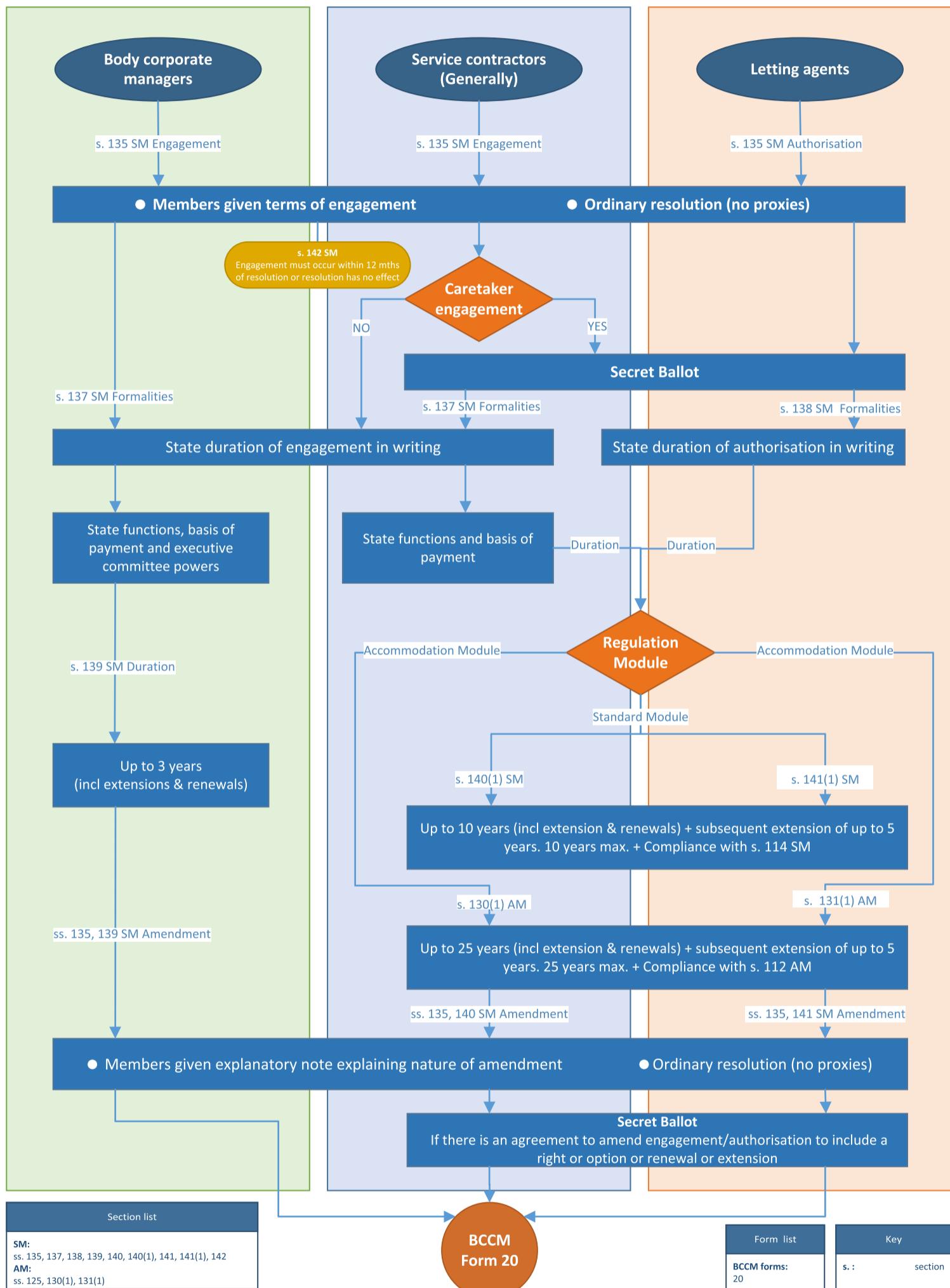
## Flowchart No 5.1: Term of engagement and authorisation



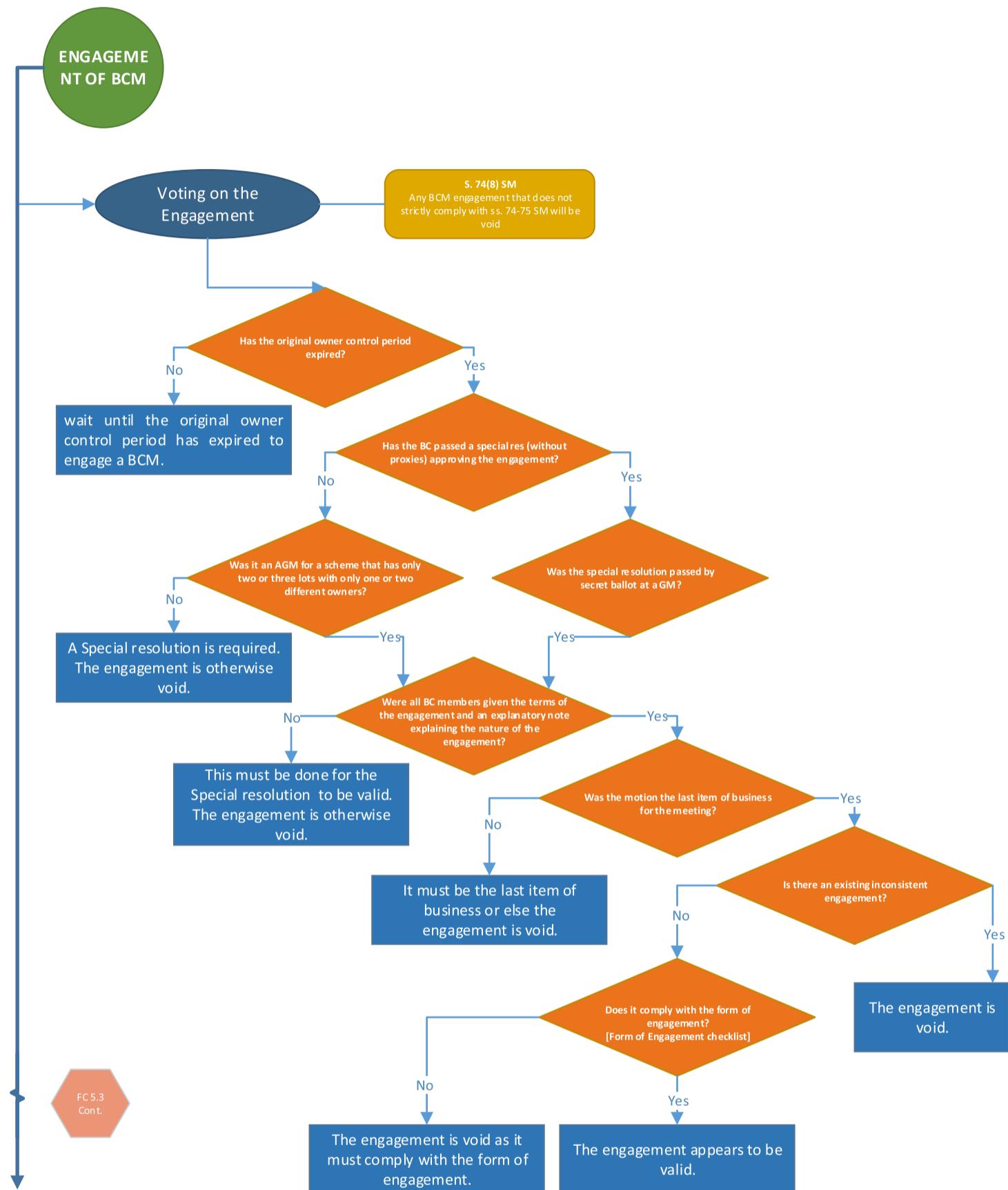
Key	
BCM:	Body Corporate Manager
e.g. :	example
Max. :	Maximum
s. :	section

Section list	
<b>SM:</b>	ss. 137-142
<b>AM:</b>	ss. 127-132

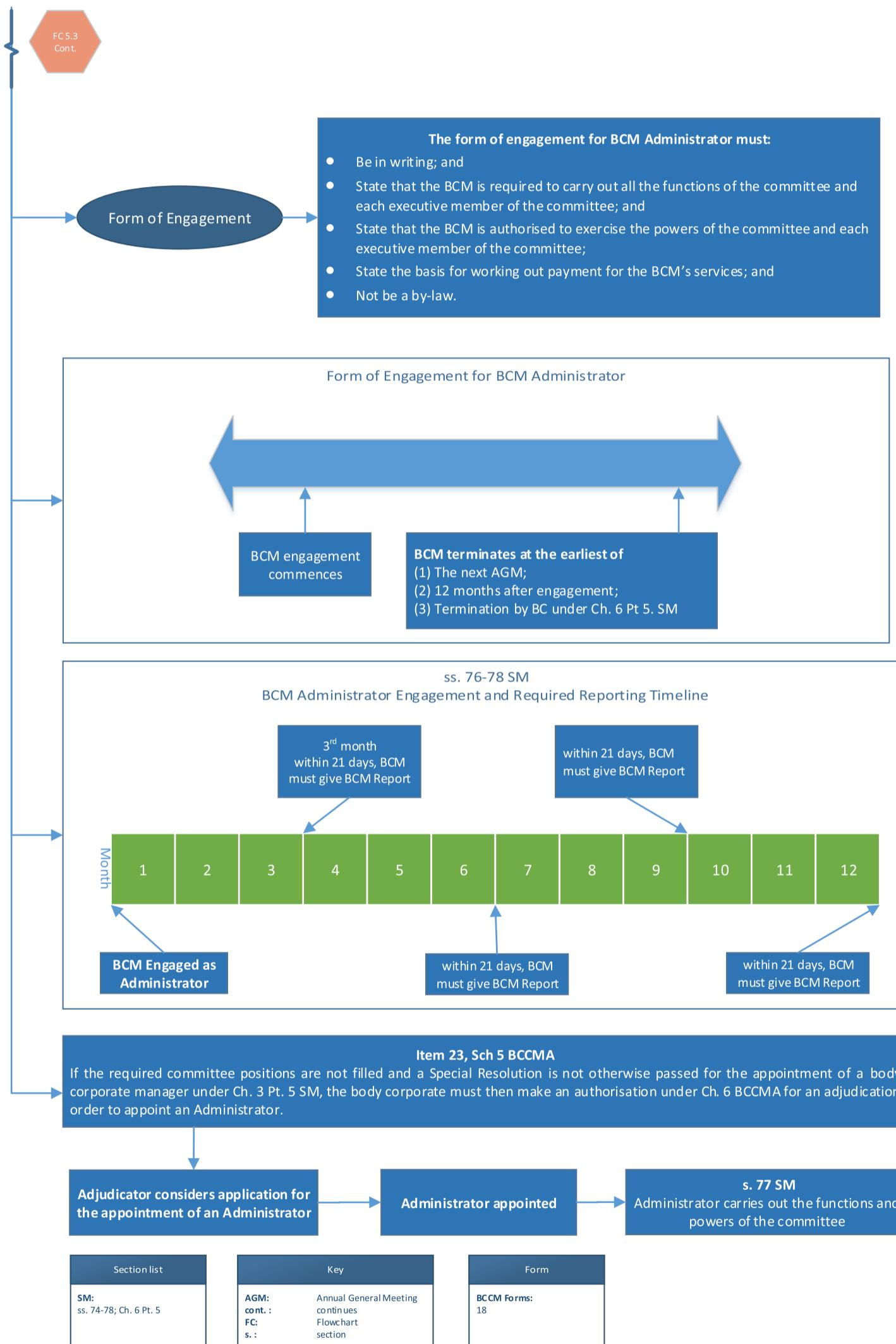
## Flowchart No 5.2: Service contractors (including Body Corporate Manager)



## Flowchart No 5.3: Engagement of Body Corporate Manager under Chapter 3 Part 5



## Flowchart No 5.3: Engagement of Body Corporate Manager under Chapter 3 Part 5 (Continued)



## Sample Administration Report

*Body Corporate and Community Management Act 1997 (Qld)  
Body Corporate and Community Management (Standard Module) Regulation 2020 (Qld)  
[Pursuant to s.78 SM 2020]*

# BODY CORPORATE FOR SAMPLE SCHEME CTS 12345

## Administration Report

DATE: [ENTER DATE OF REPORT]

For the period: [ENTER 3 MONTH PERIOD PRECEDING REPORT DATE]

Pursuant to Choose section & regulation module, this report covers financial management and property management for your scheme, and includes relevant Annexures pertaining to these matters.

It is recommended that you retain this report for your records and future reference.

## Financial management

(1) Administrative fund and sinking fund balance as at *Pick the date are:*

**Administrative fund:**      \$Enter AF amount (numbers only)  
**Sinking fund:**                \$Enter SF amount (numbers only)  
**Total:**                        \$Enter AF+SF amount (numbers only)

Please refer to the attached financial statements (Annexure 1).

Should you require a general ledger for the applicable period please login to your Community portal or send a request to the Body Corporate Manager via email to **INSERT EMAIL**.

(2) Summary of body corporate expenses for the period from *Pick the start date to Pick the end date.*

Please refer to the attached Accounts Payable report (Annexure 2).

## Property management

(1) Proposed repairs and maintenance to common property and body corporate assets for the next 3 months from *Pick the start date to Pick the end date:*

- Enter text

**Sample Administration Report (Continued)**

(2) Matters affecting common property or the body corporate assets (if any):

- Enter text

(3) Matters relevant to the future maintenance of common property or the body corporate assets (if any):

- Enter text

(4) List of documents made by the body corporate manager / administrator for the period from *Pick the start date to Pick the end date (if any)*:

Date	Document	Outcome
Pick date		

Please refer to the attached resolutions of the administrator acting as the committee (Annexure 3).

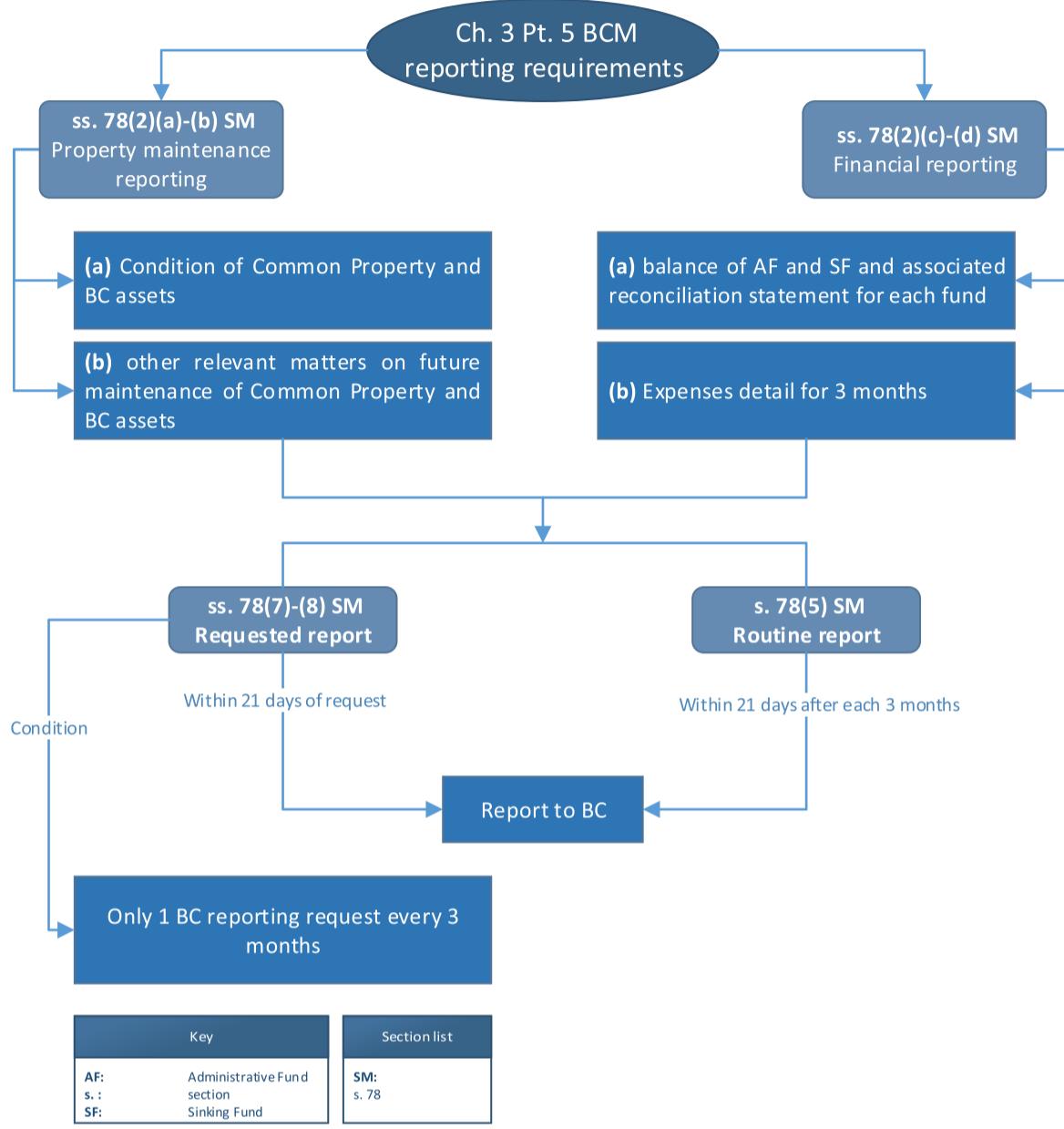
**List of Annexures**

*Annexure 1 Financial statements.*

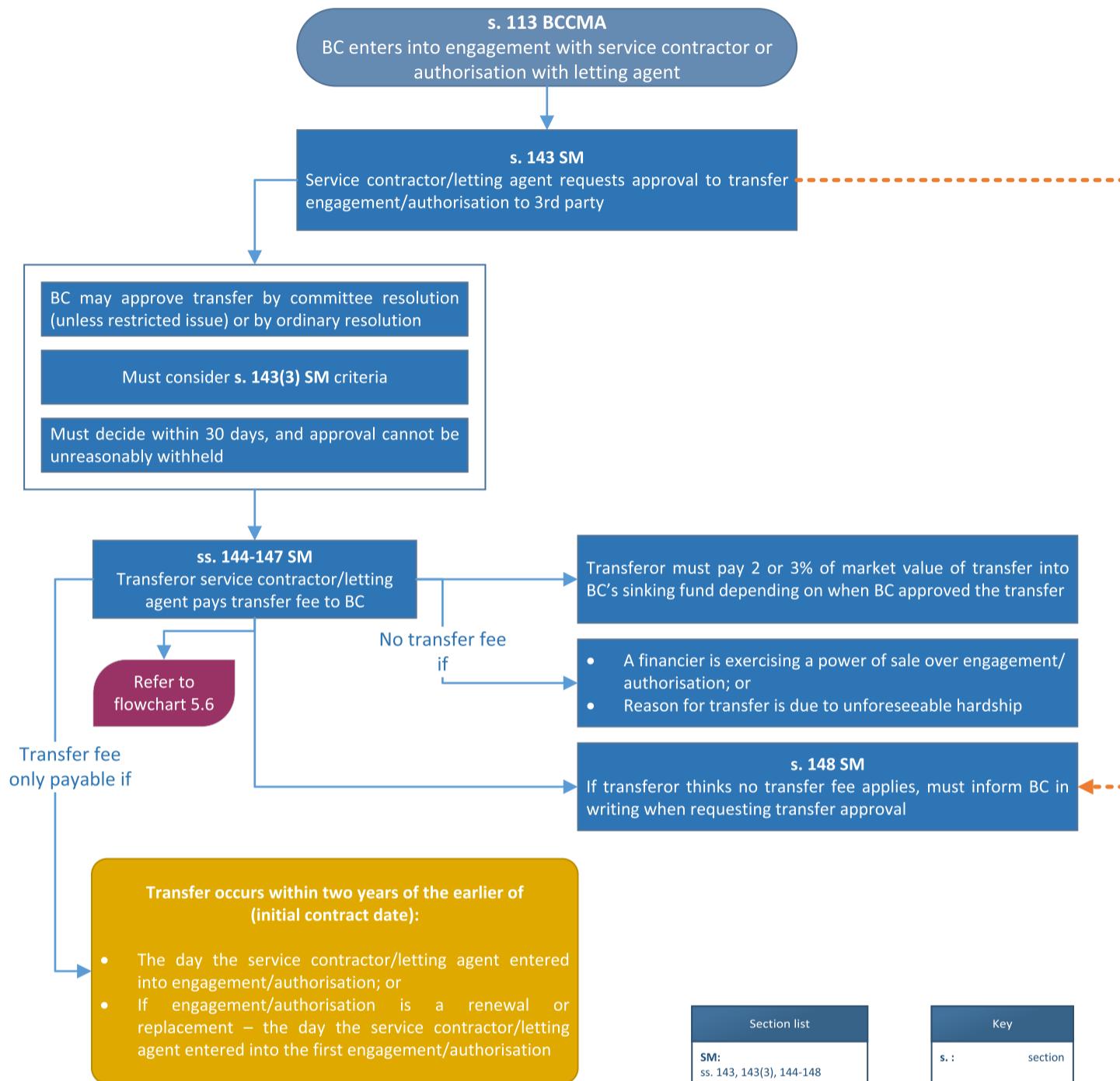
*Annexure 2 Accounts payable report.*

*Annexure 3 Resolutions of the administrator acting as the committee.*

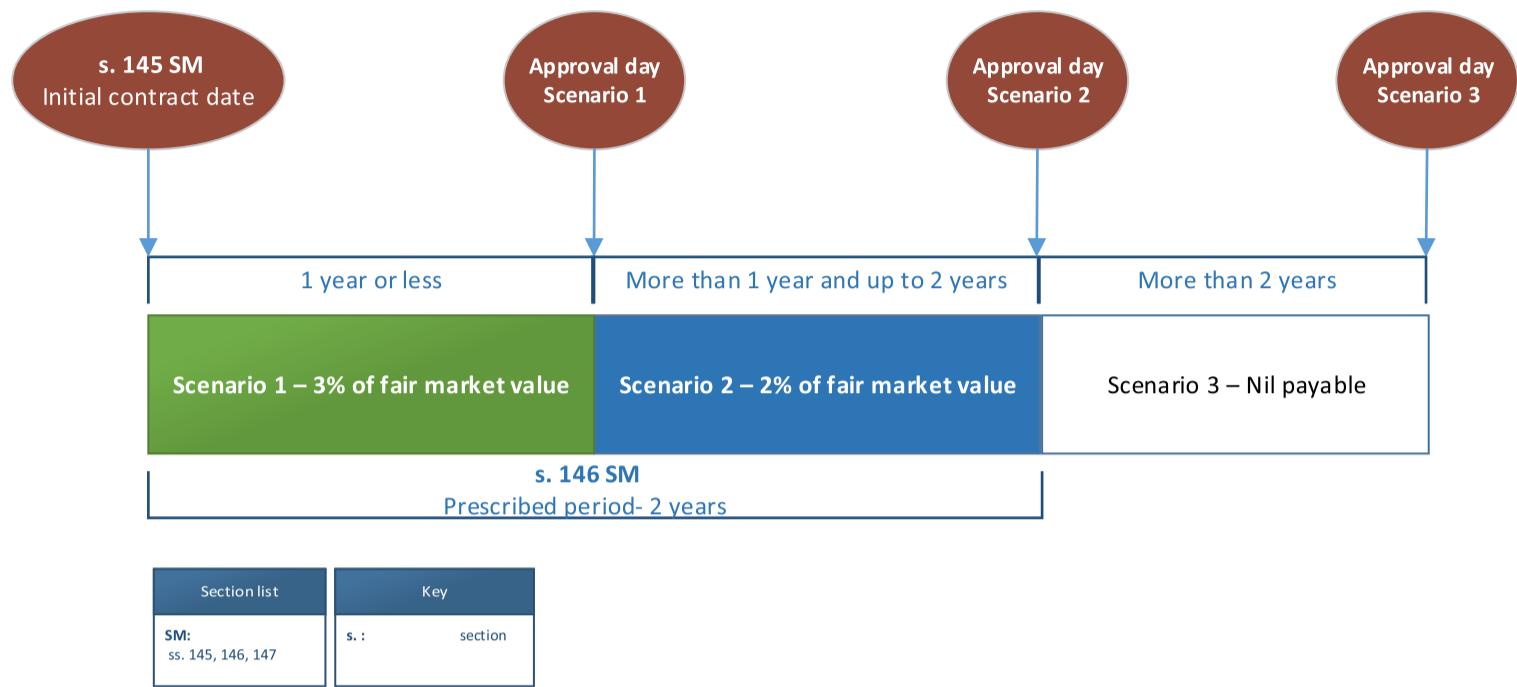
End of Report

**Flowchart No 5.4: Reporting to body corporate under Ch 3 Pt 5 engagement**


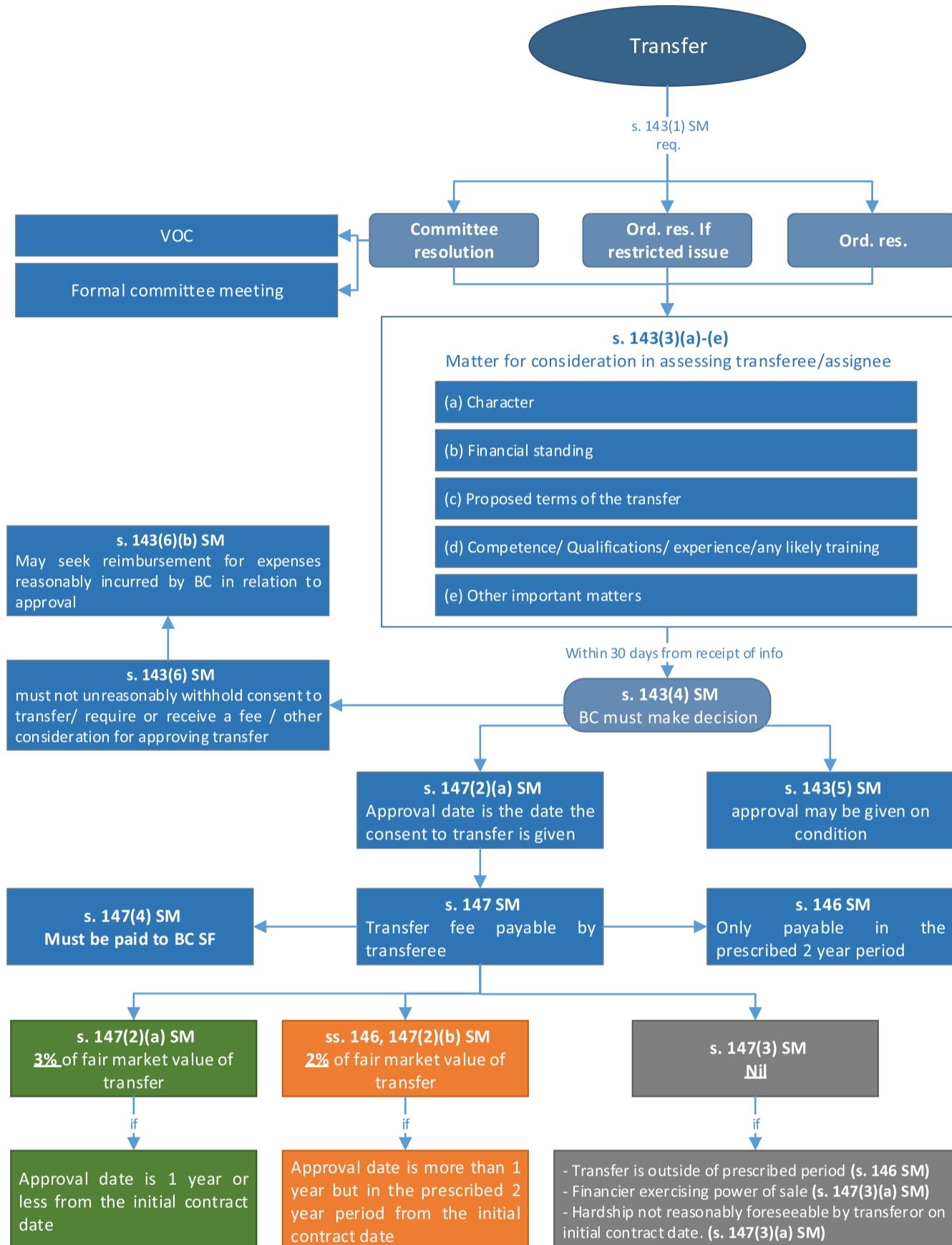
## Flowchart No 5.5: Transferring engagements of service contractors and authorisations of letting agents



## Flowchart No 5.6: Calculation of transfer fee

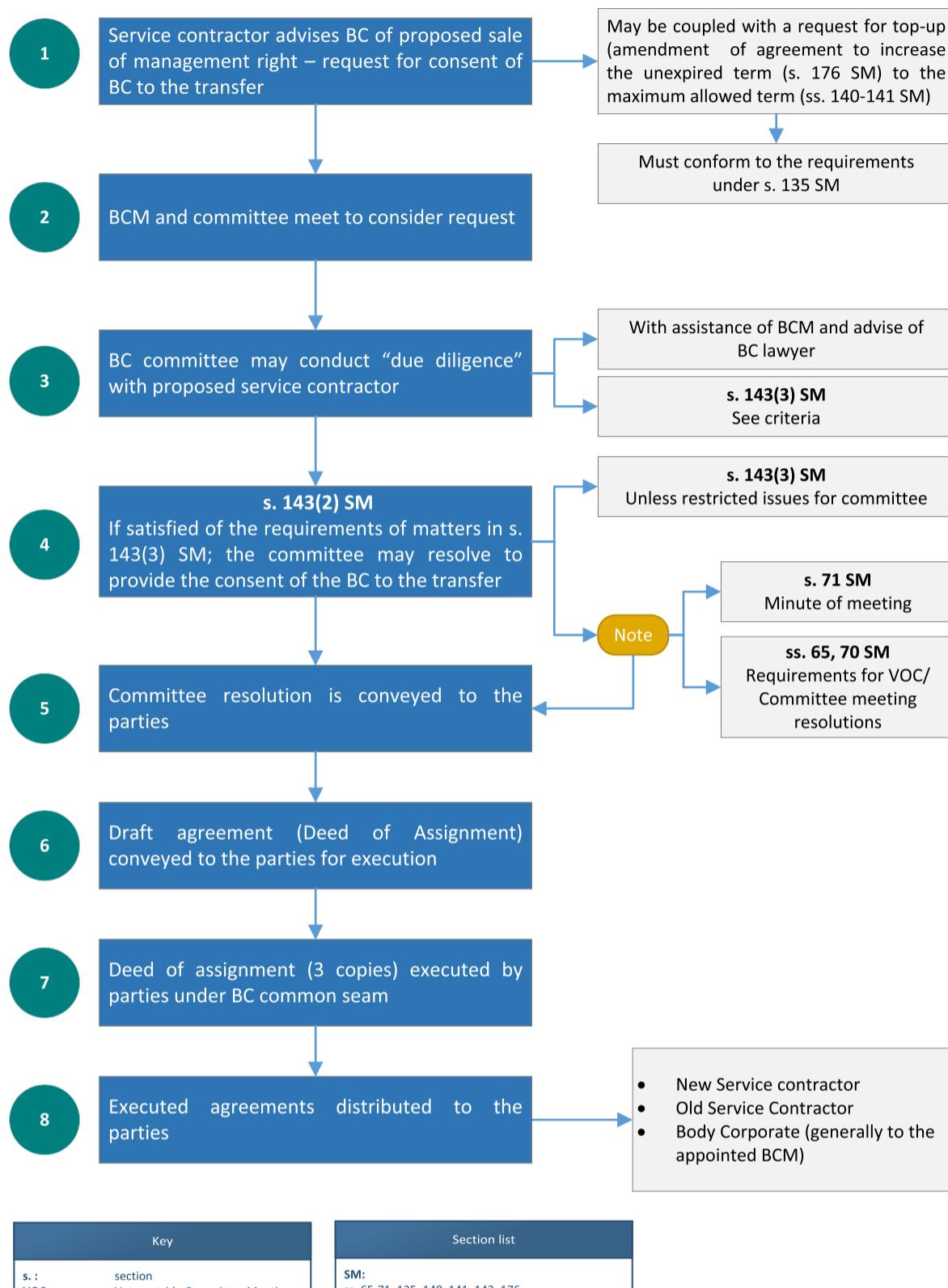


### Flowchart No 5.7: Transferring of management rights (technical requirements)

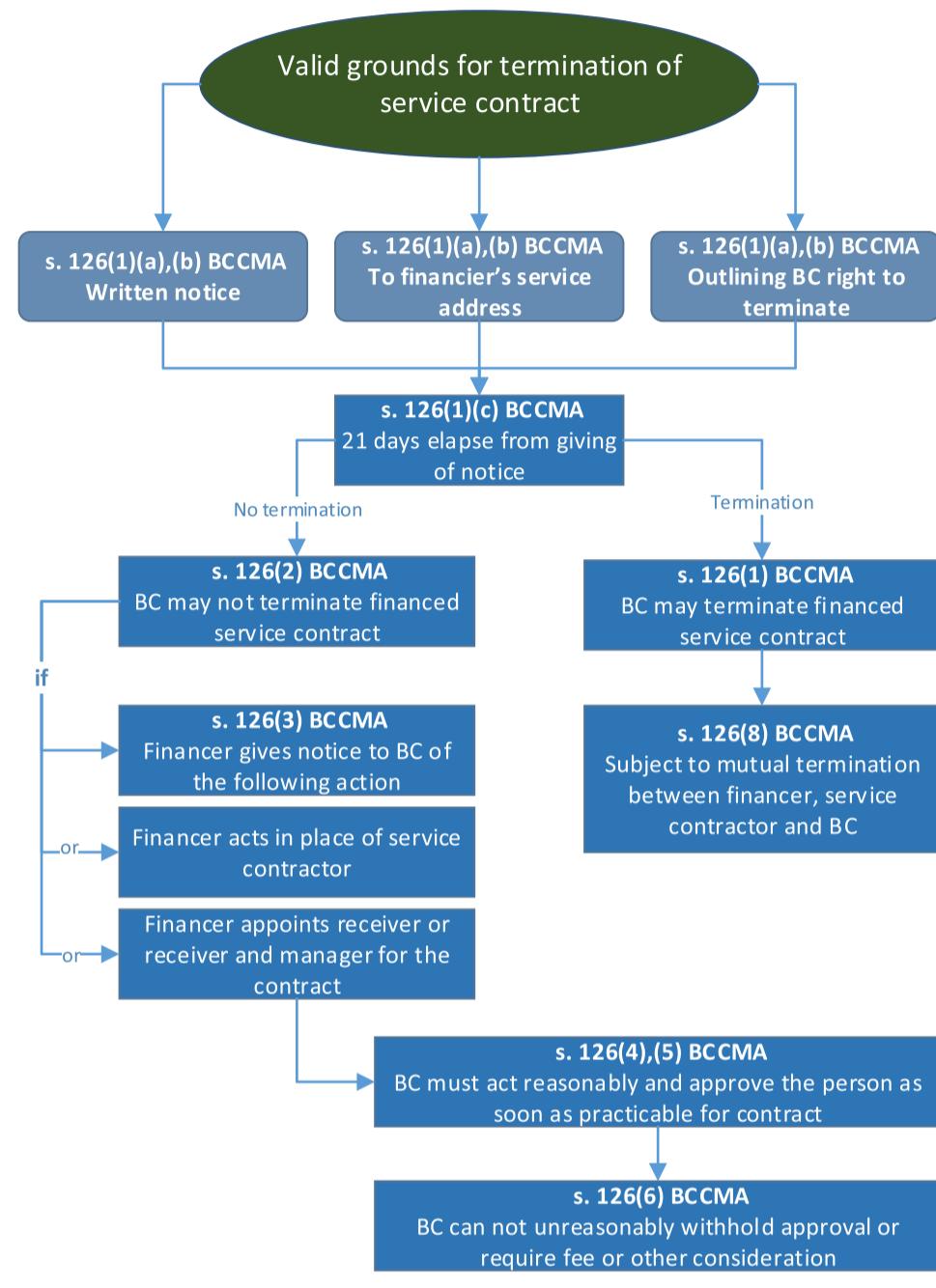


Section list	Key
<b>SM:</b> ss. 143, 146, 147	<b>ord res. :</b> ordinary resolution <b>req. :</b> requirement <b>s. :</b> section <b>SF:</b> Sinking Fund <b>VOC:</b> Vote outside Committee Meeting

