



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

This reference guide supplements the *Body Corporate Law in QLD – Practice and Procedure* book. The reference guide allows you to navigate to diagrams and flowcharts of particular interest and zoom in on them, as required.

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.

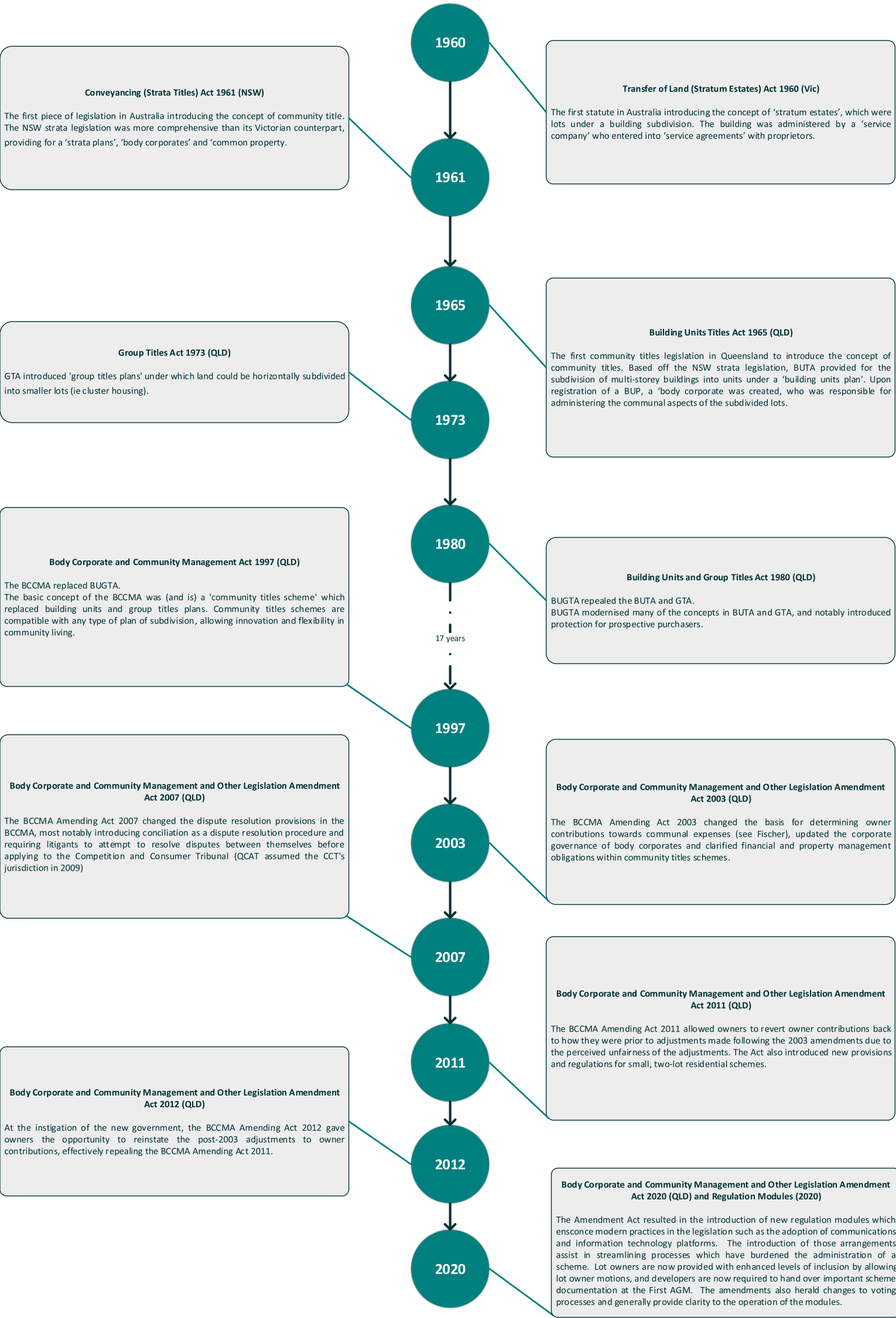
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Numbered paragraph (ie, ¶2-004) where the flowchart appears.

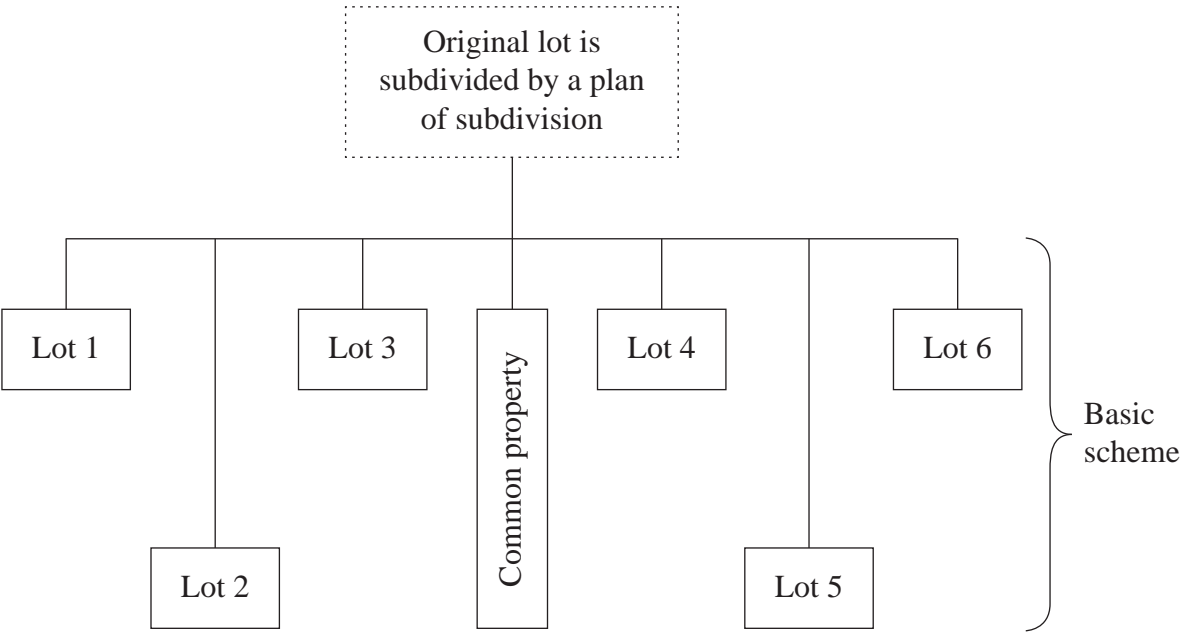
Flowchart title and page number in printed book shown in parentheses.

Reference guide page number for the flowchart.

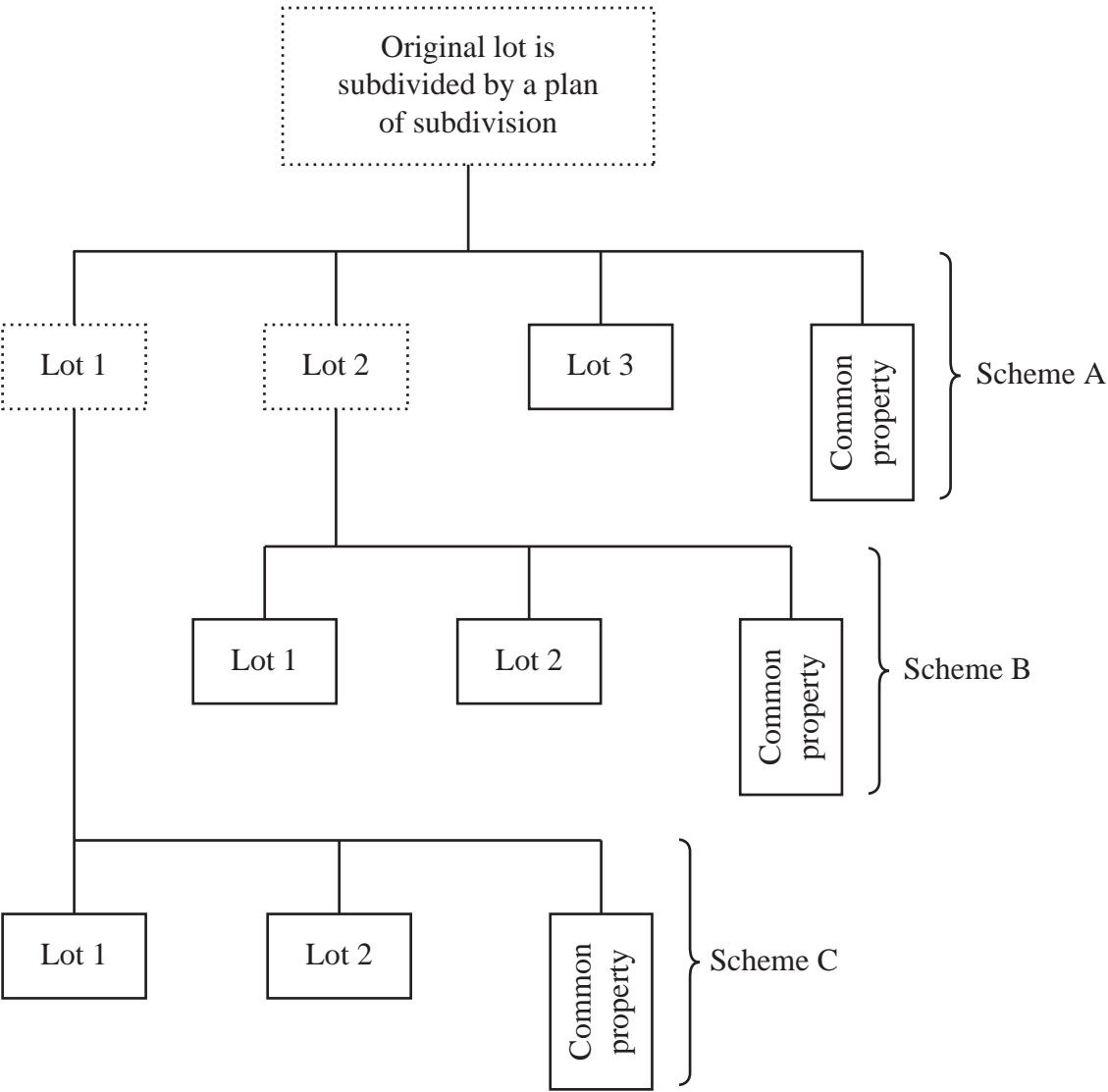
Flowchart No 1.1: Timeline of BC legislation developments



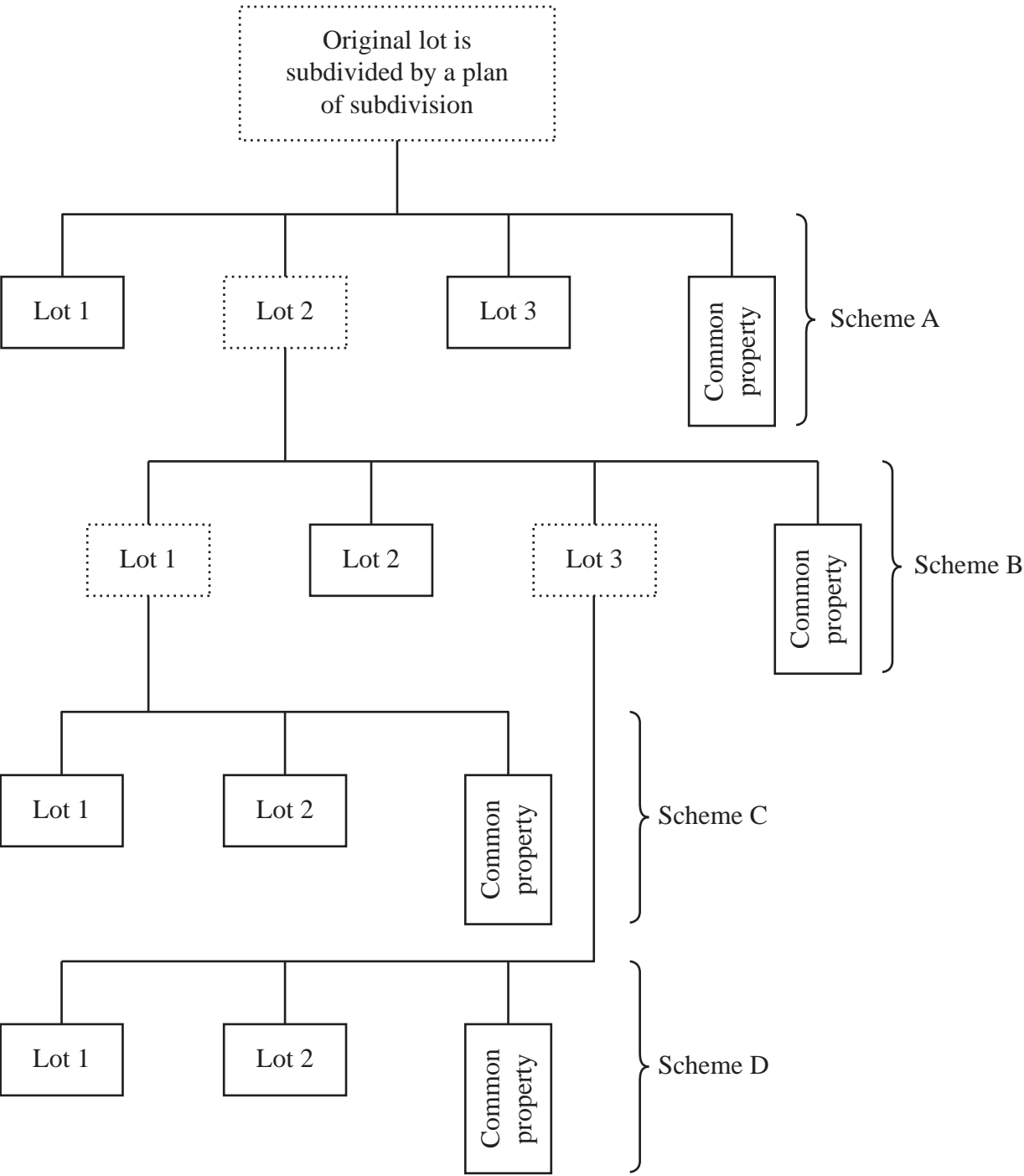
Part 1 Example of basic scheme



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

Form 14 Version 4
Page 1 of 1

Duty Imprint

Dealing Number

OFFICE USE ONLY

Privacy Statement
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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

21/9/07
Execution Date

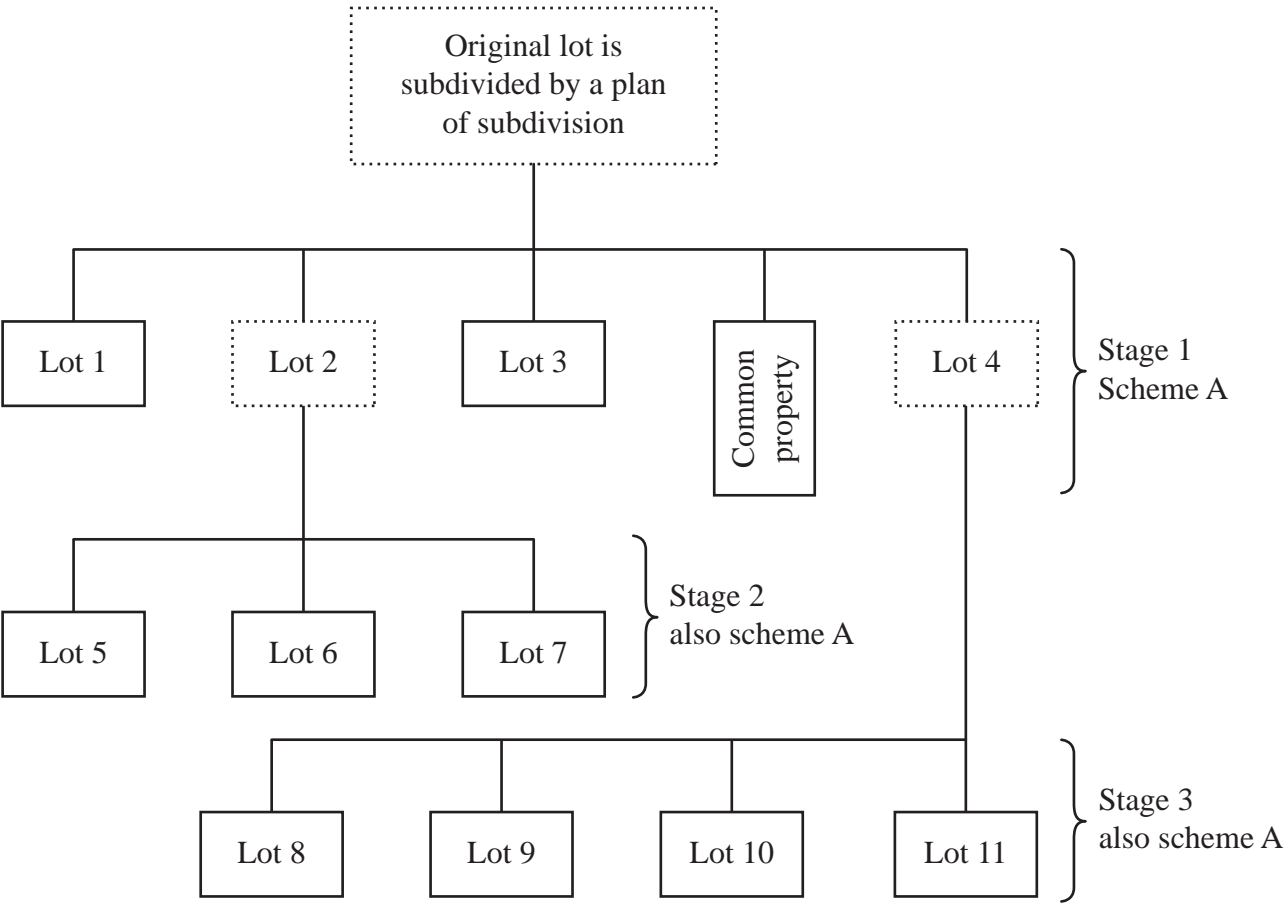
C Johns, Director
CHARLES ANTHONY JOHNS

K Brown, Director/Secretary
KENNETH ROBERT BROWN

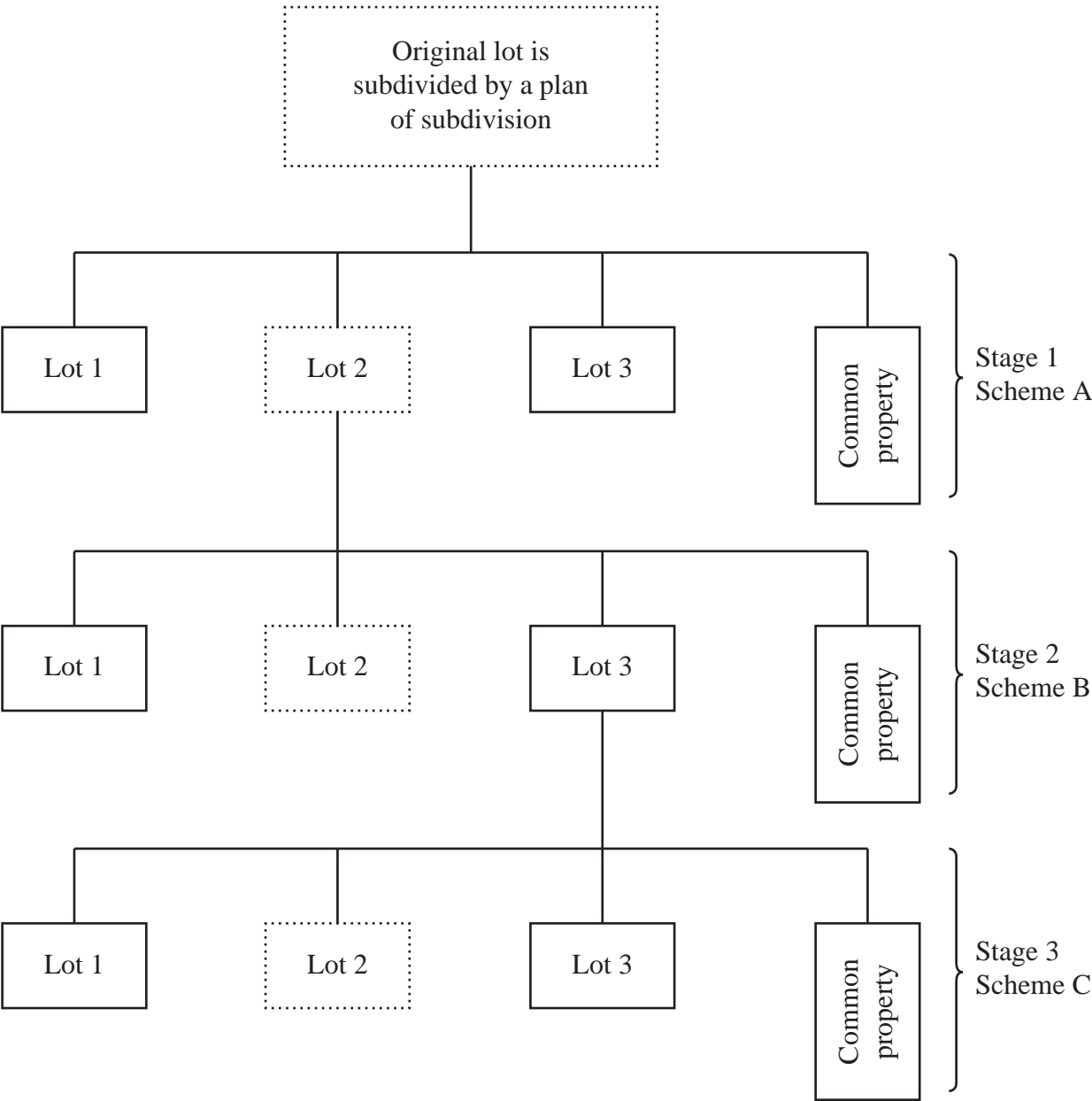
Applicant's or Solicitor's Signature

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

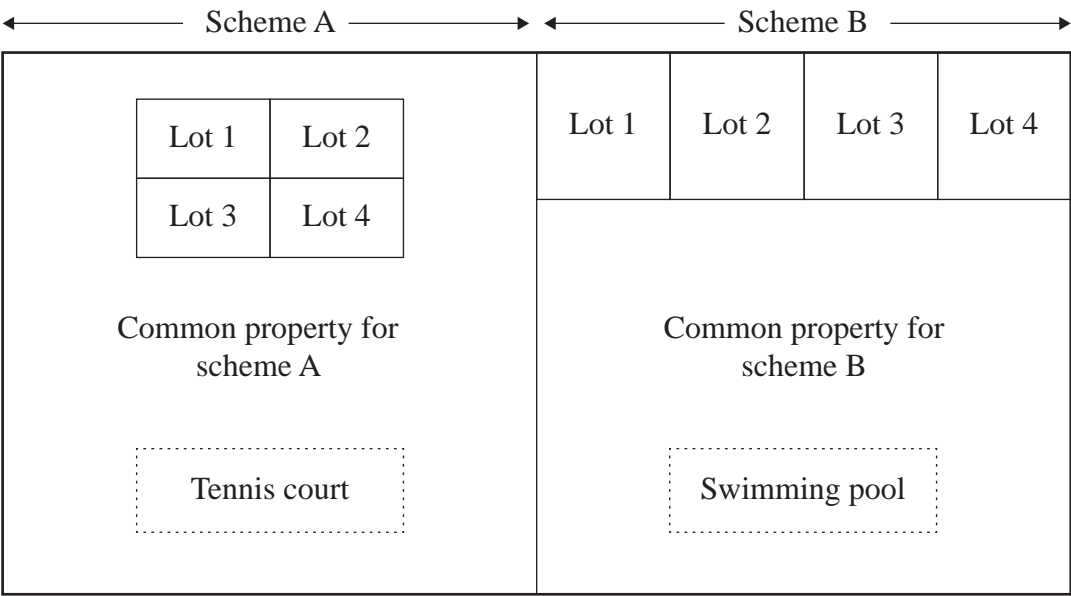
Part 4: Example of progressive subdivision for creating more lots in a scheme