## Flowchart No 5.8: Transferring of management rights (sequence of events)



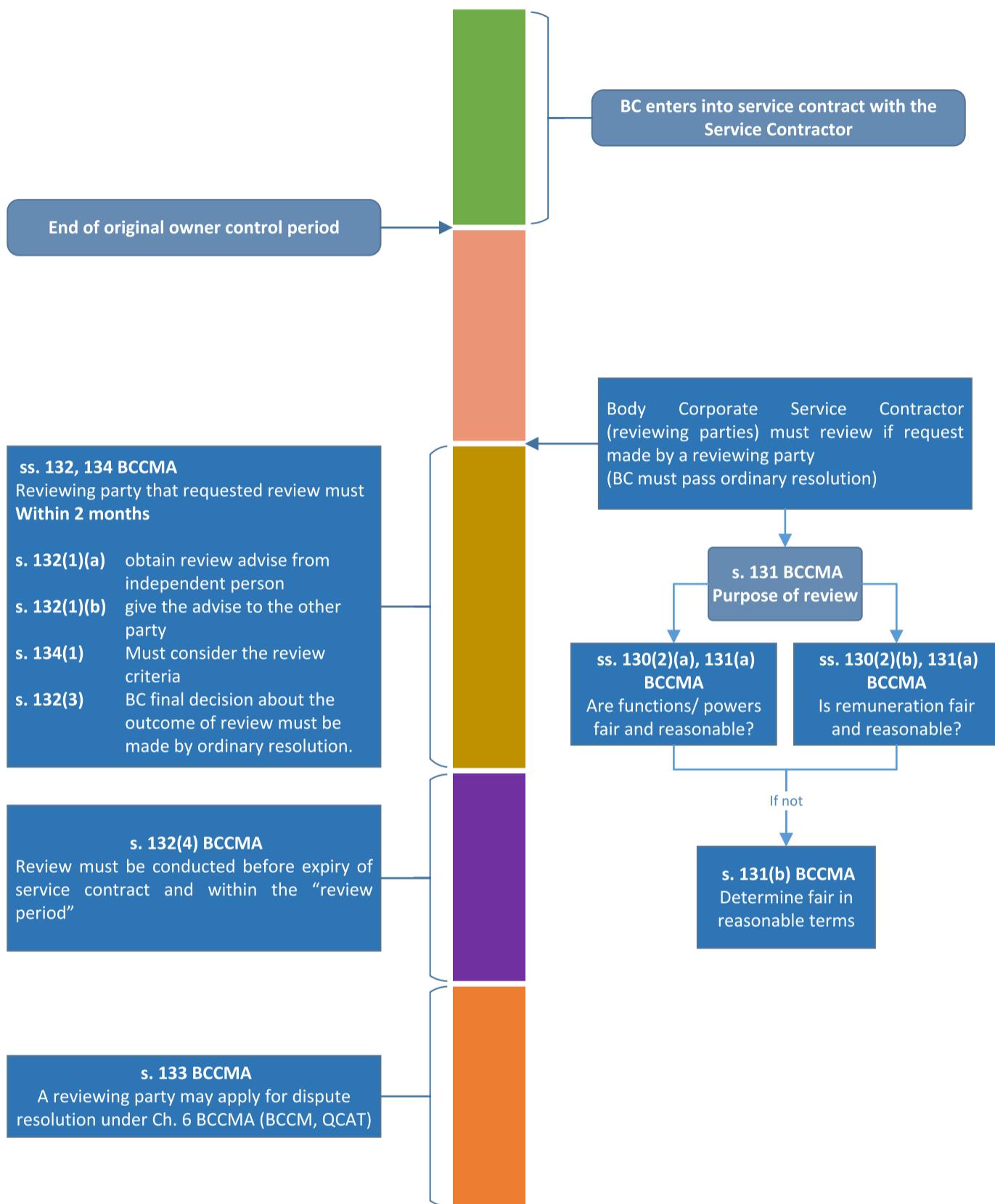
## Flowchart No 5.9: Limitation on termination of financed contract



Key
s. : section

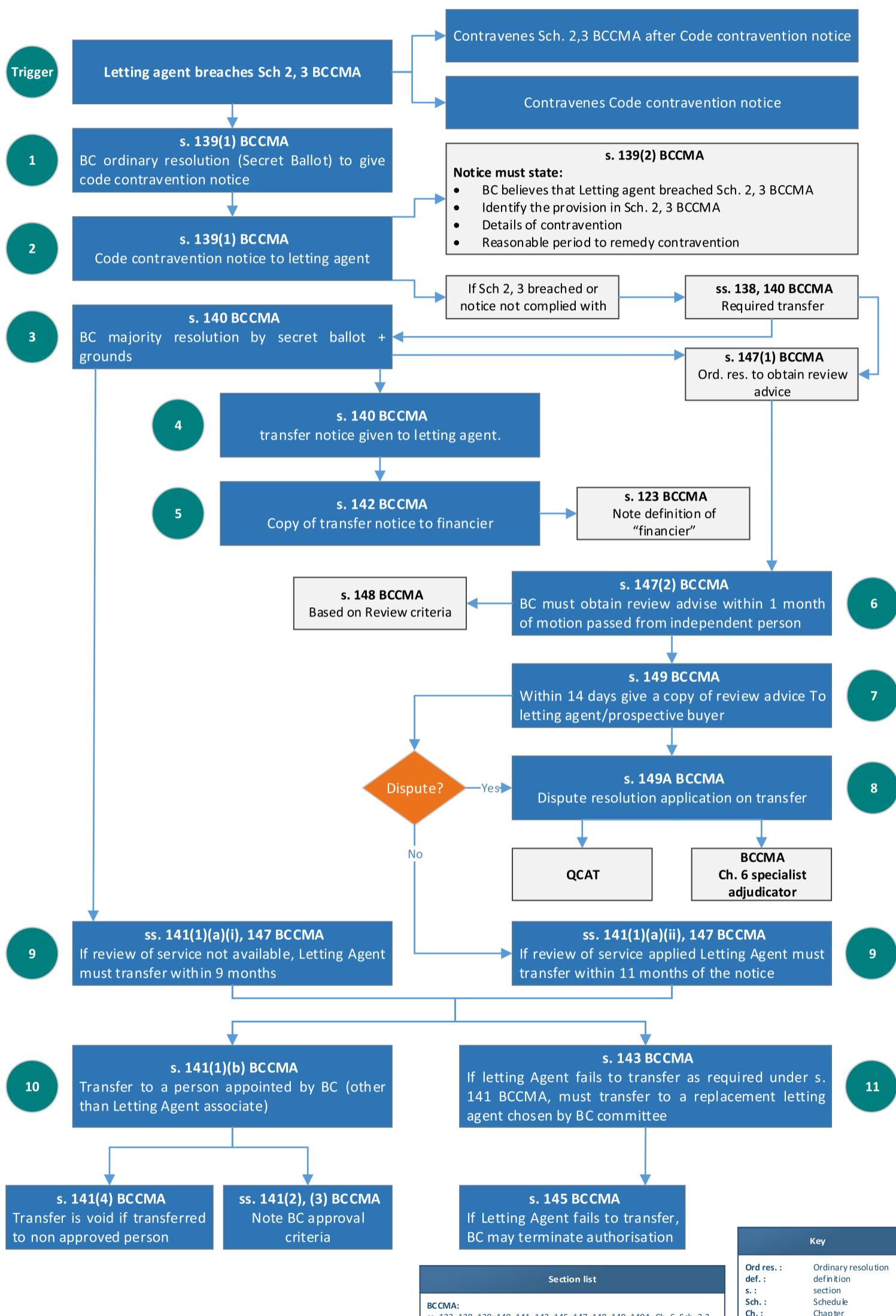
Section list
BCCMA: s. 126

## Flowchart No 5.10: Review of service contracts

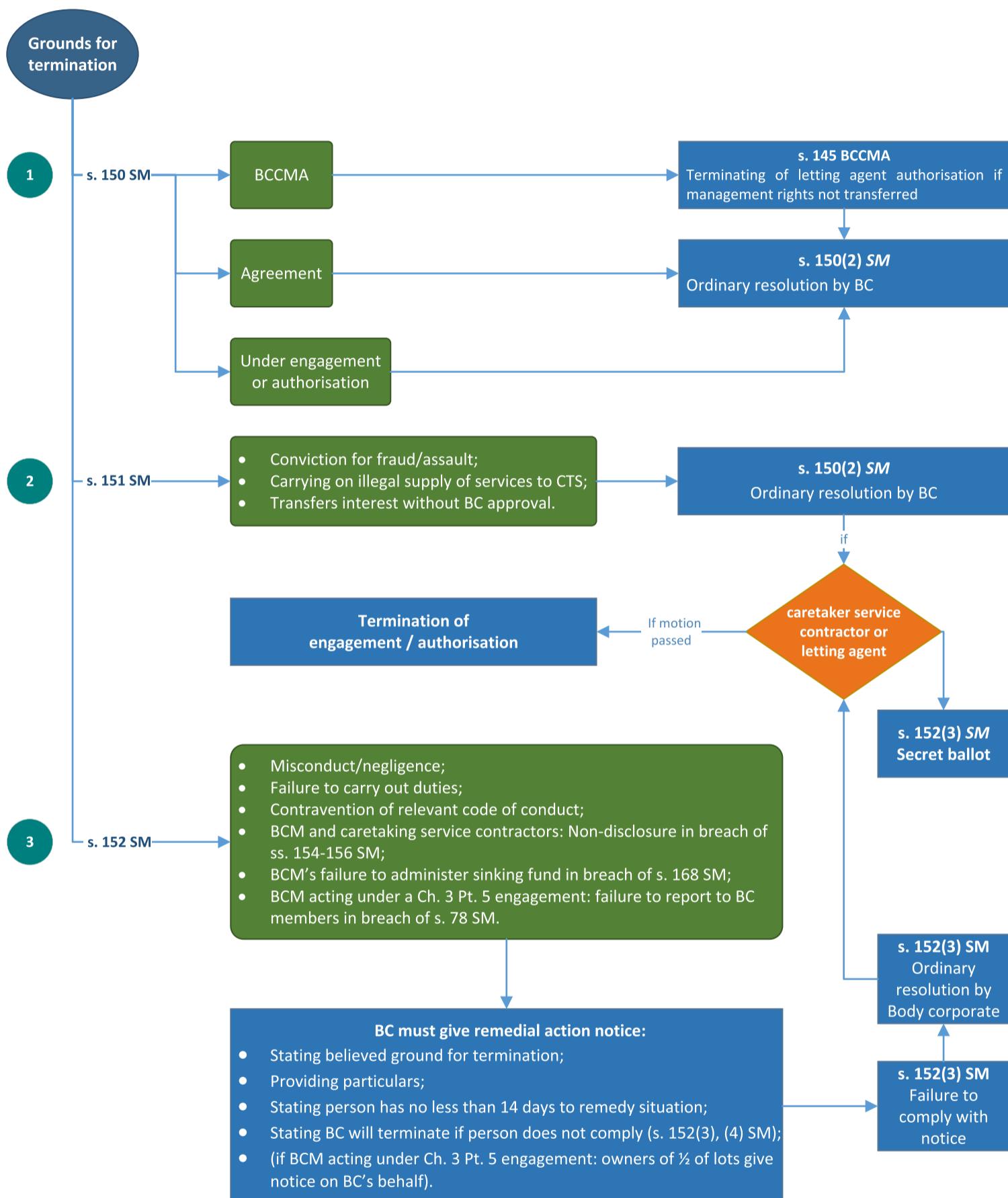


Key		Section list
Ch. :	chapter	BCCMA: ss. 130-135; Ch 3 Pt. 2 div. 7
div. :	Division	
Pt. :	Part	
s. :	section	

## Flowchart No 5.11: Required transfer of letting agent's management rights



**Flowchart No 5.12: Termination of engagement and authorisation of Body Corporate Manager or service contractor**



Section list
SM: ss. 78, 145, 150-152, 154-156, 168; Ch. 3 pt. 5

Key
s. : section

## Sample Notice of Committee Meeting

Monday, 01 November 2021

### NOTICE OF COMMITTEE MEETING BODY CORPORATE FOR SAMPLE SCHEME CTS 12345

To: Members of the Committee and All Owners

TAKE NOTICE that the Committee of the Body Corporate for Sample Scheme CTS 12345 will hold a committee meeting on:  
**Tuesday, 09 November 2021 at 03:30 PM** in the Common Room at Sample Scheme.

## AGENDA

1. Minutes of the previous Committee Meeting
  - 1.1 Confirmation of the Minutes of the Committee Meeting held on [INSERT]
  - 1.2 Confirmation of Voting Outside of Formal Committee Meeting (VOC) (if any)
2. Business arising from the previous Minutes and VOC (if applic.)
3. Correspondence In/Out
4. Financial Reports (Treasurer)
  - 4.1 Financial Statements
  - 4.2 Contributions arrears Report
5. Chairperson's Report
6. Building Manager's Report
7. General Business
  - 7.1 Lot 23 – Approval of Dog
  - 7.2 Lot 28 – Approval of air conditioning plant installation (balcony)
  - 7.3 Approval of expenditure (repair to front entrance gate)
  - 7.4 Consideration of Lot Owner motions – Lot 12 (consideration of roof rectification)
  - 7.5 Ratifications (if any)
  - 7.6 Other general business (if any)
8. Setting of next formal Committee Meeting (date/time/location)

**TO COMMITTEE MEMBERS:** If you are unable to attend the meeting, you may appoint a proxy to act on your behalf.

Please note that sections 121 and 122 of the *Body Corporate and Community Management (Standard Module) Regulation 2020 (Qld)* state:

- s.121(1) A voting member of the committee may appoint a proxy to act for the member at a meeting of the committee.
- s.122(1) A person appointed a proxy must be another voting member of the committee.
- s.122(2) However—
  - (a) The Secretary or the treasurer may appoint a proxy only with the committee's approval; and
  - (b) A person may be appointed the proxy of not more than 1 voting member of the committee for a meeting.

**TO LOT OWNERS:** Pursuant to the *Body Corporate and Community Management Act 1997 (Qld)* and *Standard Module Regulation 2020*, this Notice must be given to all lot owners. Please note that, subject to the conditions set out in s.63 of the *Standard Module Regulation 2020*, lot owners are entitled (but not required) to attend this meeting as an observer, provided that written notice of the owner's intention to attend the meeting is given to the secretary not less than 24 hours prior to the meeting (s.63 of the *Standard Module Regulation 2020*).

*Body Corporate Manager*

*For and on behalf of the Body Corporate Secretary*

*Body Corporate for Sample Scheme CTS 12345*

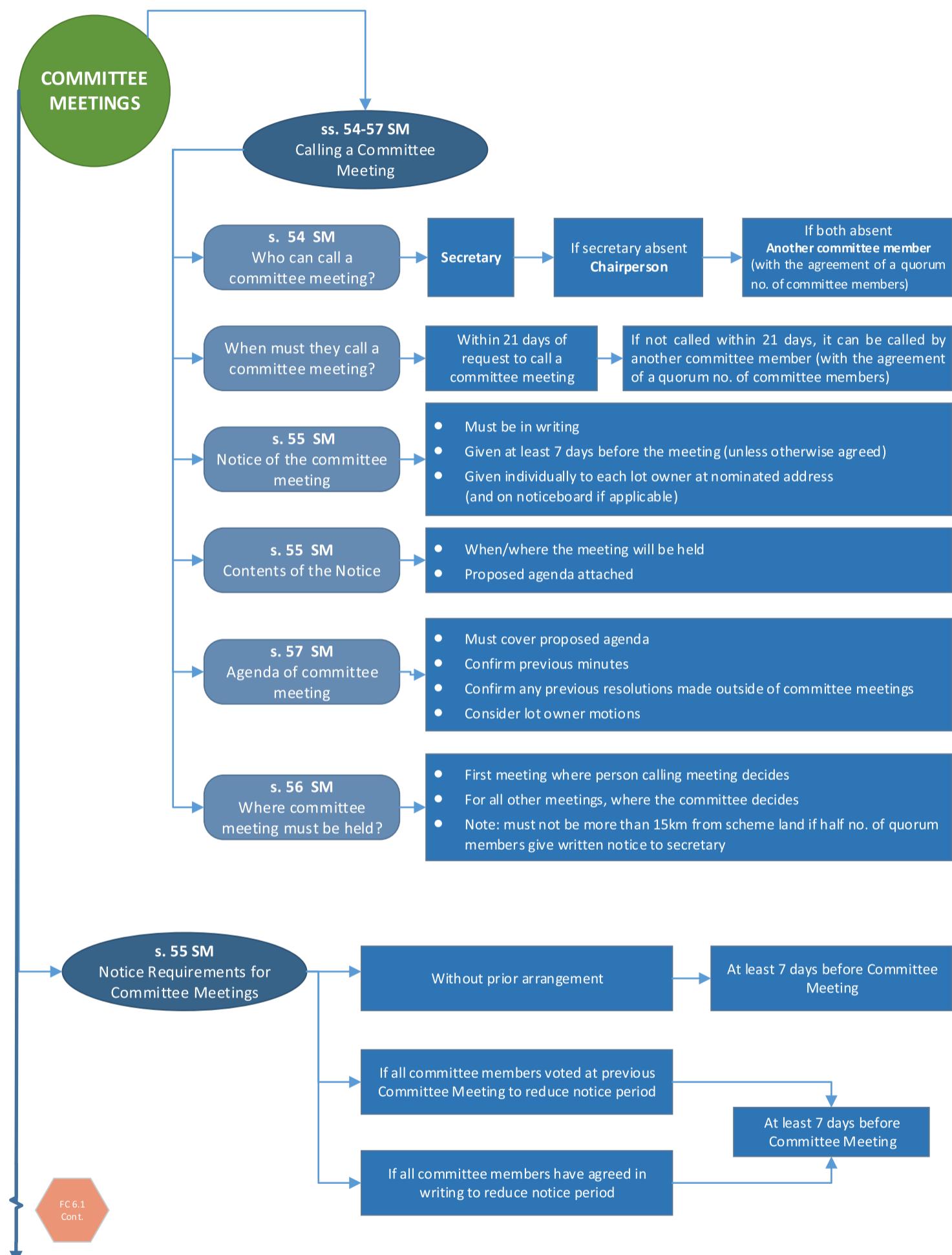
**Sample committee meeting motion authorising expenditure at a committee meeting****1. EXPENDITURE APPROVAL FOR PLUMBING REPAIRS**

That the Body Corporate approve the engagement of XYZ Plumbers Pty Ltd (the contractor) pursuant to quote 123 dated XX month 20XX, in the amount of \$XXX.XX (incl. GST) to be met out of the scheme's Administrative Fund, for the repair of [INSERT] (the works) as outlined in the said quotation.

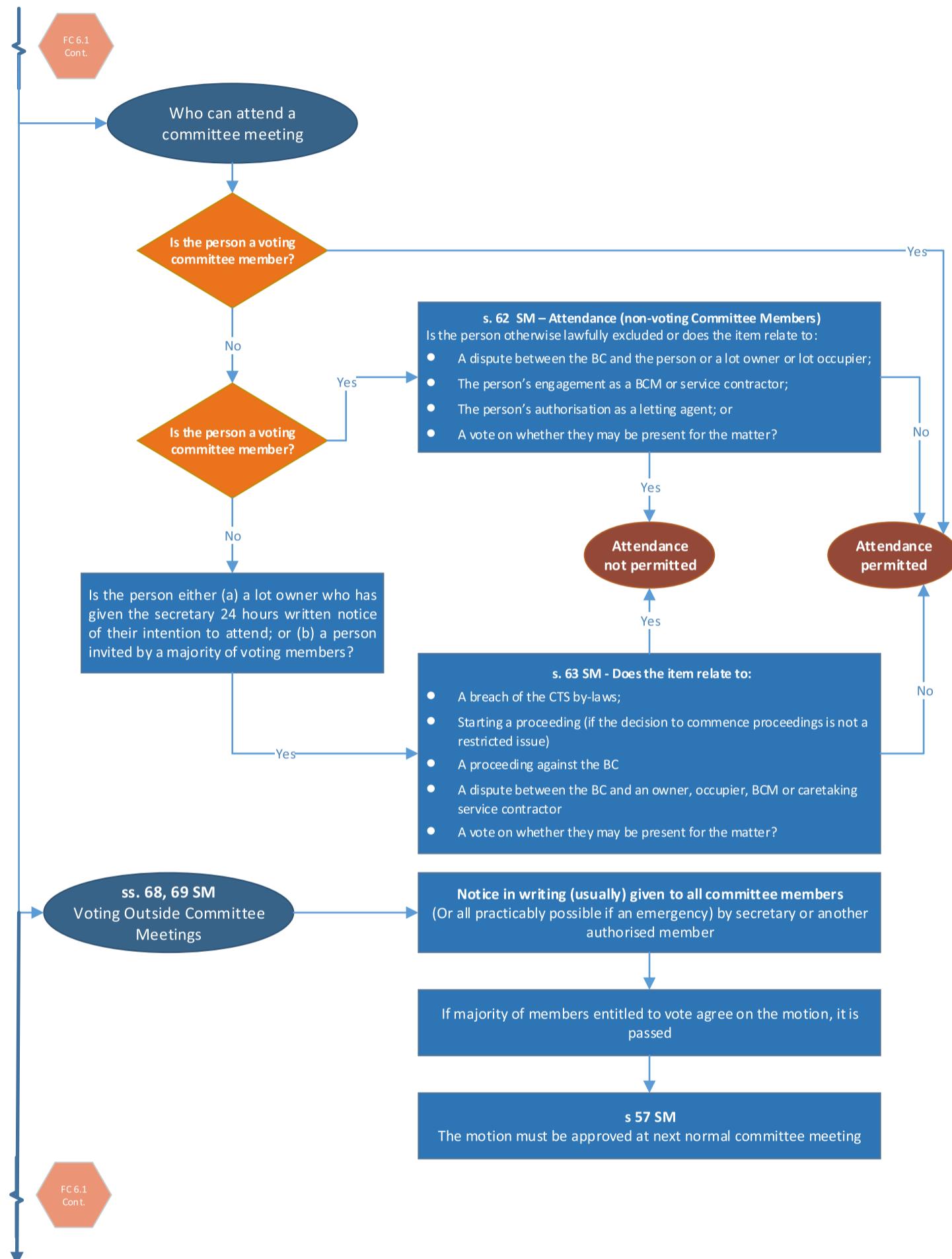
And further that the Body Corporate Manager be authorised to affect payment to the said contractor in accordance with the contractor's stated payment terms, upon the provision of a valid invoice from the contractor, and upon advice from a committee member of the satisfactory completion of the works.

YES: NO: ABSTAIN:

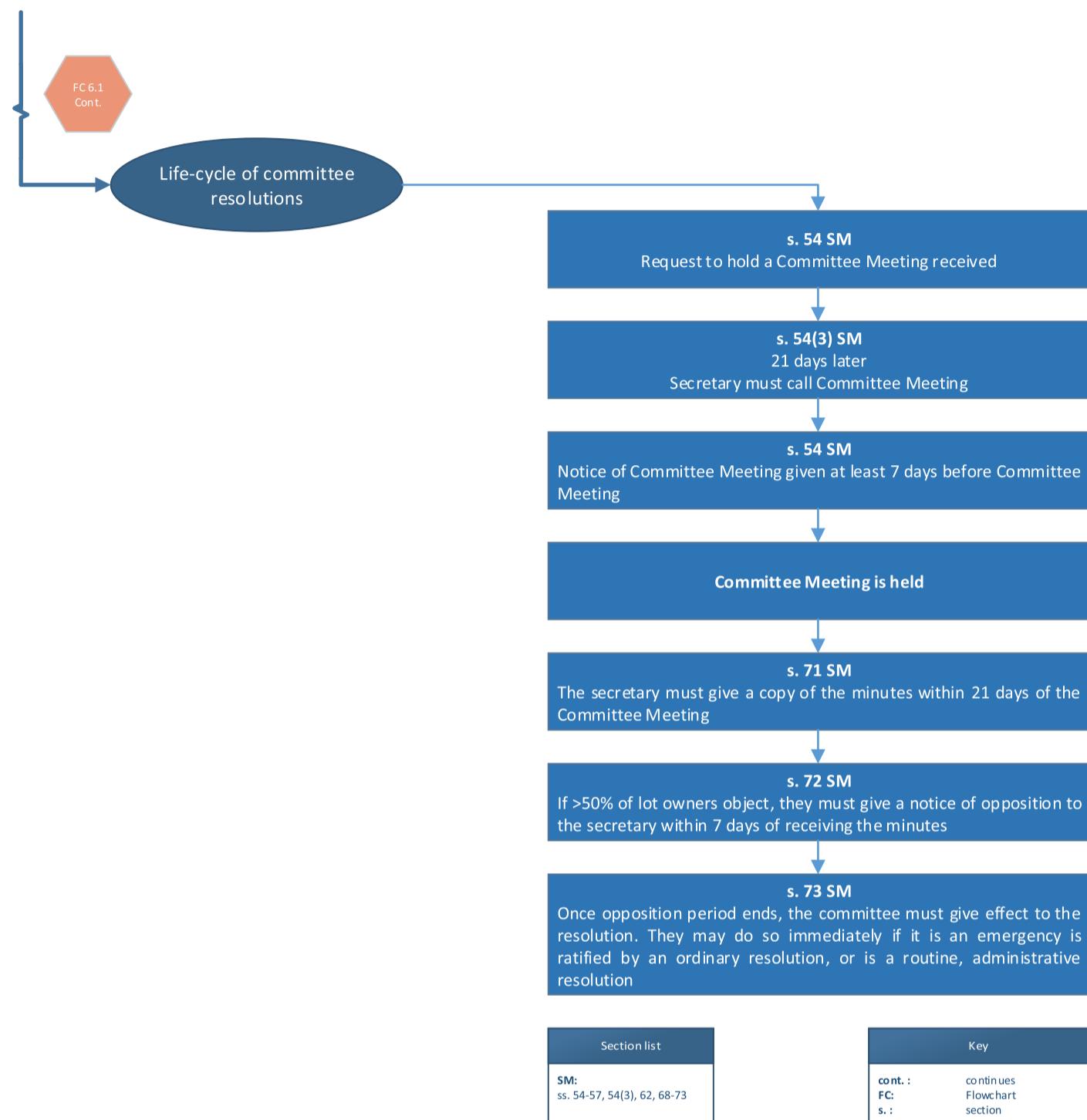
## Flowchart No 6.1: Committee meetings



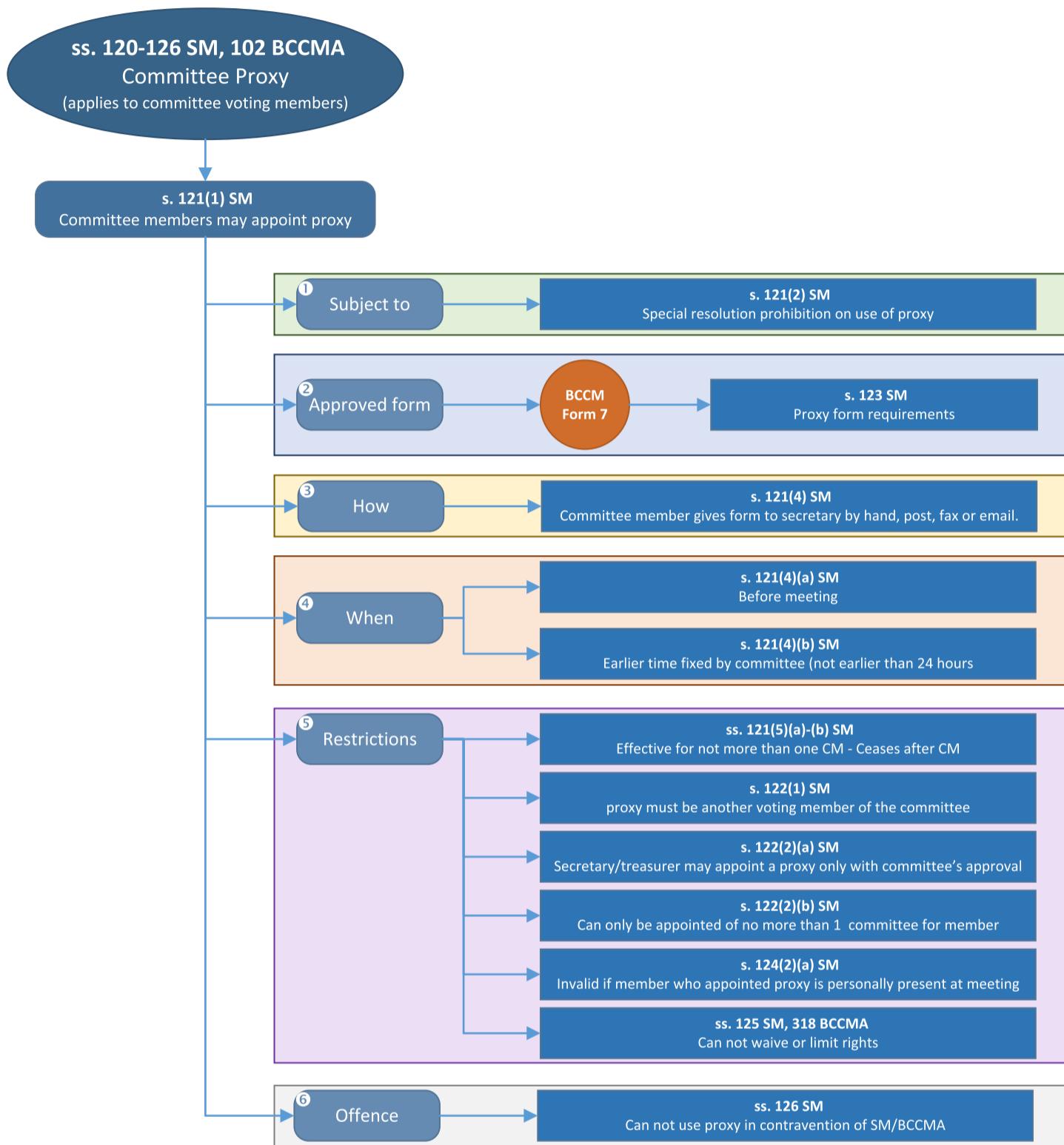
## Flowchart No 6.1: Committee meetings (Continued)



## Flowchart No 6.1: Committee meetings (Continued)



## Flowchart No 6.2: Committee proxies



Key	
CM: CTS: s. :	Committee Meeting Community Title Scheme section

Section list	
BCCMA: ss. 102, 318 SM: ss. 120-126, 121(1), 121(2), 121(4), 121(4)(a)-(b), 122(1), 122(2)(a)-(b), 123, 124(2)(a), 121(5)(a)-(b), 125, 126	

Form list
BCCM forms: 7

## Sample Notice requesting an EGM

*Body Corporate and Community Management Act 1997 (Qld)*  
*Pursuant to s.84 of the Body Corporate and Community Management*  
*(Standard Module) Regulation 2020 (Qld)*

## **BODY CORPORATE FOR SAMPLE SCHEME CTS 12345**

### **Requested Extraordinary General Meeting**

**To:**

The Body Corporate Secretary  
Body Corporate for Sample Scheme CTS 12345  
C/- The Body Corporate Manager  
20 Sample Street  
Brisbane QLD 4000

Via Email / Post:[INSERT EMAIL / POSTAL ADDRESS]

Dear Secretary,

I, \_\_\_\_\_, being the registered owner or company nominee  
of Lot(s) \_\_\_\_\_ in SAMPLE SCHEME Community Titles Scheme 12345,  
**HEREBY REQUEST** that an Extraordinary General Meeting of the Body Corporate be called in  
accordance with s.84 Standard Module Regulation 2020 (Qld) (see Note below) to consider  
the motion(s) outlined below:

**MOTION 1**

[INSERT MOTION TITLE]

*THAT the Body Corporate for Sample Scheme CTS 12345 ... [INSERT MOTION] ...*

**EXPLANATORY NOTE TO ACCOMPANY THE MOTION 1 (max. 300 words)**

[INSERT EXPLANATORY NOTE TO ACCOMPANY MOTION]

**Sample Notice requesting an EGM (Continued)****NOTE****Section 84 of the *Body Corporate and Community Management (Standard Module) Regulation 2020 (Qld)* (Requirement for requested extraordinary general meeting)**

(1) An extraordinary general meeting (a **requested extraordinary general meeting**) of the body corporate **must** be called if a notice requesting an extraordinary general meeting to consider and decide motions proposed in the notice is—

(a) signed by or for the owners of at least 25% of all the lots included in the community titles scheme; and

(b) given to the secretary or, in the secretary's absence, the chairperson or, if the committee has not yet been chosen, the original owner.

(2) The secretary may be presumed to be absent if the notice is given to the secretary at the address for service of the body corporate and no reply is received within 7 days.

(3) A requested extraordinary general meeting—

(a) must be called, within 14 days after the notice is given under subsection (1), by the person to whom the notice is given; and

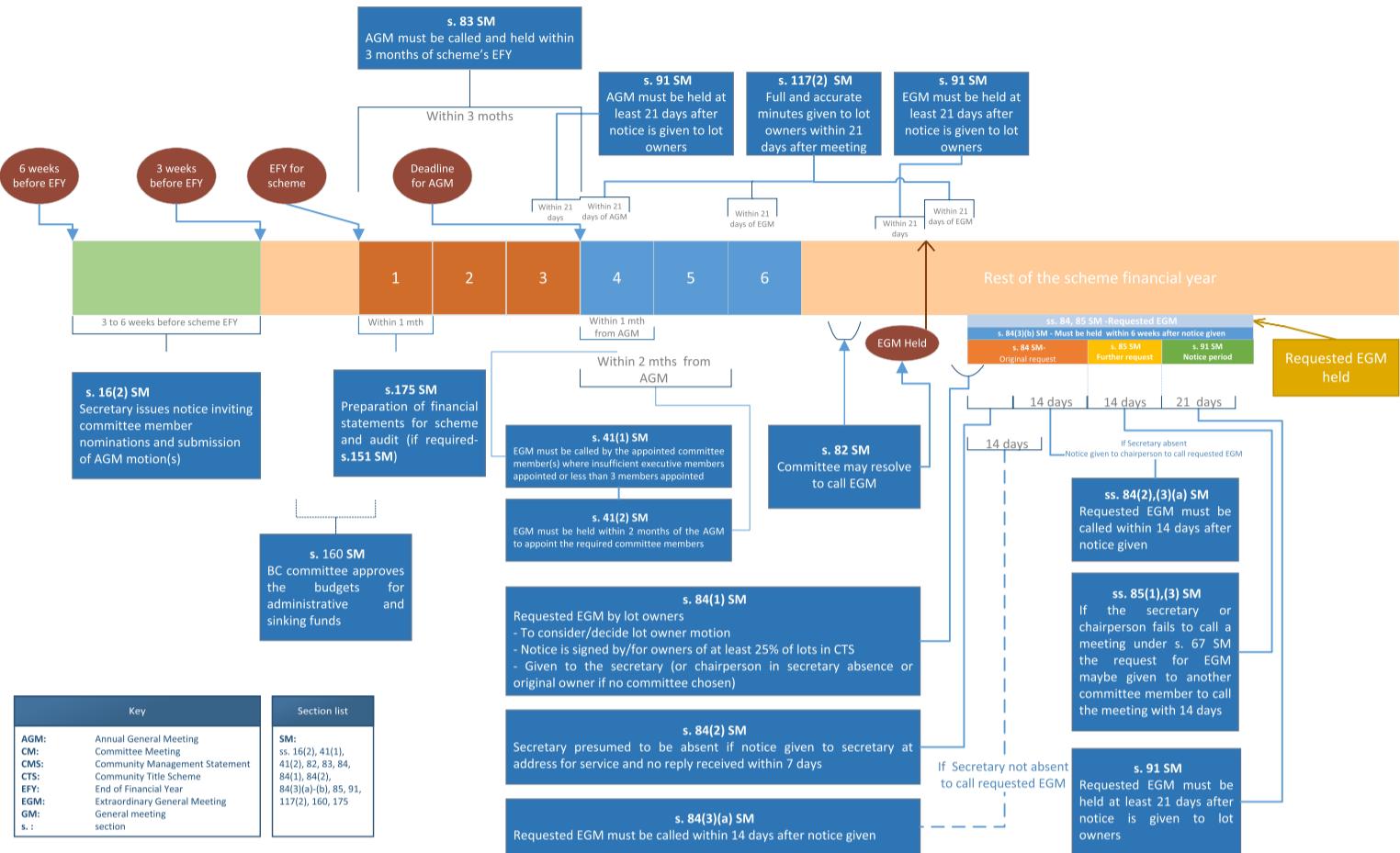
(b) must be held within 6 weeks after the notice is given.

**Note—**

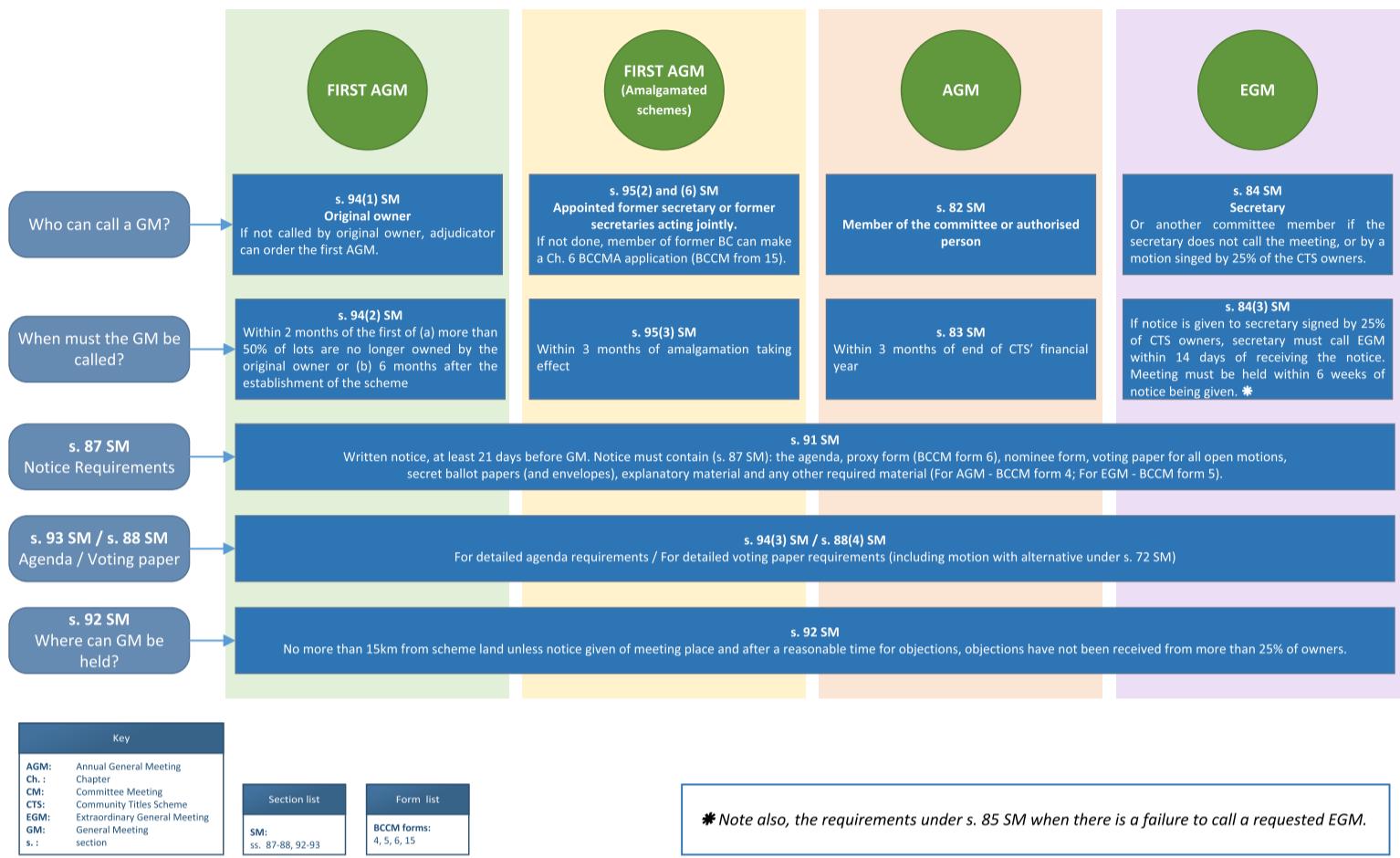
*Section 91 provides a general meeting must be held at least 21 days after notice is given to the lot owners.*

(4) A requested extraordinary general meeting of the body corporate may be called even though the body corporate's first annual general meeting has not yet been held.

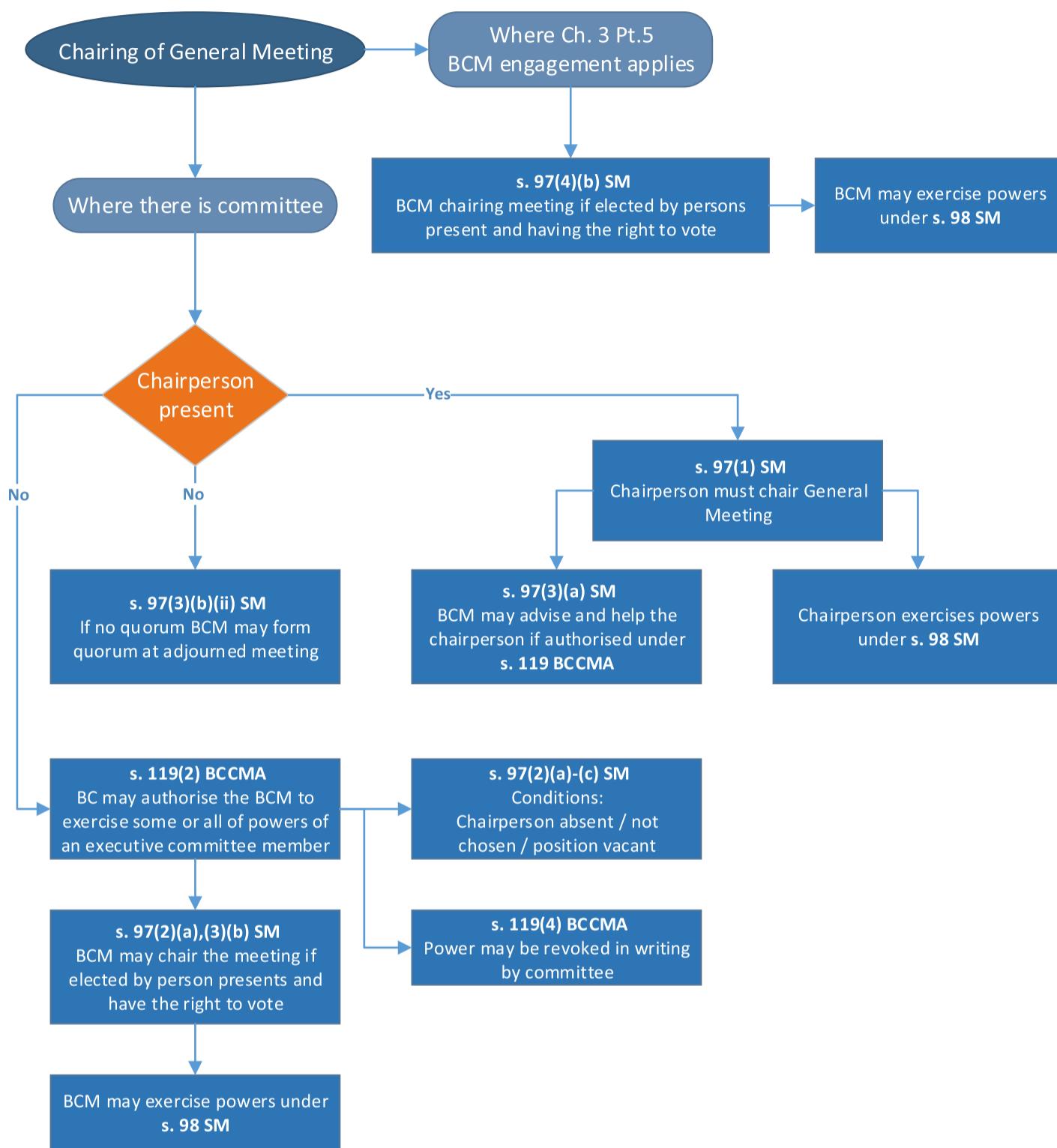
## Flowchart No 6.3: General meeting timeline



## Flowchart No 6.4: Body corporate meetings



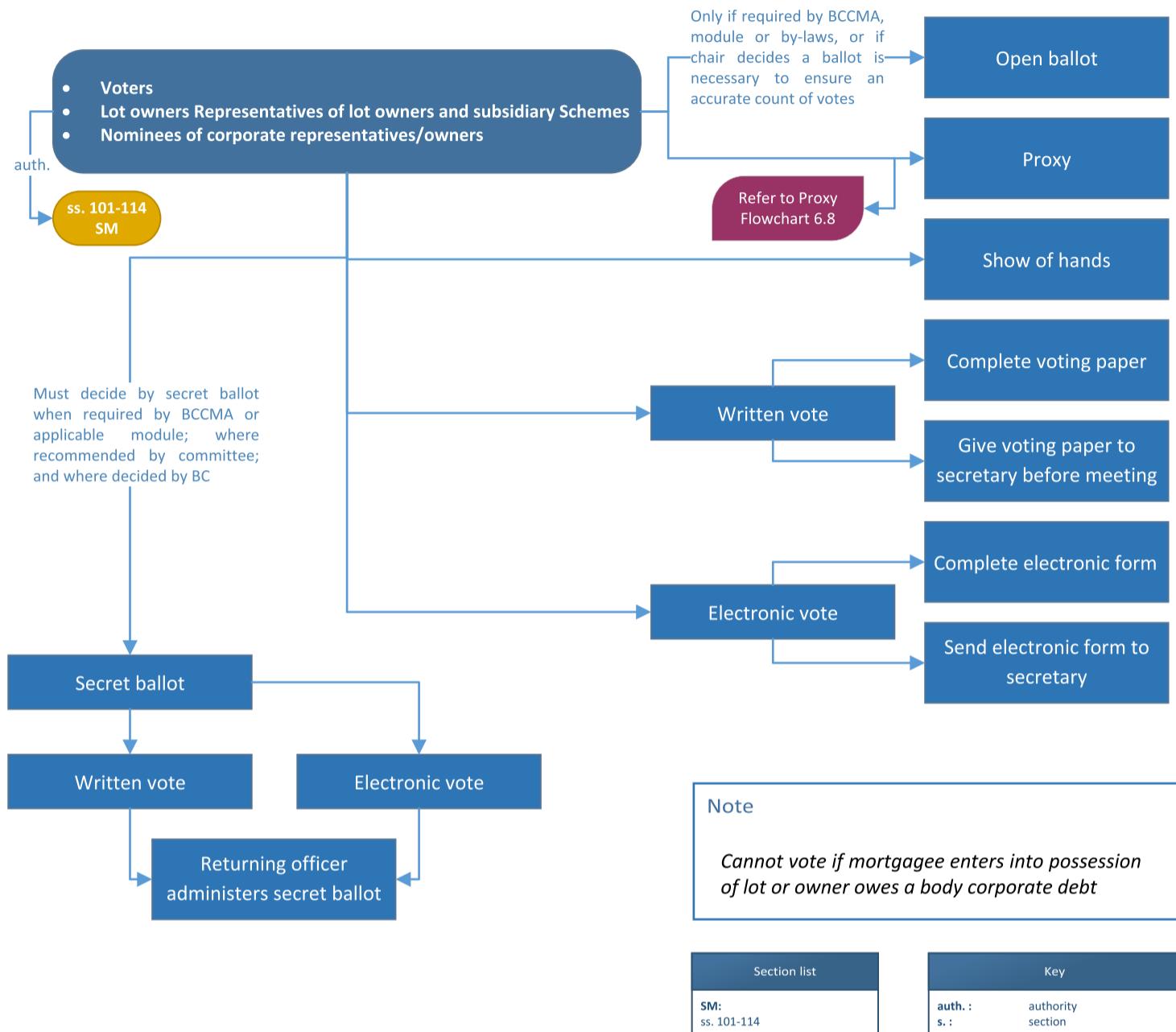
## Flowchart No 6.5: Chairing general meeting



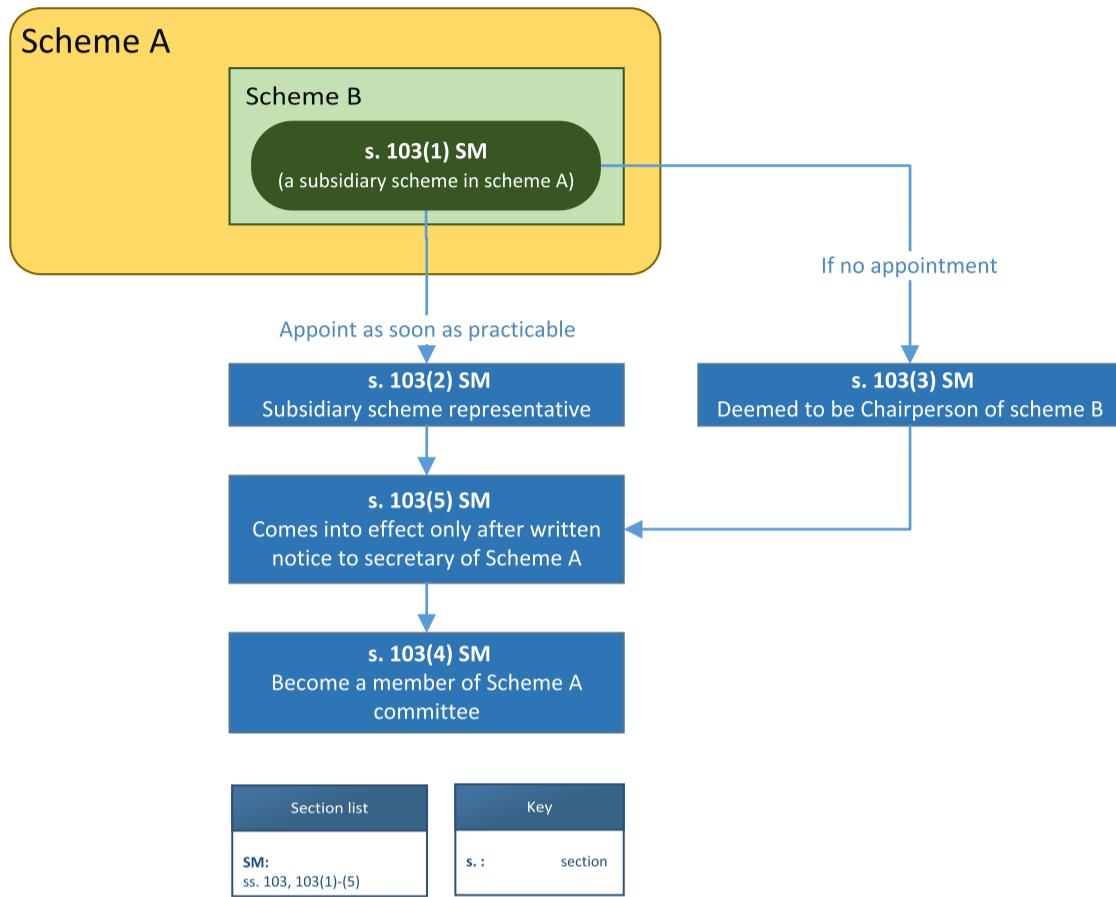
Section list
SM: ss. 97, 98 BCCMA: s. 119

Key
BCM: Body corporate manager Ch.: Chapter Pt.: Part s.: section

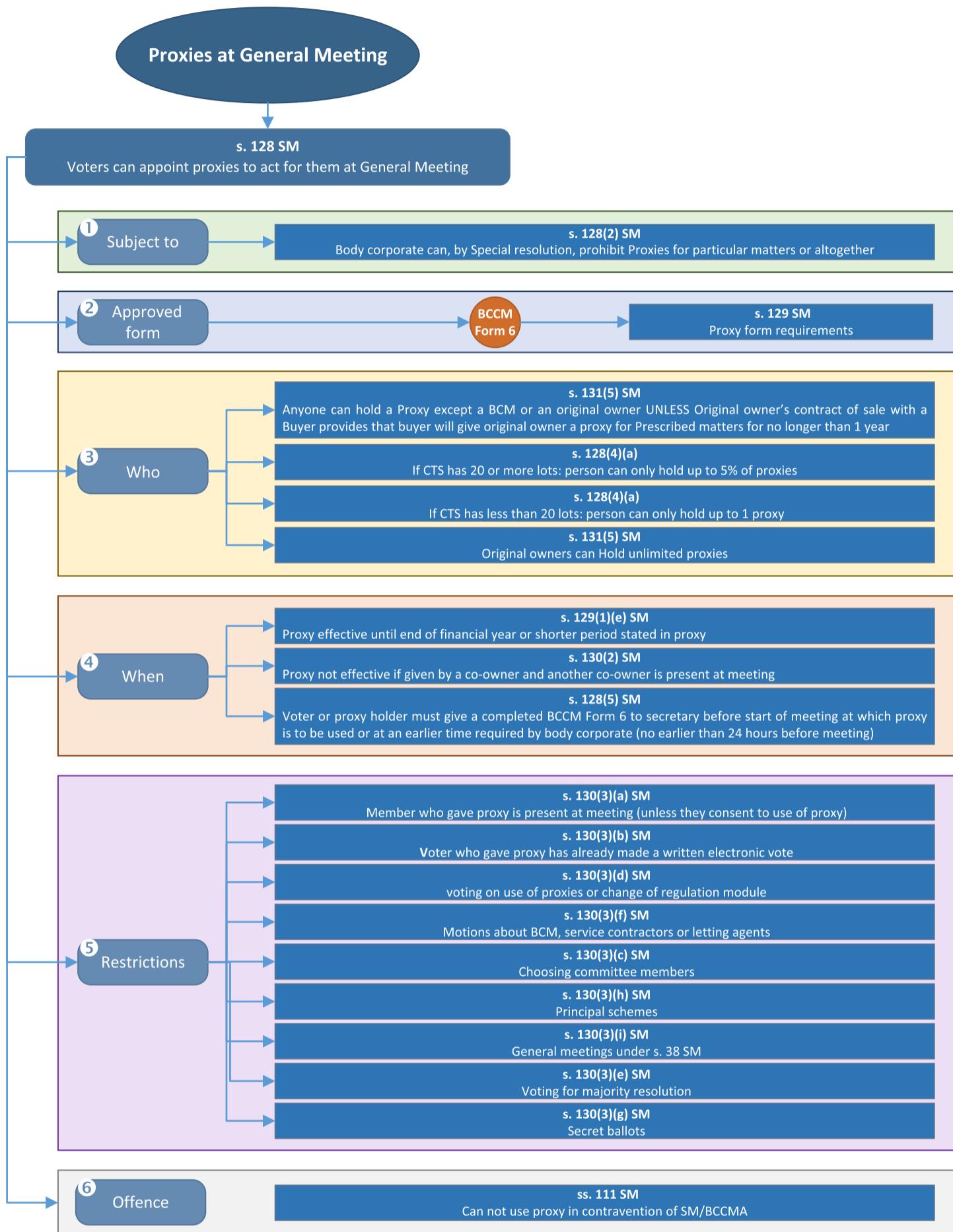
## Flowchart No 6.6: Voting at general meetings



### Flowchart No 6.7: Representative of subsidiary scheme



## Flowchart No 6.8: Proxies at general meetings



Key	
CTS: s. :	Community Title Scheme section

Section list	
SM:	ss. 128, 128(2), 128(4)(a), 128(5), 129, 129(2), 129(1)(c), 130(2), 130(3)(a)-(i), 131

Form list
BCCM forms: 6

## Sample returning officer instrument of appointment

*Body Corporate and Community Management Act 1997 (Qld)*

# INSTRUMENT OF APPOINTMENT FOR RETURNING OFFICER

This Agreement is made on the \_\_\_\_\_ day of \_\_\_\_\_ 2021.

## PARTIES

BETWEEN: **The Body Corporate Sample Scheme CTS 12345** ("the Body Corporate")

AND: **Insert Returning Officer ABN 12 123 123 123** ("the Returning Officer")

## RECITALS

- A. The Body Corporate intends to hold an Annual General Meeting on XX Month 2021 at XX:XX AM/PM (the meeting) at which time, motions will be required to be considered by way of secret ballot in accordance with s.112 of the *Body Corporate and Community Management (Standard Module) Regulation 2020*.
- B. Pursuant to this agreement, the Returning Officer agrees to provide Returning Officer services in respect of the meeting in accordance with the *Body Corporate and Community Management (Standard Module) Regulation 2020*.

## AGREEMENT

1. The Returning Officer confirms its eligibility to act as returning officer in accordance with the *Body Corporate and Community Management (Standard Module) Regulation 2020*.
2. The Body Corporate appoints the Returning Officer, who shall have the following functions in respect of the meeting, as relevant:
  - a) deciding questions about eligibility to vote and voting entitlements;
  - b) receiving secret voting papers;
  - c) counting votes;
  - d) deciding whether a vote is valid; and
  - e) other function(s) as reasonably directed.
3. The body corporate shall pay, within 14 days of the date of the invoice, the agreed fee to the Returning Officer for the returning officer services under this agreement.

**Sample returning officer instrument of appointment (Continued)****Executed** by the parties.

**The Common Seal of the Body Corporate** )  
**For Sample Scheme CTS 12345** was hereunto )  
Affixed in accordance with the Act: )



---

Duly authorised  
Committee Member Signature

---

Print Full Name of Committee Member

---

Witness Signature

---

Print Full Name of Witness

**Insert Returning Officer ABN 12 123 123 123** )

---

Signature of Returning Officer

---

Print Full Name of Returning Officer

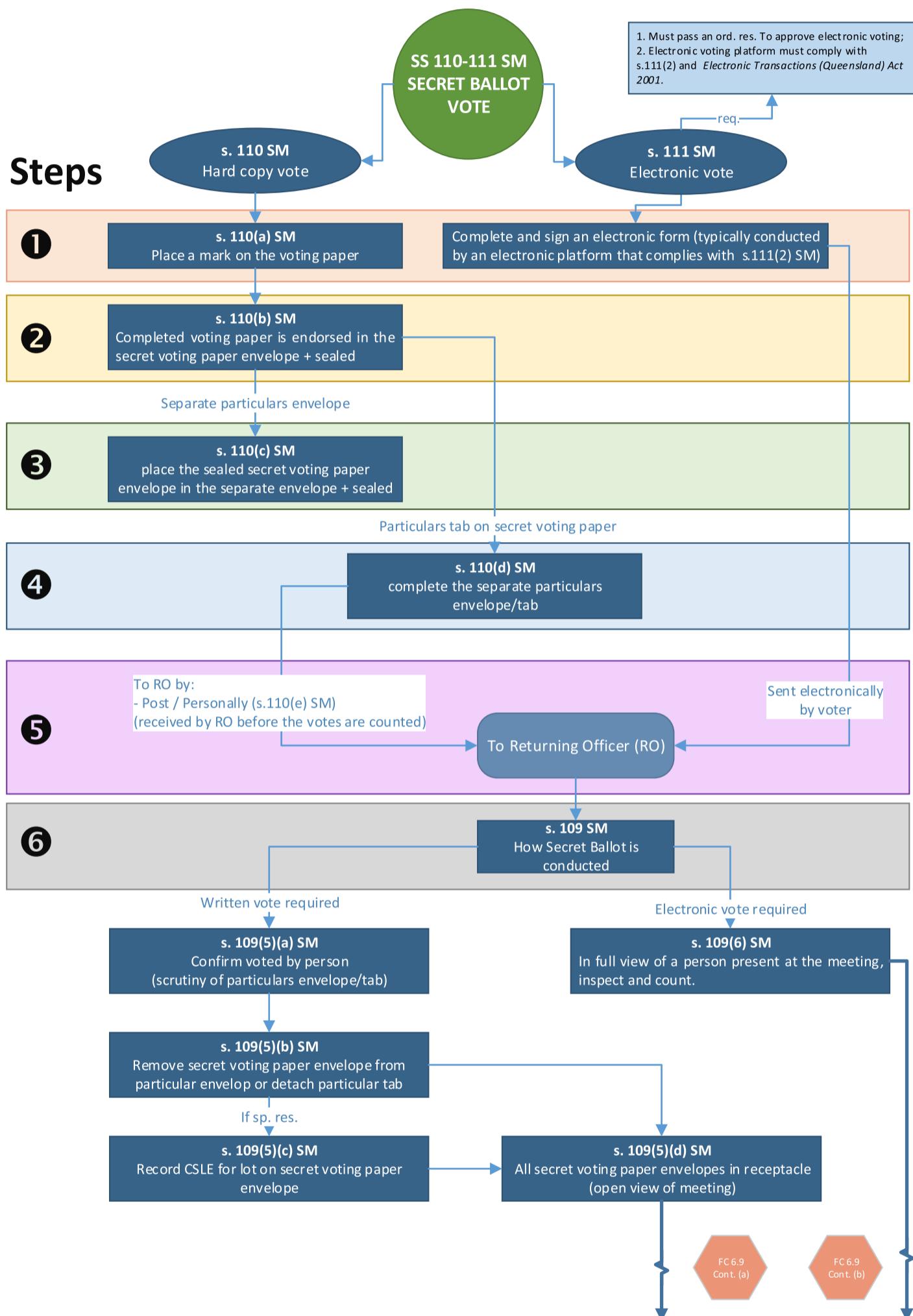
---

Witness Signature

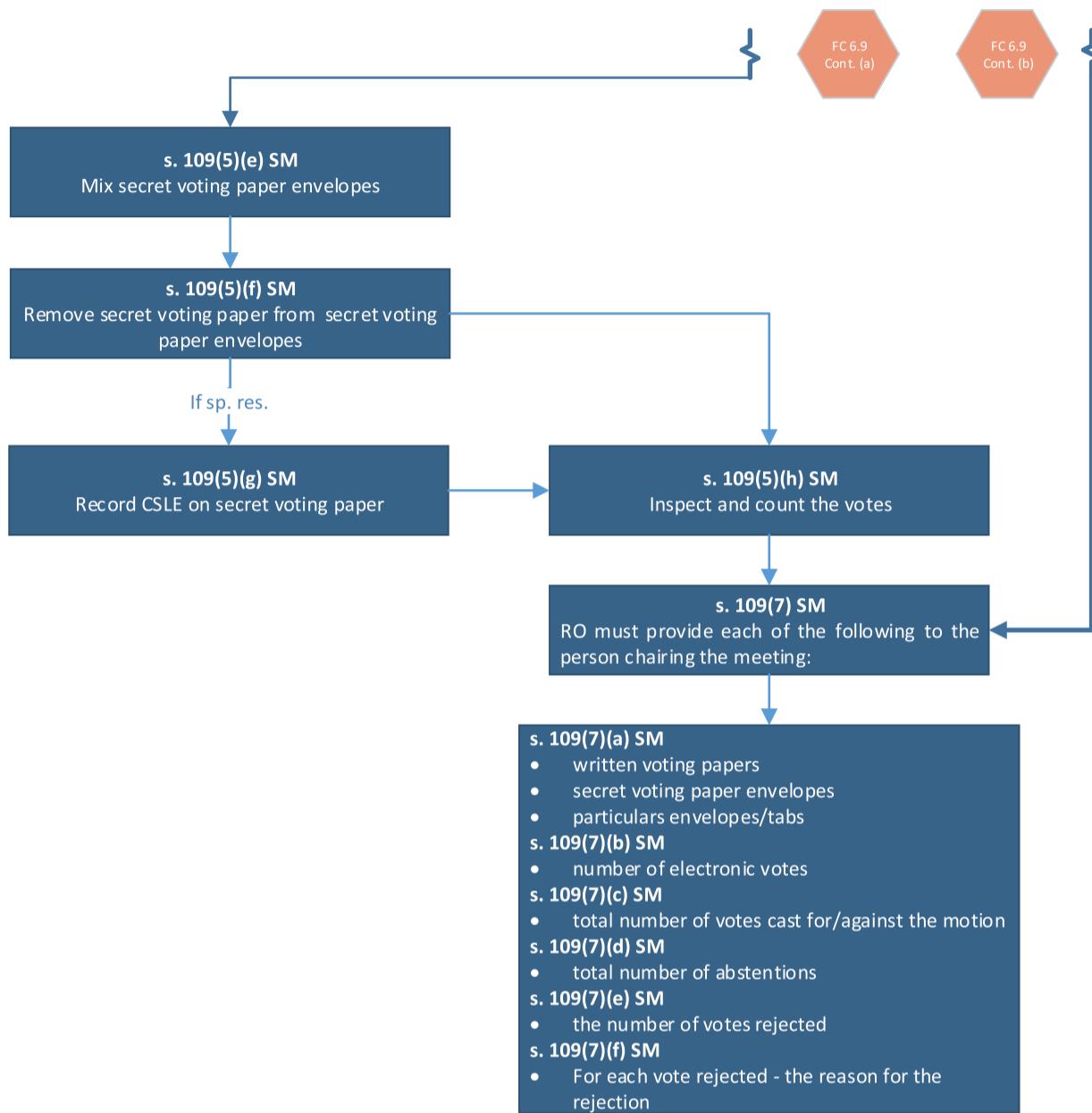
---

Print Full Name of Witness

## Flowchart No 6.9: Secret ballot process conducted by returning officer



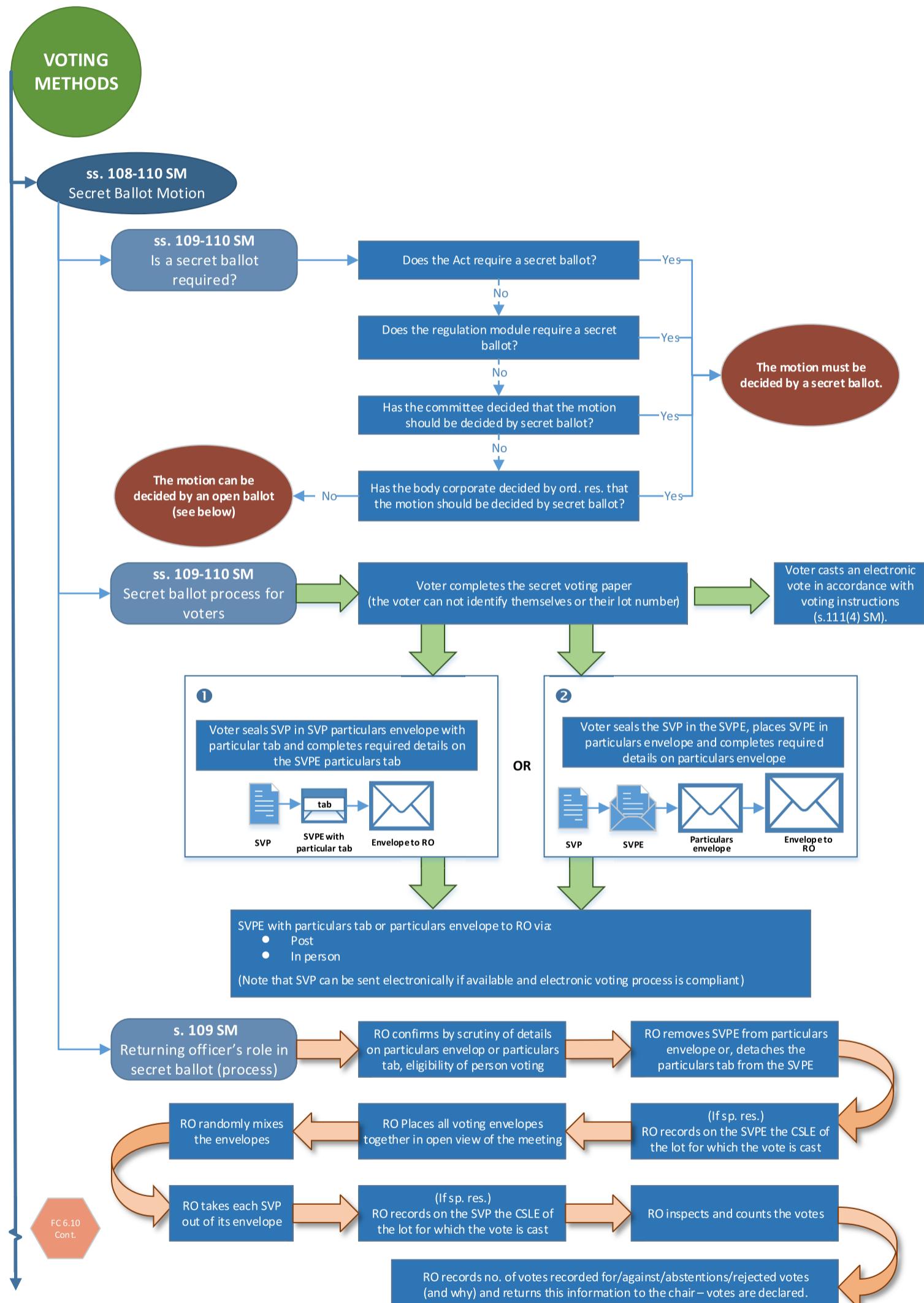
## Flowchart No 6.9: Secret ballot process conducted by returning officer (Continued)



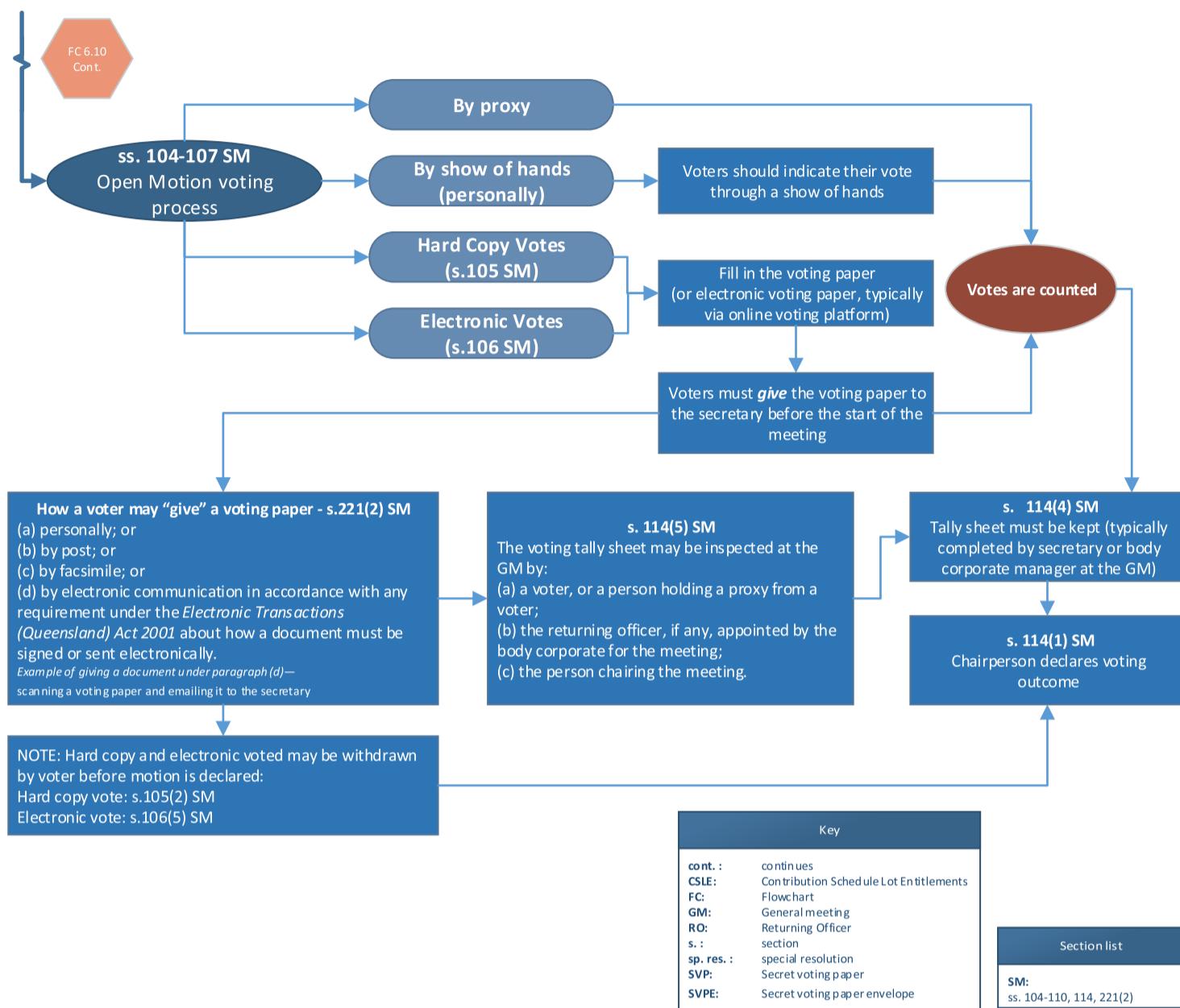
Section list
<b>SM:</b> ss. 109, 110, 111.