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

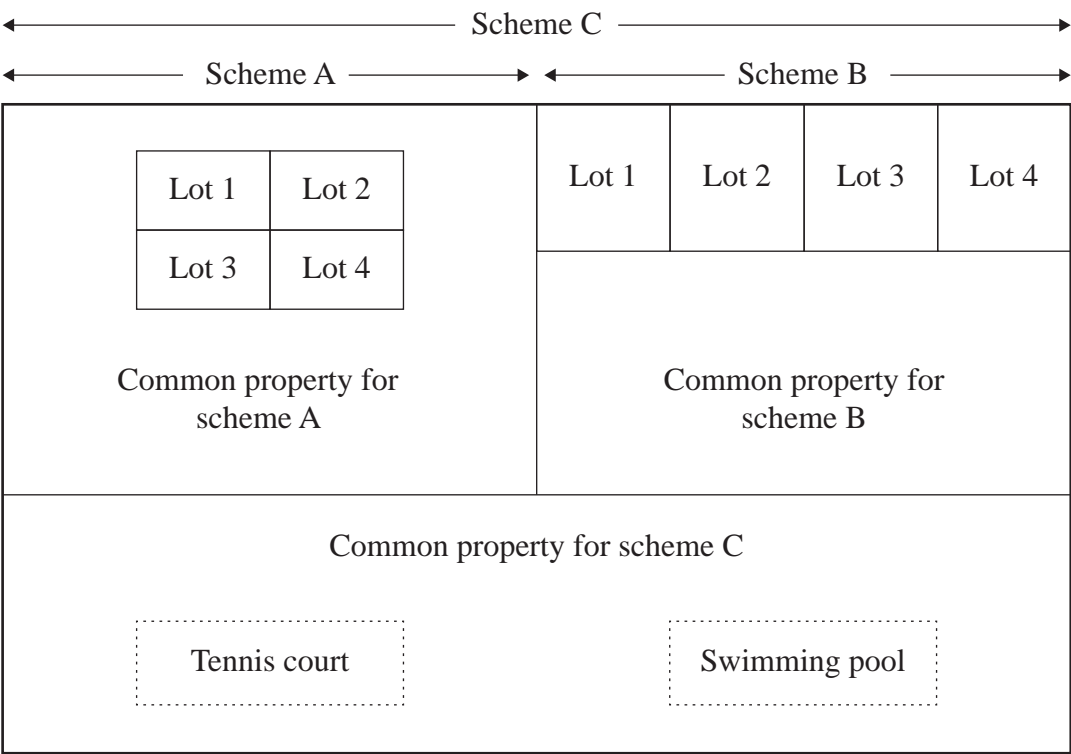


Part 6: Example of creating layered arrangement of schemes by combining schemes

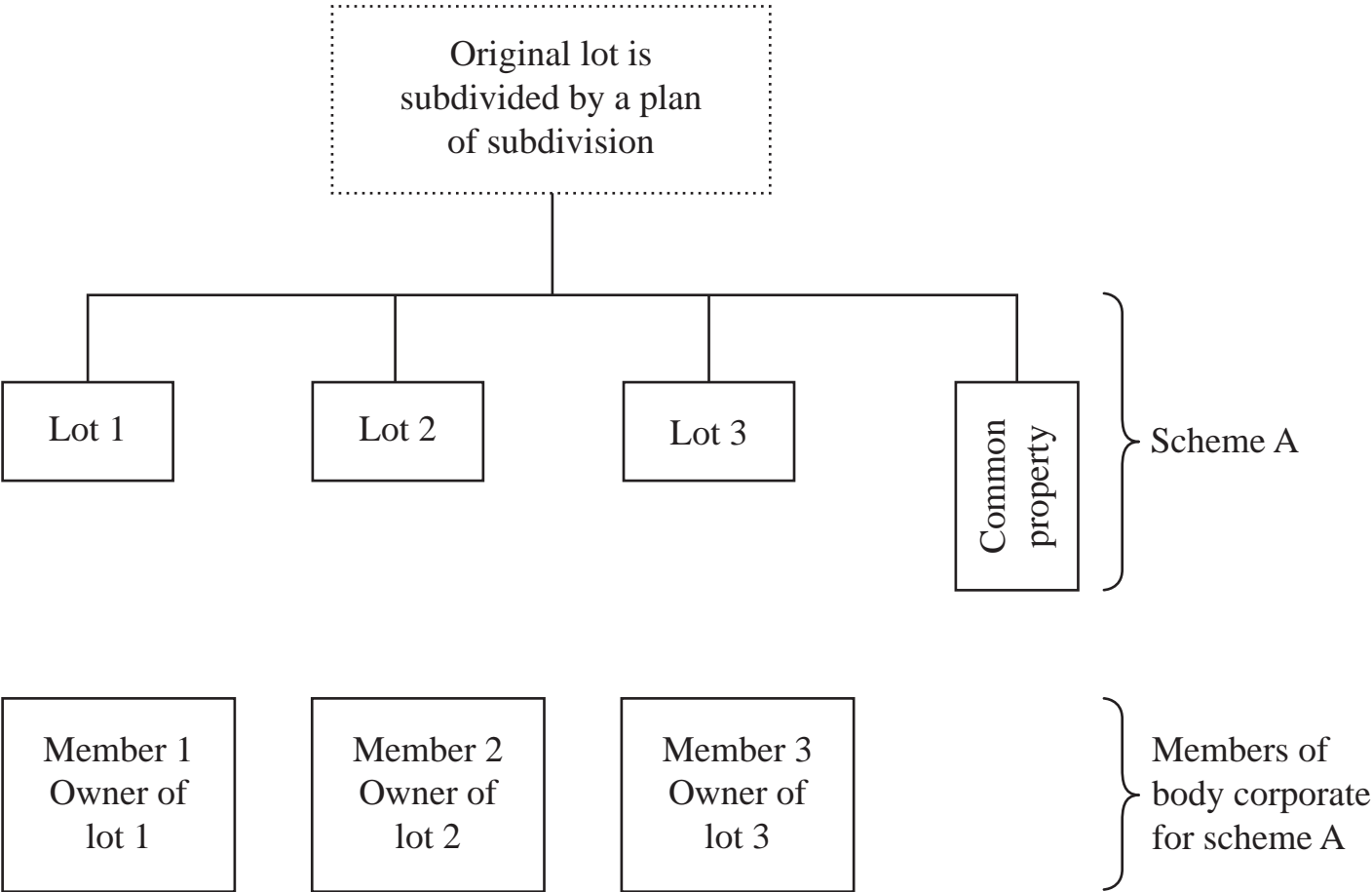


Before

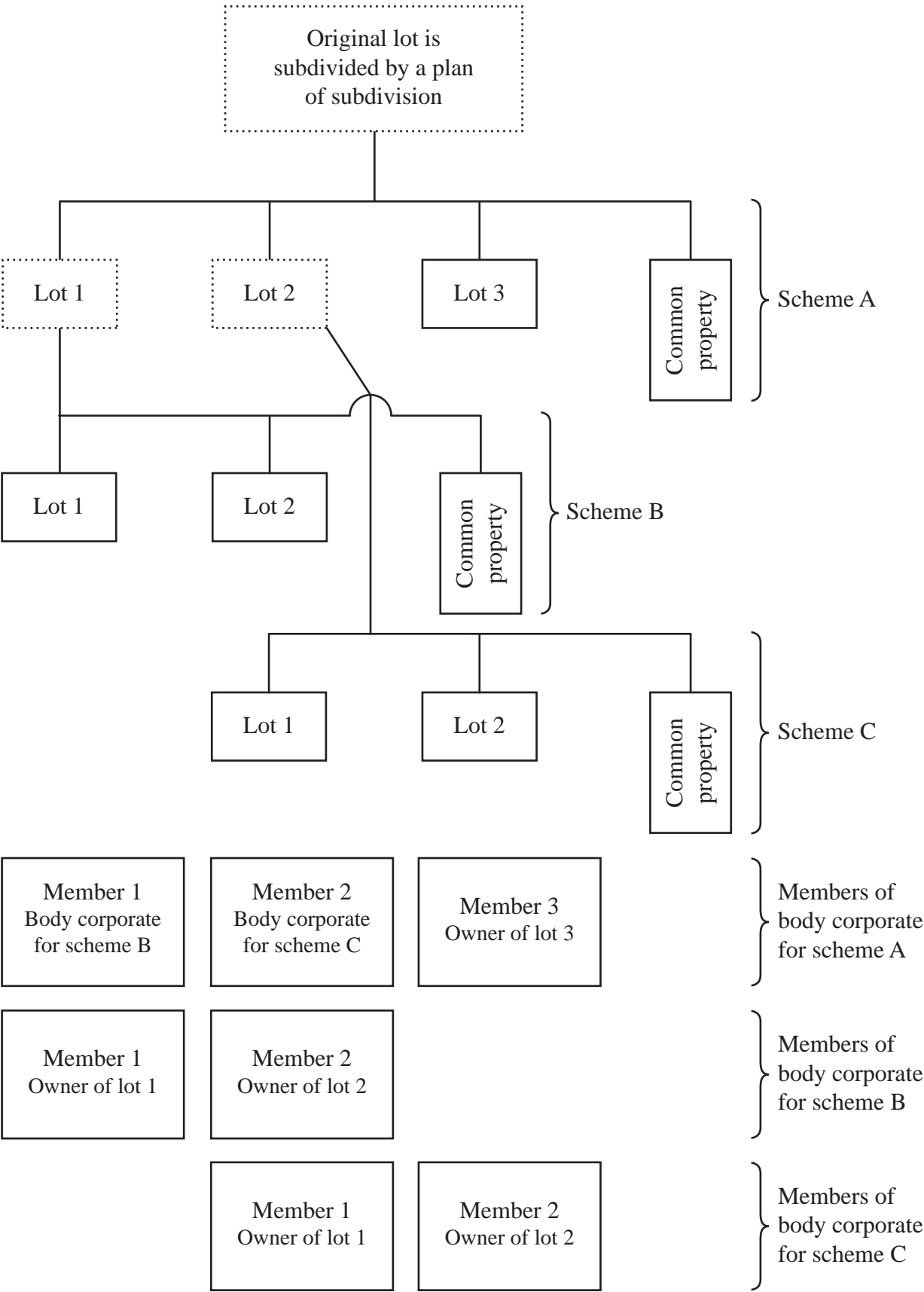
After



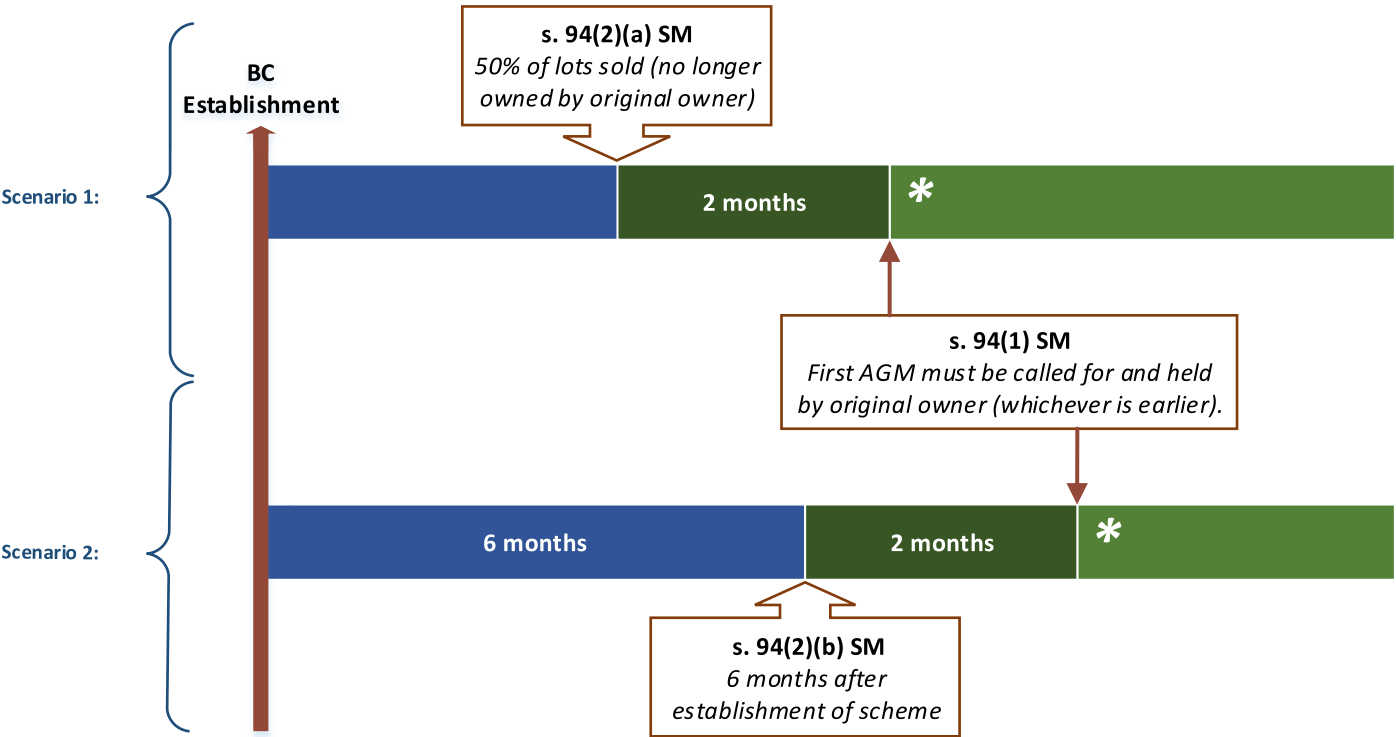
Part 7: Management structure for basic scheme



Part 8: Management structure for layered arrangement



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

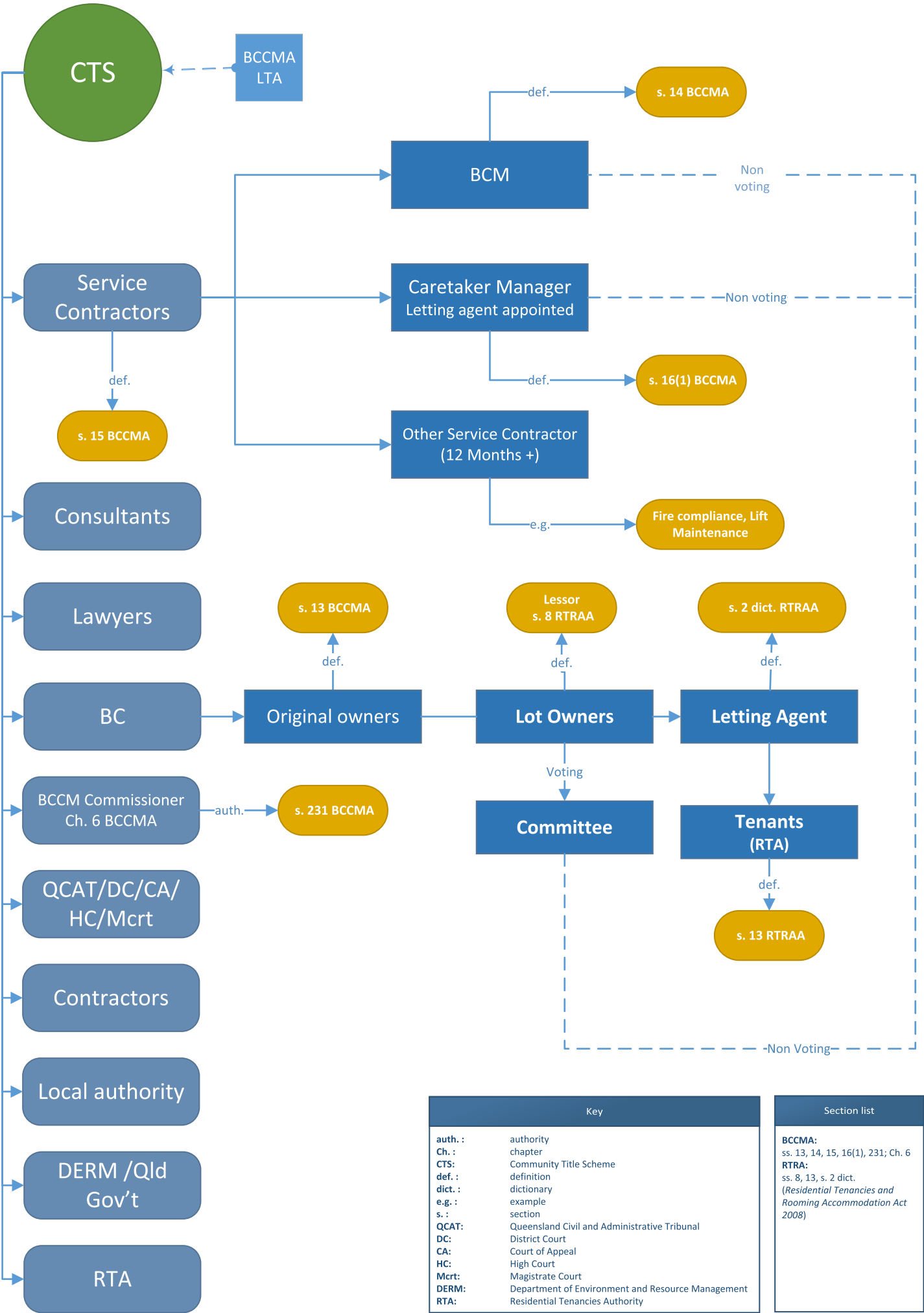


Note

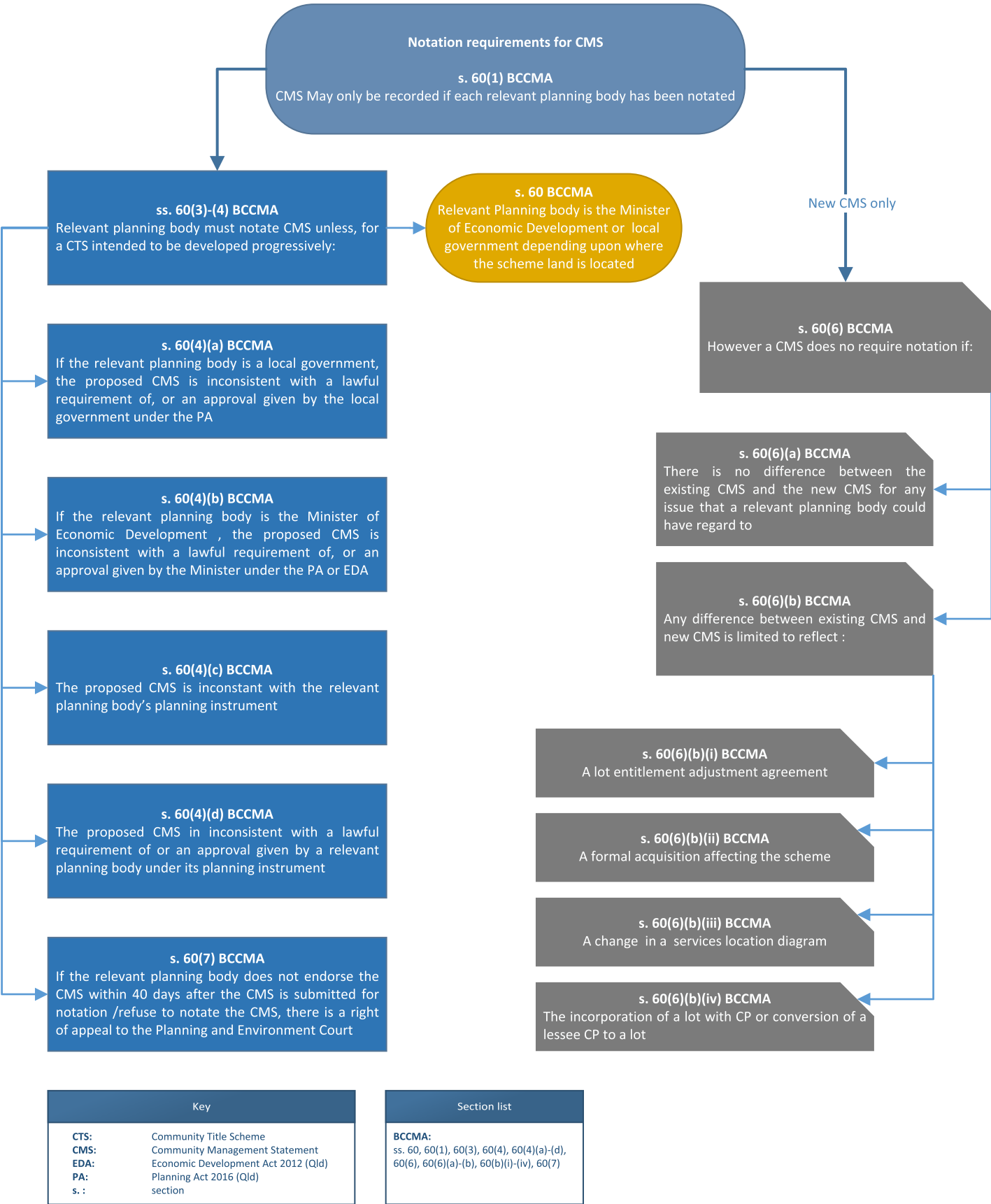
- * Original owner subject to a maximum of 150 penalty units for non-compliance. (**s. 94(1) SM**)
- * Original owner may also be subject to adjudicator’s orders to hold first AGM (**s. 94(4) SM**) for failure to hold first AGM
- * No Notice of first AGM required to be given (**s. 87(4) SM**) (if identical 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

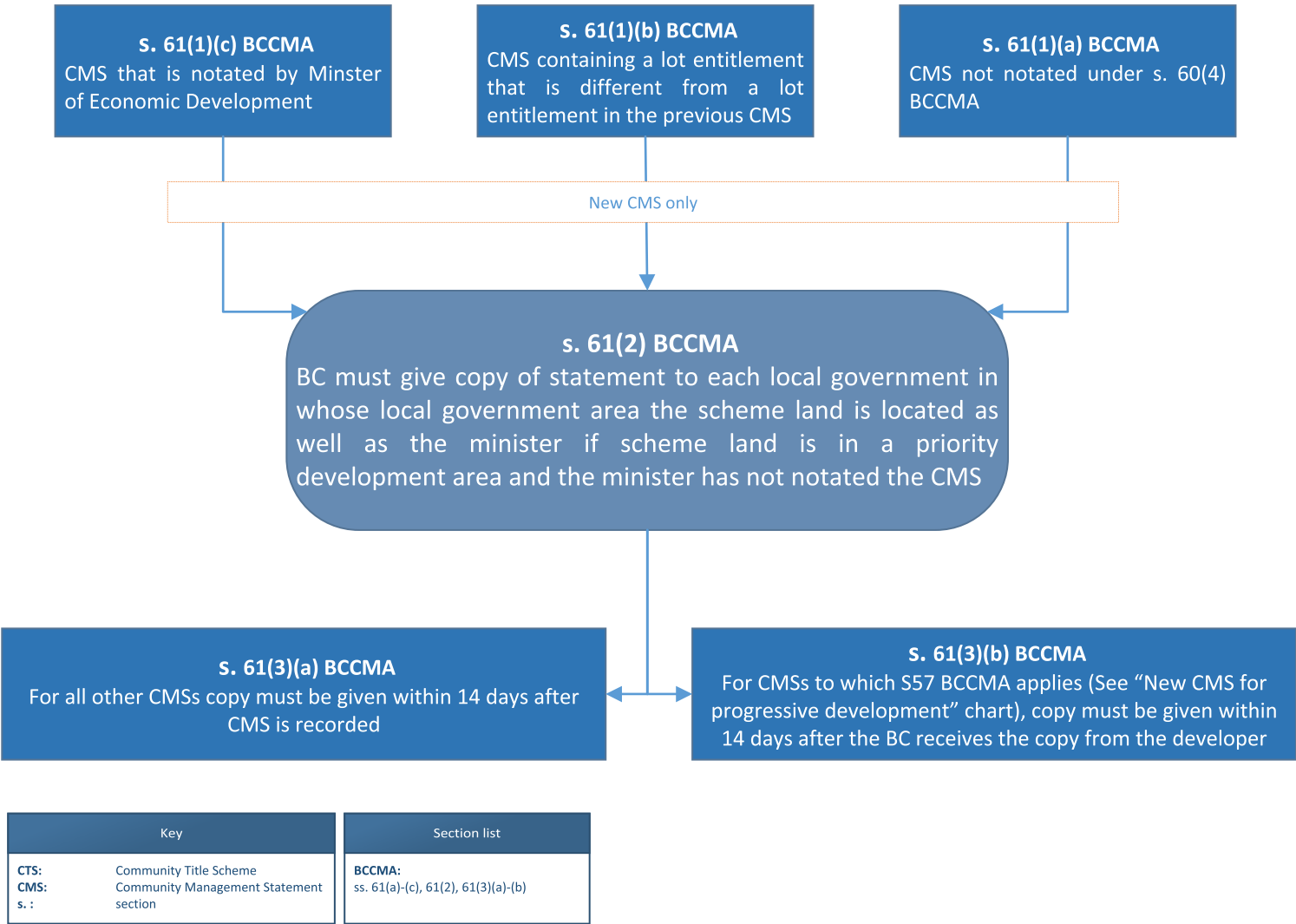
Flowchart No 2.3: CTS stakeholders



Flowchart No 2.4: CMS notation



Flowchart No 2.5: Requirements to give copy of new CMS



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

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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

..... 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)

(seal)

or Full name of company to be shown

25/11/2007

Execution Date

W Smith, Director

WILLIAM THOMAS SMITH

P Jones, Secretary

PAUL JOHN JONES

Registered Owner's/ State Lessee's Signature

..... 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)

/ /

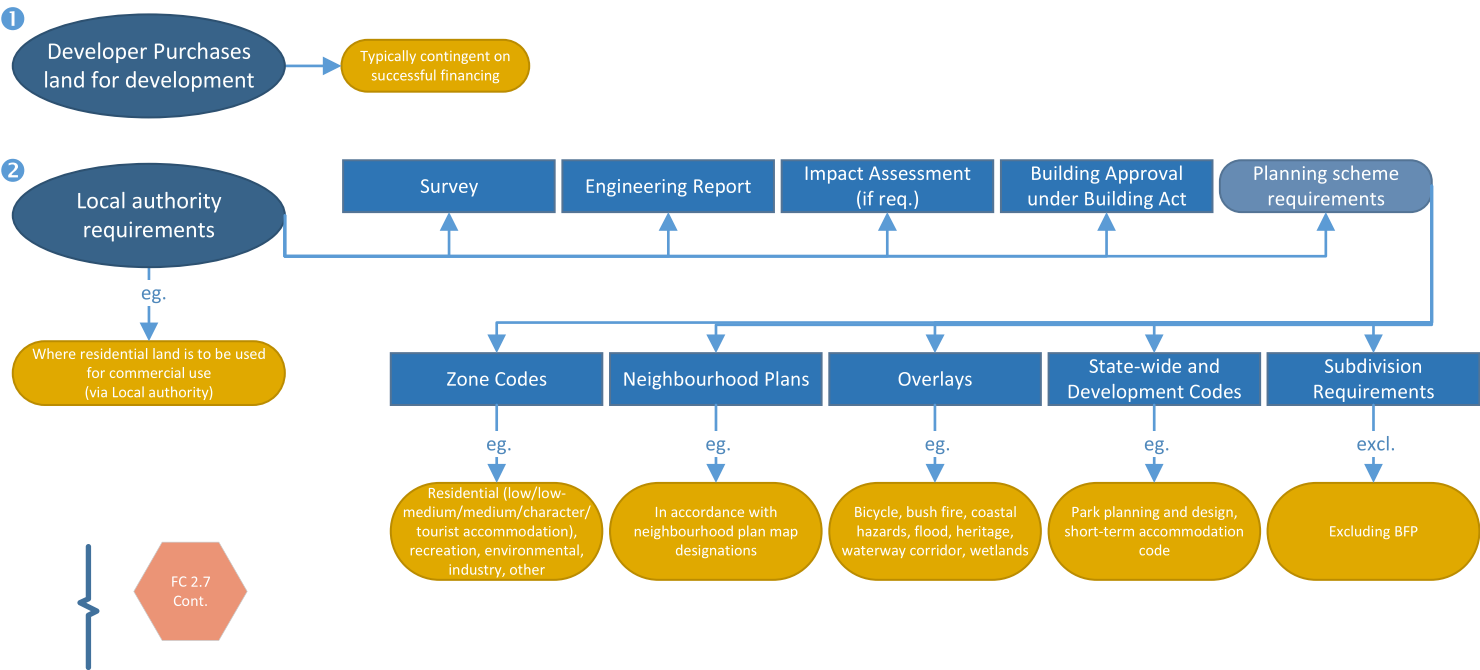
Execution Date

.....

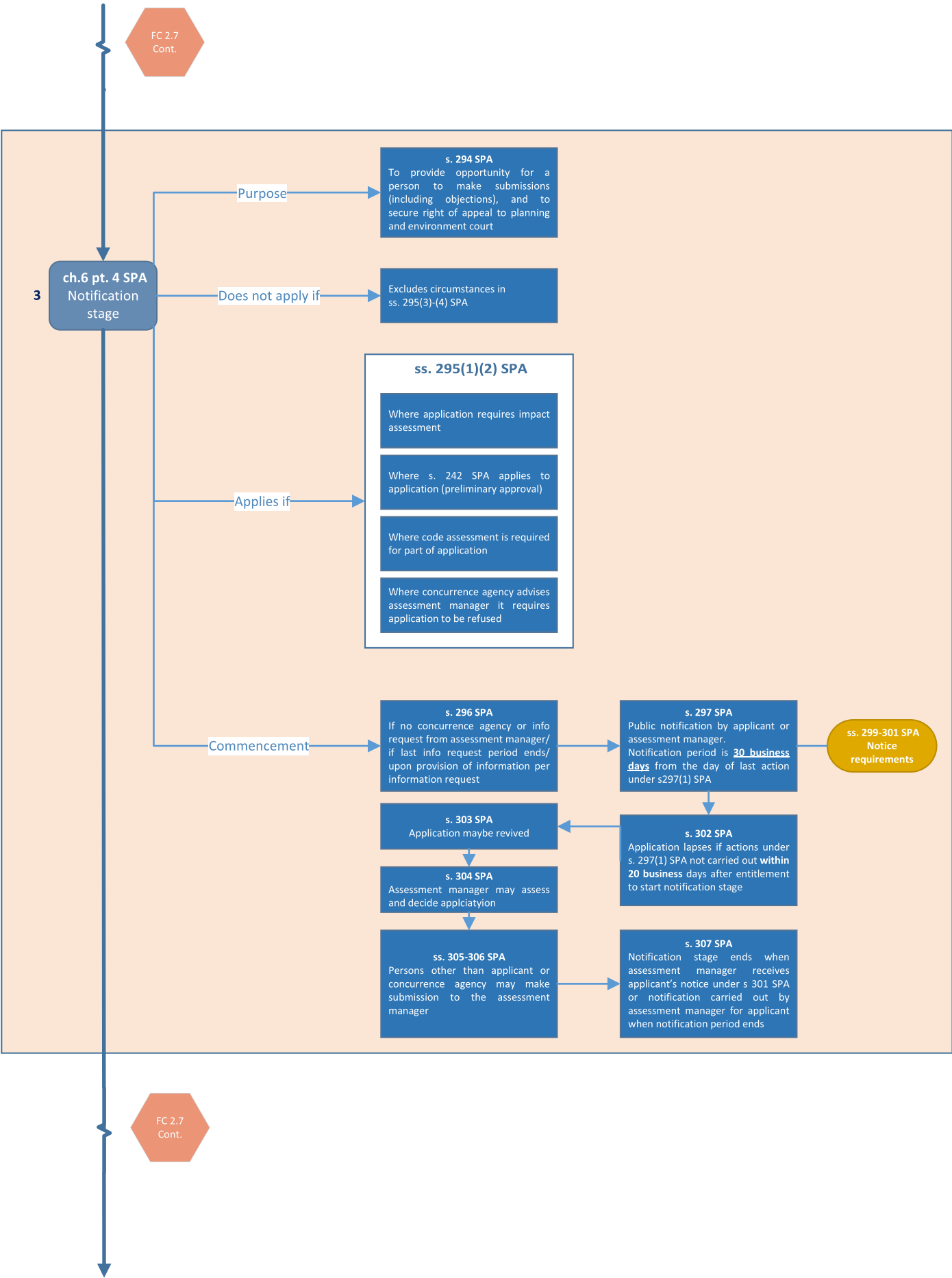
Registered Owner's/ State Lessee's Signature

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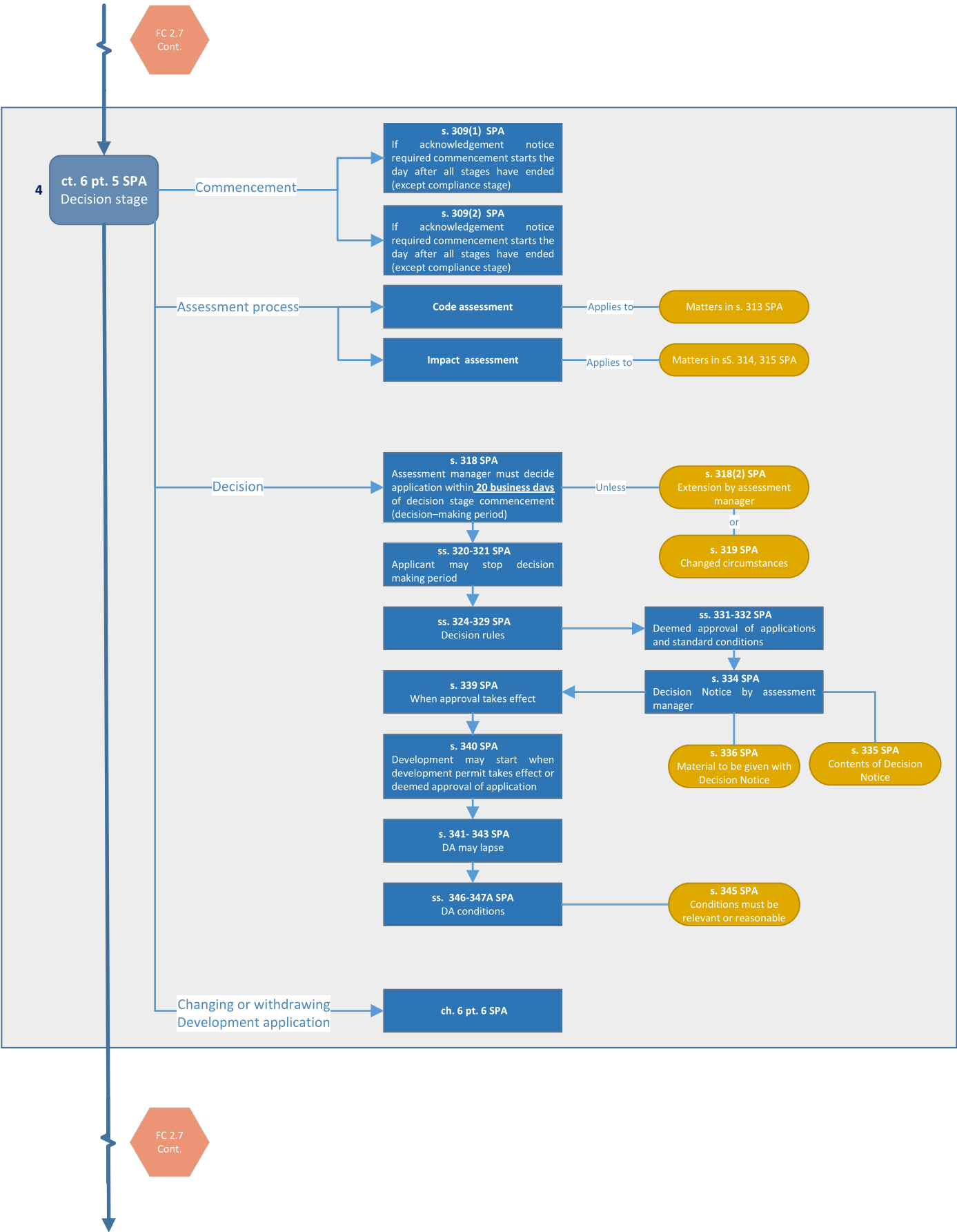
Flowchart No 2.7: Sustainable Planning Act development application processes



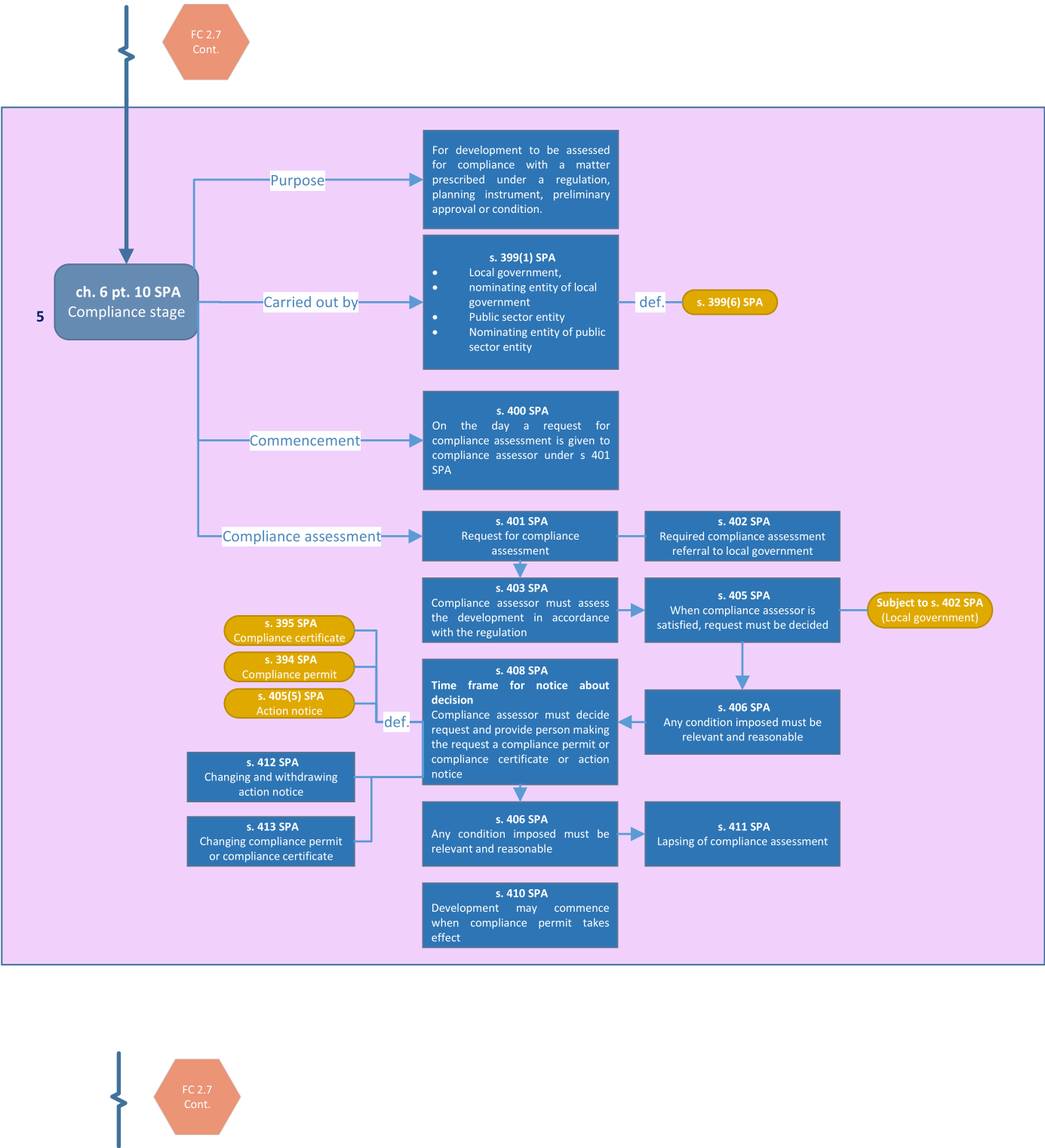
Flowchart No 2.7: Sustainable Planning Act development application processes (Continued)