Key	
cont. :	continues
CSLE:	Contribution Schedule Lot Entitlements
FC:	Flowchart
Req.:	Requirement
RO:	Returning Officer
s. :	section
Sp. res. :	special resolution

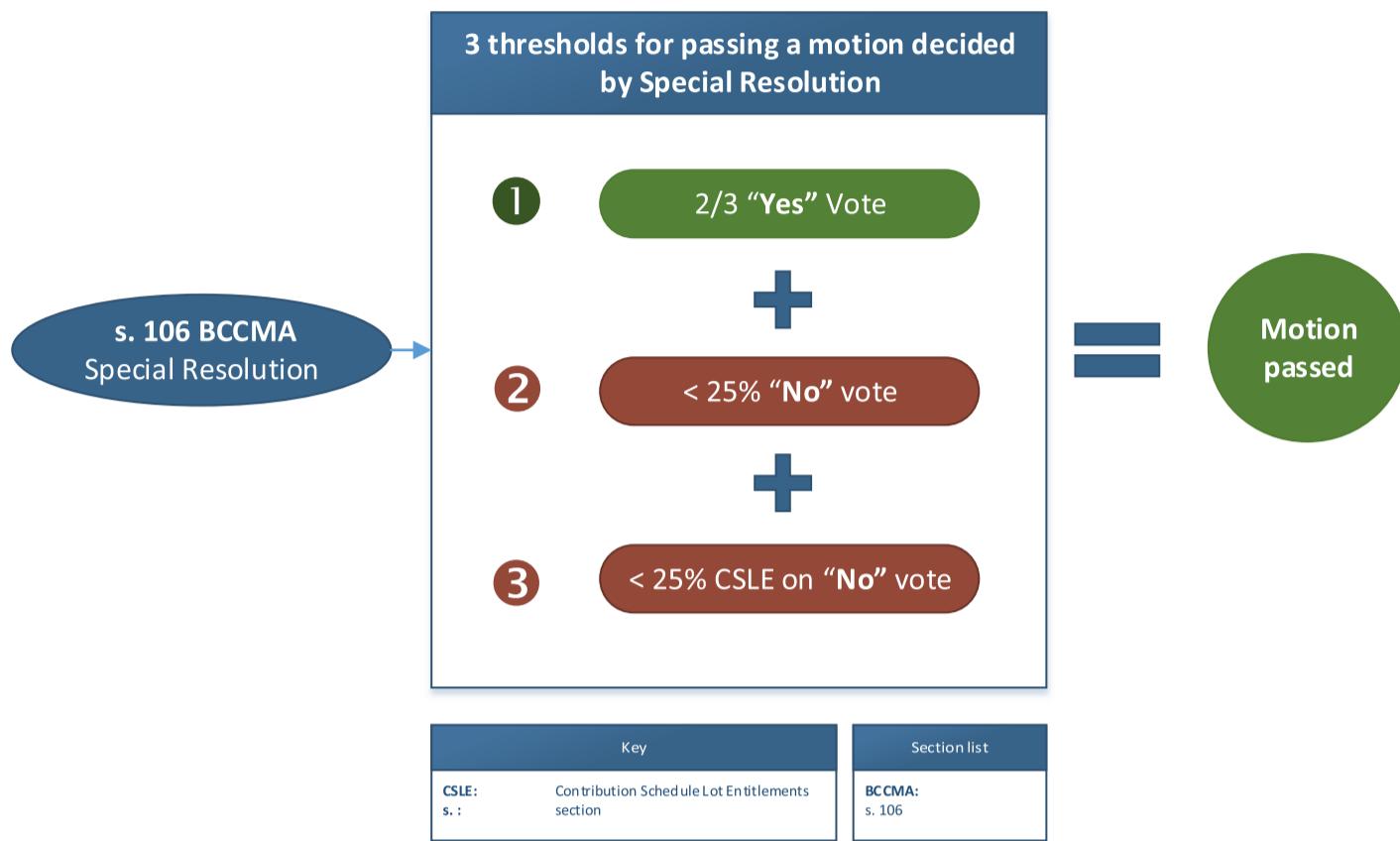
## Flowchart No 6.10: Voting methods



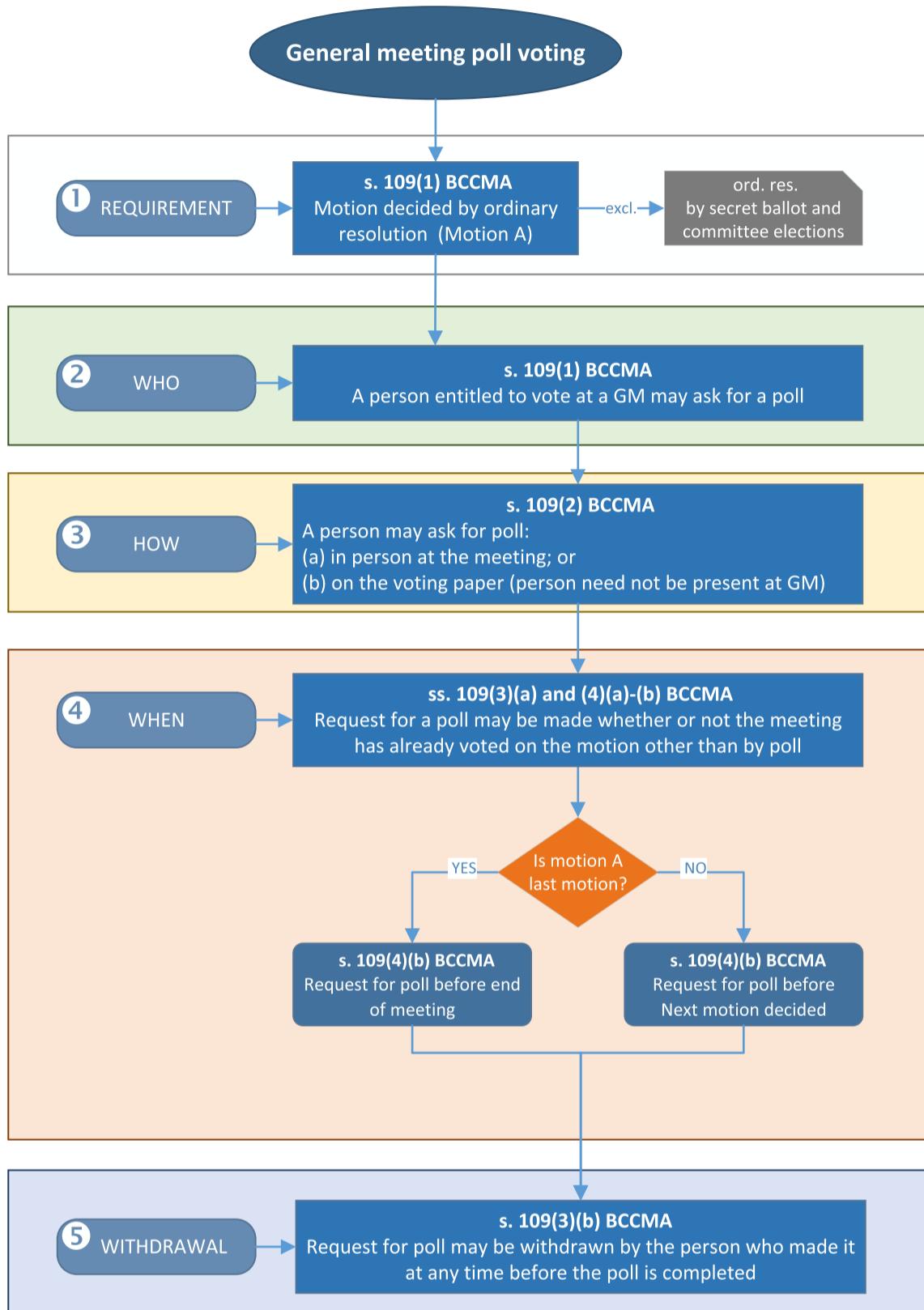
## Flowchart No 6.10: Voting methods (Continued)



## Flowchart No 6.11: Requirements to pass a special resolution



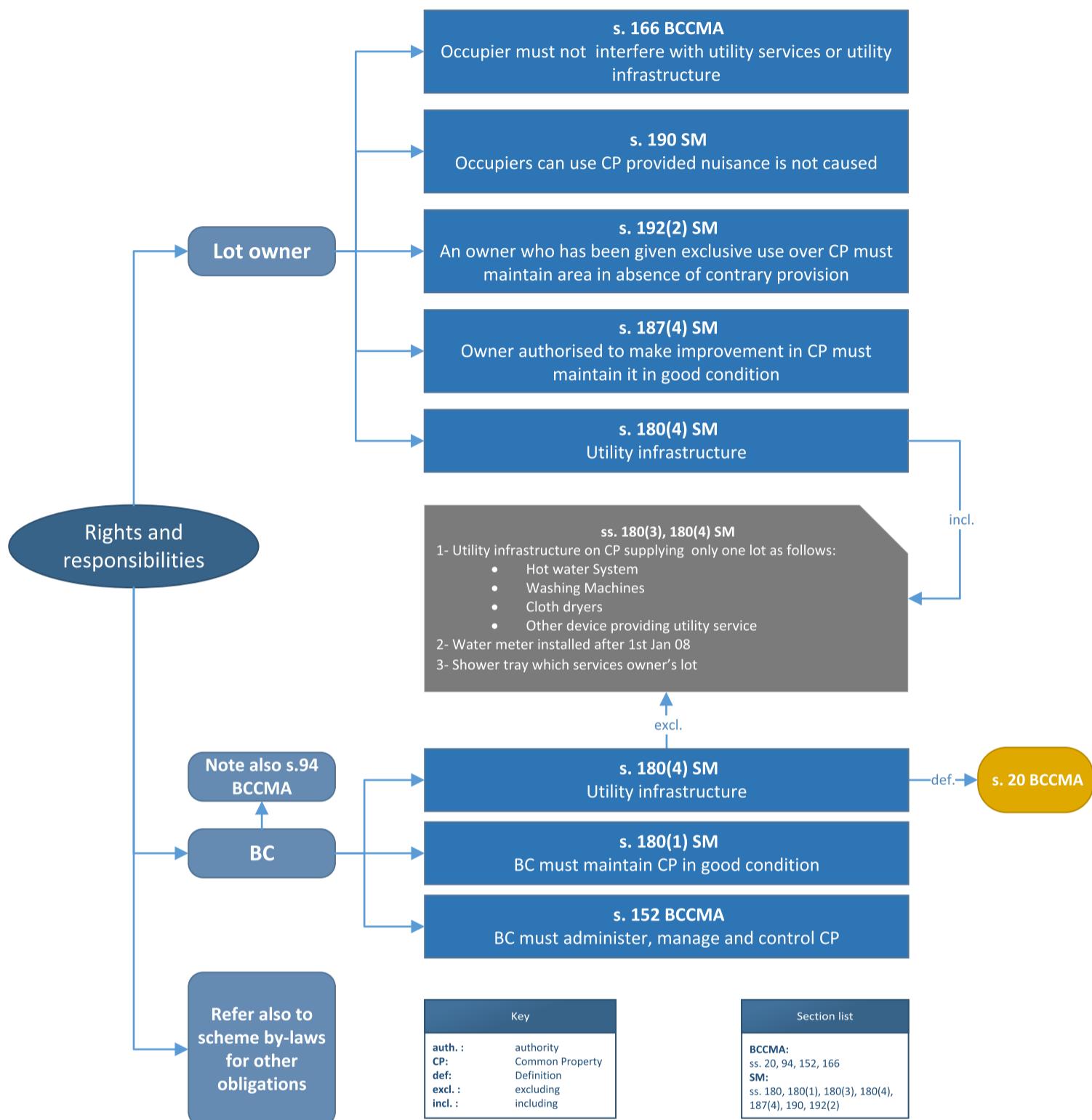
## Flowchart No 6.12: Poll voting requirements



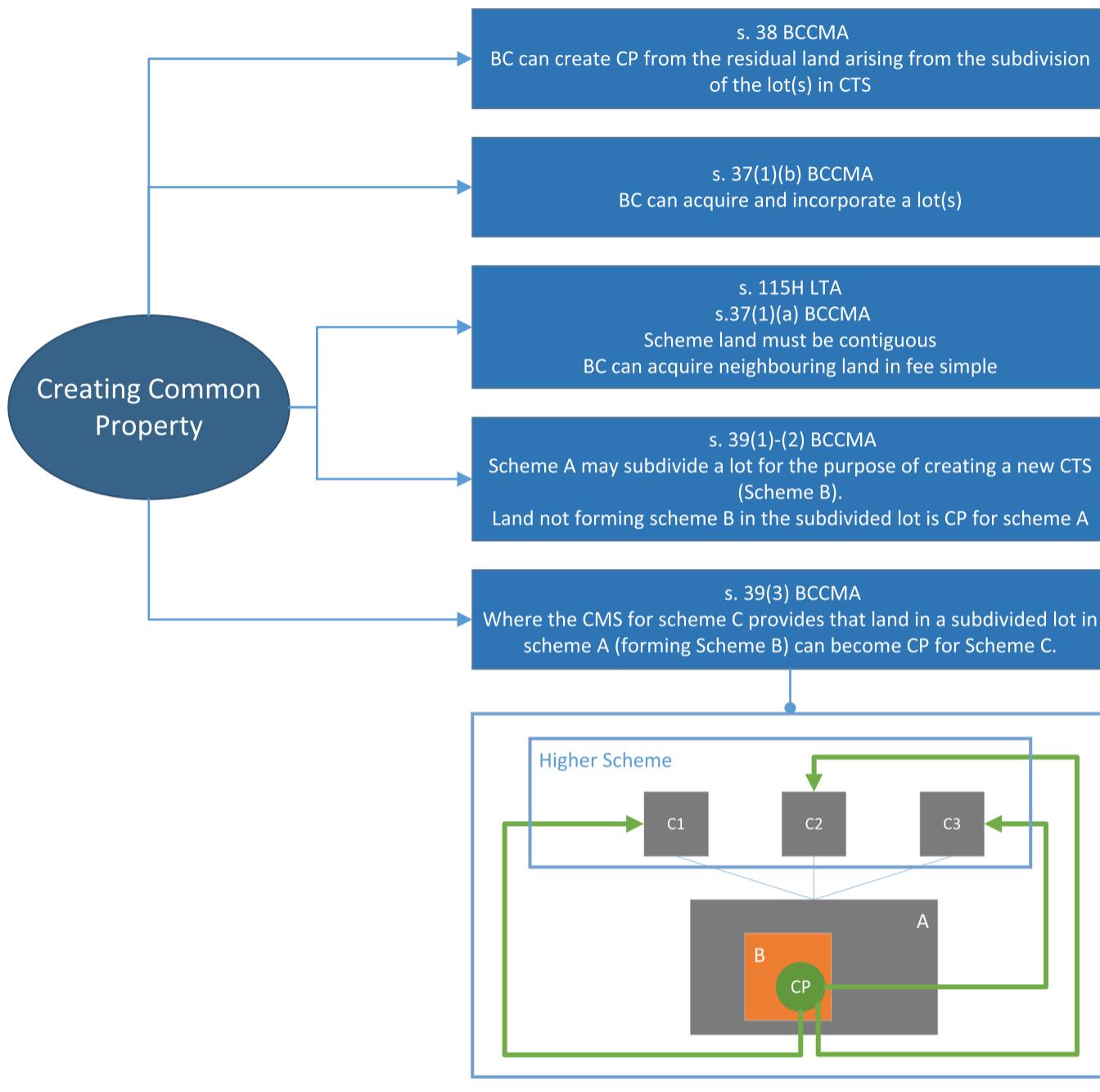
Key	
excl. :	excluding
GM:	general meeting
ord. res. :	ordinary resolution
s. :	section

Section list
BCCMA: s. 109

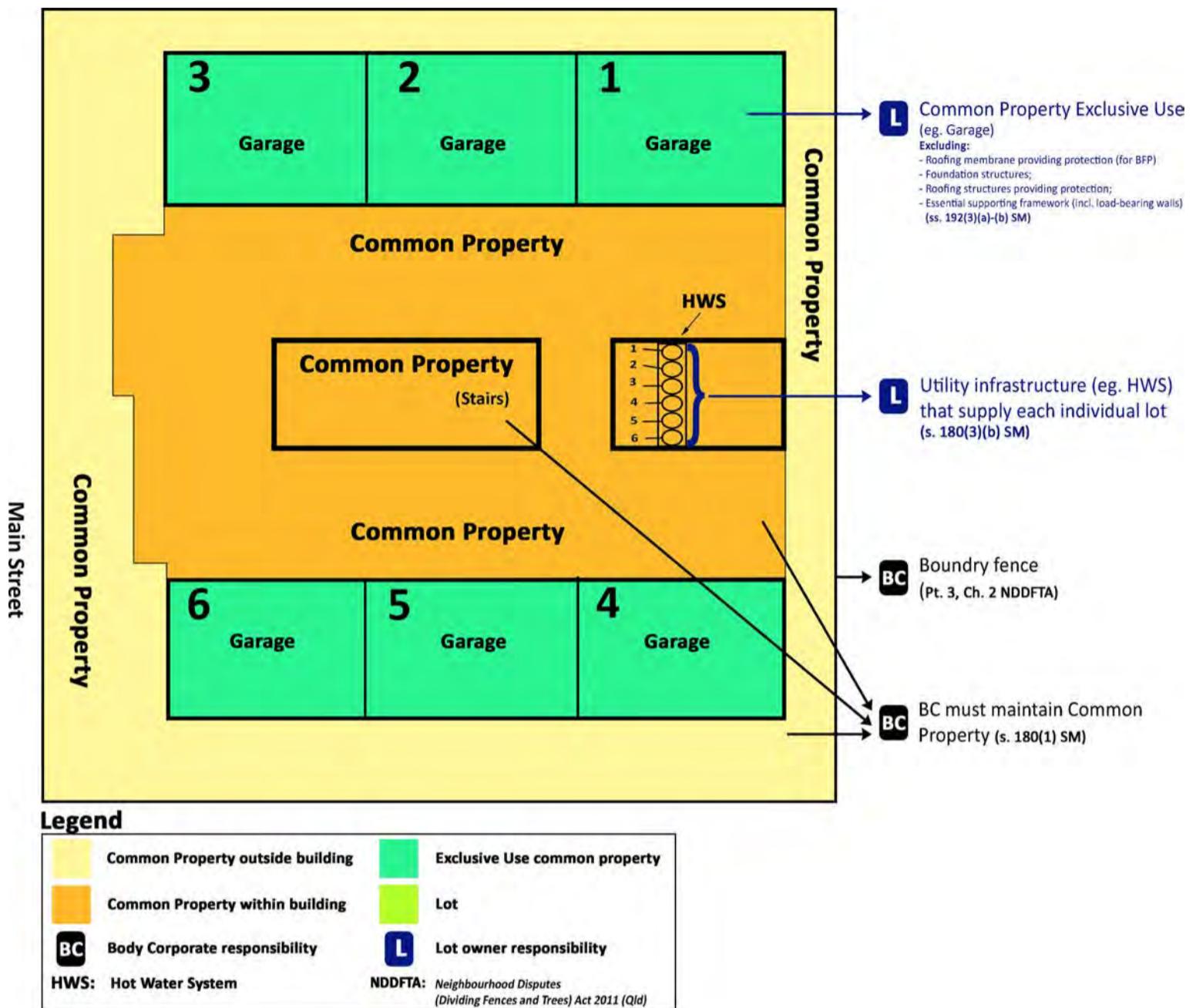
## Flowchart No 7.1: Rights and responsibilities over common property



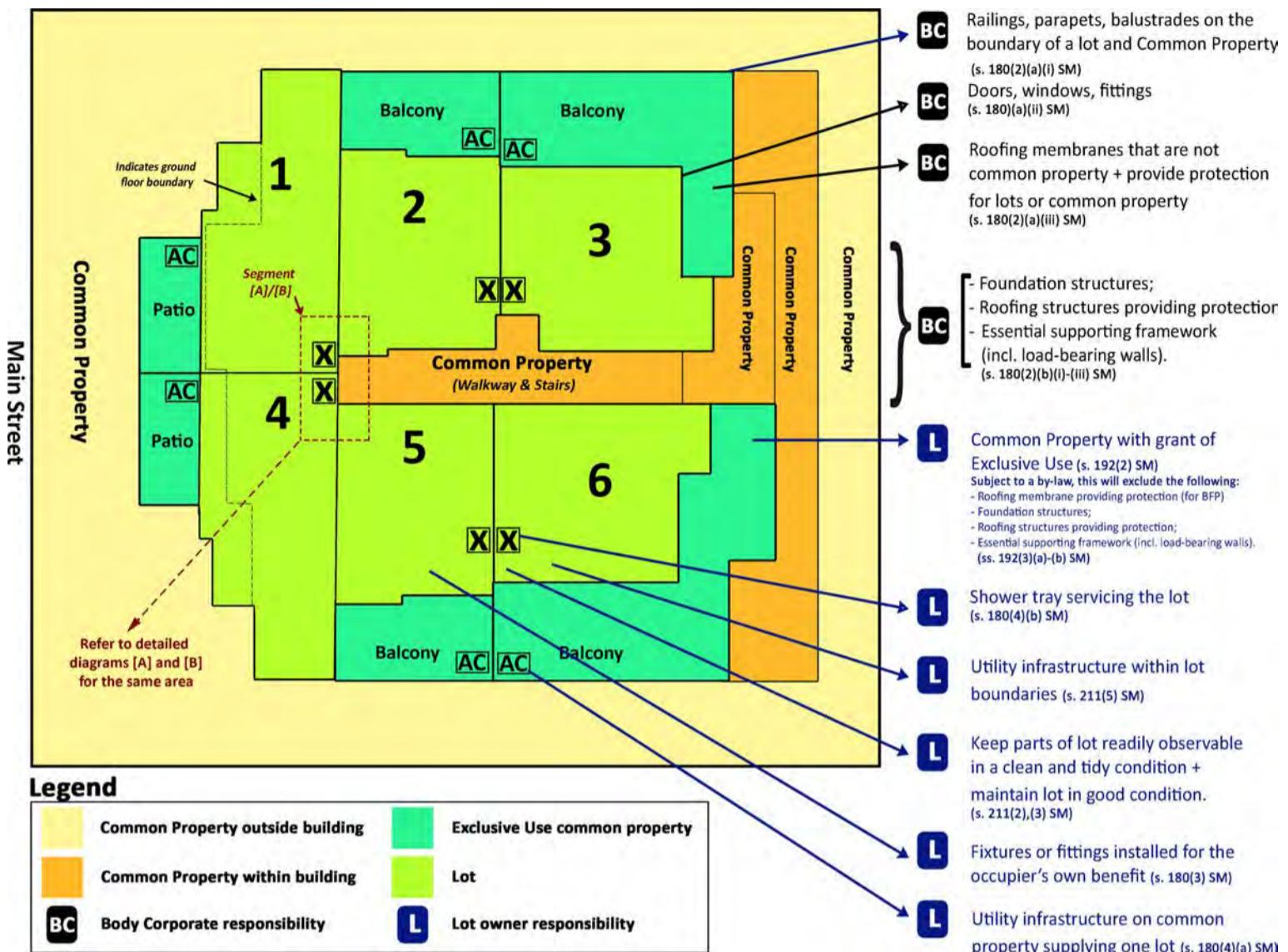
## Flowchart No 7.2: Creating common property



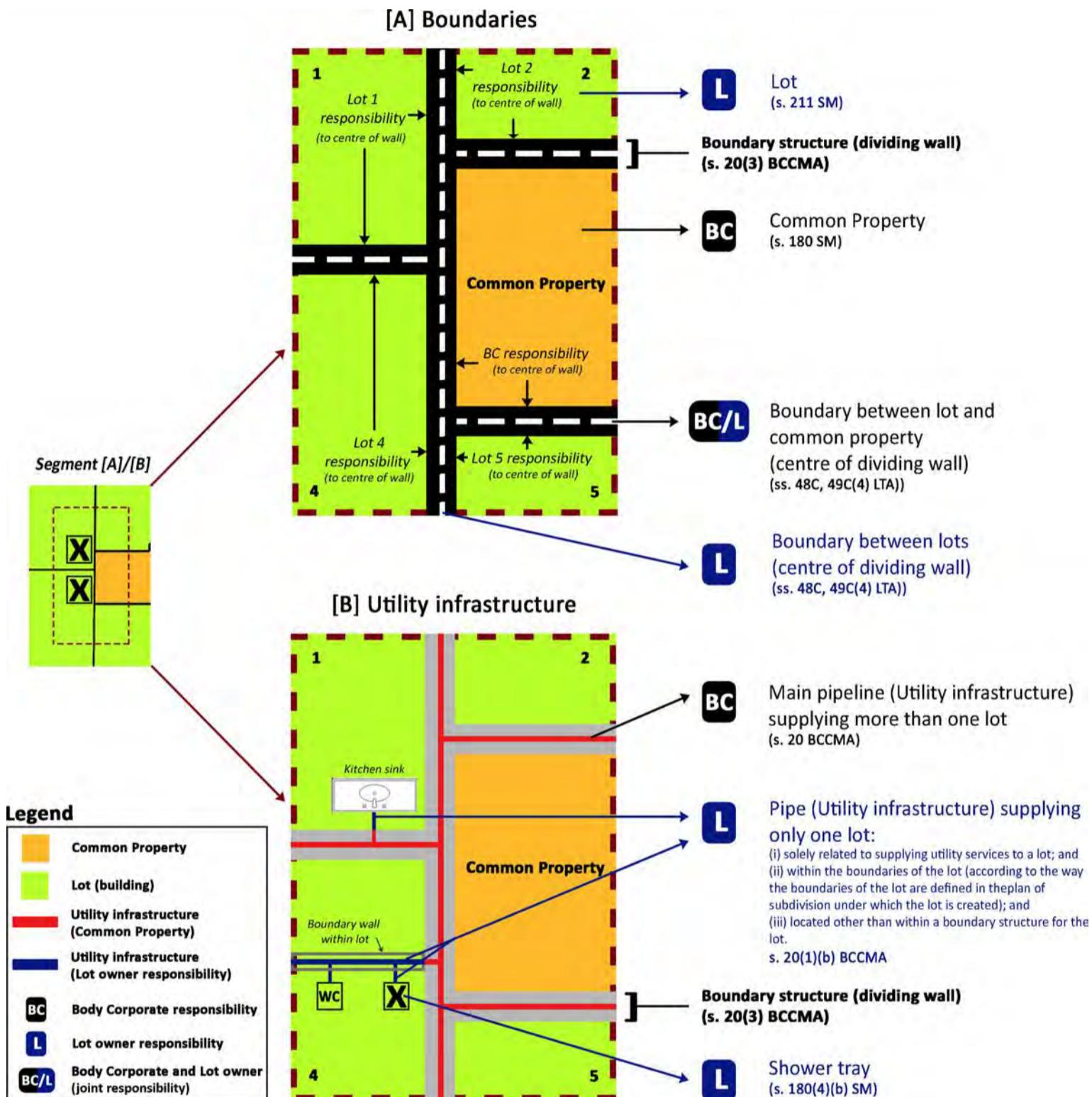
## Maintenance obligations of scheme registered under building format plan of subdivision



## Maintenance obligations of scheme registered under building format plan of subdivision (Continued)



## Maintenance obligations of scheme registered under building format plan of subdivision (Continued)

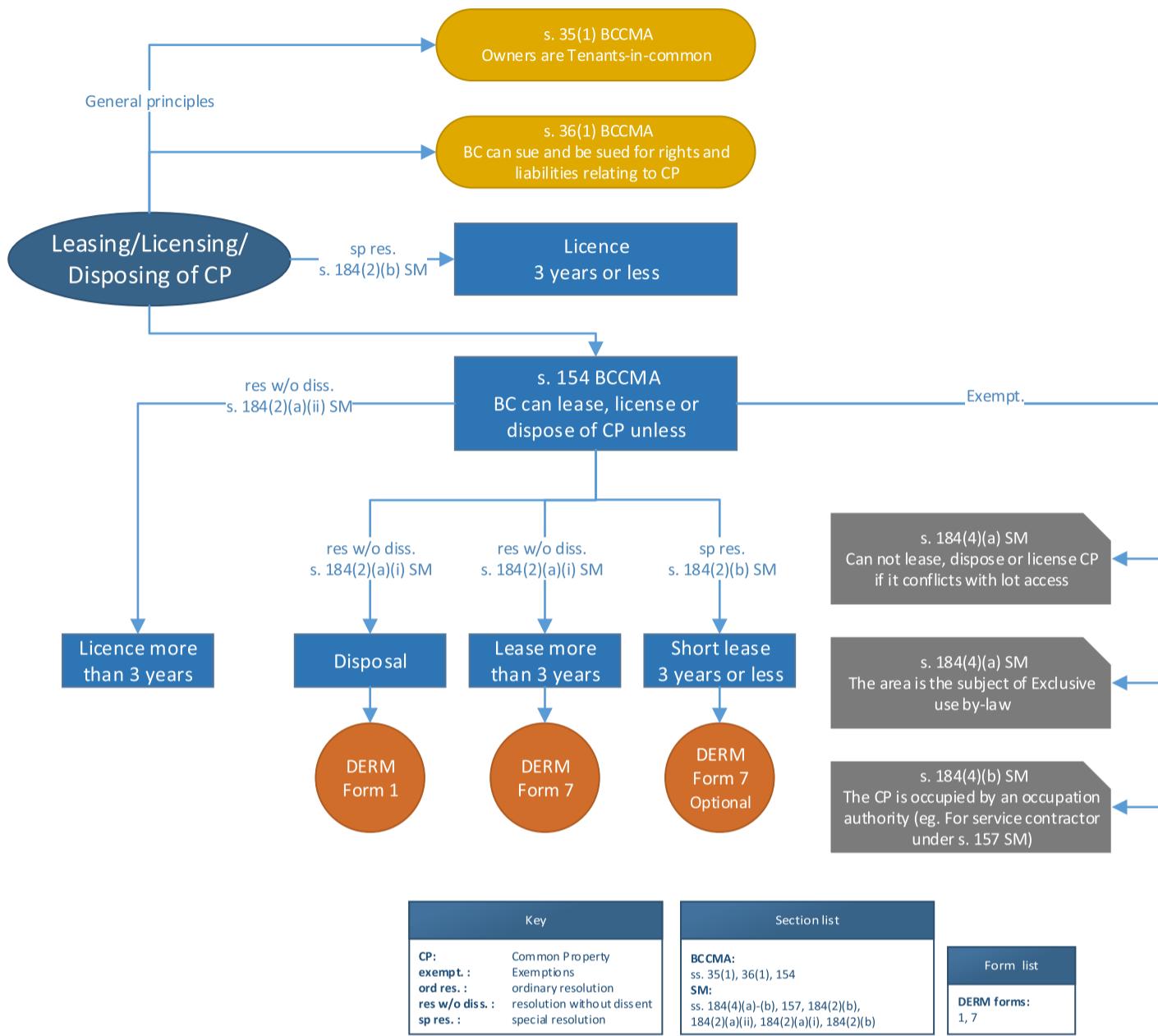


## Maintenance obligations of scheme registered under building format plan of subdivision (Continued)



**General powers**

## Flowchart No 7.3: Leasing/licensing/disposing of common property



**Resolution requirements for acquisition of body corporate assets**

Resolution without dissent if the proposal is:

- (a) to acquire freehold land; or
- (b) to enter into a lease of more than 3 years.



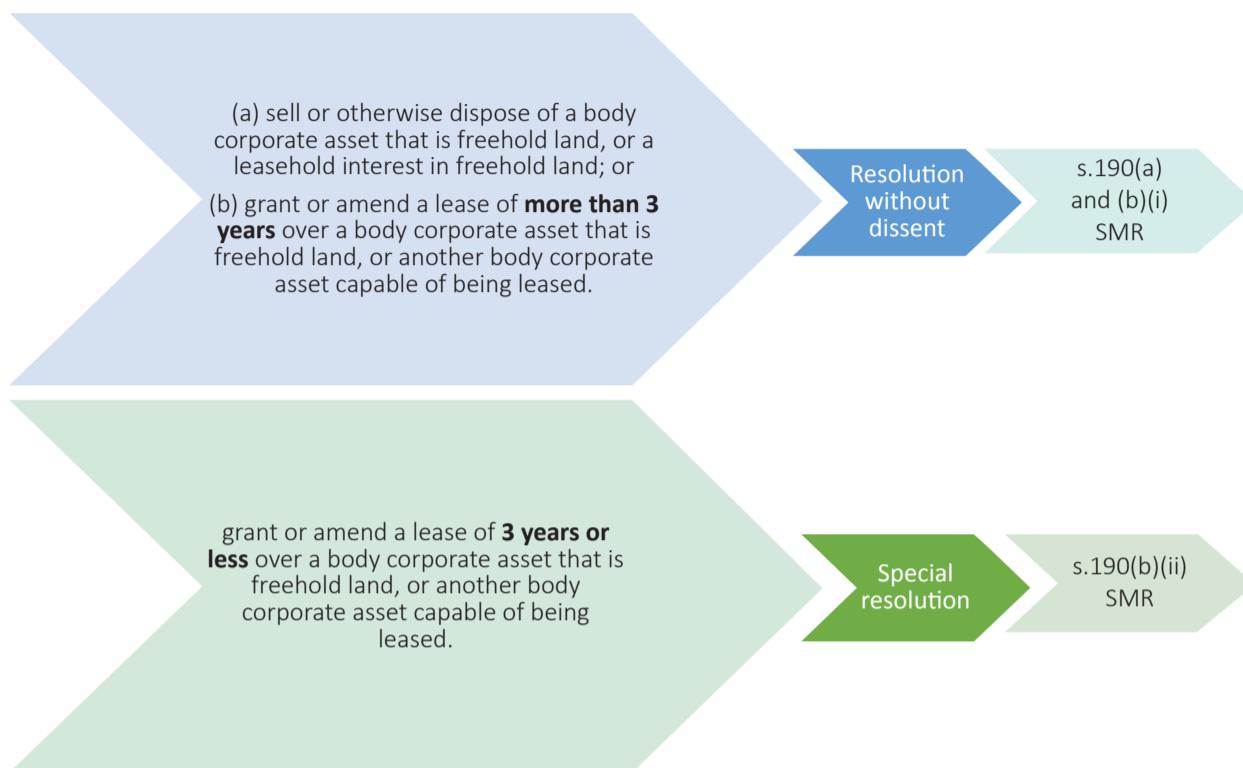
Special Resolution  
if the proposal is:

- (a) to enter into a lease of 3 years or less, or a licence, concession or agreement; or
- (b) to acquire personal property under s.189(2)(d) SM (personal property), and the value of the property to be acquired is more than the greater of the following amounts:
  - (i) \$1,000;
  - (ii) an amount worked out by multiplying the number of lots included in the scheme by \$200.



Ordinary Resolution or committee resolution  
if the proposal is:

- (a) to acquire personal property under s.189(2)(d) SM (personal property), and the value of the property to be acquired is less than the greater of the following amounts:
  - (i) \$1,000;
  - (ii) an amount worked out by multiplying the number of lots included in the scheme by \$200.

**Sale/disposal/lease of body corporate asset (freehold land or leasehold interests)**

**Sale/disposal/lease of body corporate asset (personal property)**

Sell or otherwise dispose of a body corporate asset that is personal property (excl. s.167(a) and (b) SMR) if asset is **more than the greater of:**  
(i) 1000;  
(ii) an amount that is \$200 x no. of lots in scheme.

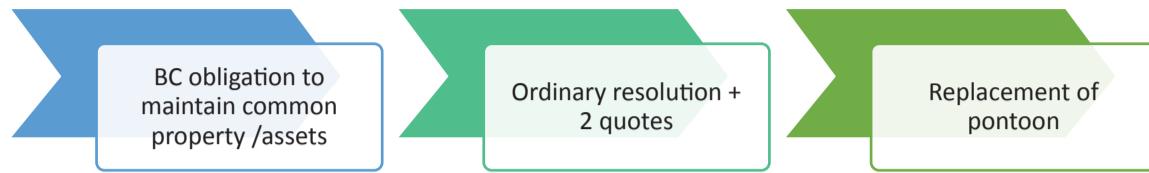
Special  
resolution

s.190(c) SMR

Sell or otherwise dispose of a body corporate asset that is personal property if asset is **less than the greater of:**  
(i) 1000;  
(ii) an amount that is \$200 x no. of lots in scheme.

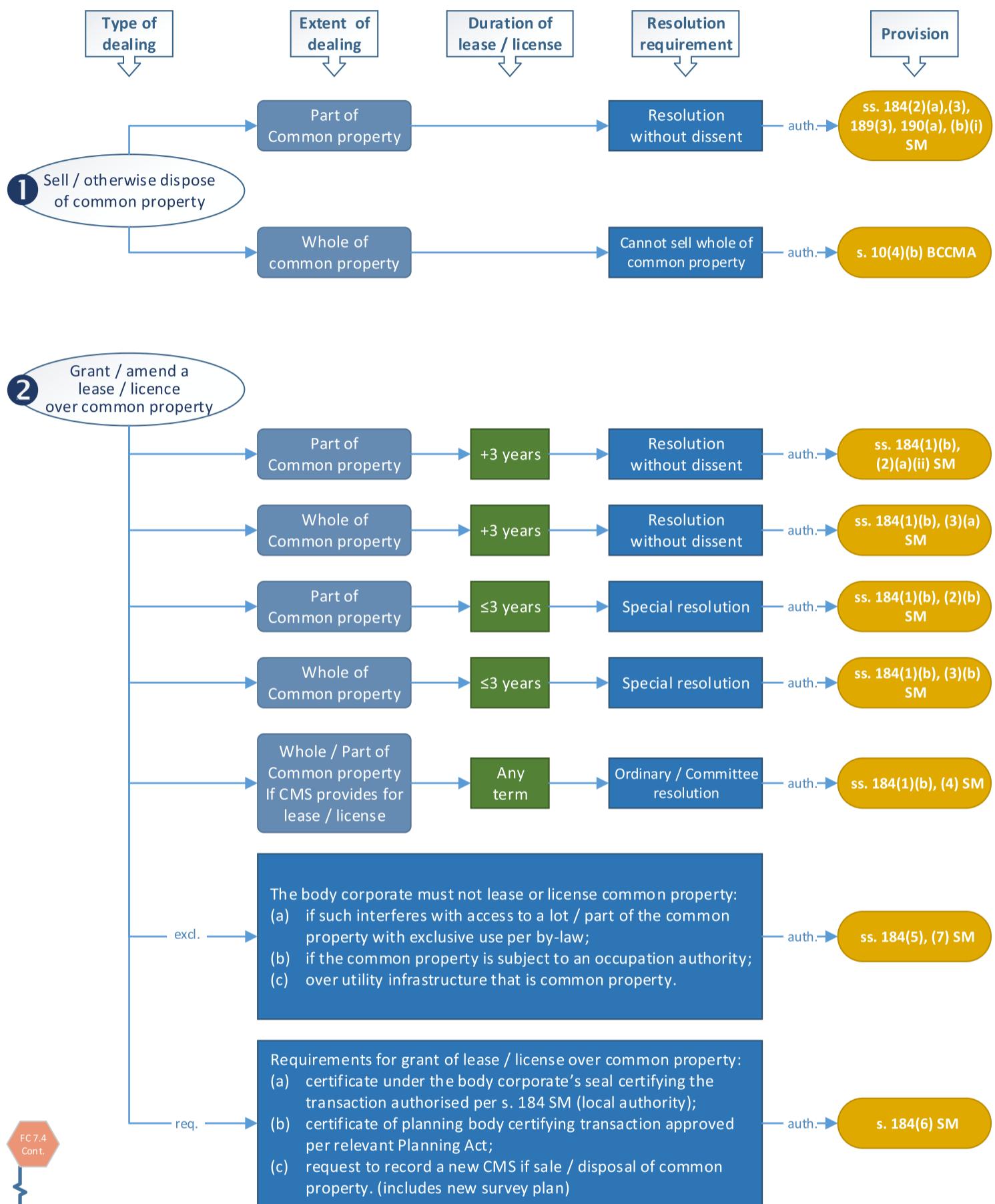
Ordinary  
resolution  
or c'tee res

s.190(c)  
SMR

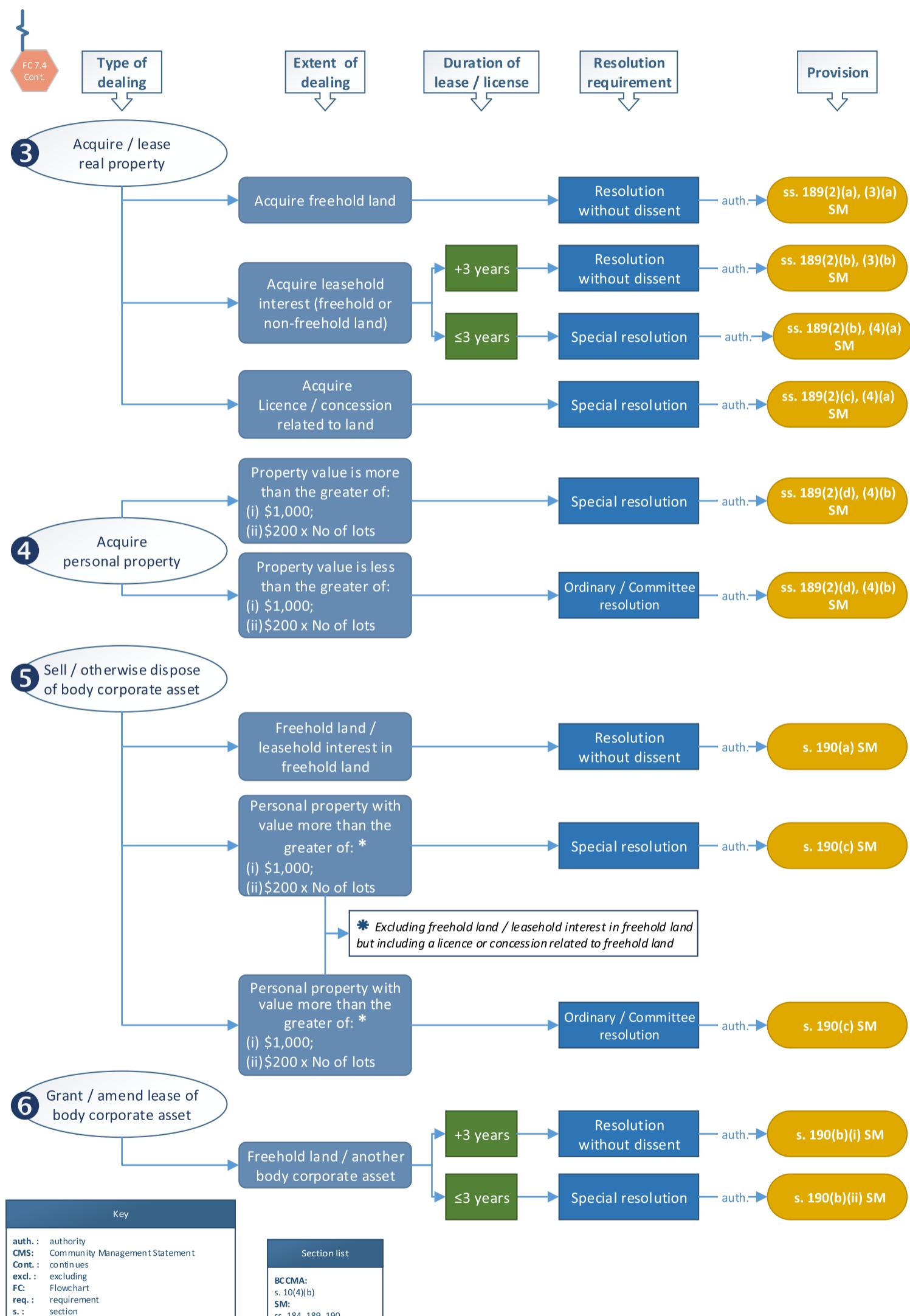
**Procedure to replace pontoon**

**Procedure to dispose of pontoon**

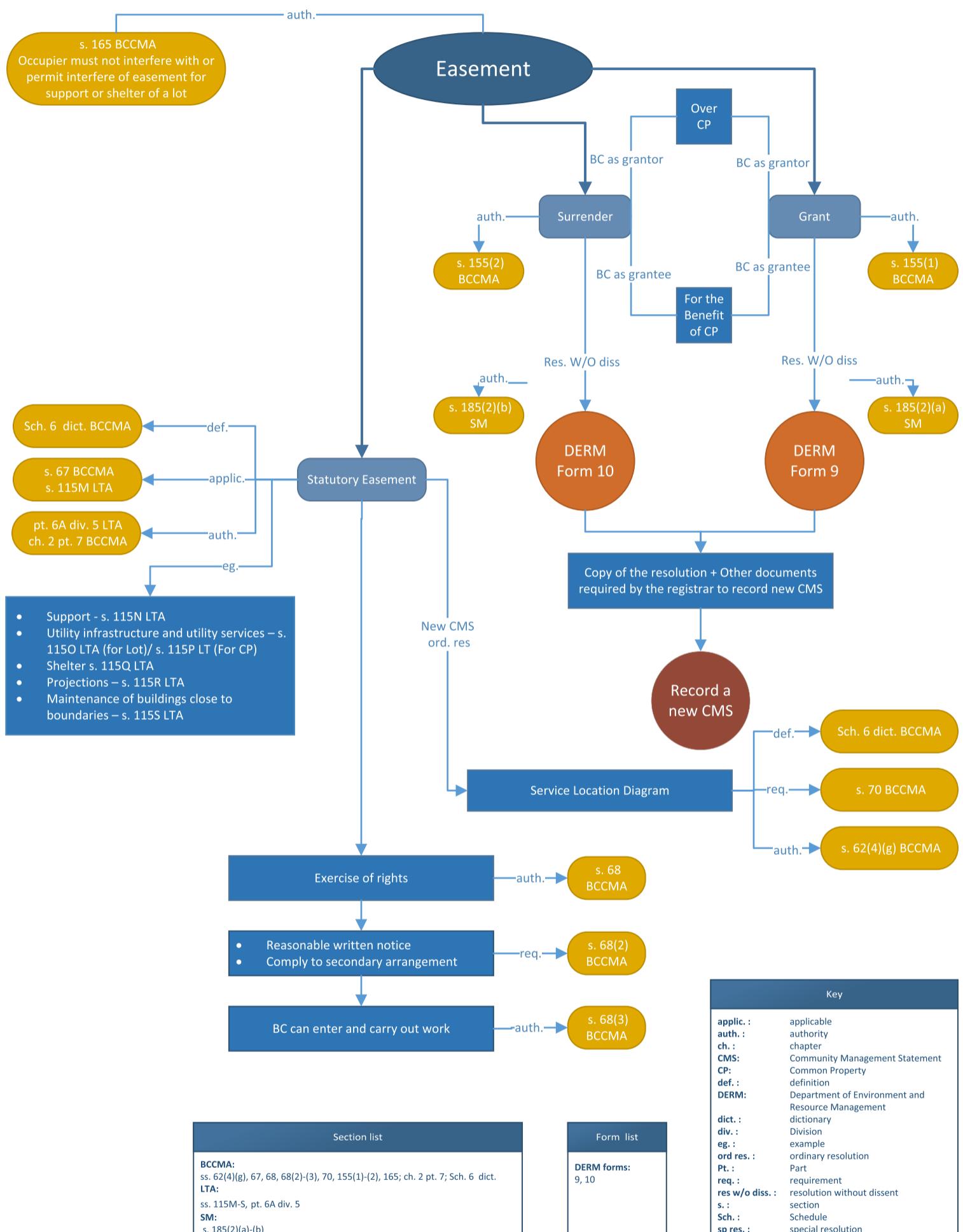
## Flowchart No 7.4: Acquiring and disposing body corporate assets



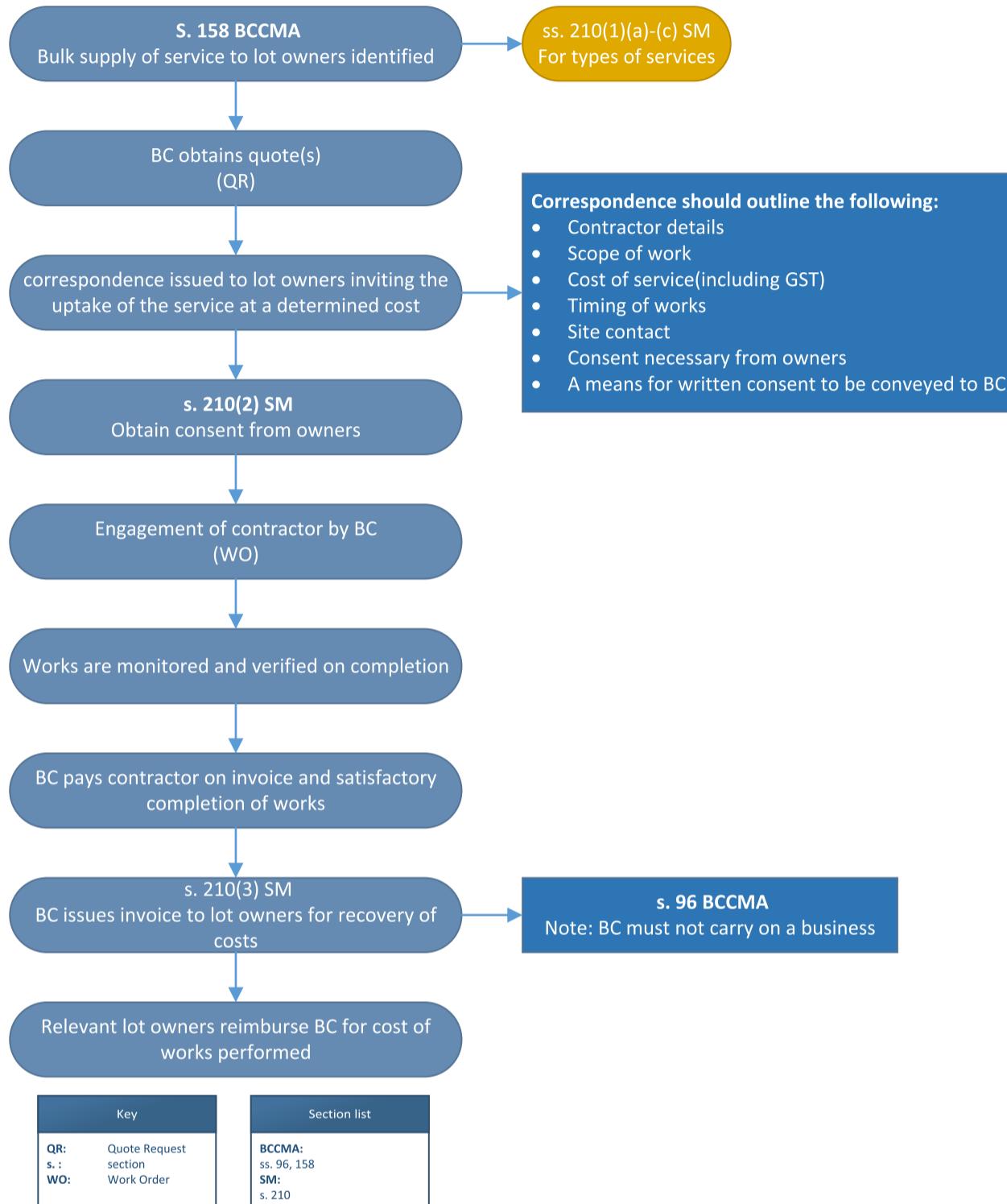
## Flowchart No 7.4: Acquiring and disposing body corporate assets (Continued)



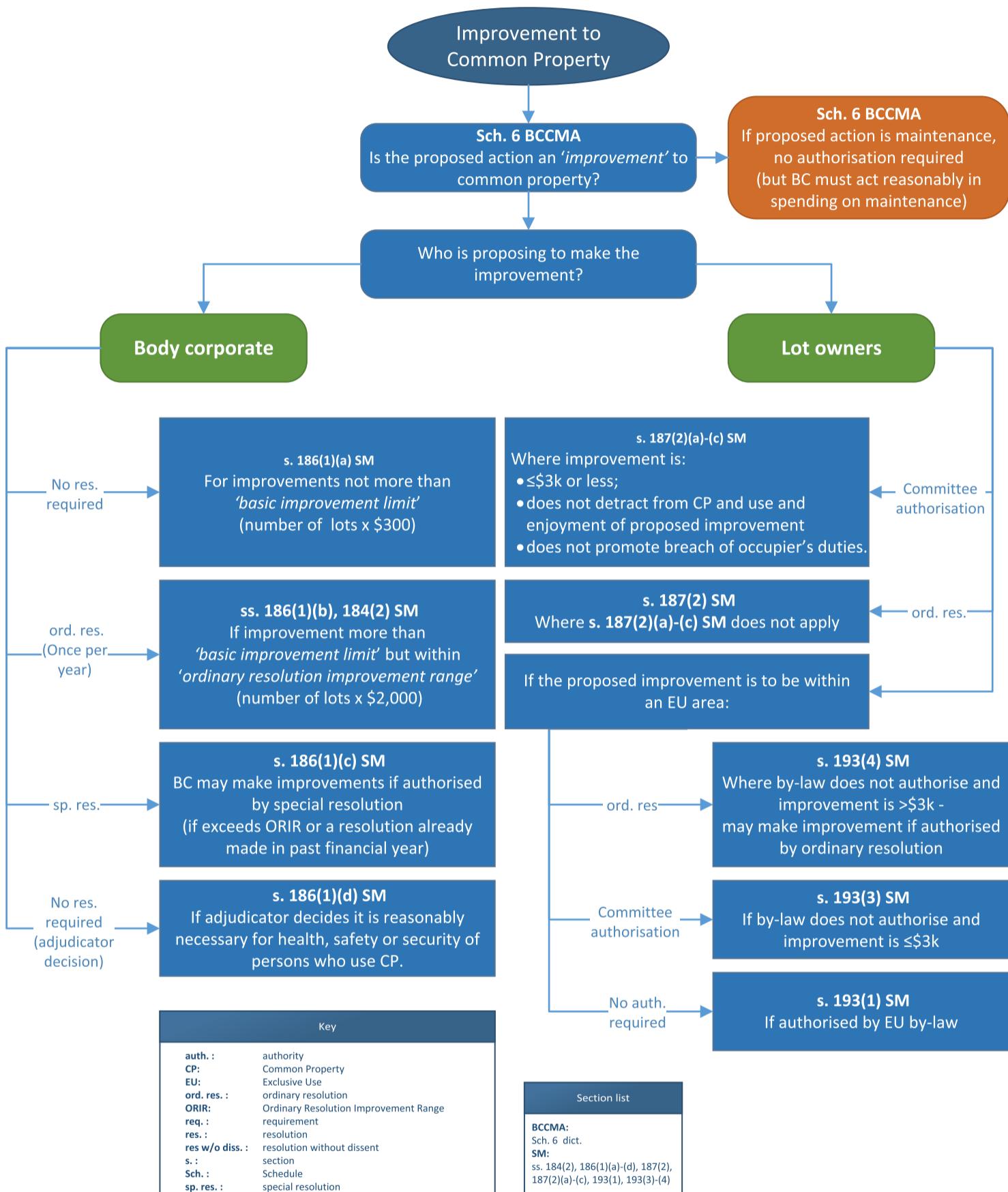
## Flowchart No 7.5: Common property easements



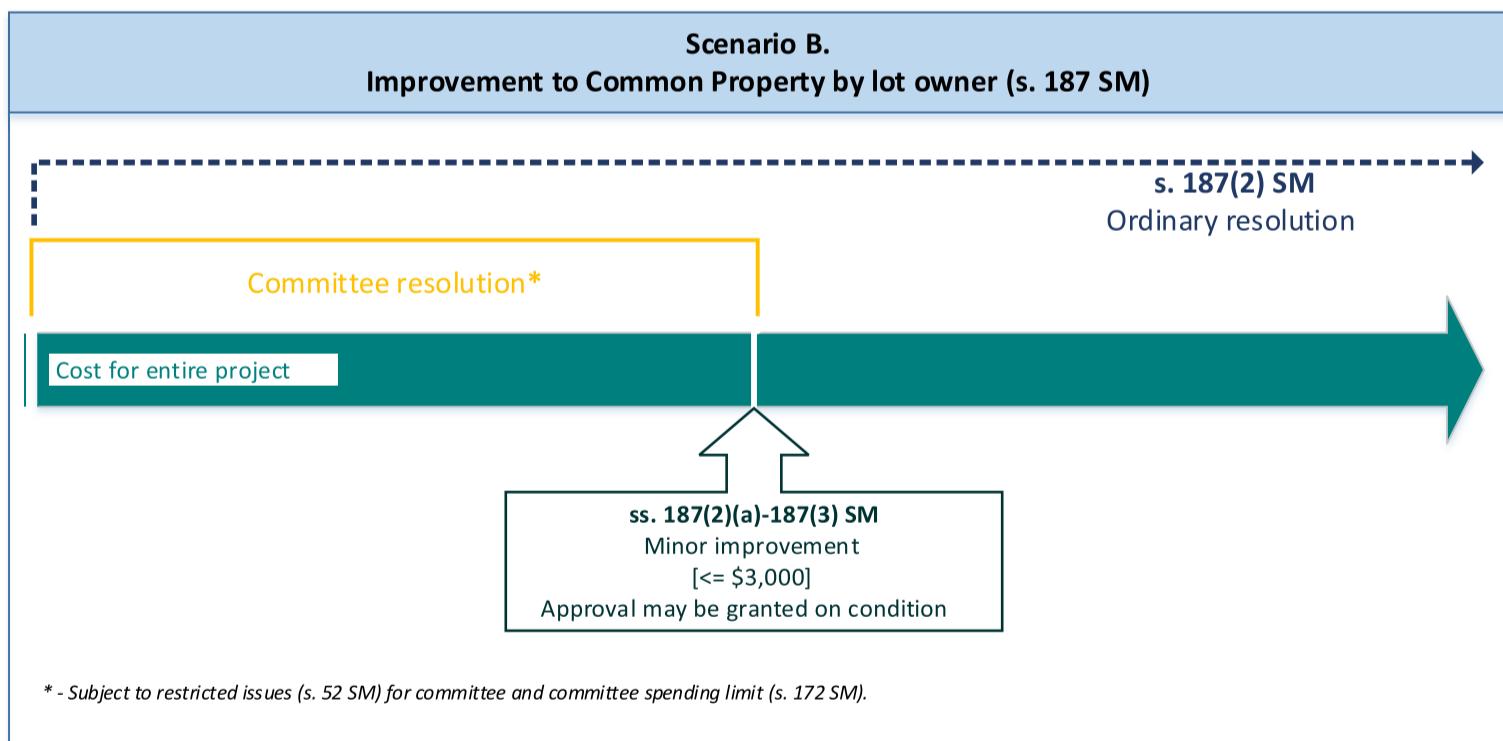
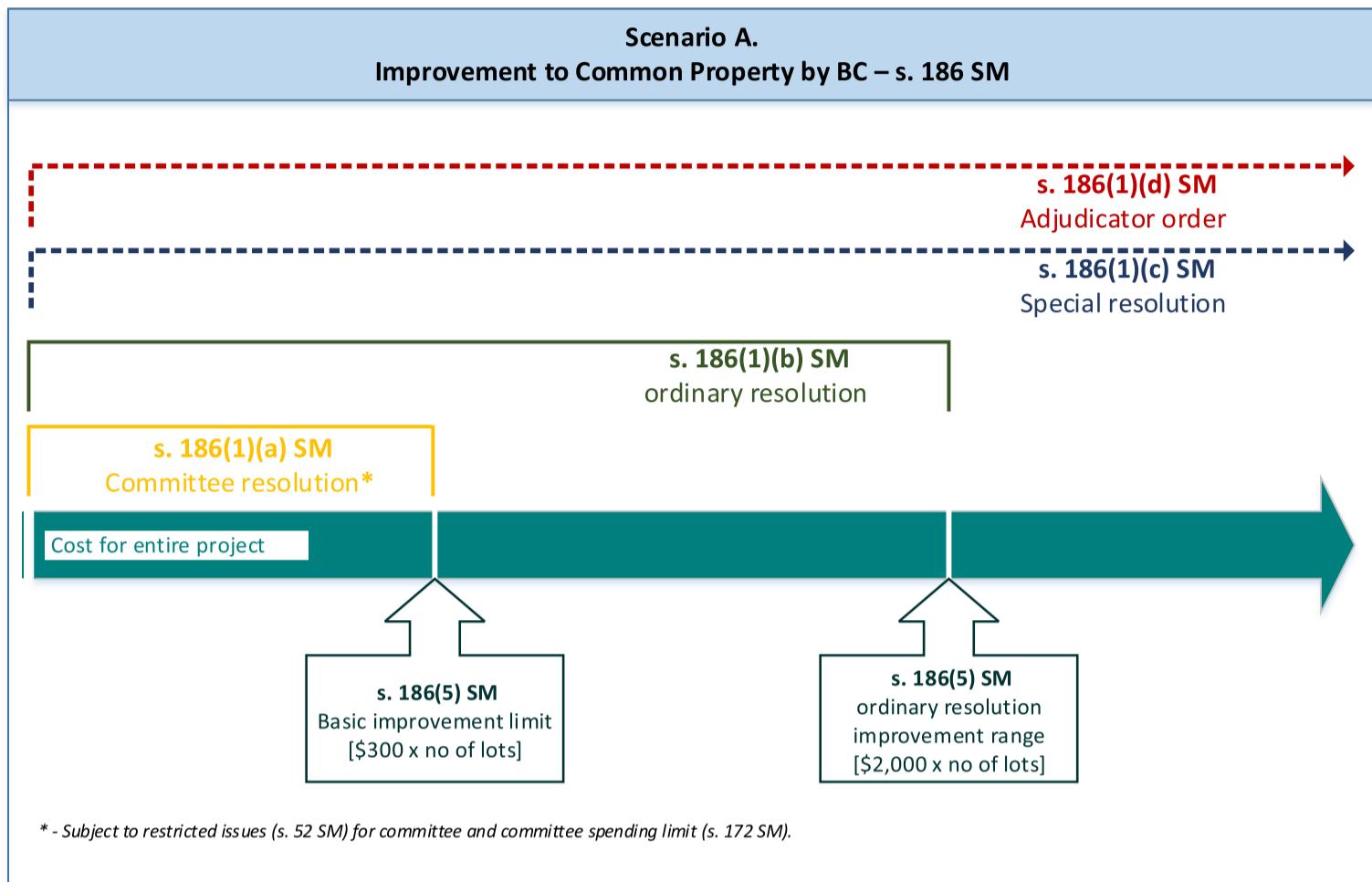
## Flowchart No 7.6: Supply of services to lot owners by body corporate



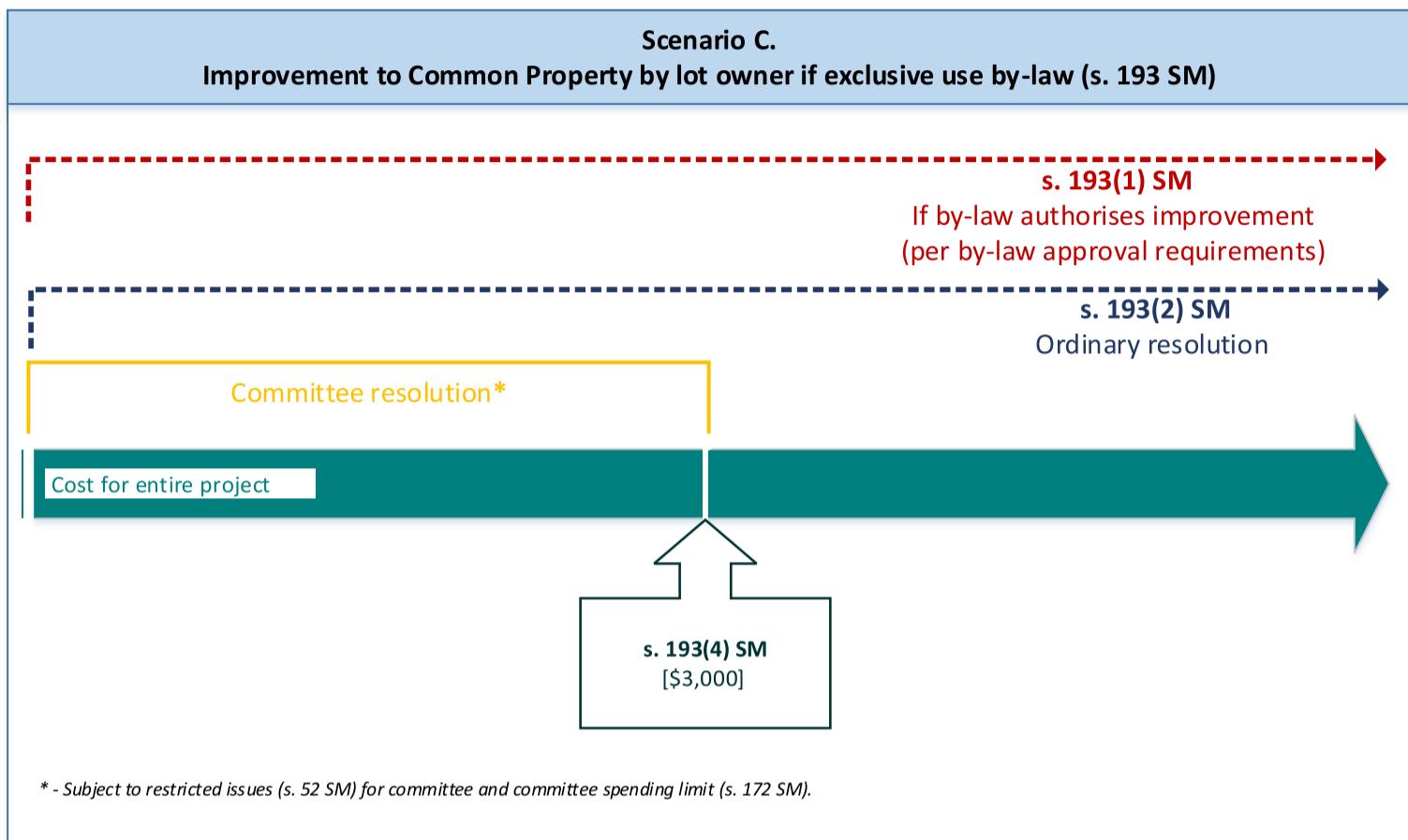
## Flowchart No 7.7: Improvement to common property



## Flowchart No 7.8: Approval requirements for common property improvements



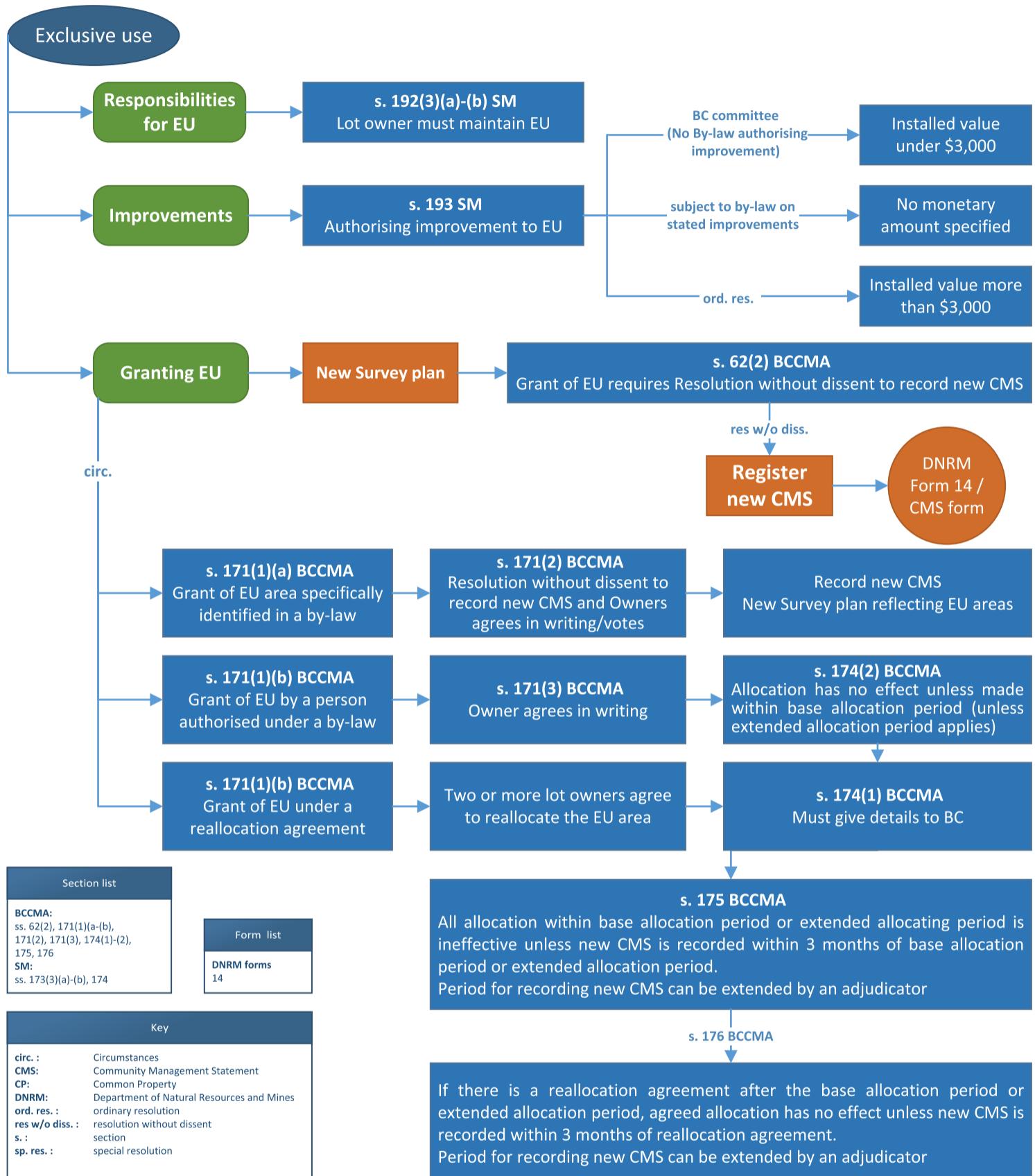
## Flowchart No 7.8: Approval requirements for common property improvements (Continued)



Key	
s. :	section

Section list	
SM:	ss. 52, 172, 186, 187, 193

## Flowchart No 7.9: Common property with grant of exclusive use

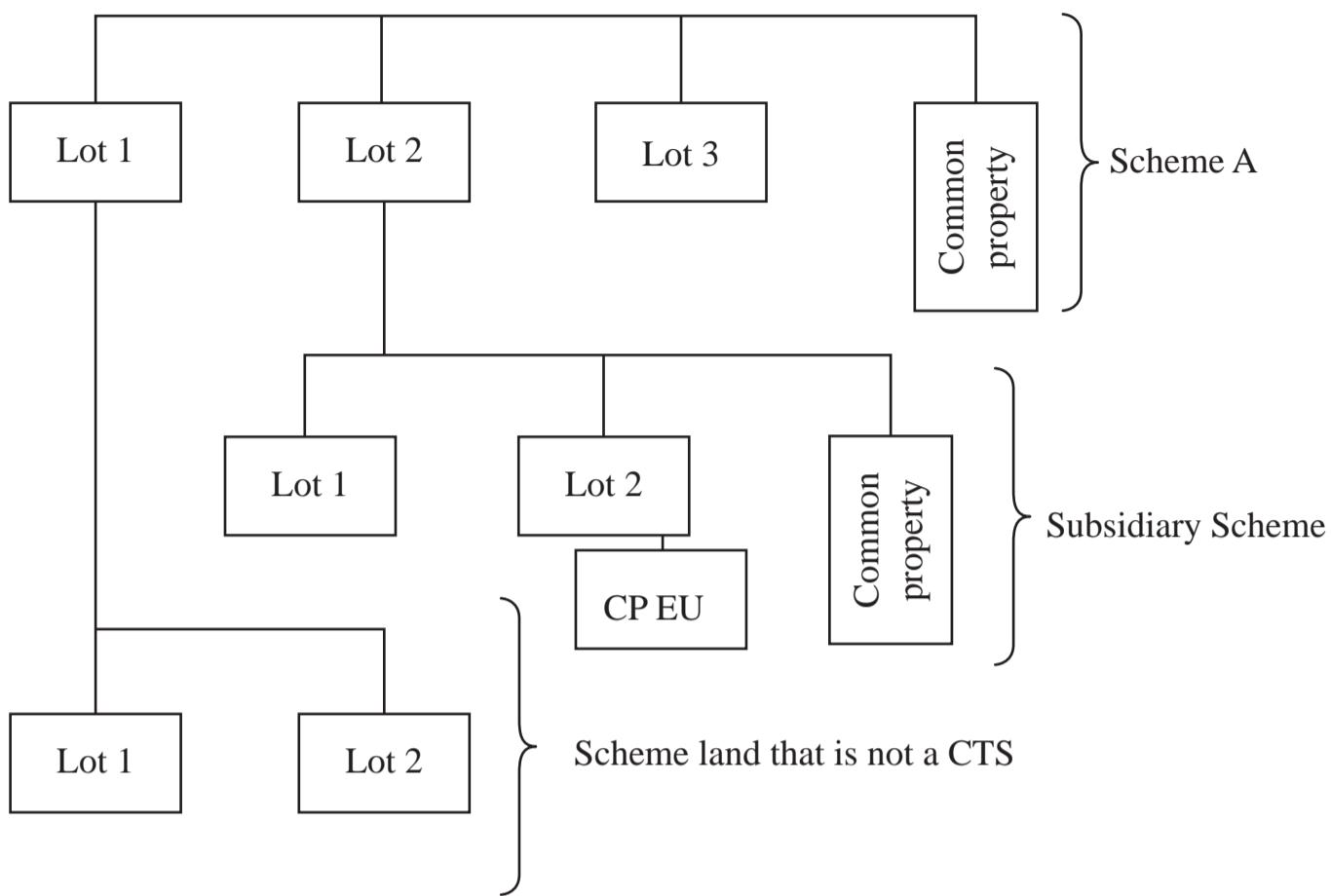
**Note****Base allocation period equals one year after:**