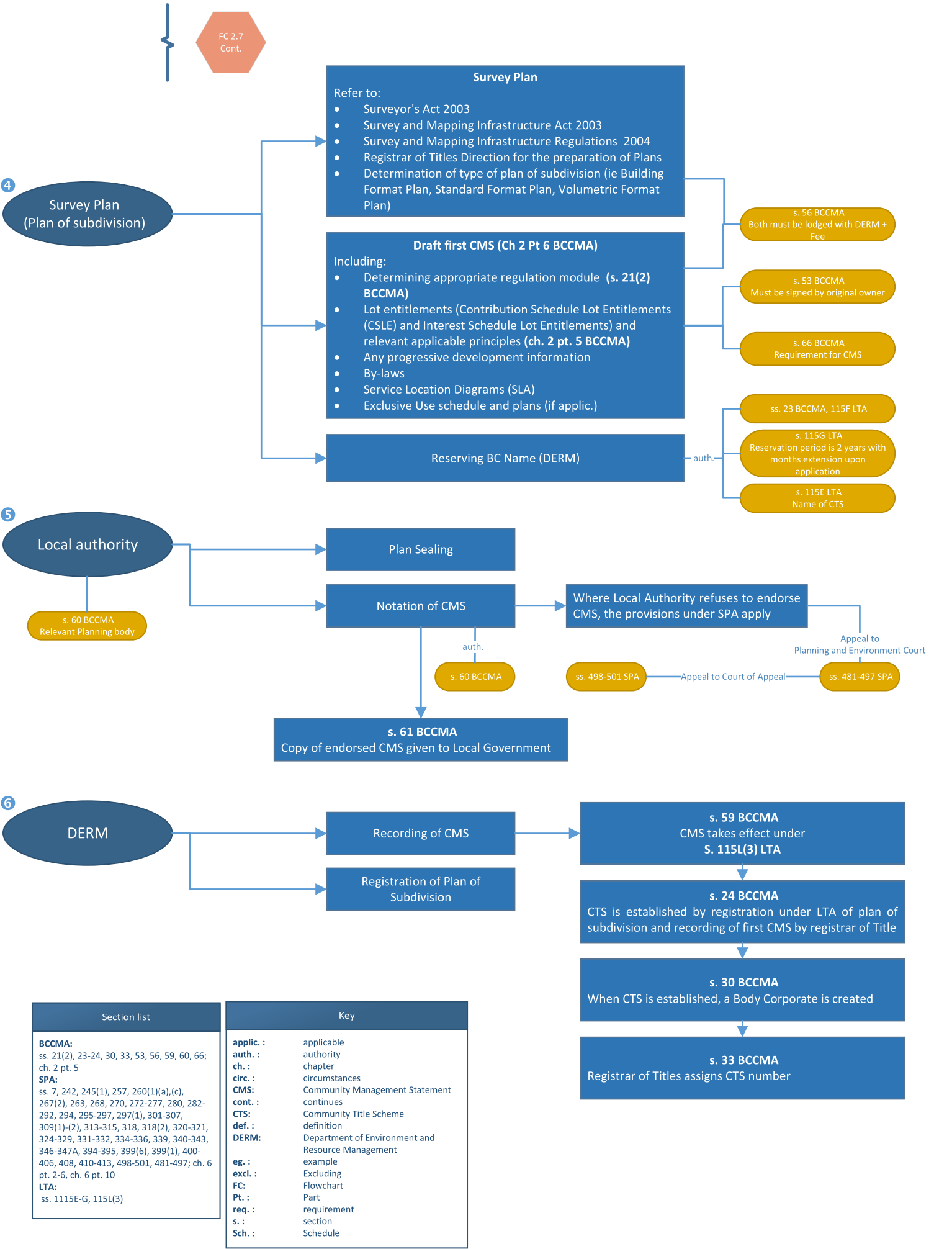
Flowchart No 2.7: Sustainable Planning Act development application processes (Continued)



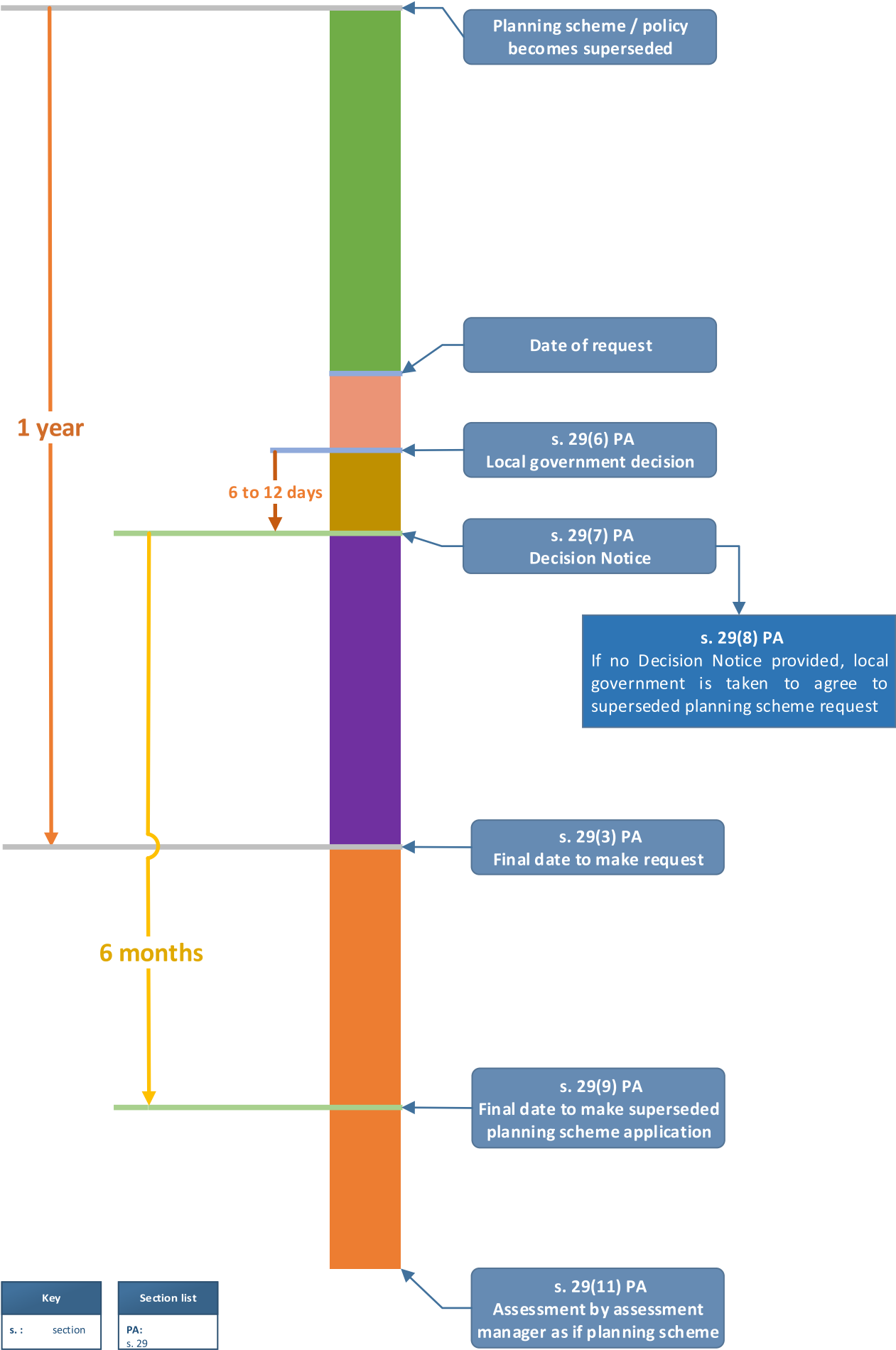
Flowchart No 2.7: Sustainable Planning Act development application processes (Continued)



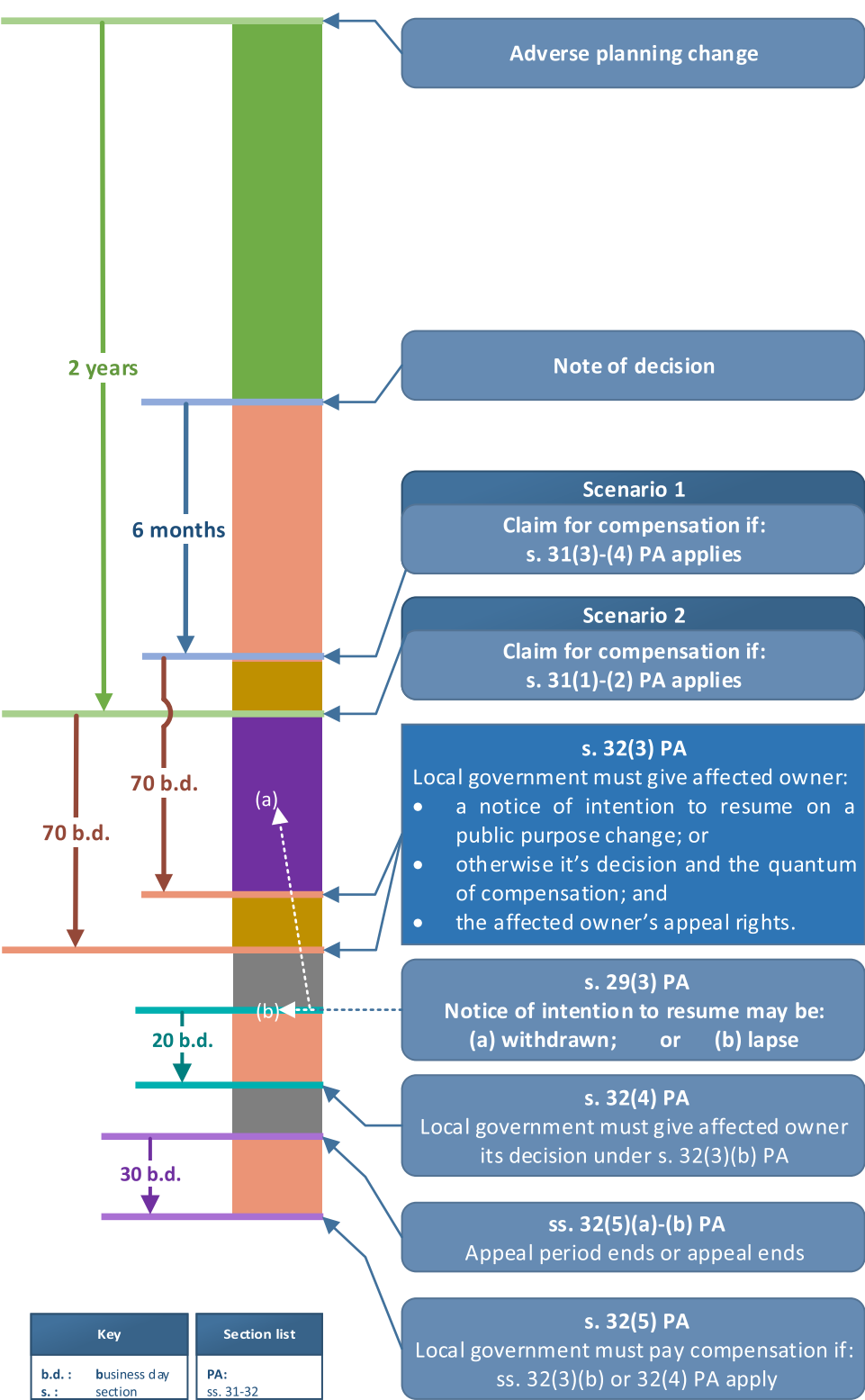
Flowchart No 2.7: Sustainable Planning Act development application processes (Continued)



Flowchart No 2.8: Request to apply superseded planning scheme



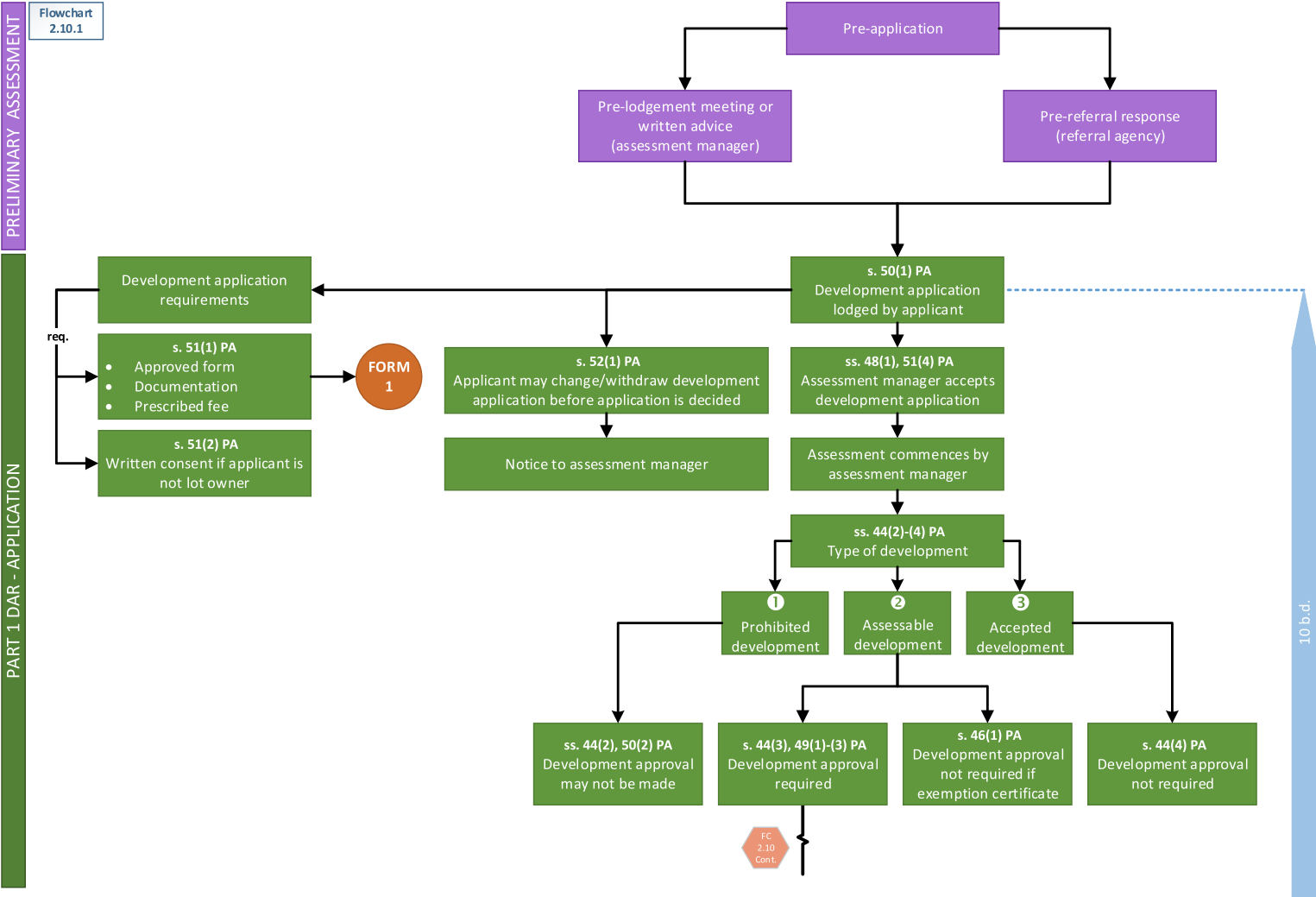
Flowchart No 2.9: Compensation timeframe for adverse planning change



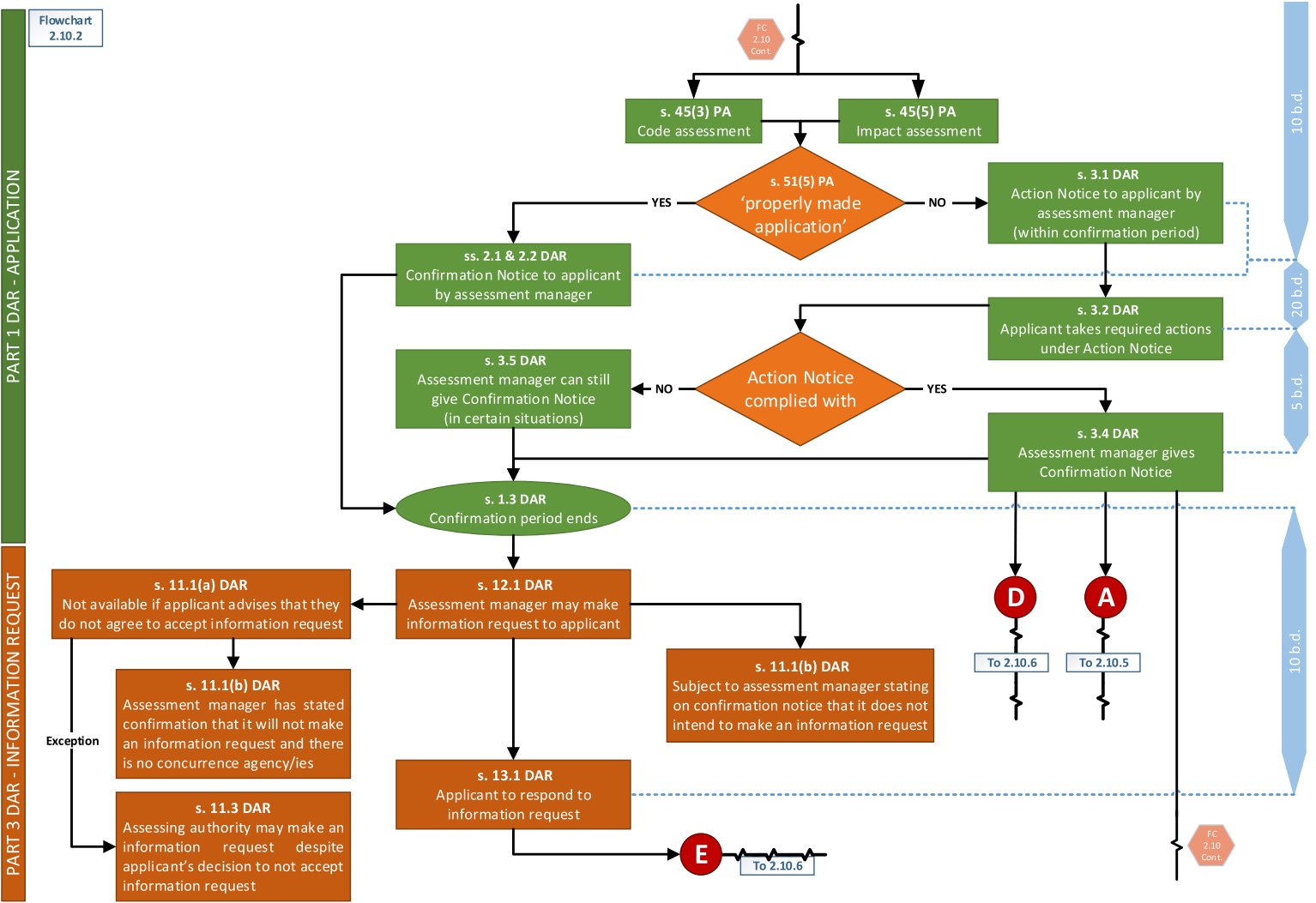
Name of referral agency and referral agency’s assessment period