- The recording of the CMS which first included the by-law; or
- For progressively developed schemes, the recording of a new CMS

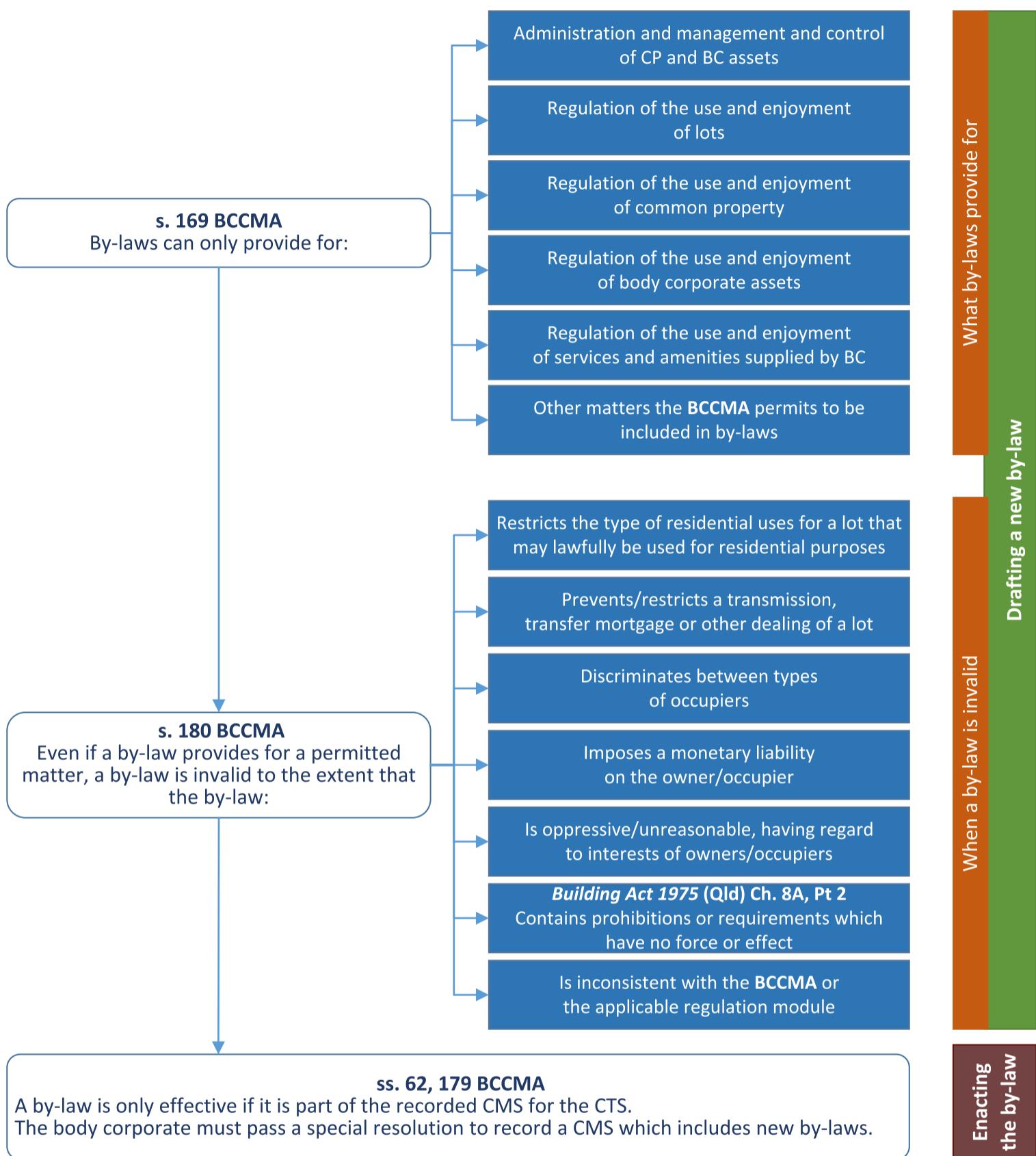
**Extended allocation period equals no more than 2 years after:**

- The recording of the new CMS which first included the by-law; or
- For progressively developed schemes, the recording of a new CMS

## Access in layered scheme



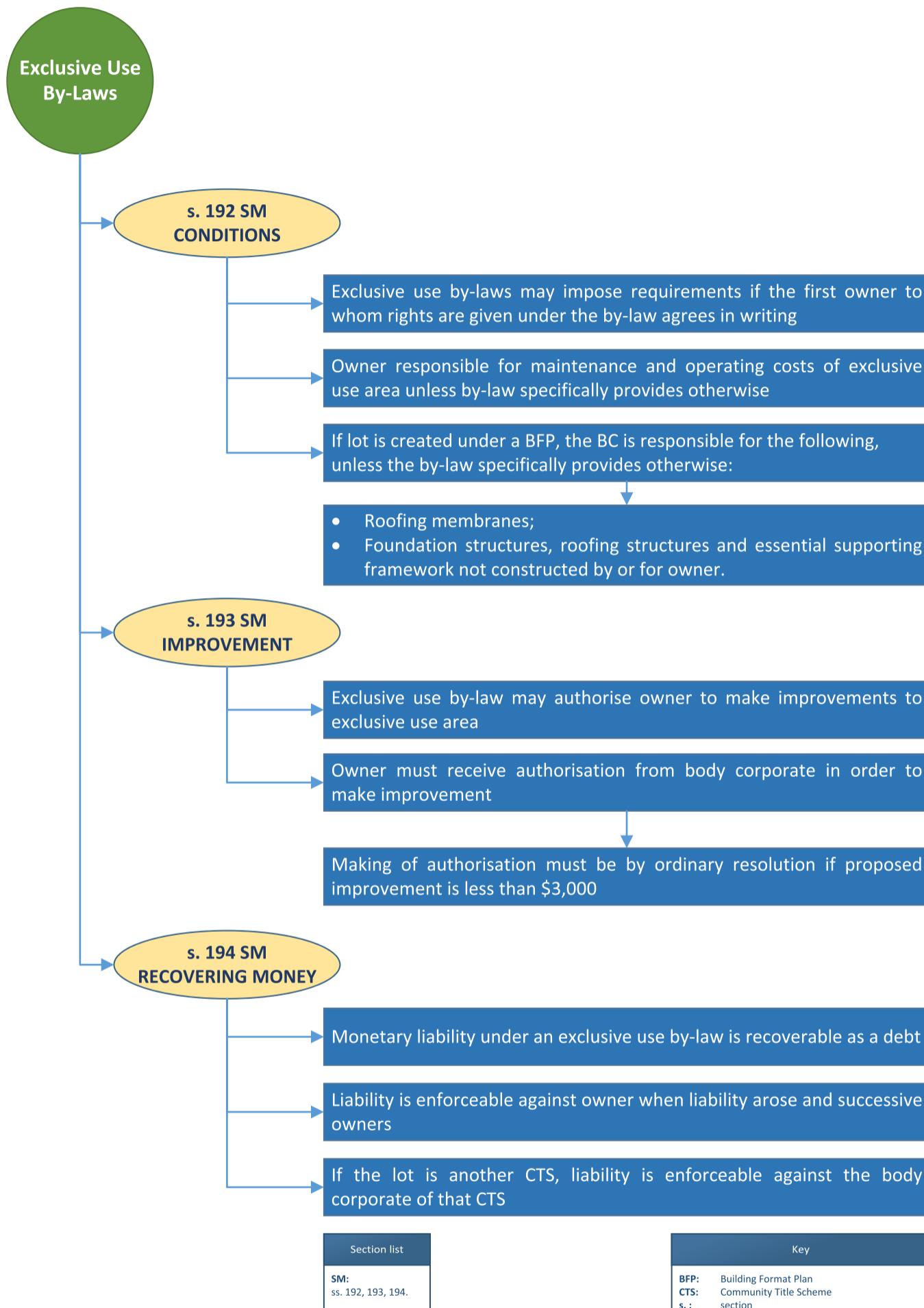
## Flowchart No 8.1: By-law requirements (other than for exclusive use by-law)



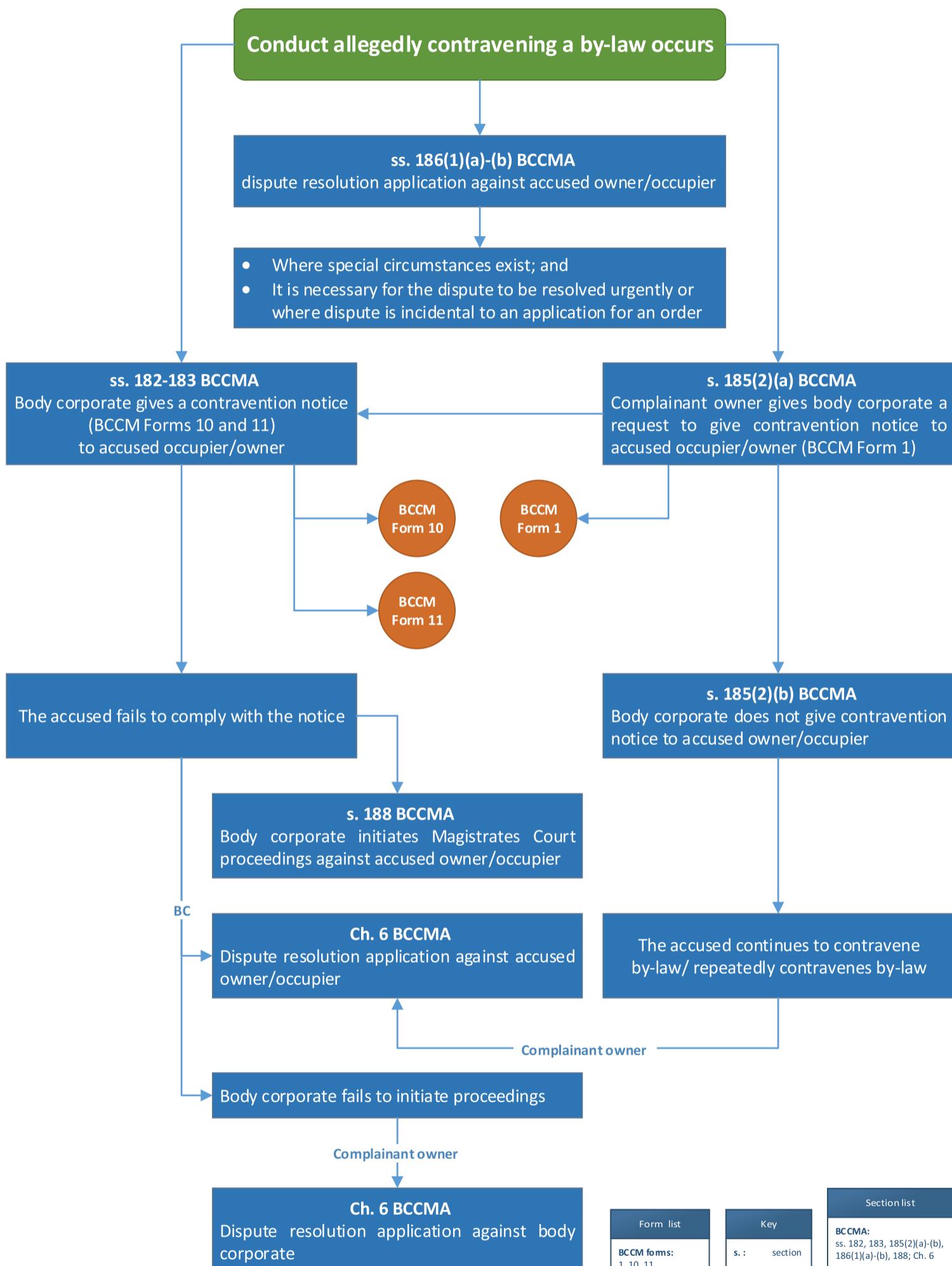
Key	
BC:	Body Corporate
CMS:	Community Management Statement
CP:	Common Property
CTS:	Community Titles Scheme
s.:	section

Section list	
<b>BCCMA:</b> ss. 62, 169, 179, 180	<b>Building Act 1975:</b> Ch. 8A, Pt 2

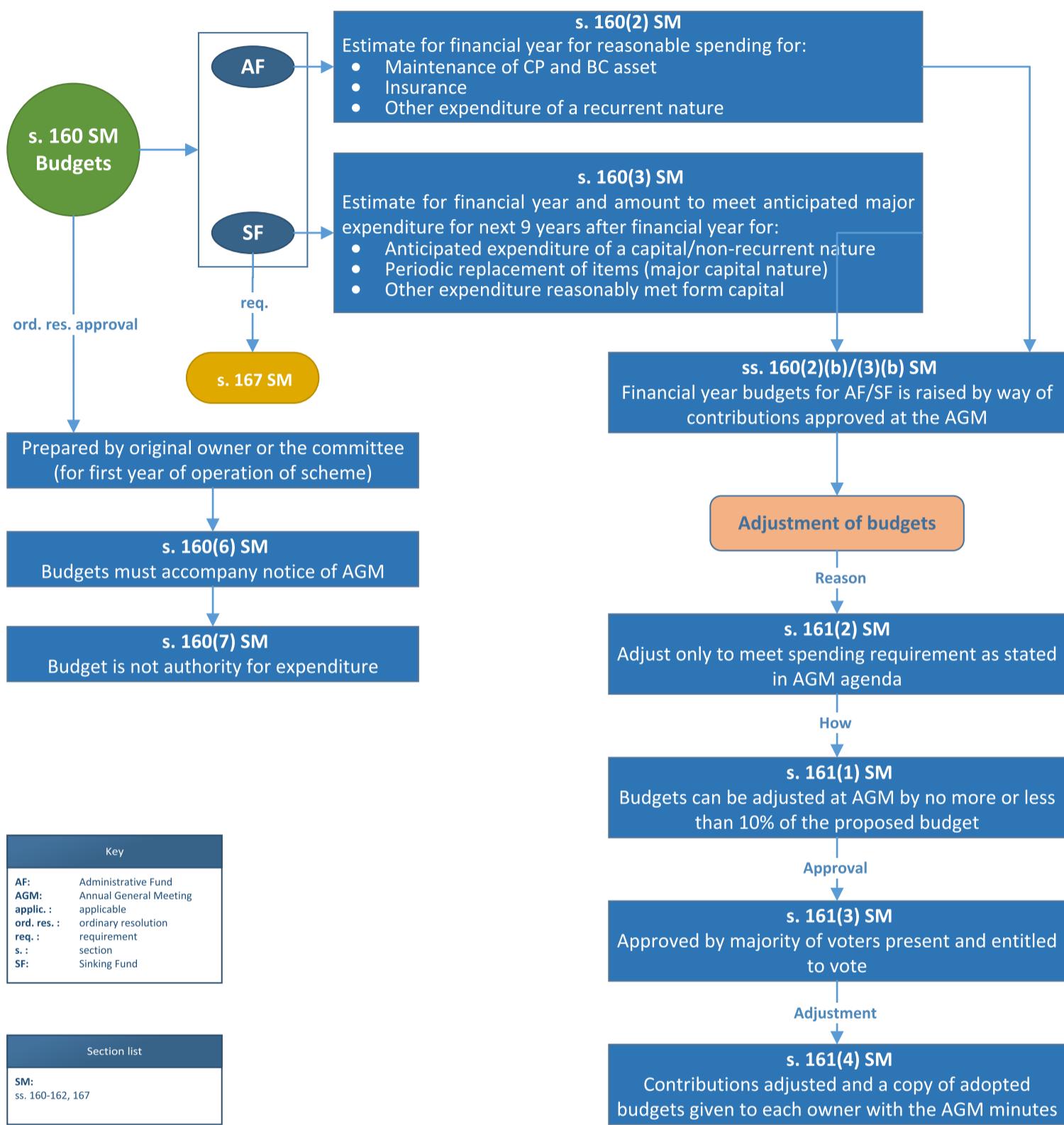
## Flowchart No 8.2: Exclusive use by-laws



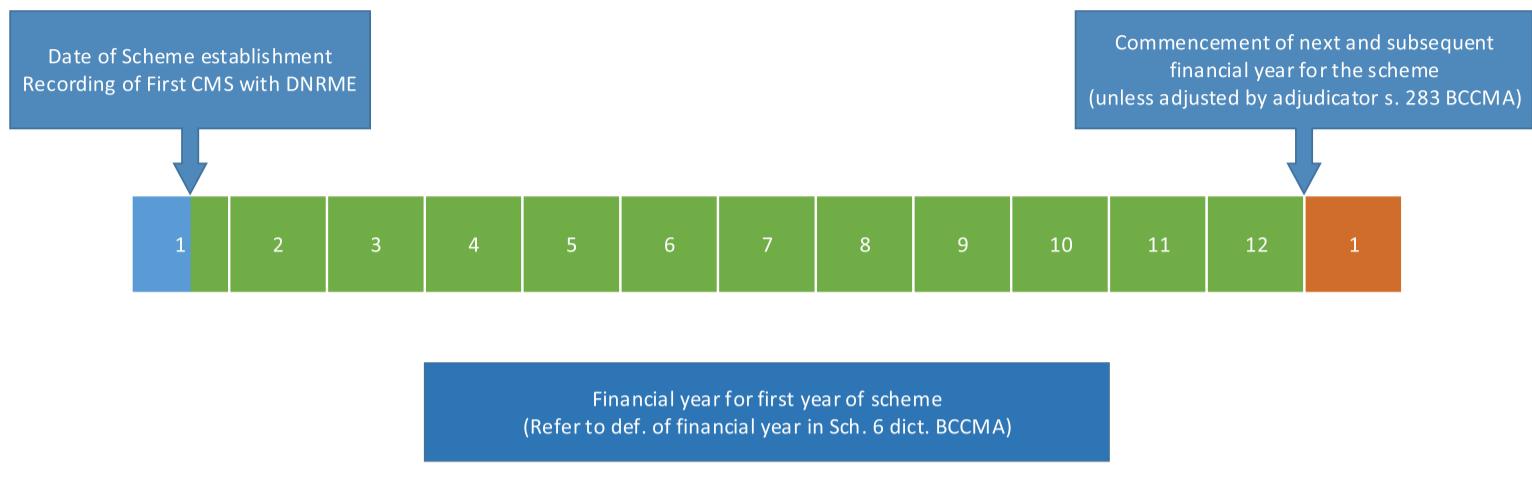
Flowchart No 8.3: By-law contravention



## Flowchart No 9.1: Budgets



## Flowchart No 9.2: Determining financial year start date for CTS



## Note

**Sch. 6 - Dictionary BCCMA**

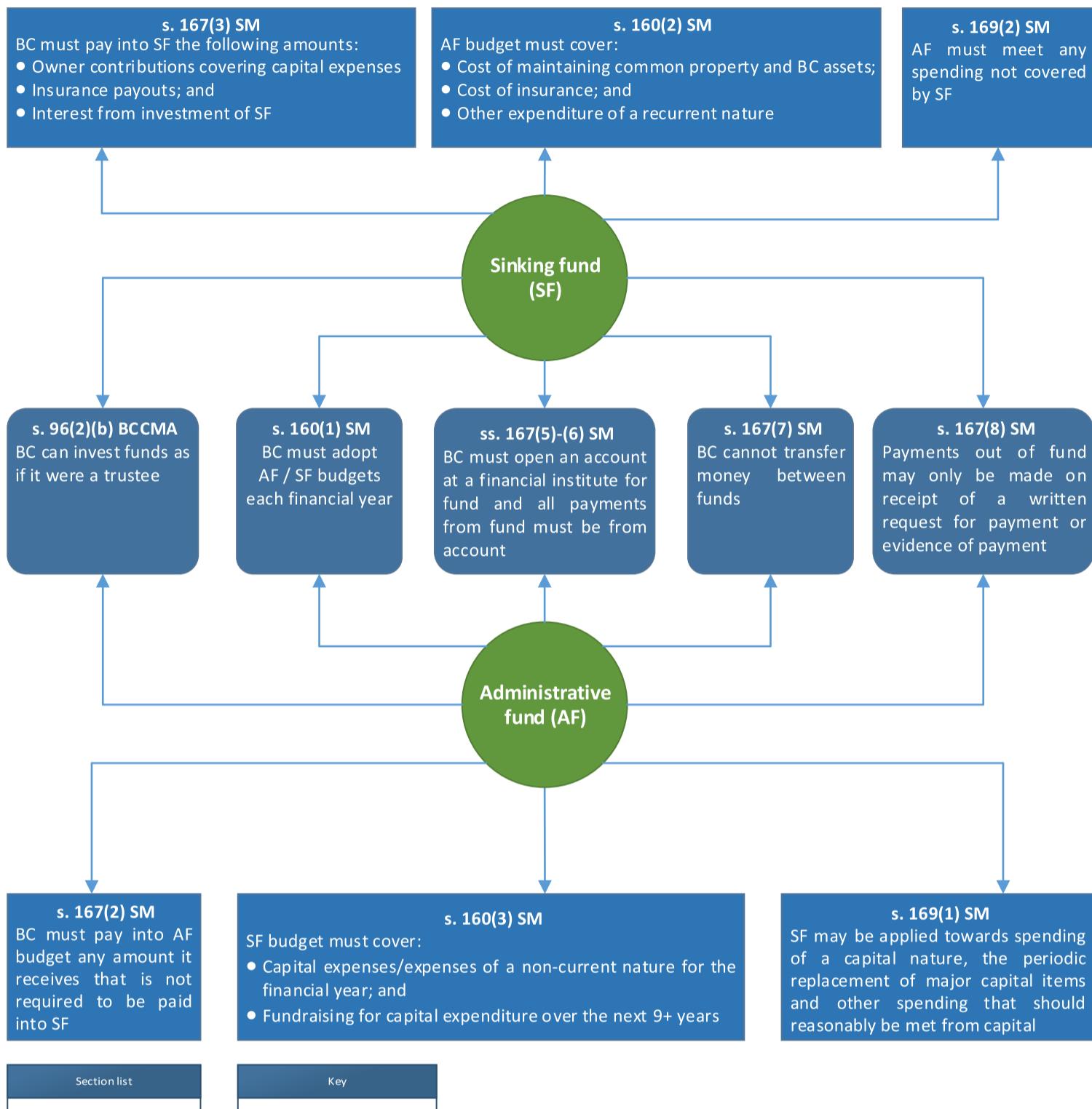
*Financial year, of the body corporate for a community titles scheme (other than a community titles scheme established for an existing 1980 Act plan under the transitional provisions), means—*

*(a) the period from the establishment of the scheme until the end of the month immediately before the month when the first anniversary of the establishment of the scheme falls, and each successive period of 1 year from the end of the first financial year; or*

*(b) if an adjudicator changes the financial year of the body corporate—the period fixed by the adjudicator as the financial year and each successive period of 1 year from the end of the period.*

Key	Section list
CMS:	Community Management Statement
DNRME:	Department of Natural Resources Mines and Energy
def.:	definition
dict.:	dictionary
s.:	section
Sch.:	Schedule
<b>BCCMA:</b>	Sch. Dict. 6, s. 283

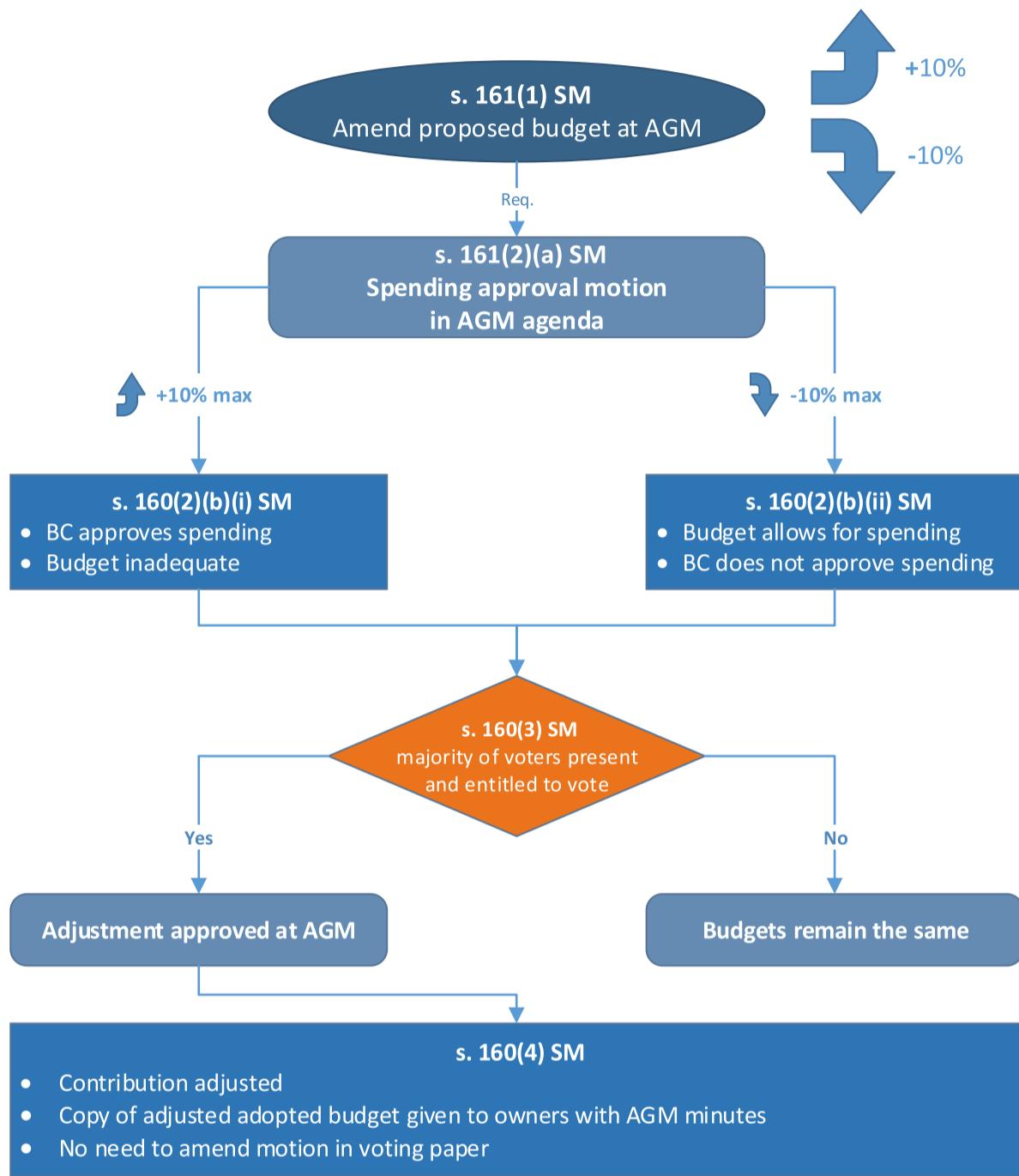
## Flowchart No 9.3: Administrative Fund and Sinking Fund



Section list
BCCMA S. 96(2)(b) SM: ss. 160(1)-(3), 167(2)-(8), 169(1)-(2)

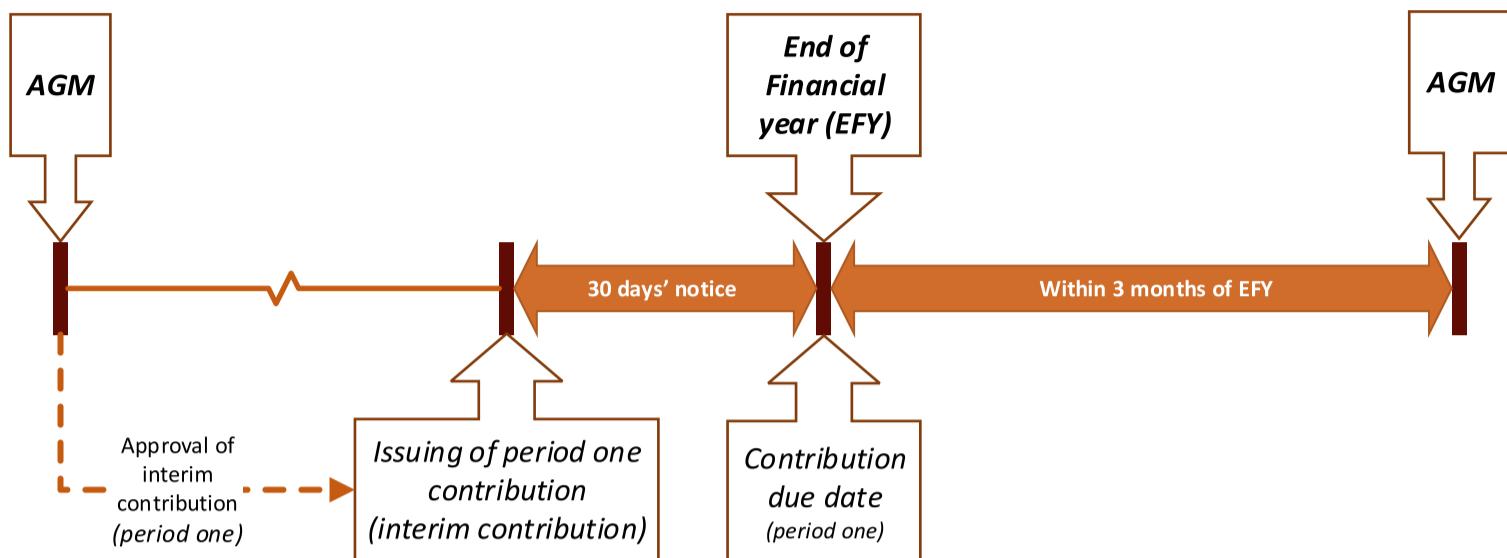
Key
AF: Administrative fund s. : section SF: Sinking fund

## Flowchart No 9.4: Adjusting proposed budgets at AGM

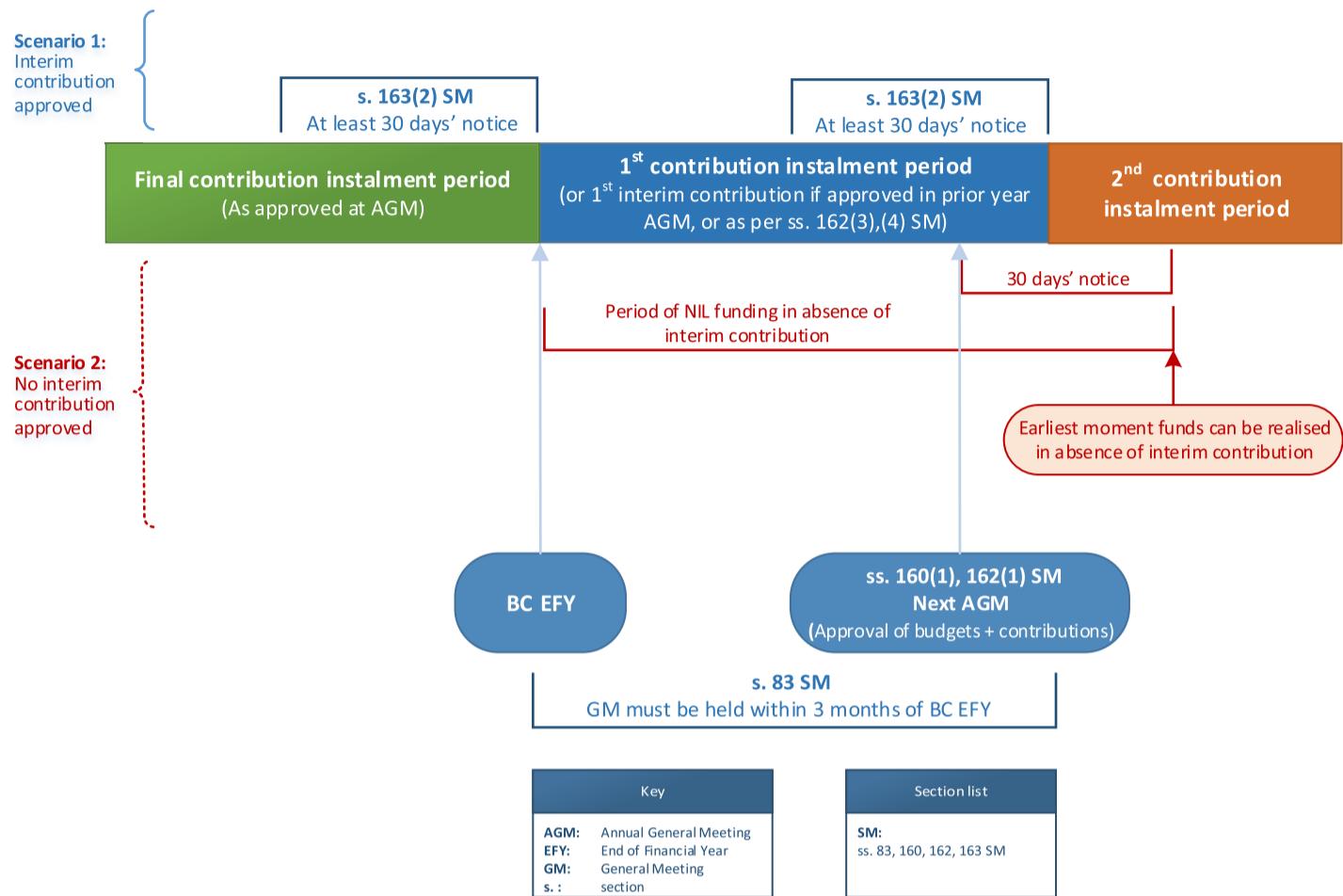


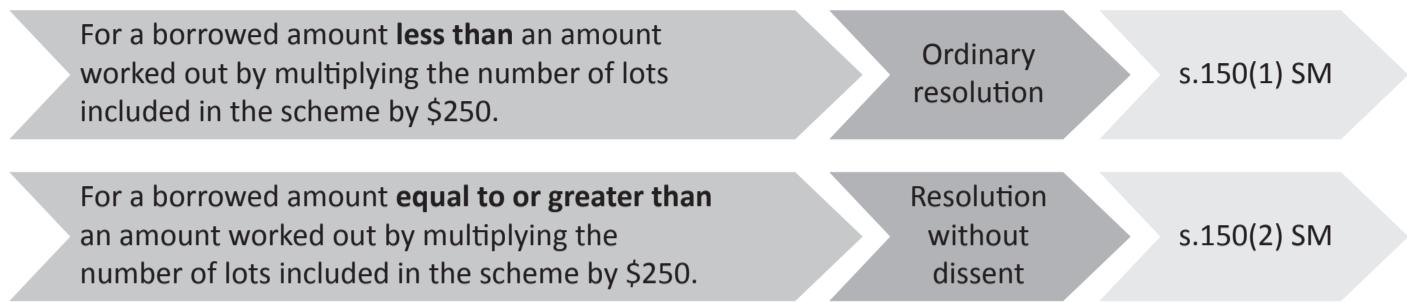
Section list	Key
SM: s. 160	AGM: Annual General Meeting req.: requirement s.: section

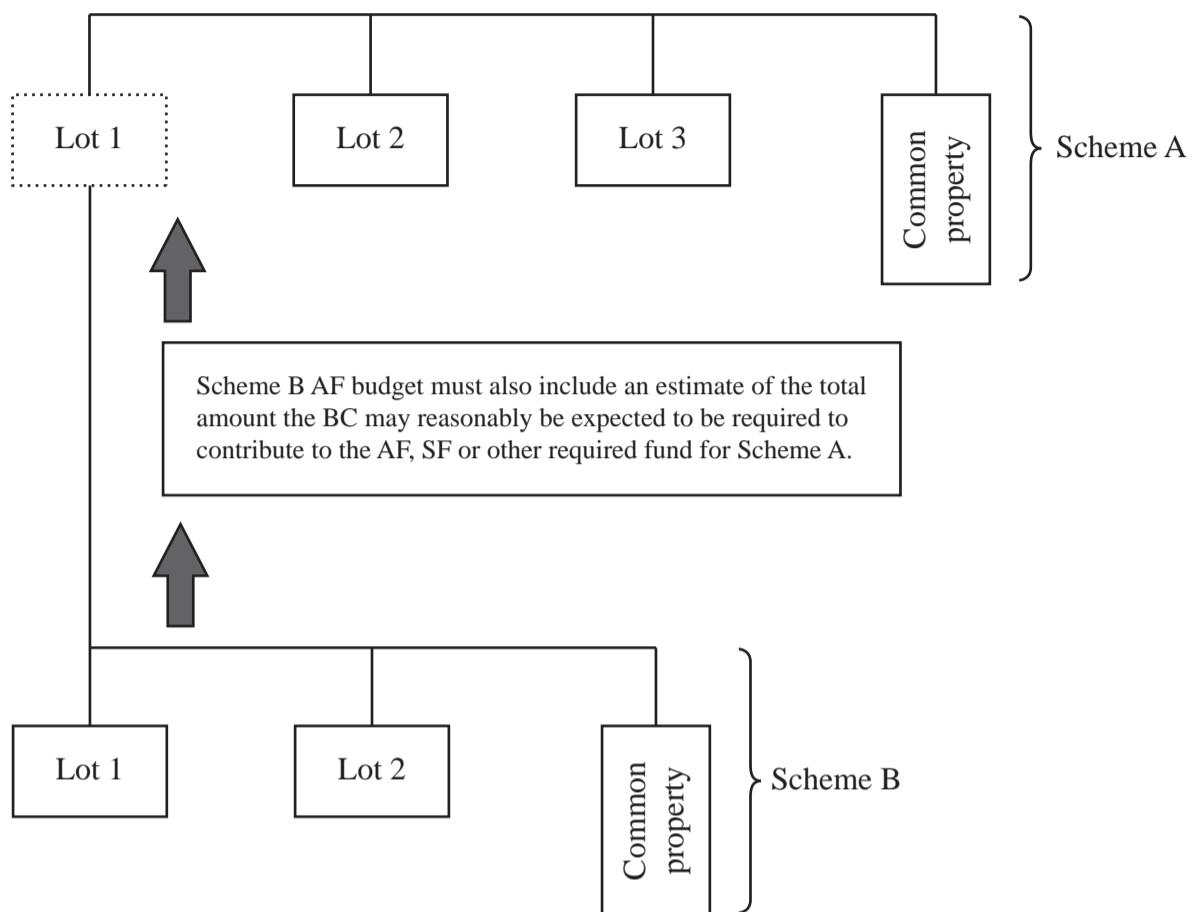
## Interim contributions

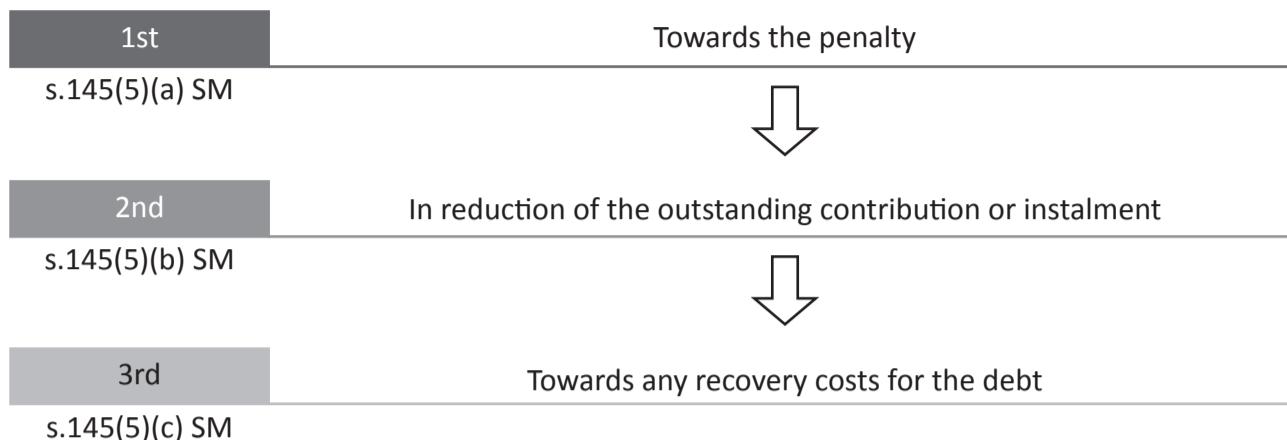


## Flowchart No 9.5: Rationale for interim contributions

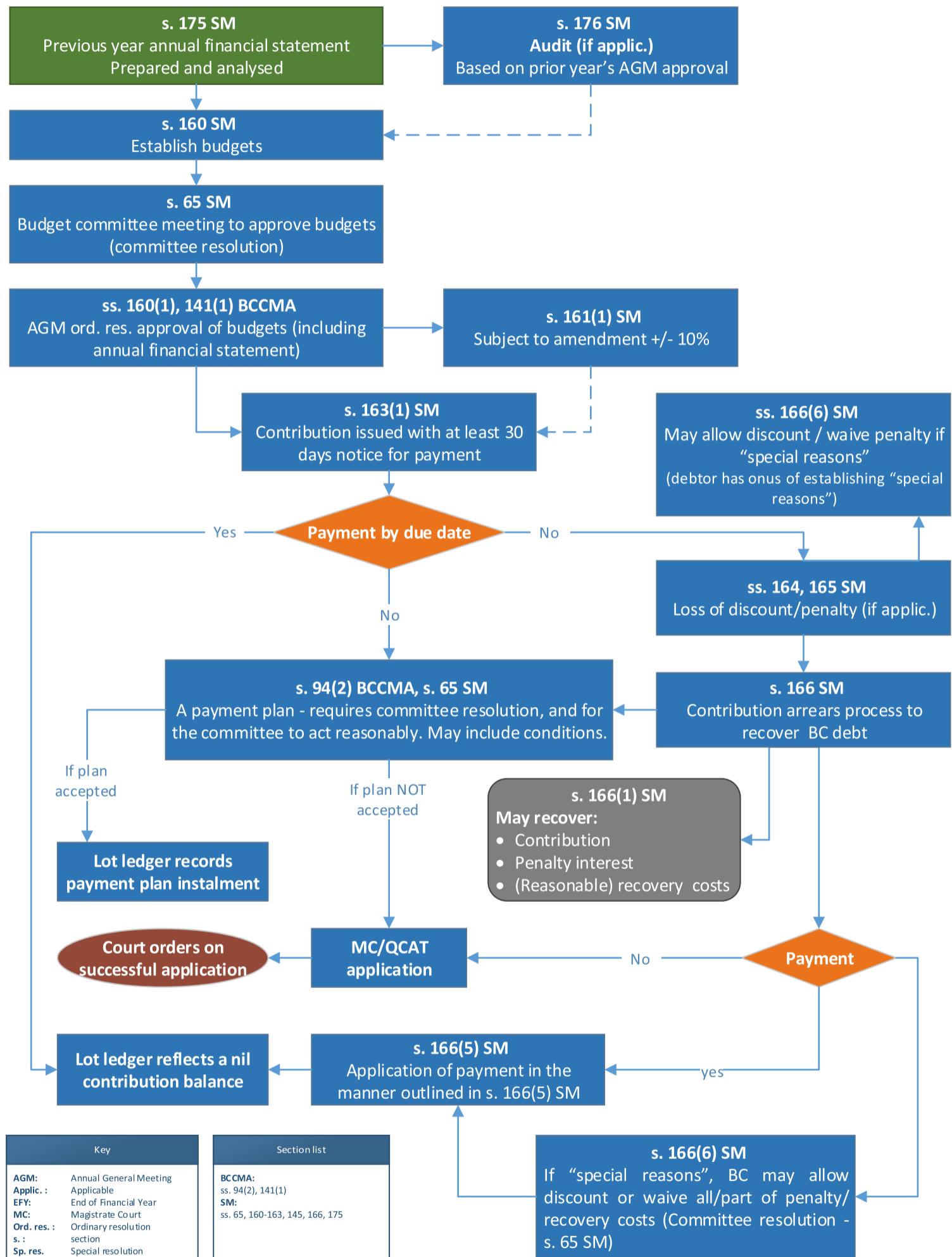


**Power to borrow**

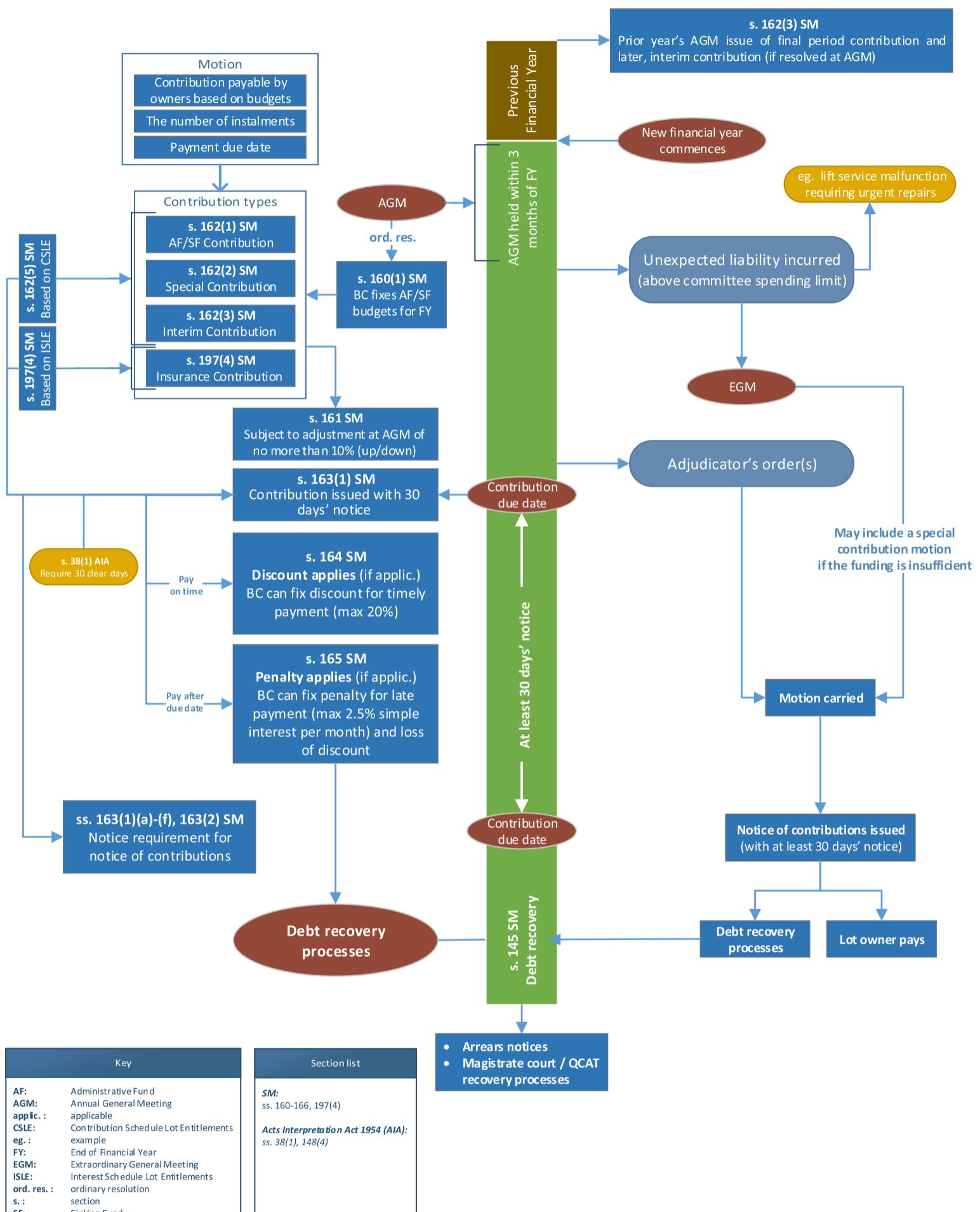
**Contributions in schemes with a layered arrangement**

**Priority of the application of payments made**

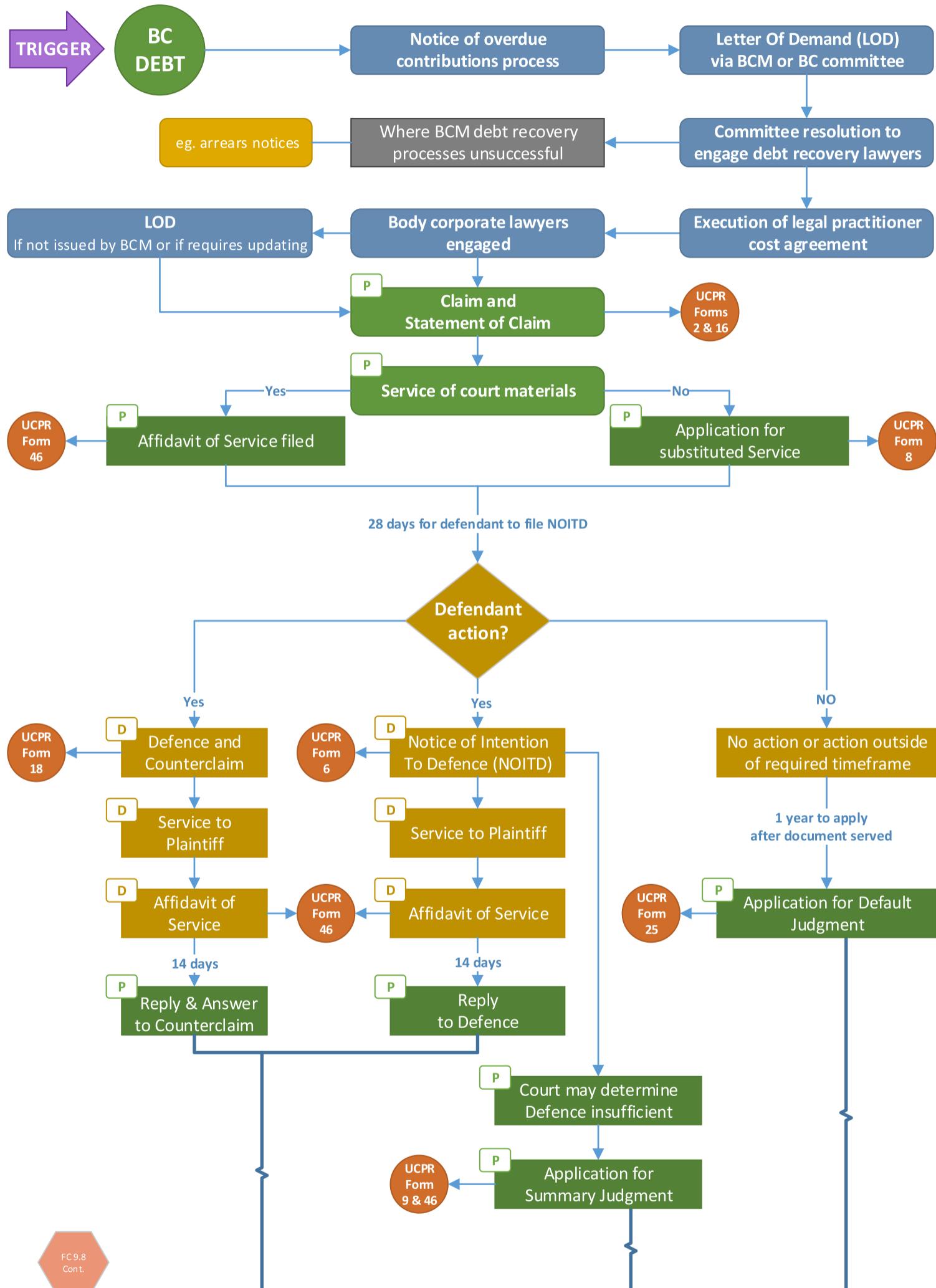
## Flowchart No 9.6: Relationship between budgets, contributions and debt recovery processes



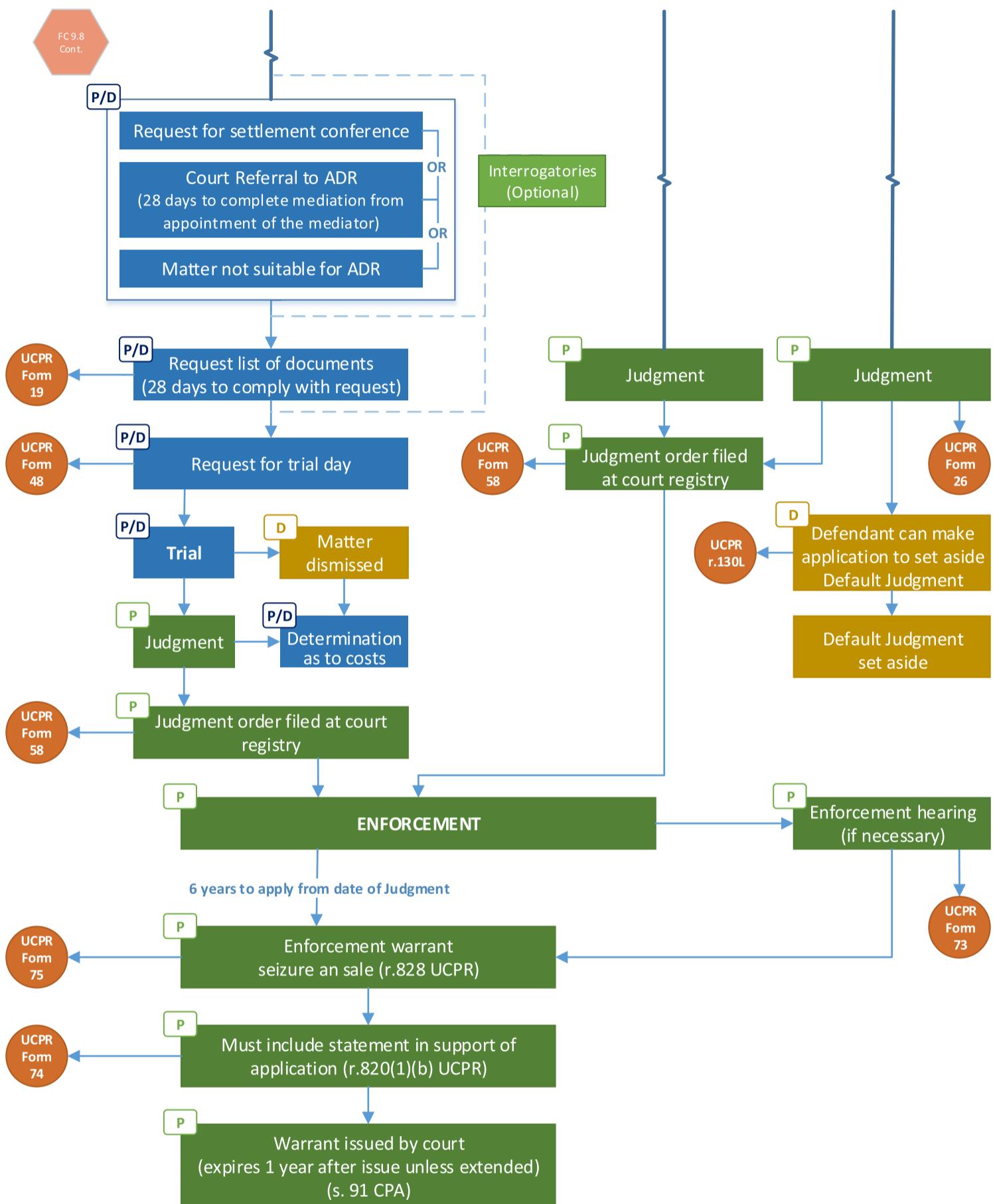
## Flowchart No 9.7: Contributions



## Flowchart No 9.8: Debt recovery



## Flowchart No 9.8: Debt recovery (Continued)



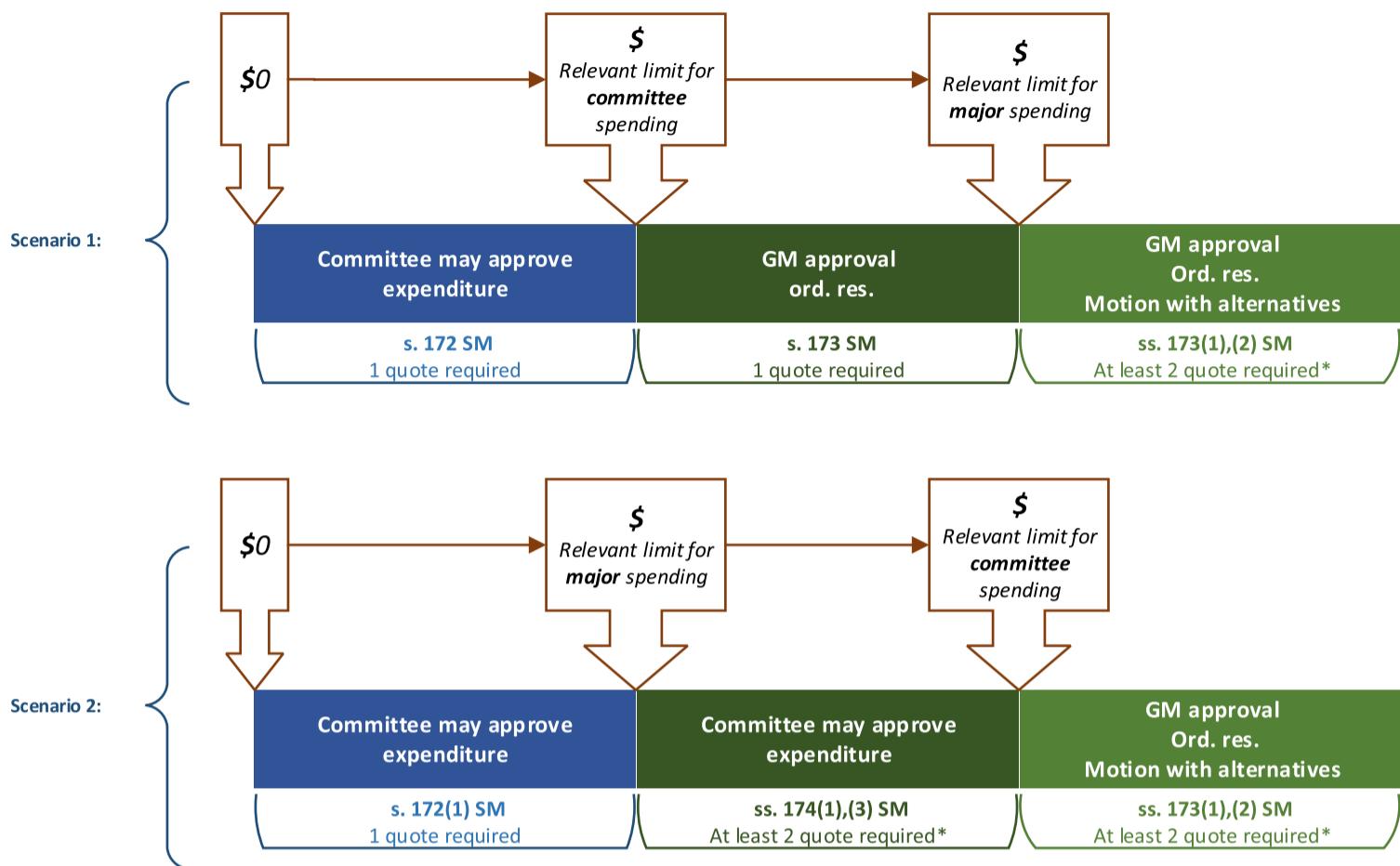
Form list
UCPR Forms: 2, 6, 8, 9, 16, 18, 19, 25, 26, 46, 48, 58, 73, 74, 75

Section list
<i>Uniform Civil Procedure Rules 1999 (UCPR):</i> rr. 130L, 820(1)(b), 828  <i>Civil Proceedings Act 2011 (CPA):</i> s. 91

Key	
ADR:	Alternative Dispute Resolution
BCM:	Body Corporate Manager
LOD:	Letter Of Demand
NOITD:	Notice of Intention To Defence
r.:	rule
s.:	section

Legend	
<span style="color: green;">P</span>	Plaintiff
<span style="color: orange;">D</span>	Defendant
<span style="color: green; border: 1px solid black; padding: 2px;">P/D</span>	Plaintiff / Defendant

## Flowchart No 9.9: Control of spending



## Note

**Scenario 1:** When the *relevant limit for major Spending* is more than the *relevant limit for committee Spending*

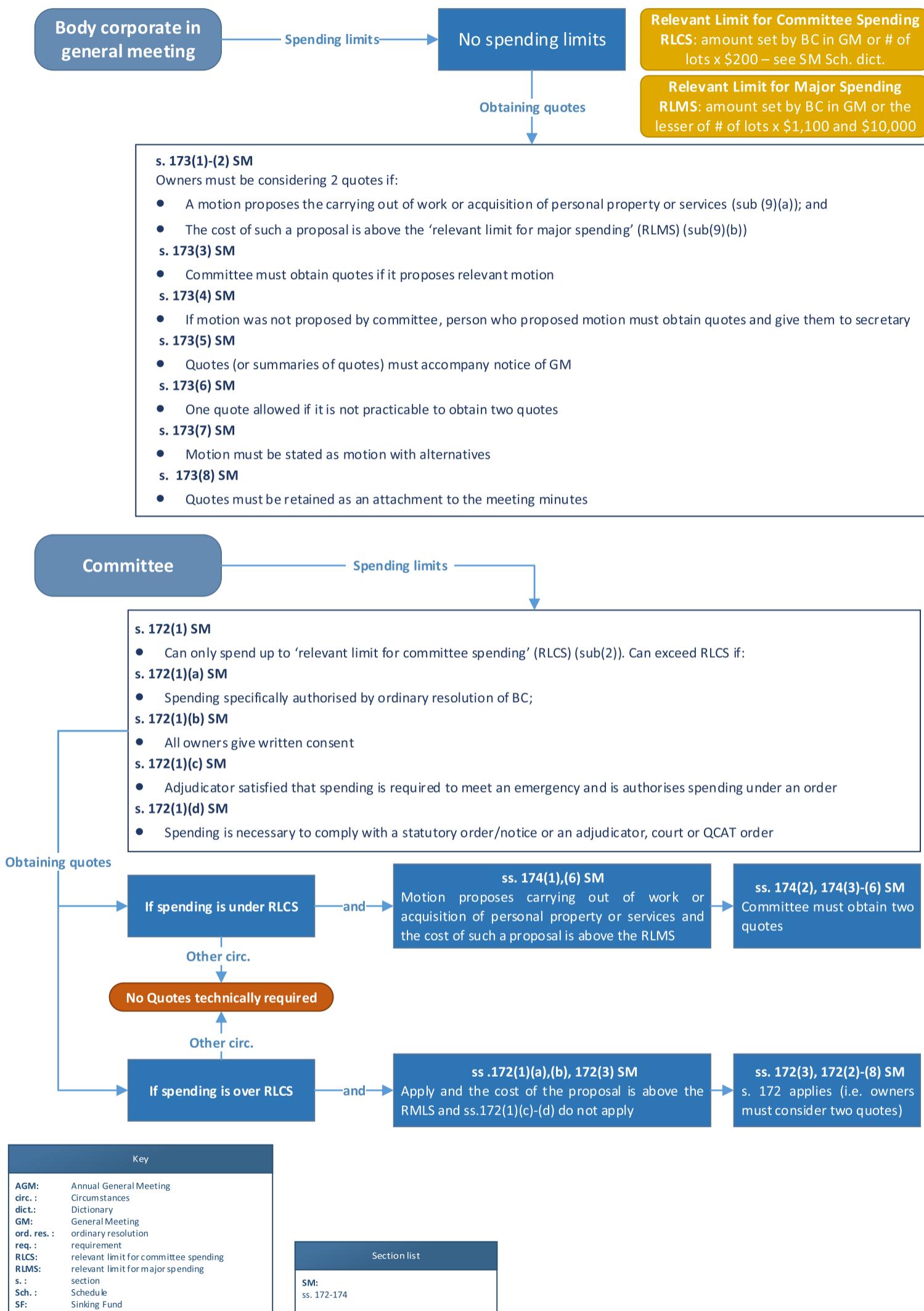
**Scenario 2:** When the *relevant limit for major Spending* is less than the *relevant limit for committee Spending*

\* **Required for at least 2 quotes is subject to s. 173(6) SM**

\* **Summaries may be provided if voluminous – but must advice on location to inspect full quote. s. 173(5) SM**

Section list	Key
SM: ss. 172-174 SM	GM: ord. res. : General Meeting s. : Ordinary Resolution section

## Flowchart No 9.10: Spending



## Body corporate for sample scheme CTS 12345

### 1. Tendering process:

- (i) Scope of works is developed and tendering materials prepared (usually by a qualified expert / project manager as engaged by the Body Corporate);
- (ii) Proposals obtained from contractors pursuant to tendering process as based upon a committee-agreed scope of works.



### 2. Preliminary preparations:

- (i) Finalise tendering process (alternative quotes are obtained where expenditure is above the "Relevant Limit for Major Spending" (See Schedule (Dictionary) for definition);
- (ii) Continue liaison with all stakeholders;
- (iii) Where Sinking Fund monies are insufficient to meet the cost of the works or a special levy is not to be entertained, obtain preliminary approval from financier for strata loan funding.



### 3. Formal Committee Resolution or VOC:

To approve the calling of an EGM for the purpose of approving:

- (i) Expenditure associated with the major works project (Tender proposals are placed as "same issues motions" on the EGM voting paper with a committee explanatory note – SPECIAL RESOLUTION (per ss.186(1)(c) and (5) SM – note where the expenditure will exceed the Ordinary Resolution Improvement Range, being \$2,000 x No. of lots);  
*[NOTE: A 10% contingency may be recommended and built into the overall cost of the project to all for latent defects and "make-good" following completion of the project implementation.]*
- (ii) Special contribution for the entire cost of the project (Sinking Fund) – ORDINARY RESOLUTION (per s.162(2) SM);
- (iii) Loan funding from a financier (if applicable) to meet the costs of the project in the event that the special levy motion is not carried or funding arising from the carried special levy are not realised in time for payment of the project -RESOLUTION WITHOUT DISSENT (per s.171 SM).



### Body corporate for sample scheme CTS 12345 (Continued)

#### 4. EGM Notice issued:

- (i) EGM Notice is drafted inclusive of required motions, explanatory note(s), annexed materials (contracts etc) and other required materials;
- (ii) EGM Notice approved for despatch by the committee;
- (iii) Notice is despatched to all lot owners with 21 days notice.



#### 5. Actions at/post EGM:

- (i) EGM Motions are passed and special contribution is issued with a minimum of 30 days notice to all lot owners;
- (ii) Works contract is prepared by the successful contractor;
- (iii) Stakeholders continue to meet/liaise in the lead-up to the commencement of works.



#### 6. Execution of Contracts / Issuing Work Order:

- (i) Once the preferred contractor's contract is approved by the committee, the contract is executed by the Body Corporate via authorised Committee members;
- (ii) A Works Schedule is provided and required materials ordered by the Contractor;
- (iii) Works commence.



#### 7. Completion of works:

- (i) A Project Manager (if engaged) will sign off on the works;
- (ii) Works are completed;
- (iii) Inspection by facilities manager / project manager and other relevant consultants;
- (iv) Contractor is paid for the final works;
- (v) Retention amount is retained pending retention period (if applicable) and then released when retention period ends and no rectification works required;
- (vi) Other certification and sign-offs as required by legislation (if applicable).