	Name of referral agency	Referral agency’s assessment period <i>(or a further period as agreed between the applicant and the referral agency)</i>
1	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
2	Queensland Fire and Emergency Service	15 business days
3	If not prescribed under Schedule 2 (s.9.2(b) DAR).	25 business days

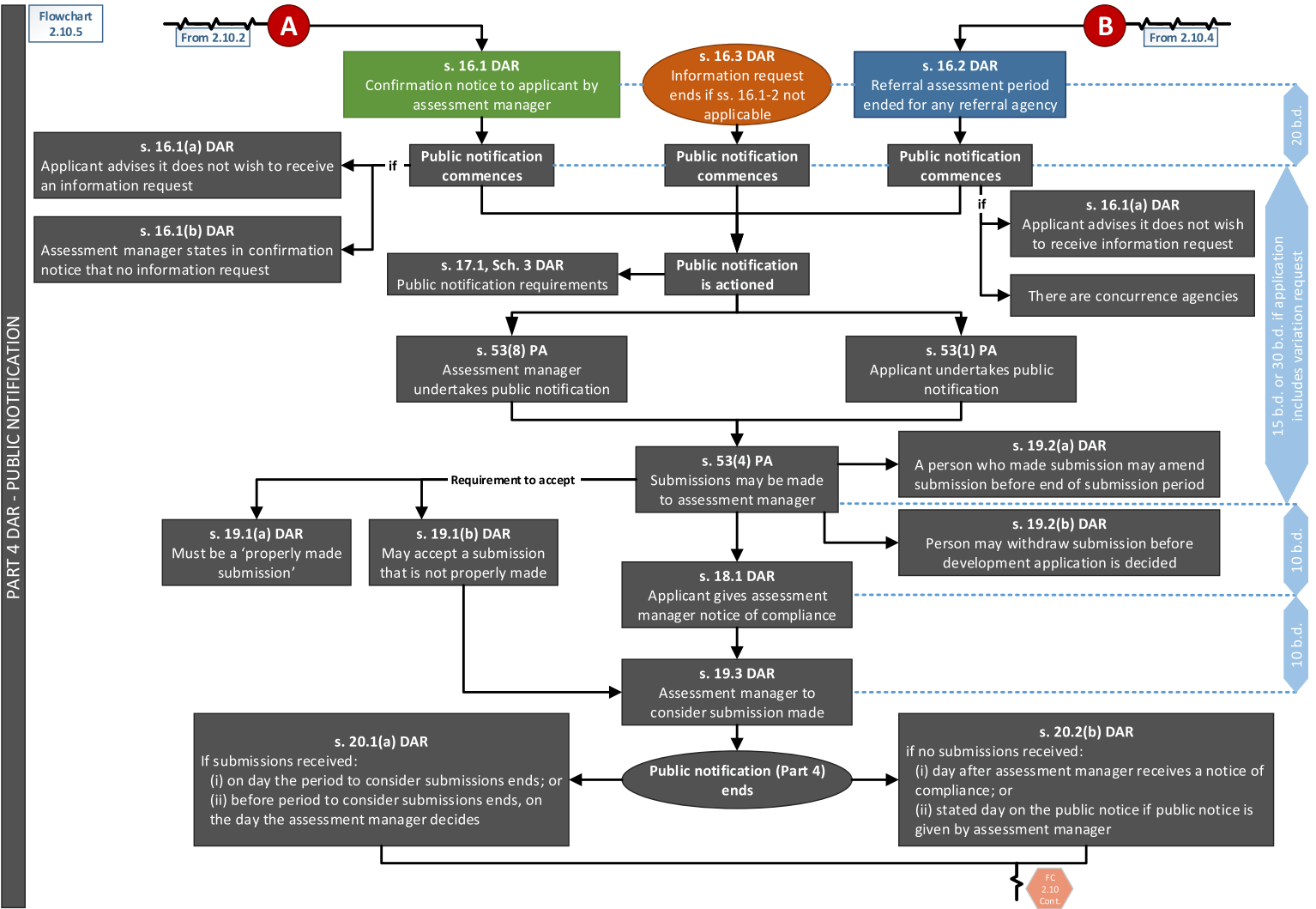
Flowchart No 2.10: Planning Act development application process



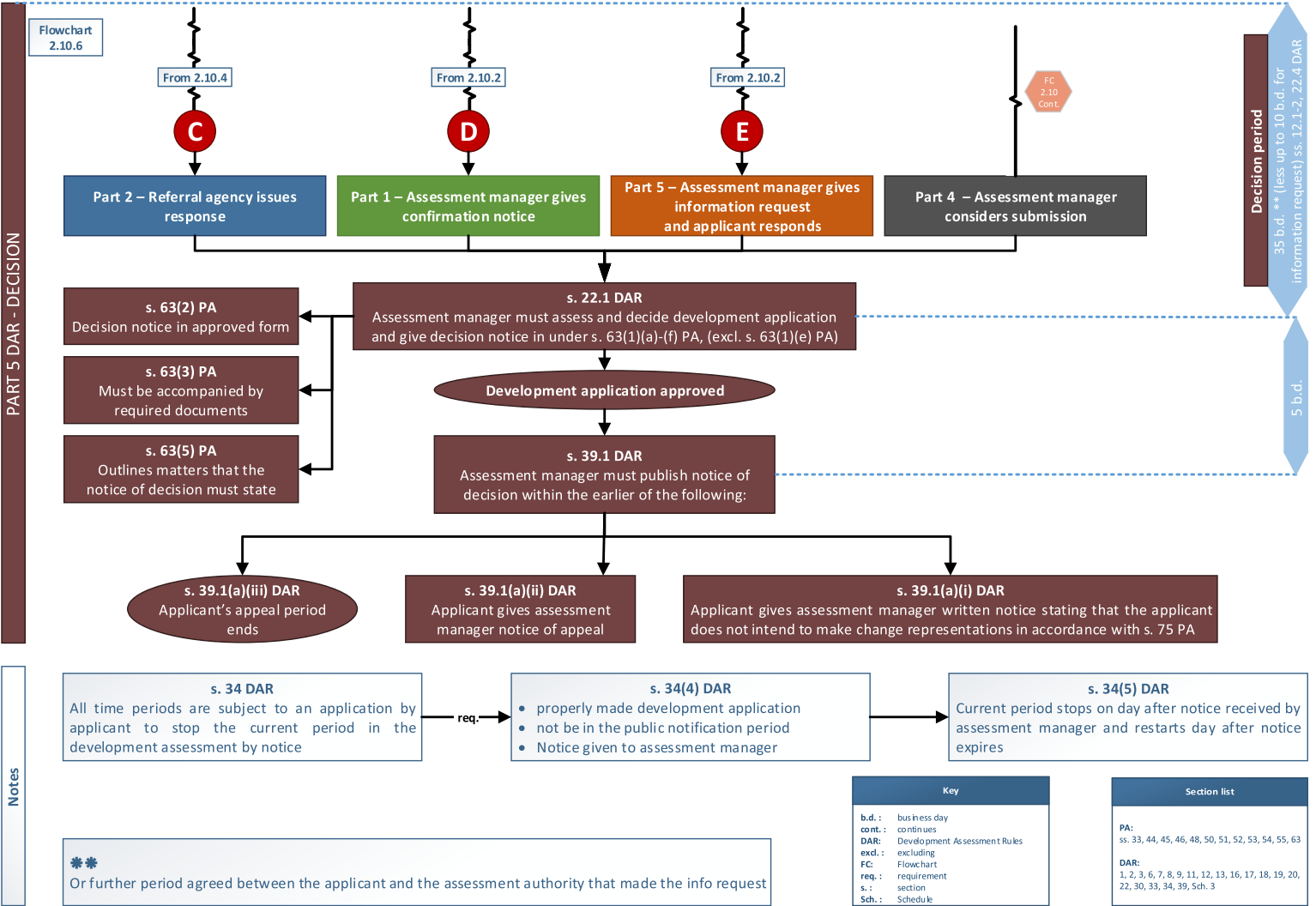
Flowchart No 2.10: Planning Act development application process (Continued)



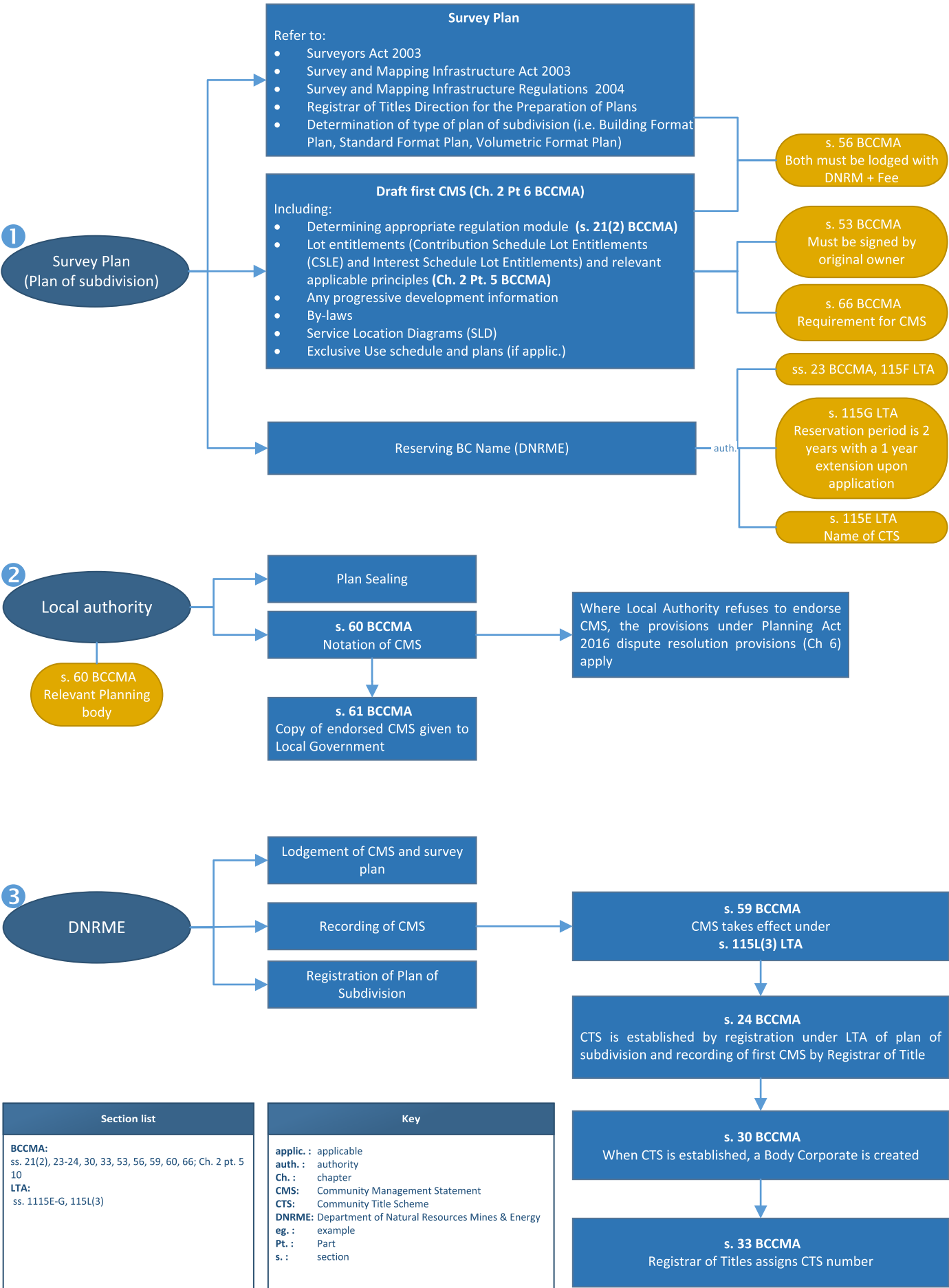
Flowchart No 2.10: Planning Act development application process (Continued)



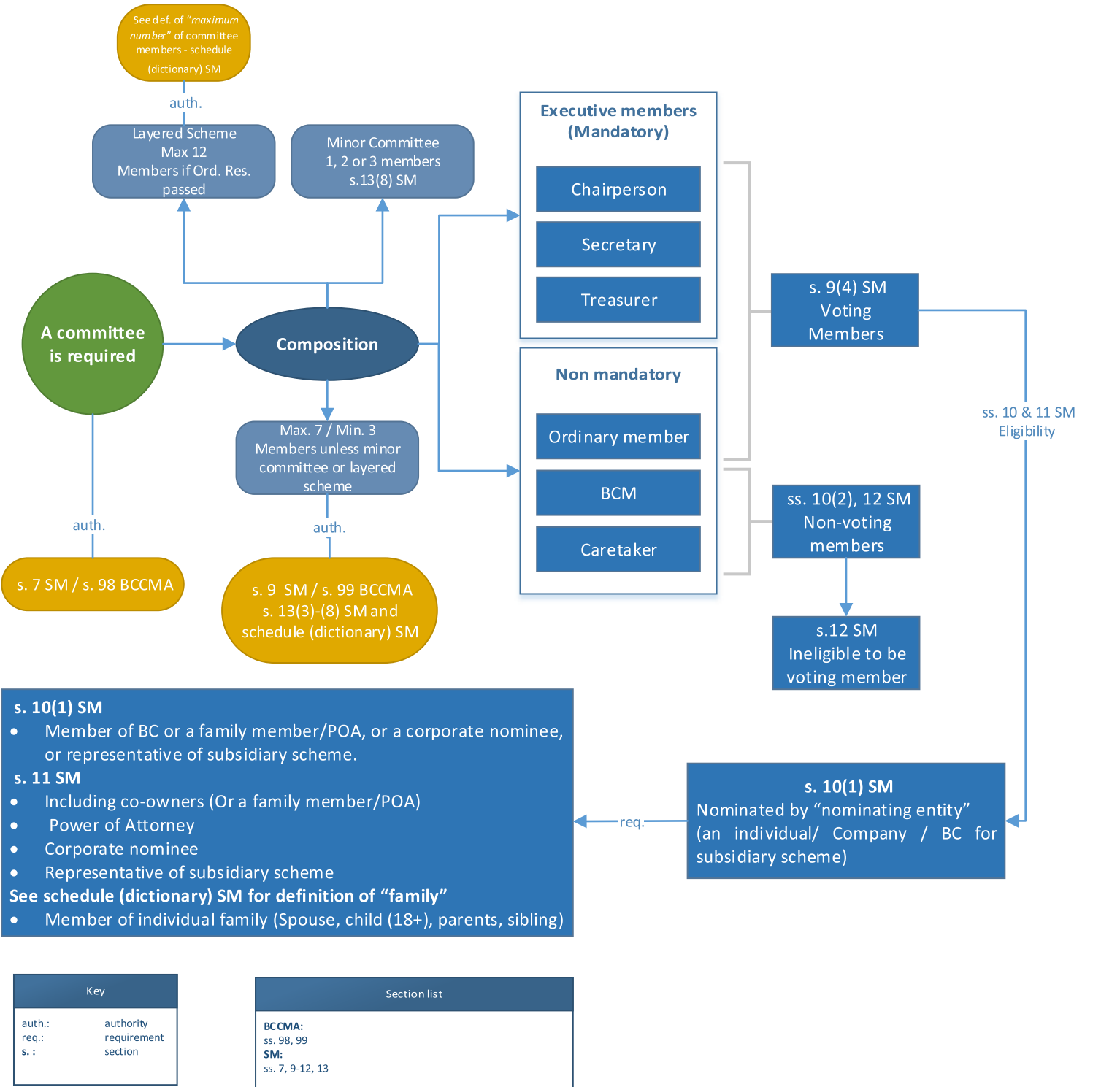
Flowchart No 2.10: Planning Act development application process (Continued)