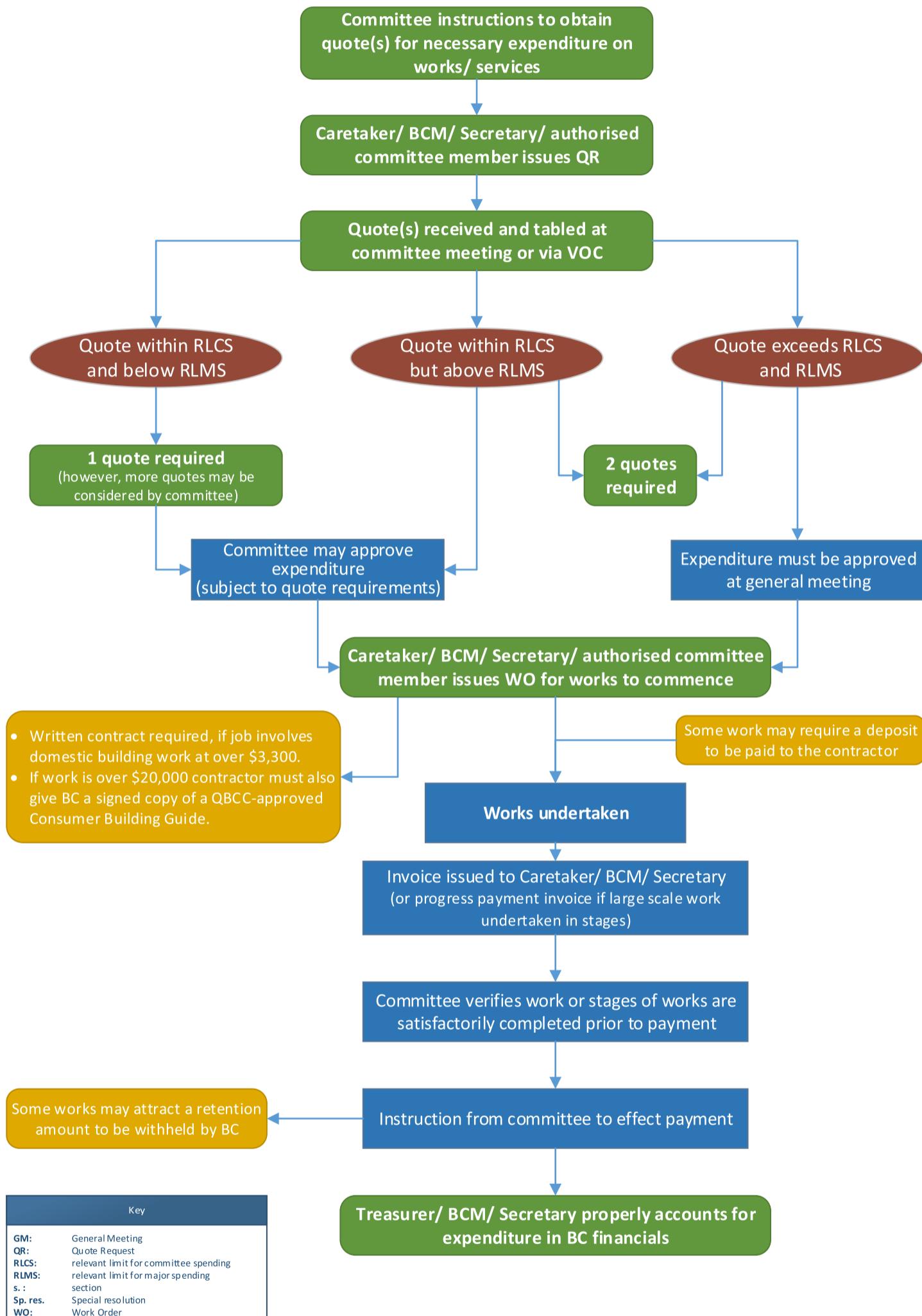


#### 8. Calculating Special Levy for each Lot:

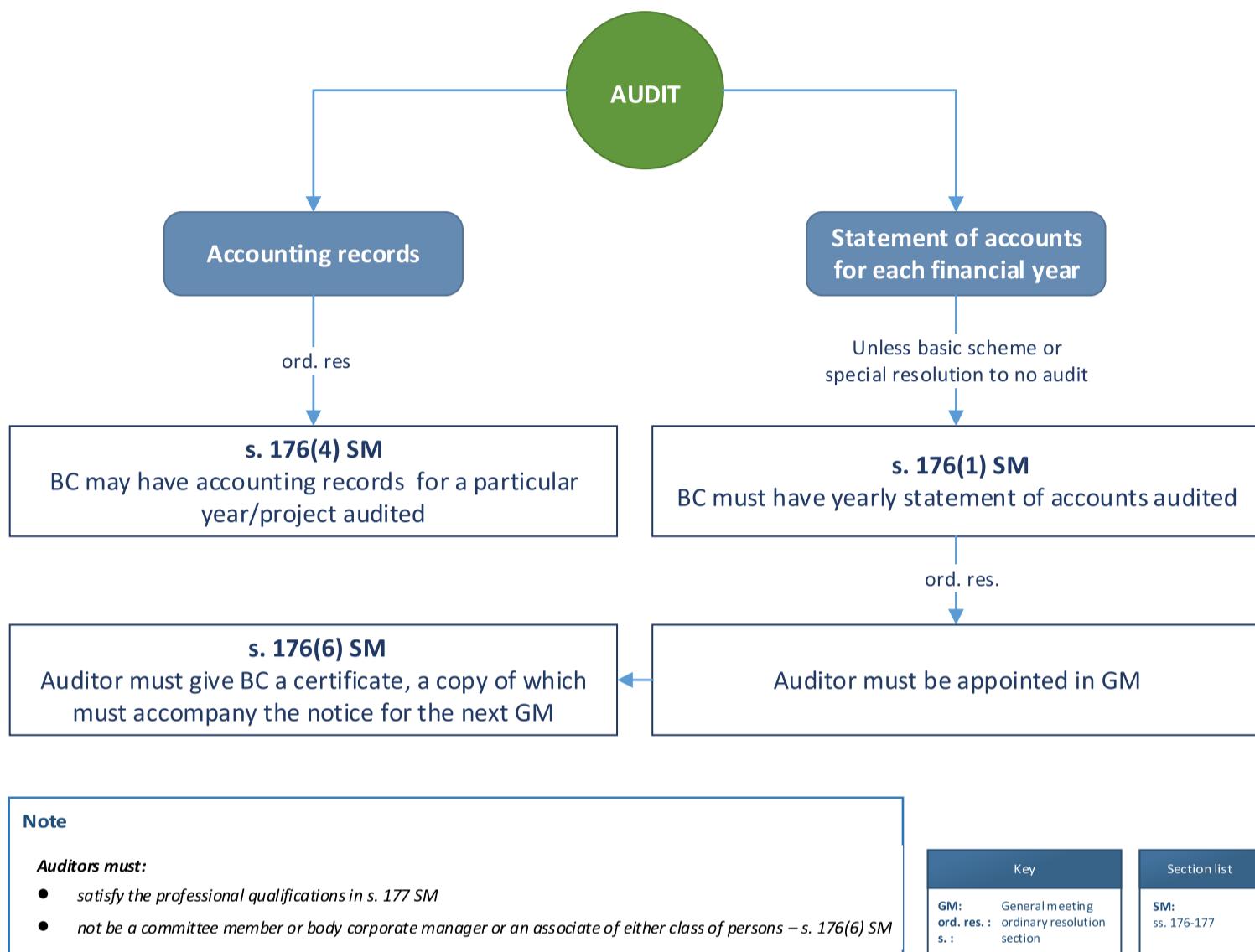
Total amount payable = (Total rate per lot entitlement) x (total lot entitlements for the Lot)

(Refer to Contributions Schedule Lot Entitlement table for the scheme)

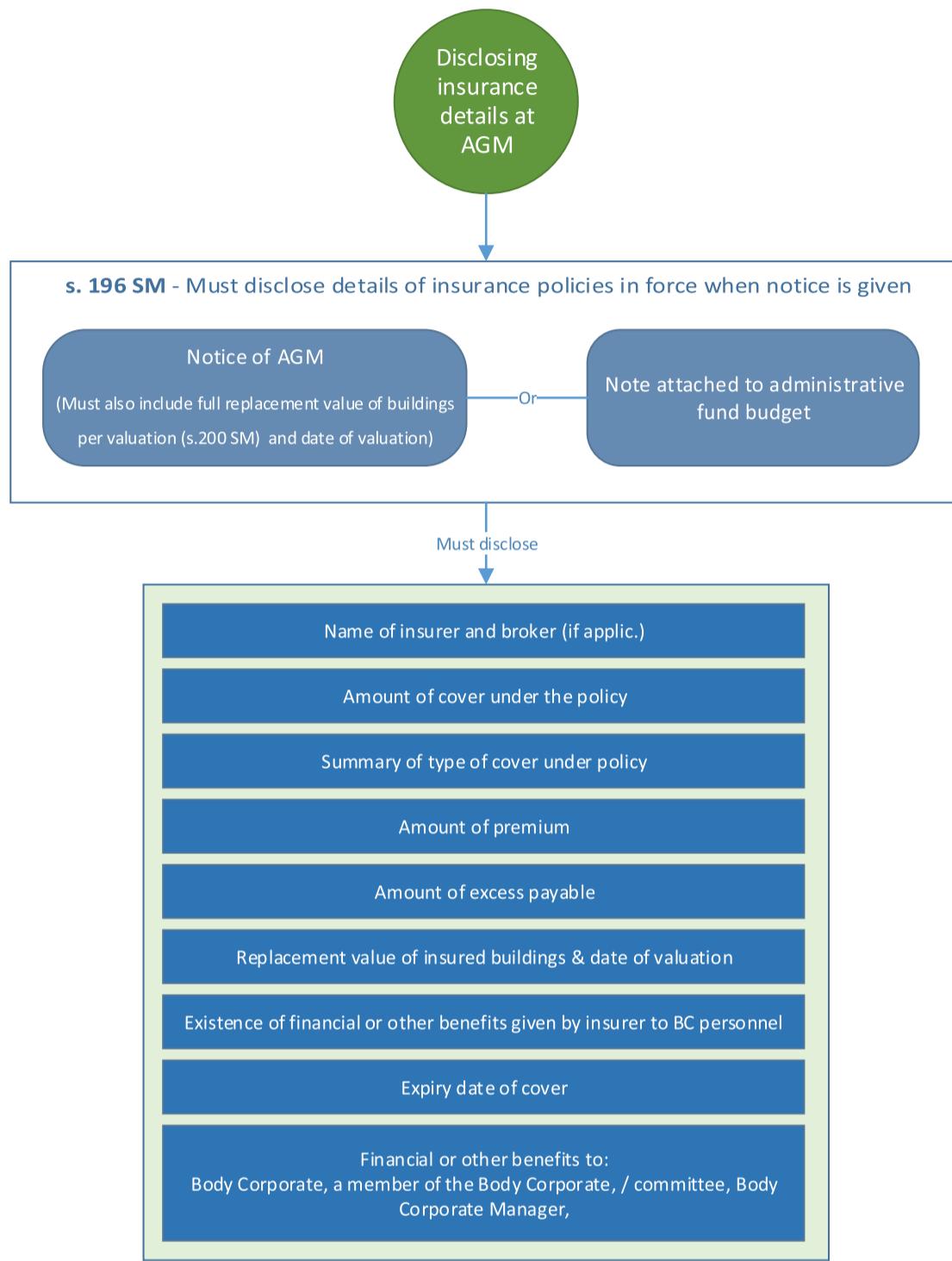
## Flowchart No 9.11: Quote request and Work Order processes



## Flowchart No 9.12: Auditing

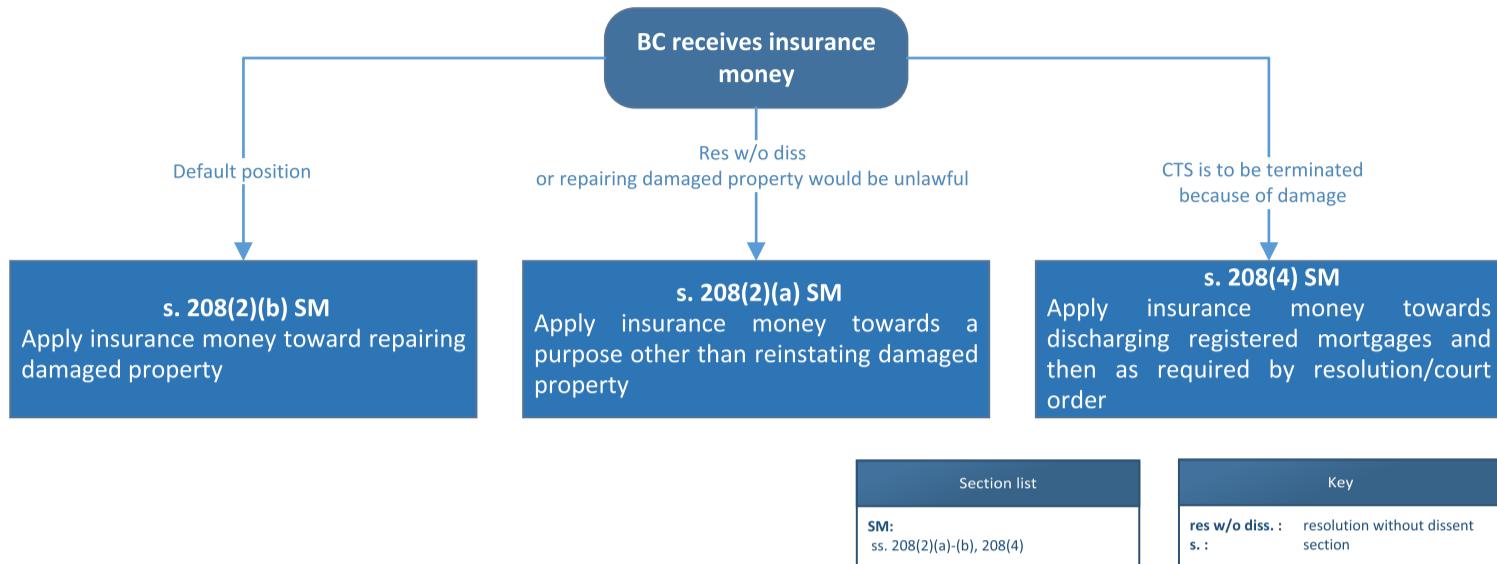


## Flowchart No 10.1: Disclosing insurance details at an AGM

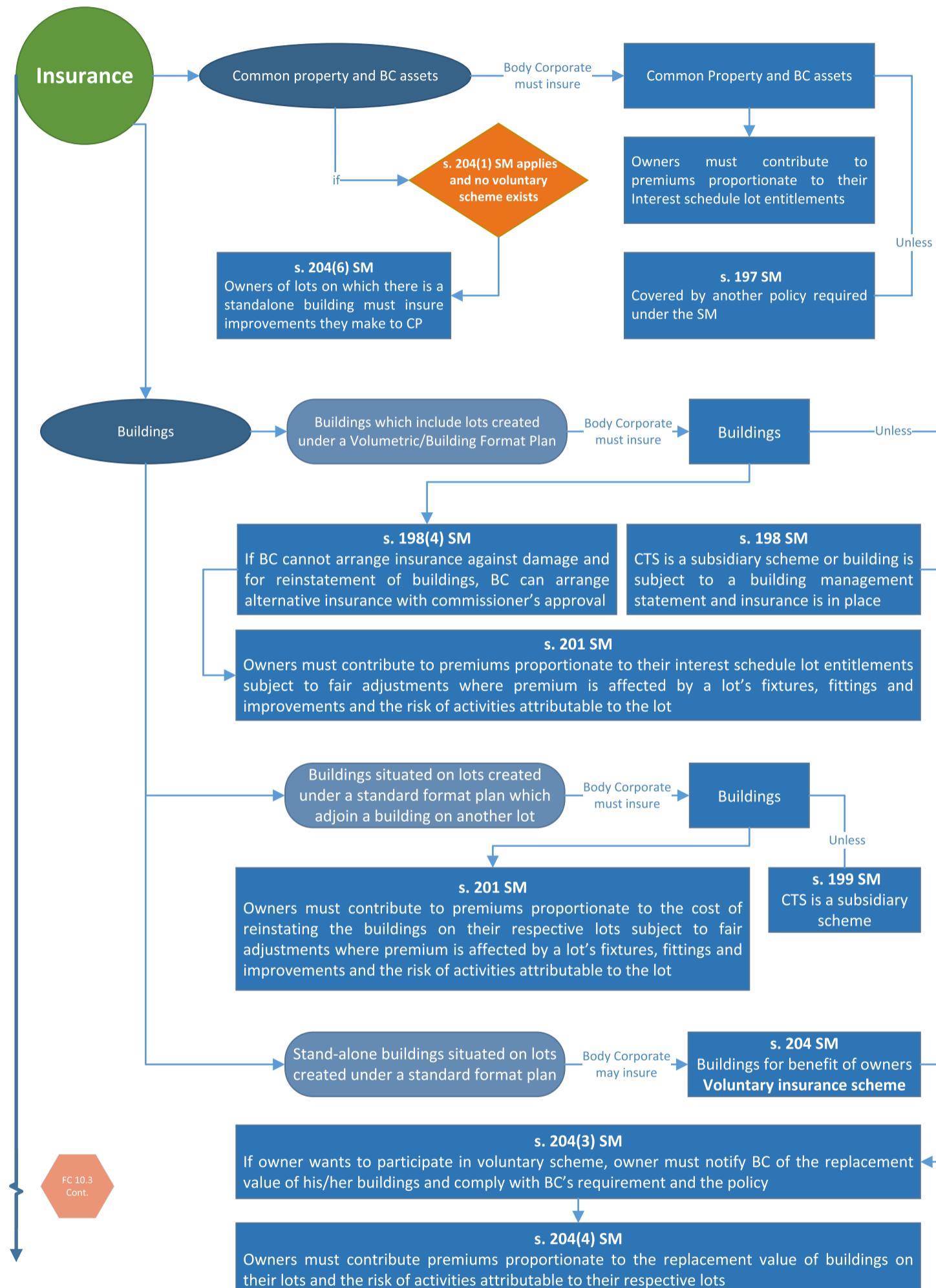


Key	
AGM: s. :	Annual General Meeting section

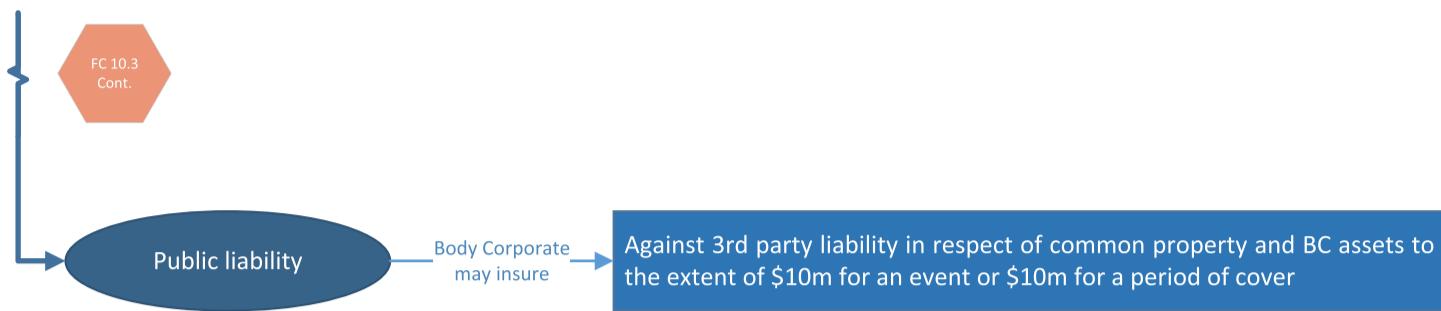
Section list	
SM:	S. 196, 200

**Flowchart No 10.2: Use of insurance money not paid under voluntary insurance scheme**


## Flowchart No 10.3: Insurance



## Flowchart No 10.3: Insurance (Continued)

**(ss. 197(3), 198(3), 199(3), 204(7) SM)**

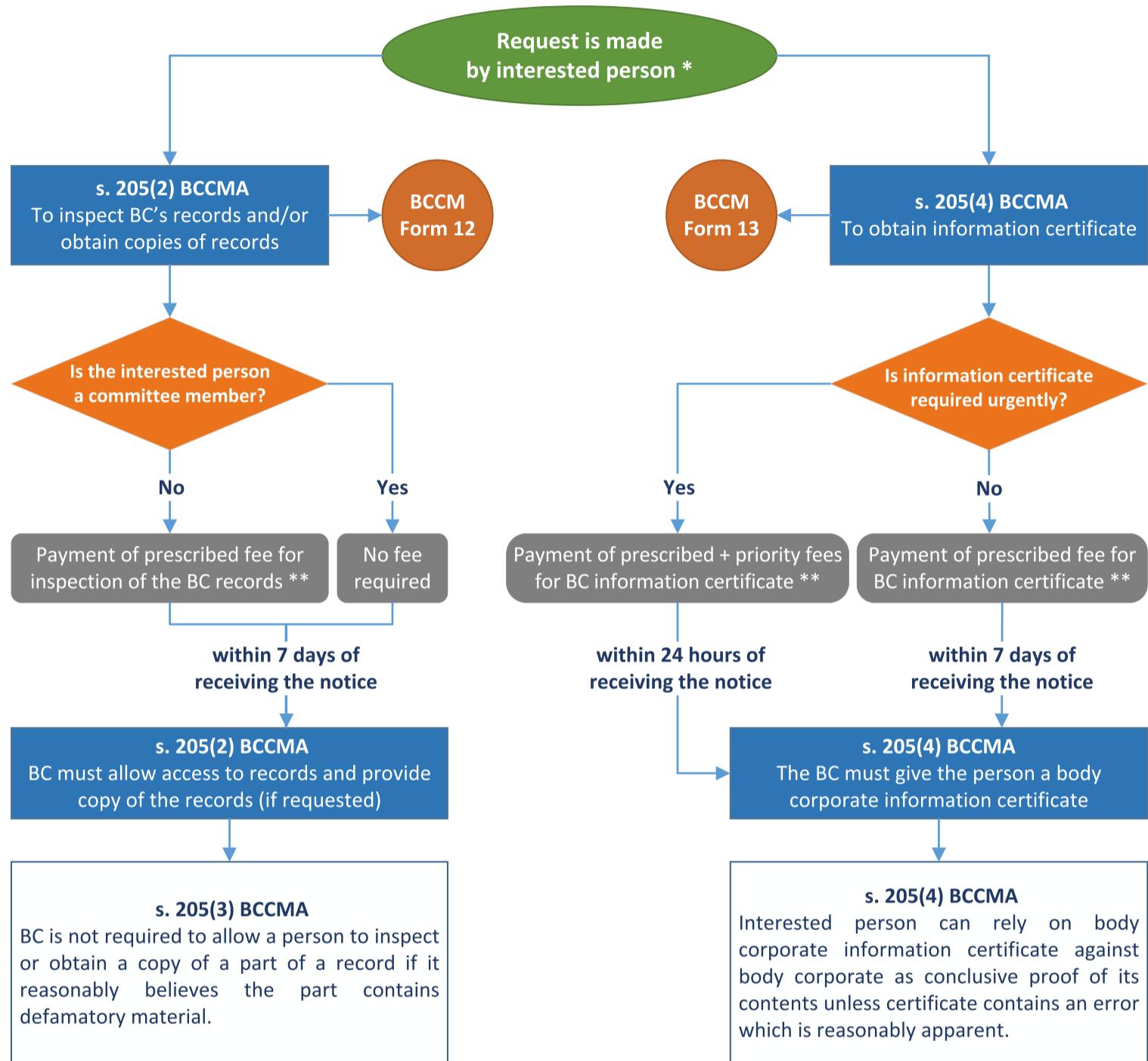
All reinstatement insurance policies that the BC is required to take out must cover, to the greatest practicable extent, damage (def. : s. 195 SM) and costs incidental to reinstate insured buildings and provide for such buildings' reinstatement

**Miscellaneous**

- BC must disclose details of insurance in place at each AGM  
**(s. 196 SM)**
- BC must obtain valuations of insured buildings every 5 years  
**(s. 200 SM)**
- BC can take out a policy which involves an excess  
**(s. 203 SM)**
- BC can arrange a single policy of insurance which combines a voluntary scheme and another policy required under the SM  
**(s. 205 SM)**
- Owners must notify BC if the use of a lot is likely to cause an increase in premiums  
**(s. 208 SM)**
- BC must apply to reinstating damaged buildings unless BC unanimously agrees to pay amount toward another purpose  
**(s. 208 SM)**
- BC must give insurance payouts under a voluntary scheme to owners of damaged property to which payout relates  
**(s. 209 SM)**

Key	Section list
AGM: cont. : CP: def. : FC:	Annual General Meeting continues Common Property definition Flowchart  <b>SM:</b> ss. 195, 196, 197, 197(3), 198, 198(3)-(4), 199, 199(3), 200, 201, 203, 204, 204(1), 204(3)-(4), 204(6)-(7), 205, 208, 209

## Flowchart No 11.1: Access to body corporate records and request for information



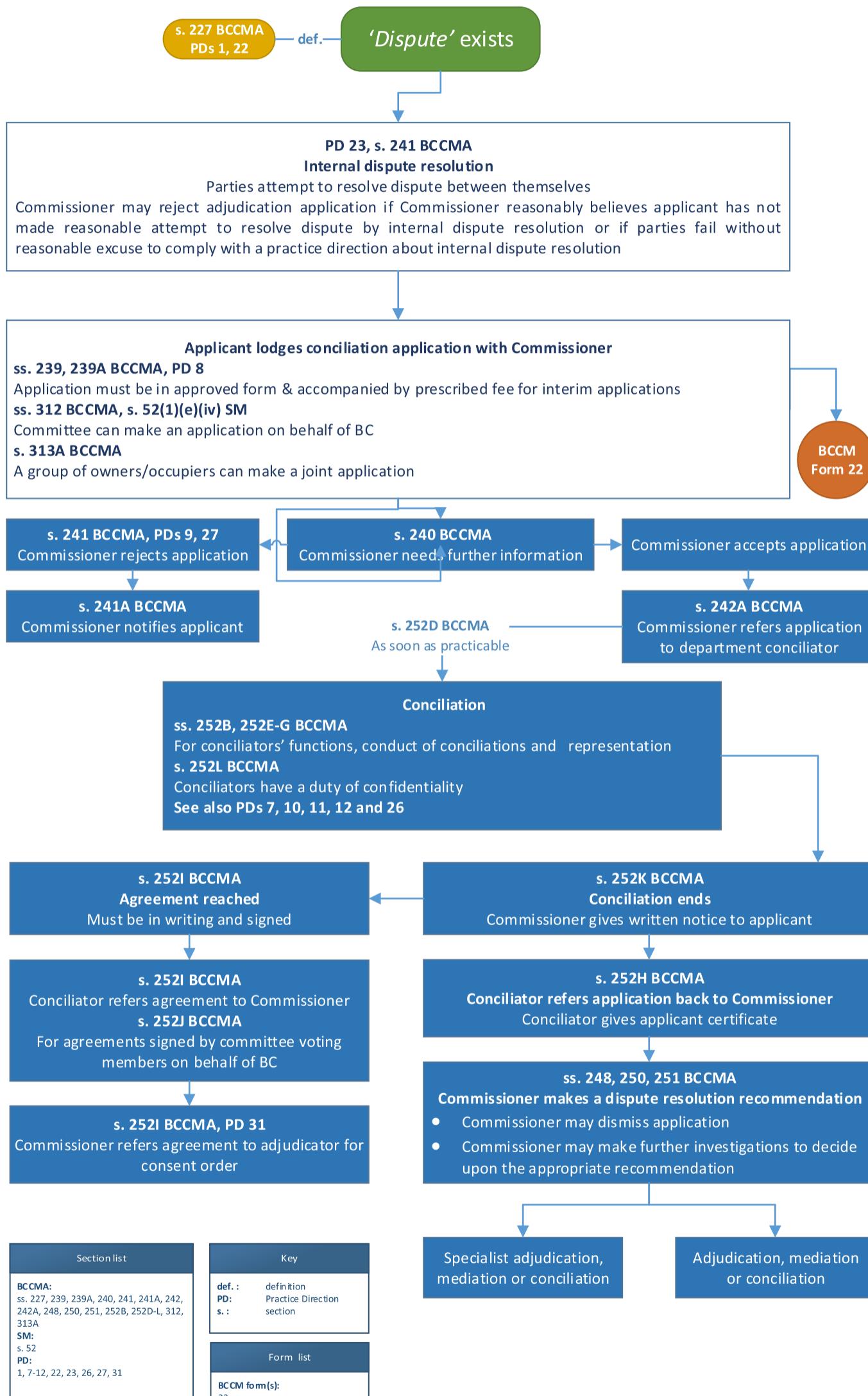
## \* Interested persons

## s. 205(4) BCCMA

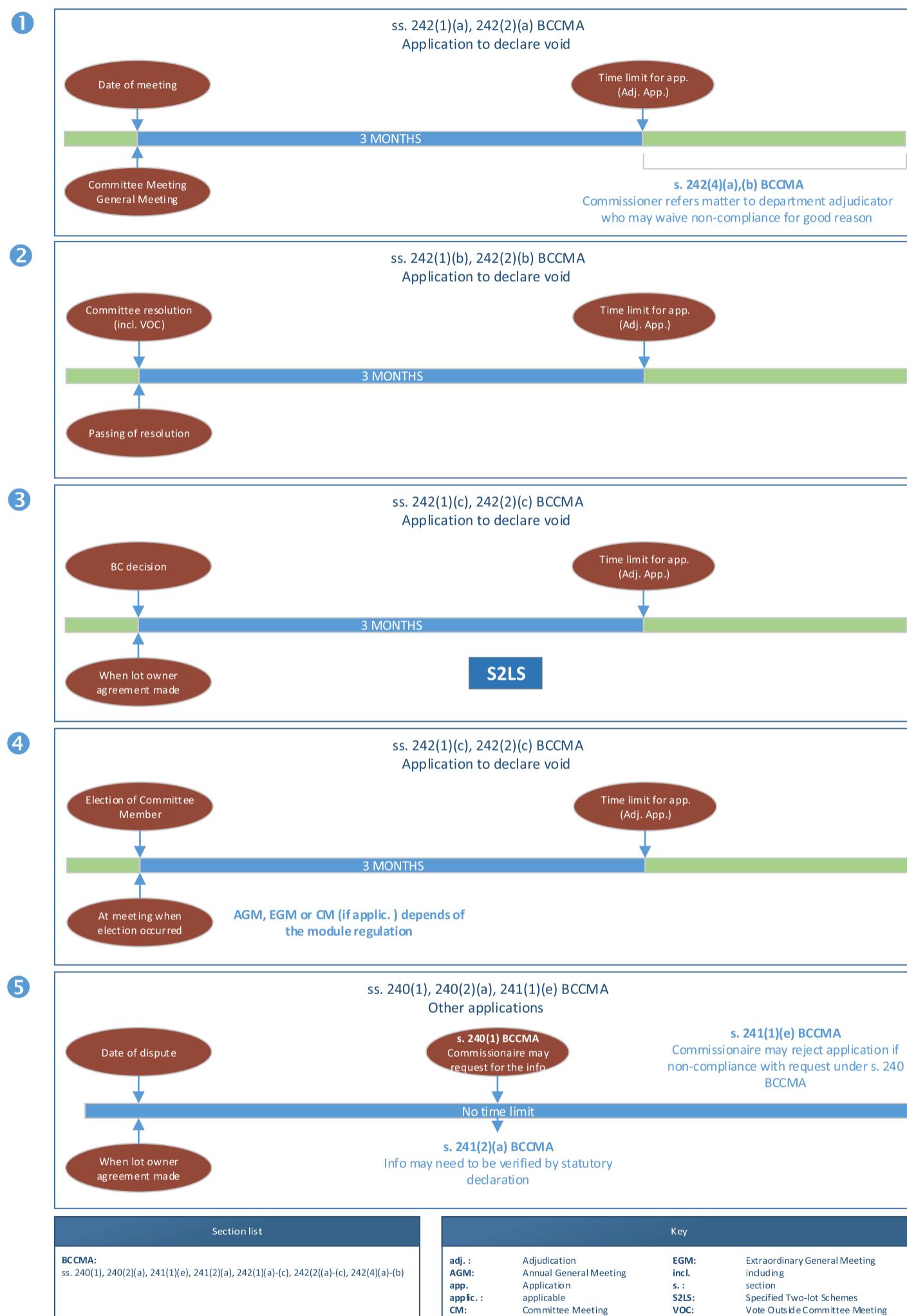
- Owner or mortgagee of a lot;
- Buyer of a lot;
- Person who BC is satisfied has a proper interest in information sought; or
- Agent of the above.

Key	Form list	Sections list
BC: body corporate s.: section	BCCM forms: 12, 13	BCCMA: s. 205

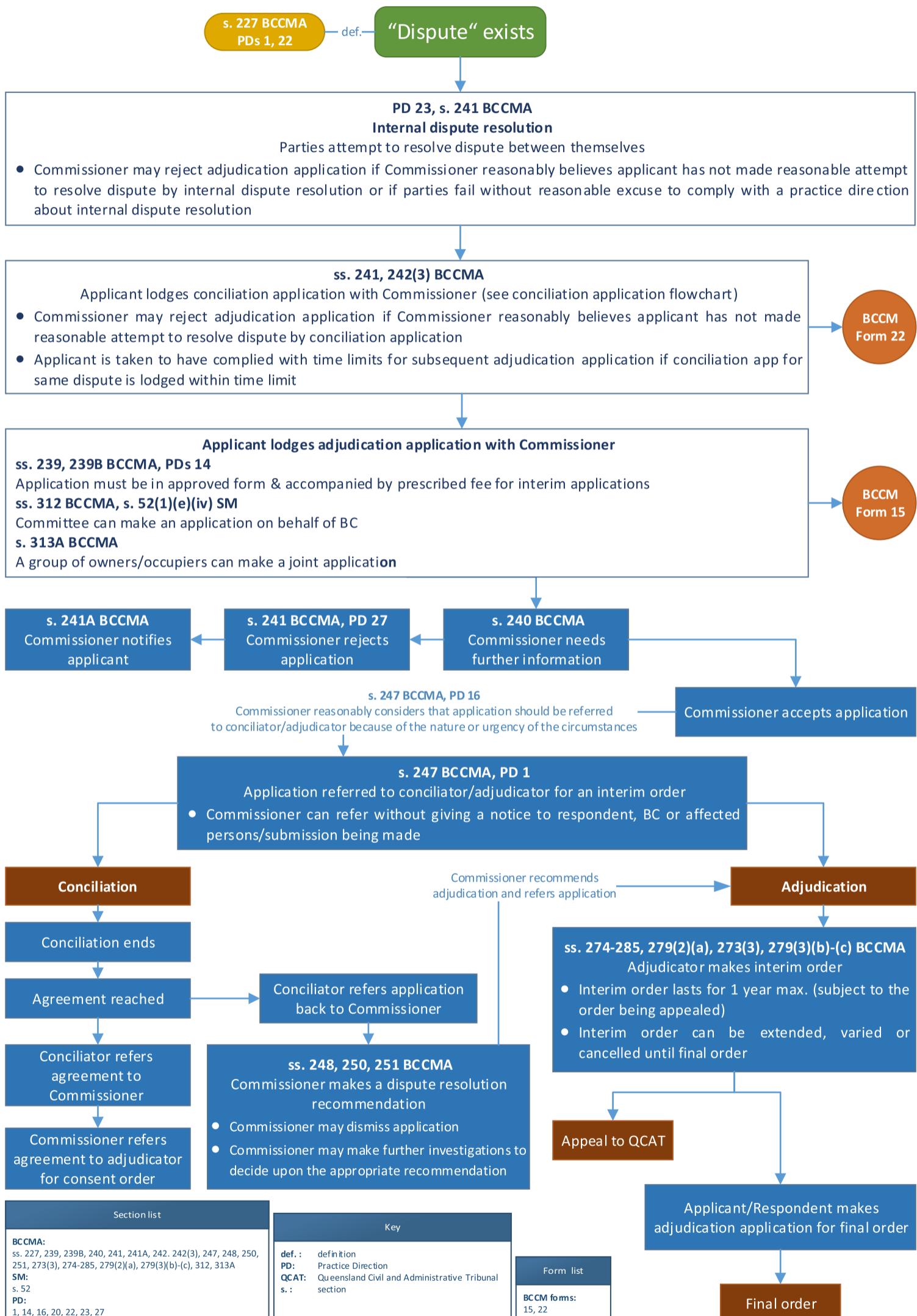
## Flowchart No 12.1: Conciliation



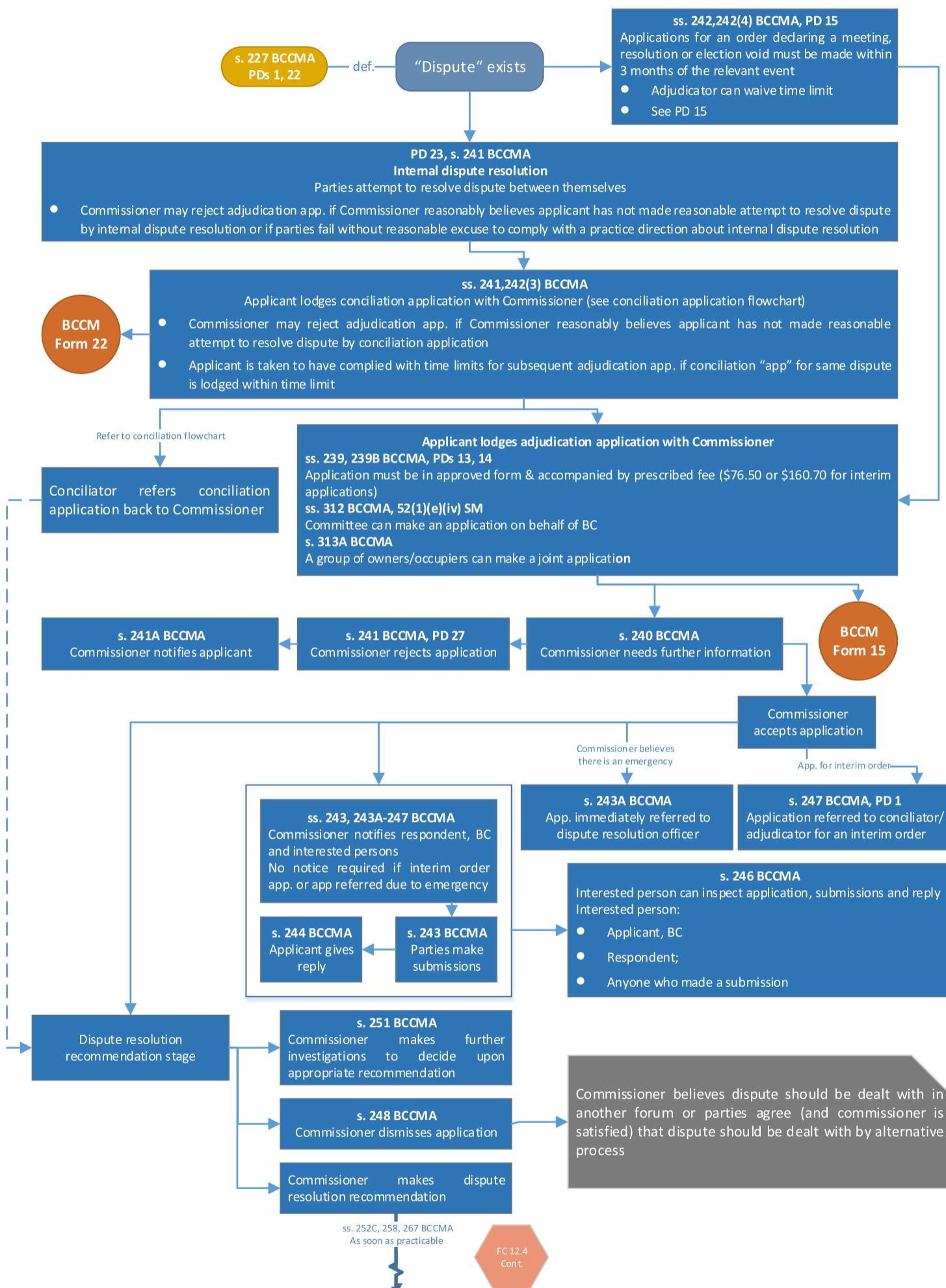
## Flowchart No 12.2: Adjudication time limit



## Flowchart No 12.3: Applying for an interim order



## Flowchart No 12.4: Adjudication



## Flowchart No 12.4: Adjudication (Continued)