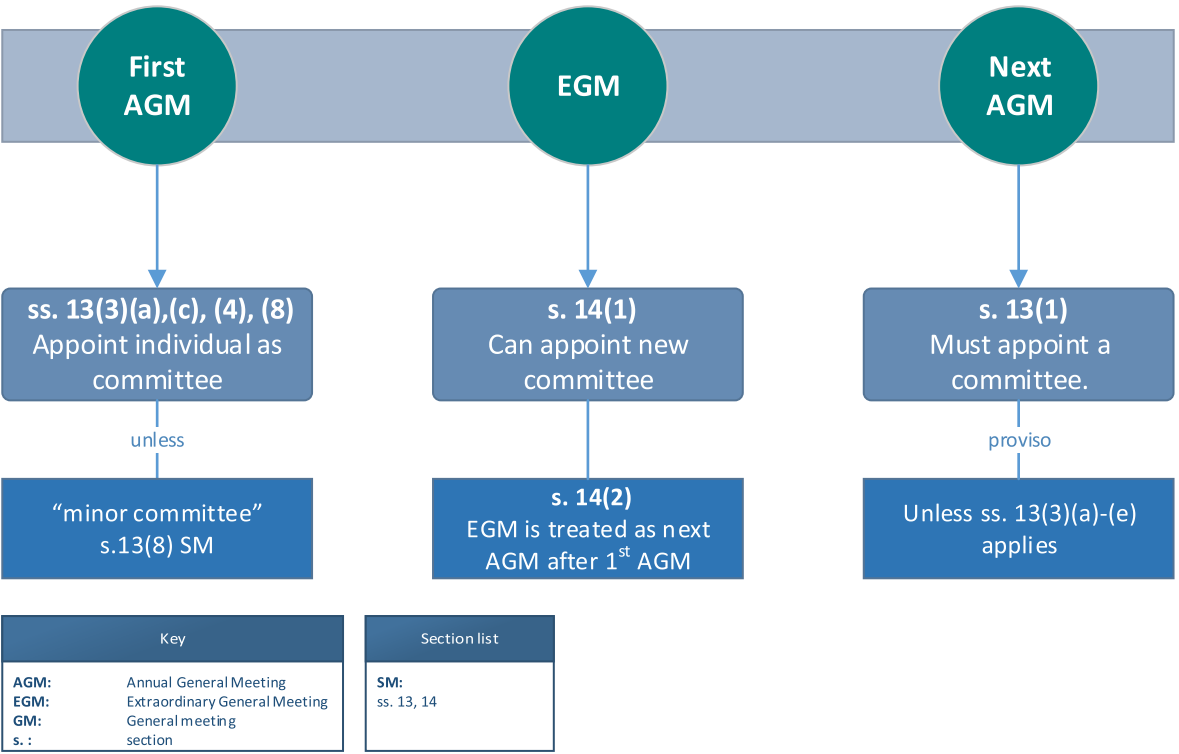
Flowchart No 2.11: Establishment of body corporate post development application process



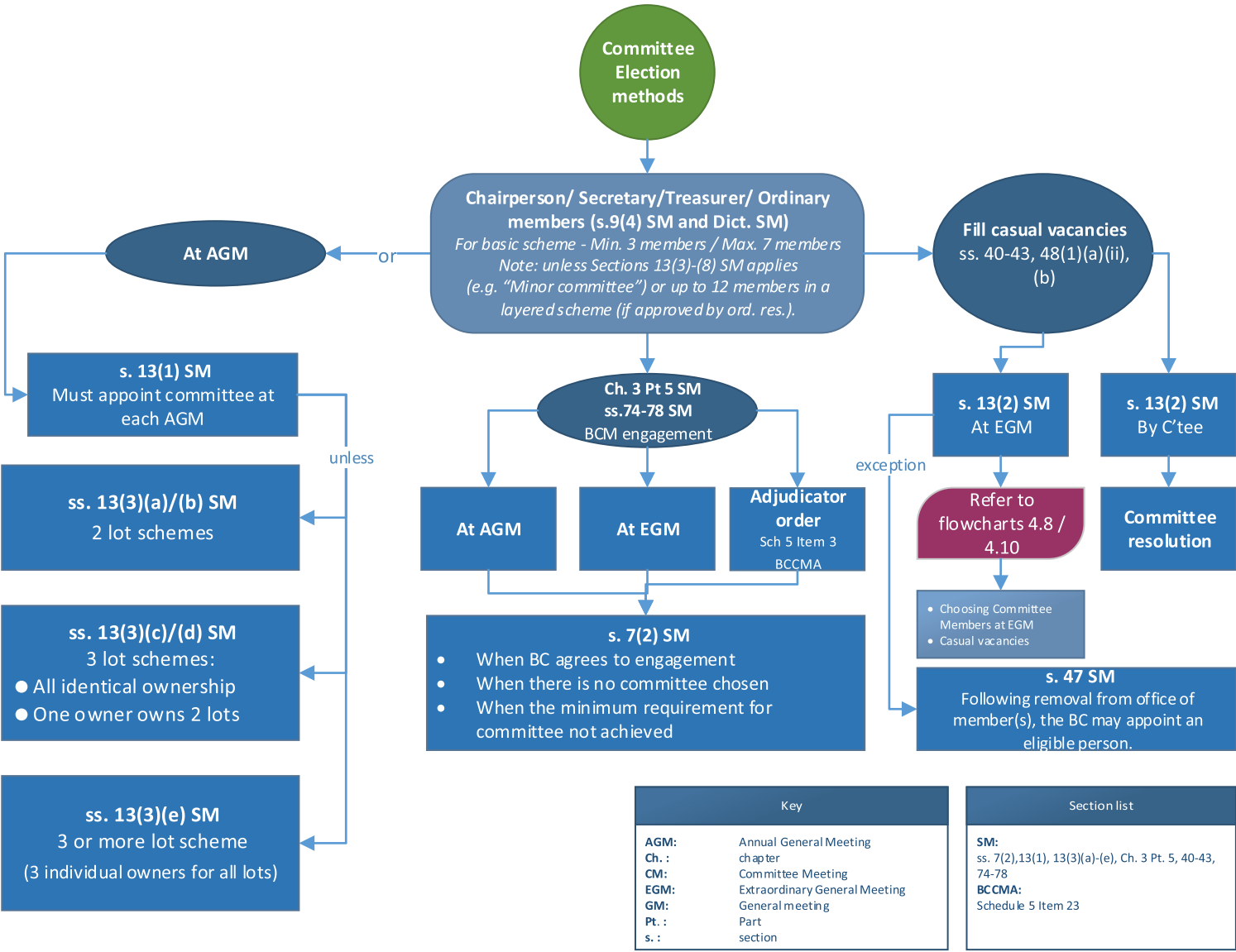
Flowchart No 4.1: The body corporate committee



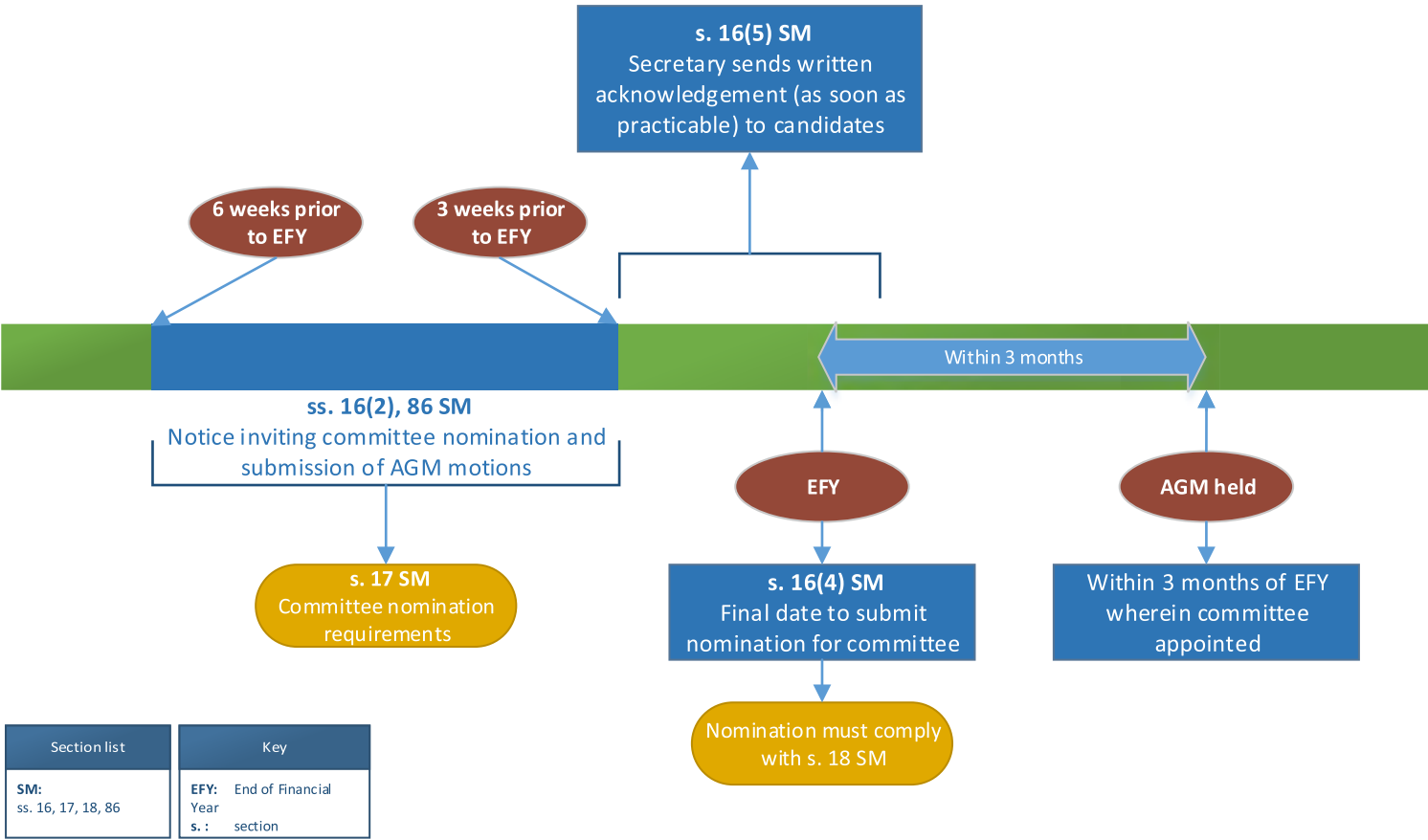
Flowchart No 4.3: Choosing committee for 2 and 3-lot scheme — when one individual owns all lots in scheme



Flowchart No 4.4: Committee Election scenarios



Flowchart No 4.5: Committee nomination timeframe



Sample Committee Nomination Form

COMMITTEE NOMINATION FORM FOR BODY CORPORATE GENERAL MEETINGS Body Corporate for SAMPLE SCHEME CTS 12345			
Nominations must reach our office no later than [INSERT EFY FOR SCHEME]			
Name of Lot Owner: Mr/Mrs/Ms/Dr: _____			
Lot number: _____			
Signature of Lot Owner(s)		Date:	
PART A - CANDIDATE DETAILS (COMPLETE ONLY IF THE CANDIDATE IS A LOT OWNER) (Please Print)			
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"/> Ordinary Member <input type="checkbox"/>	
Details of Payments Sought (if any)		_____ _____	
Signature of Candidate Lot Owner:		Date:	
PART B – CANDIDATE DETAILS (COMPLETE ONLY IF THE CANDIDATE IS NOT THE LOT OWNER) (Please Print)			
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: <small>(Basis on which Candidate has been nominated – please select)</small>		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"/> <small>(Please supply POA with this form)</small> Nominee of a Corporate Owner <input type="checkbox"/> <small>(Please complete attached Company Nominee Form)</small>	
Signature of Non-Owner Candidate:		Date:	
OFFICE USE ONLY			
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
EXECUTIVE COMMITTEE MEMBER POSITION - CHAIRPERSON *					
CITIZEN, John		Family Member (Lot 45)	N/A	No	Owner (Lot 45)
MERCIER, Marc		Owner (Lot 73)	N/A	No	Self-nomination (Lot 73)
ORDINARY COMMITTEE MEMBER POSITIONS *					
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)

© 2021 CCH Australia Limited

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
EXECUTIVE COMMITTEE MEMBER - SECRETARY POSITION					
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



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)

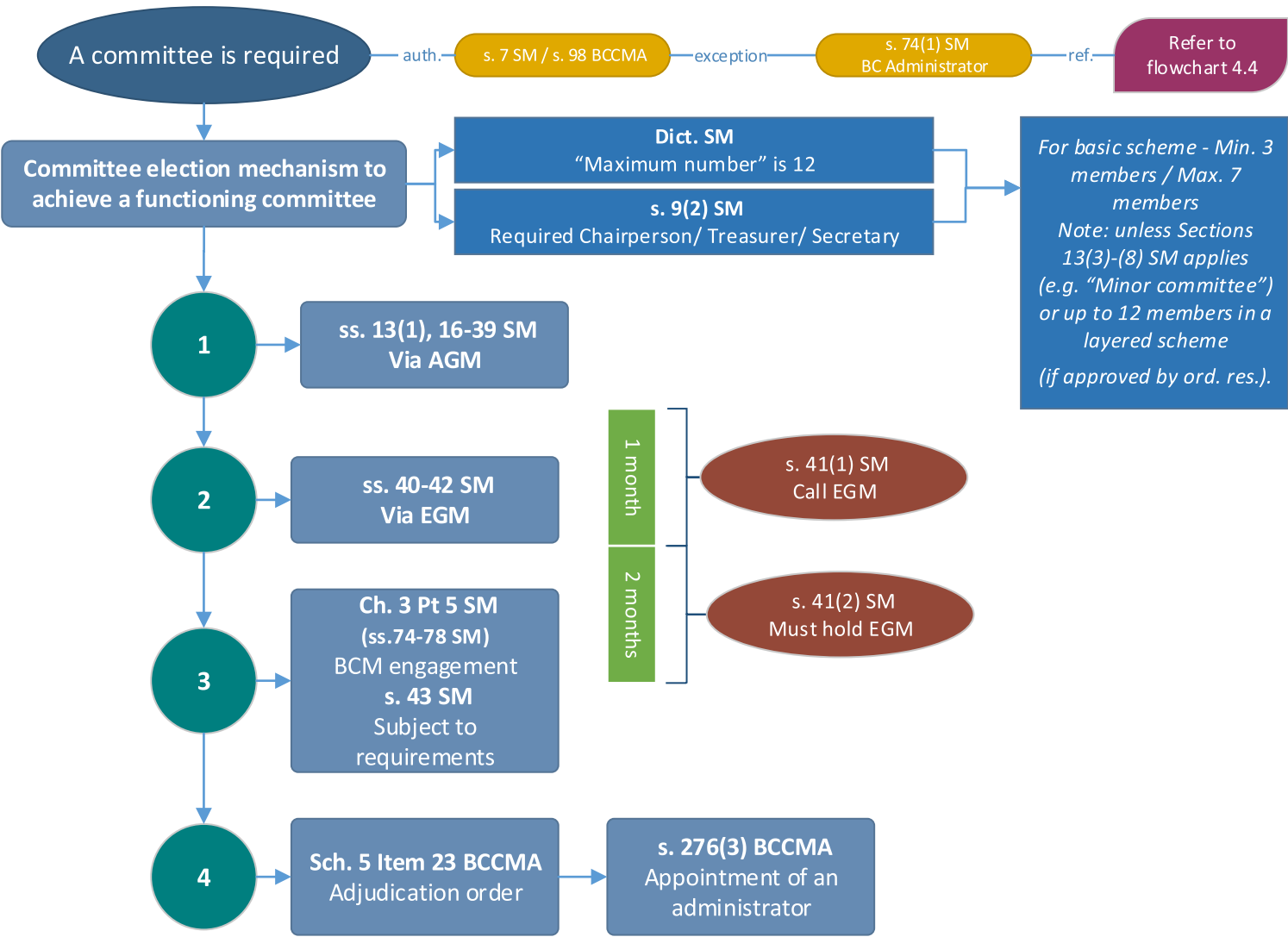
Name(s) of Voters:

Lot No.:

Signature of Voter(s):

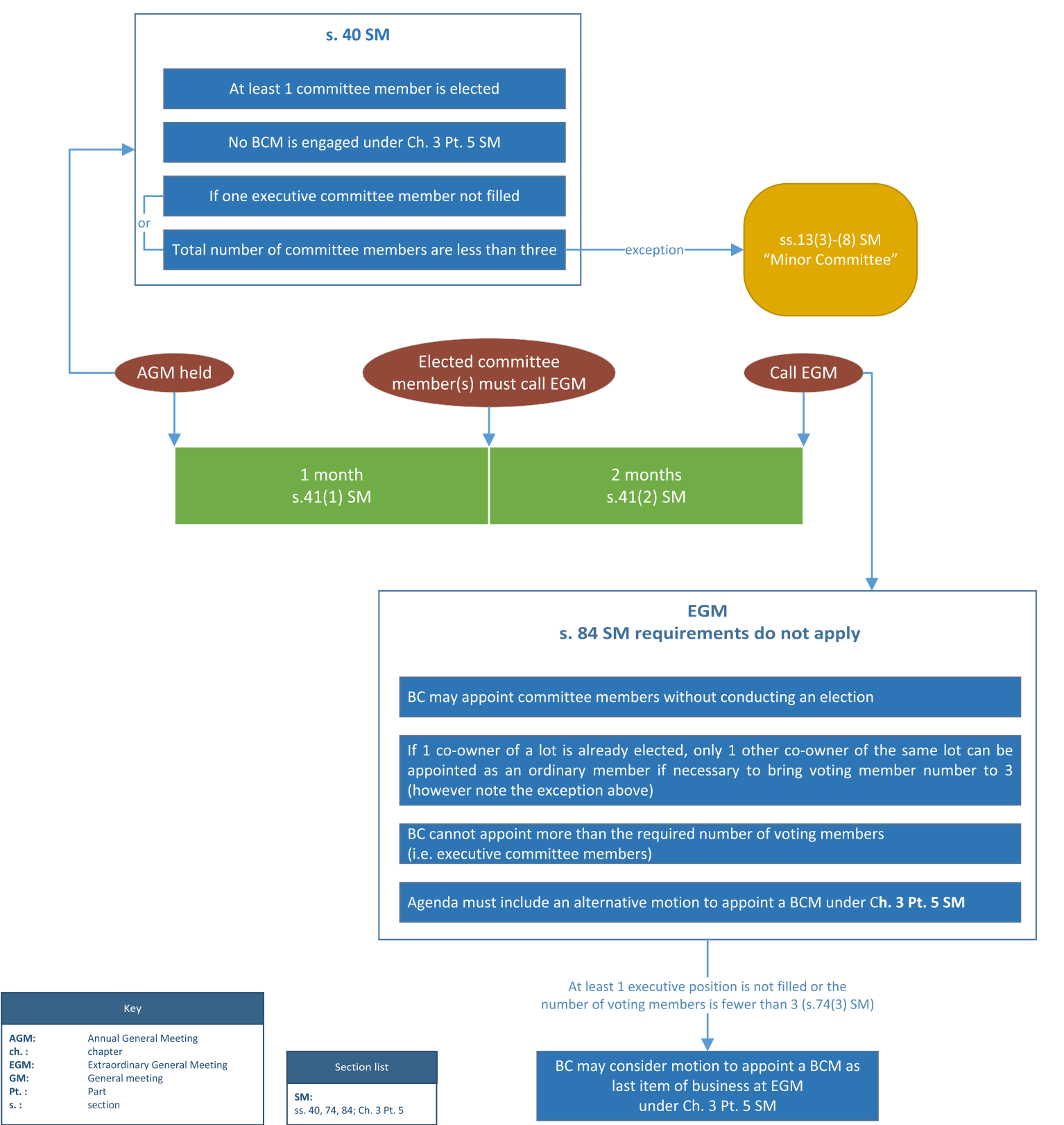
Date: / / 2021

Flowchart No 4.6: Achieving a functional committee

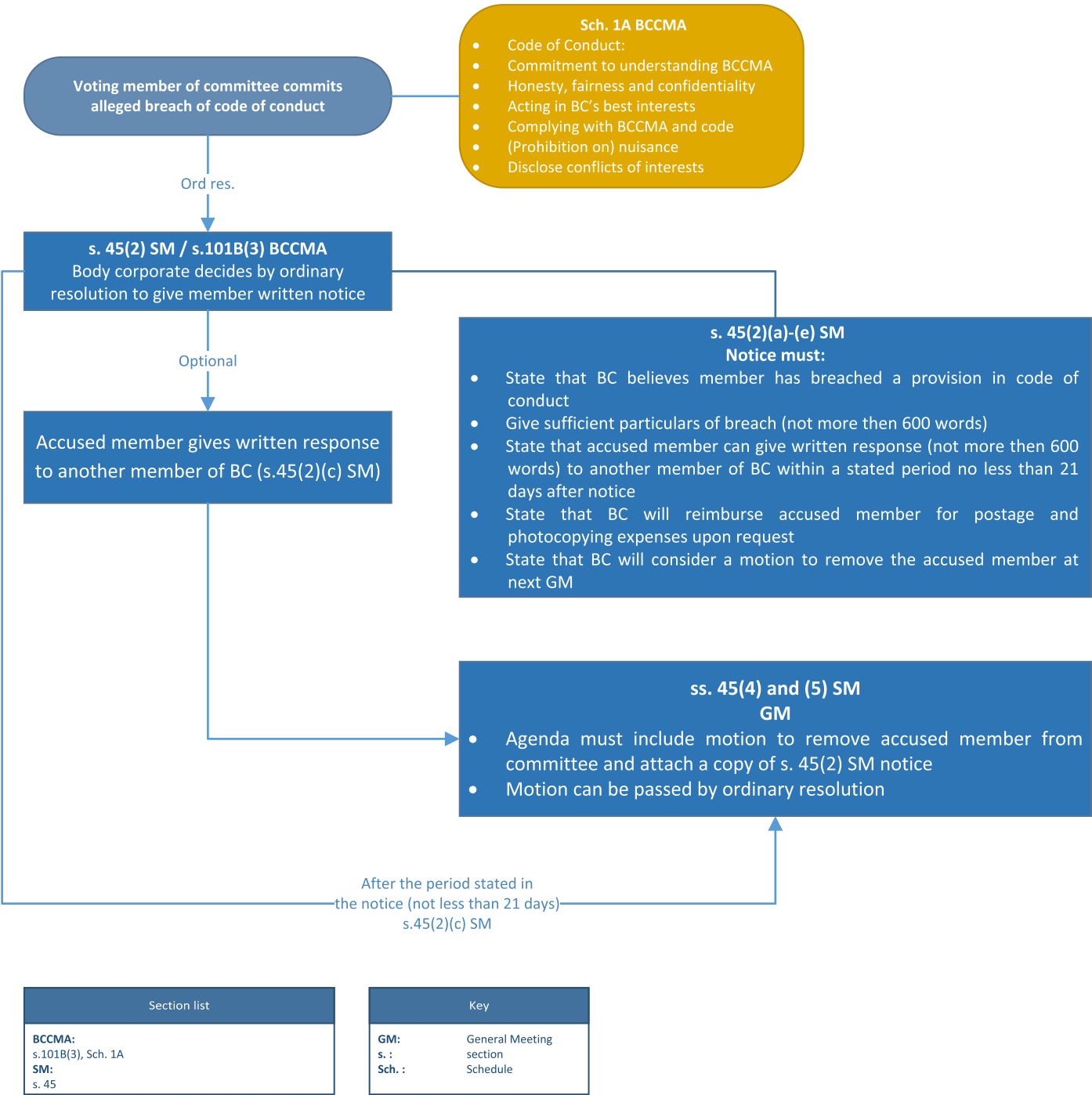


Key		Section list
AGM:	Annual General Meeting	BCCMA: S. 276(3); Sch. 5 SM: ss. 7, 9(2), 13(1), 16-39, 40-43, 74-78, Dict.
Ch. :	chapter	
dict. :	dictionary	
EGM:	Extraordinary General Meeting	
Pt. :	Part	
s. :	section	
Sch. :	Schedule	

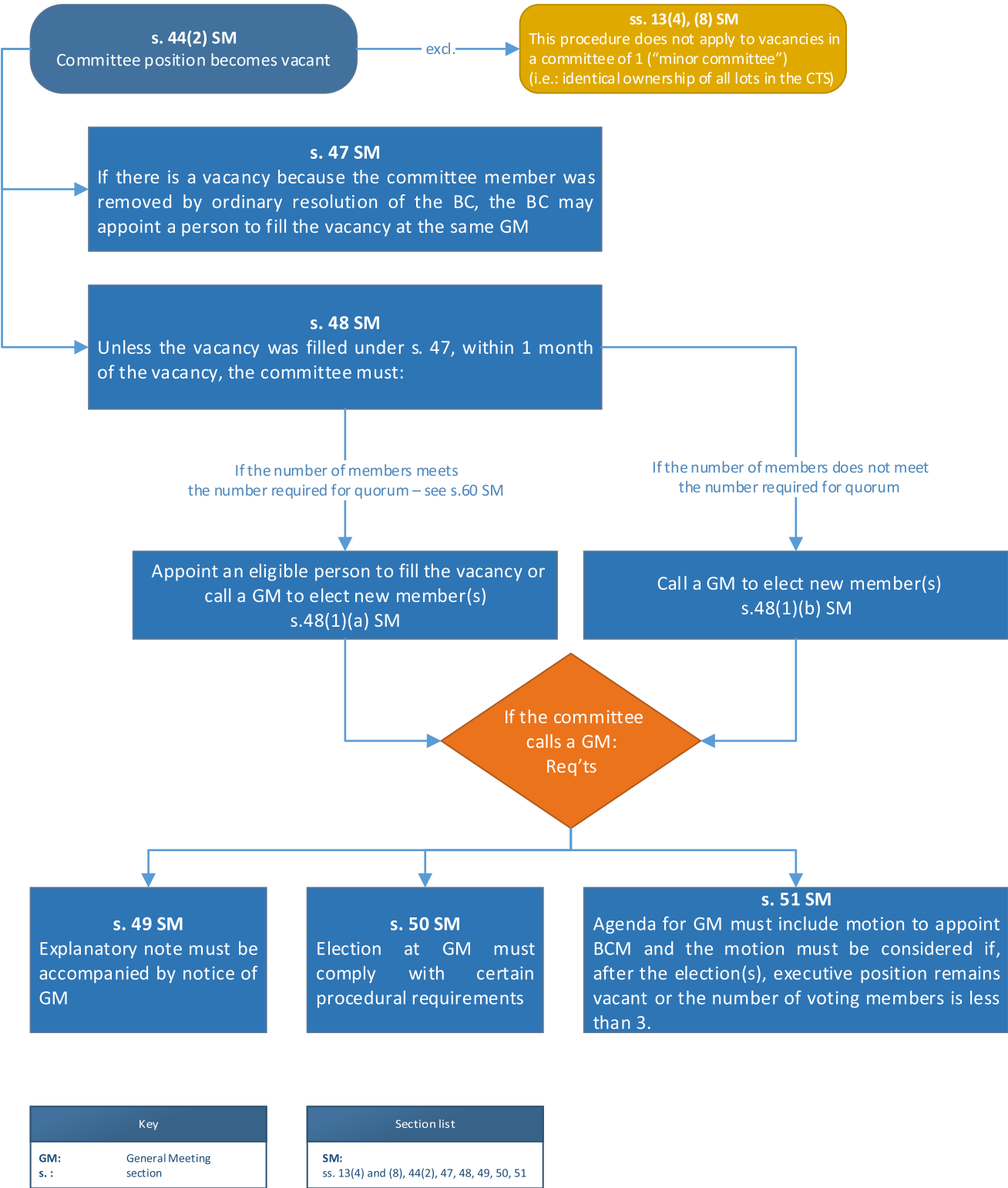
Flowchart No 4.7: Choosing committee members at EGM



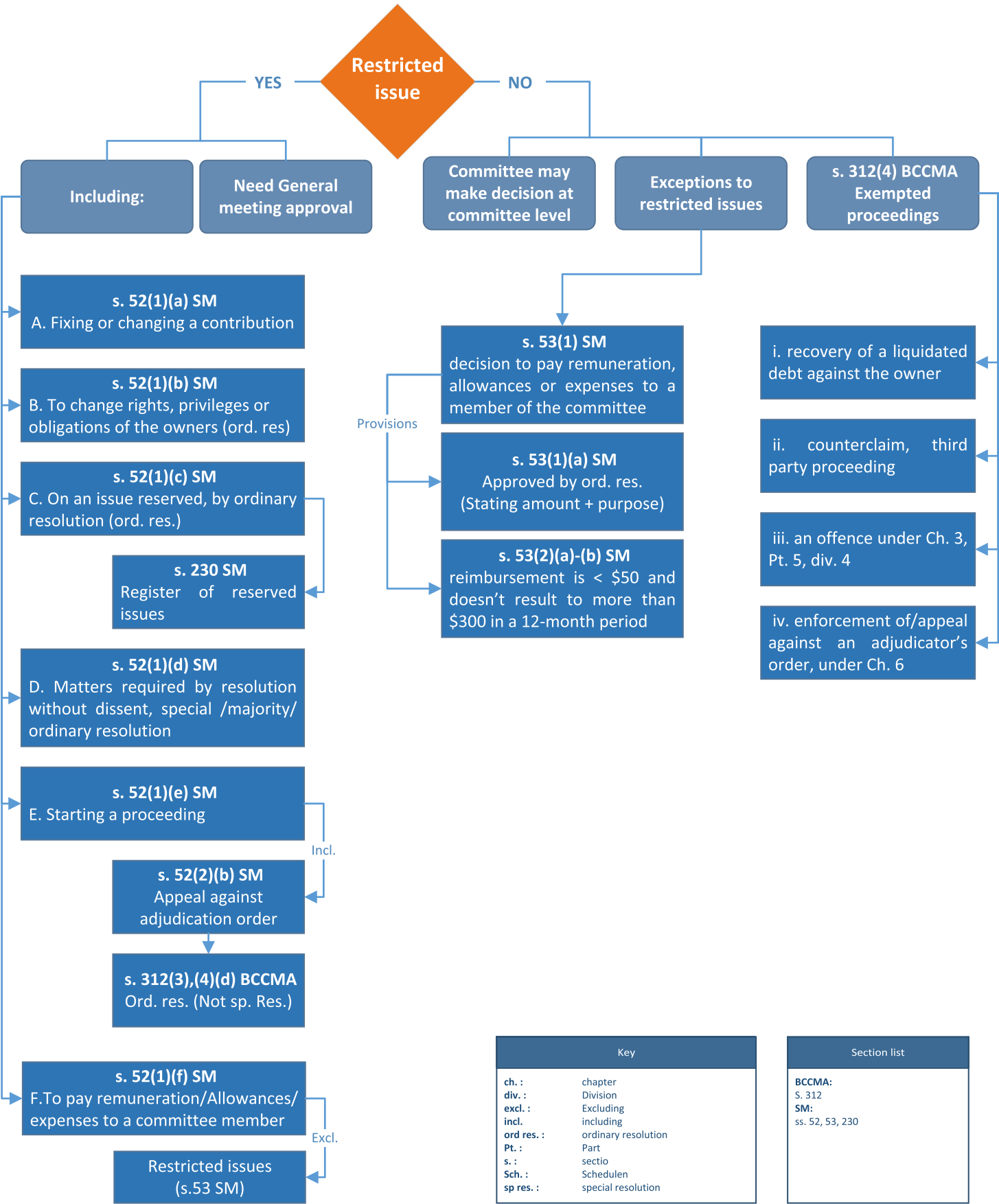
Flowchart No 4.8: Breach of code of conduct and removal of committee member



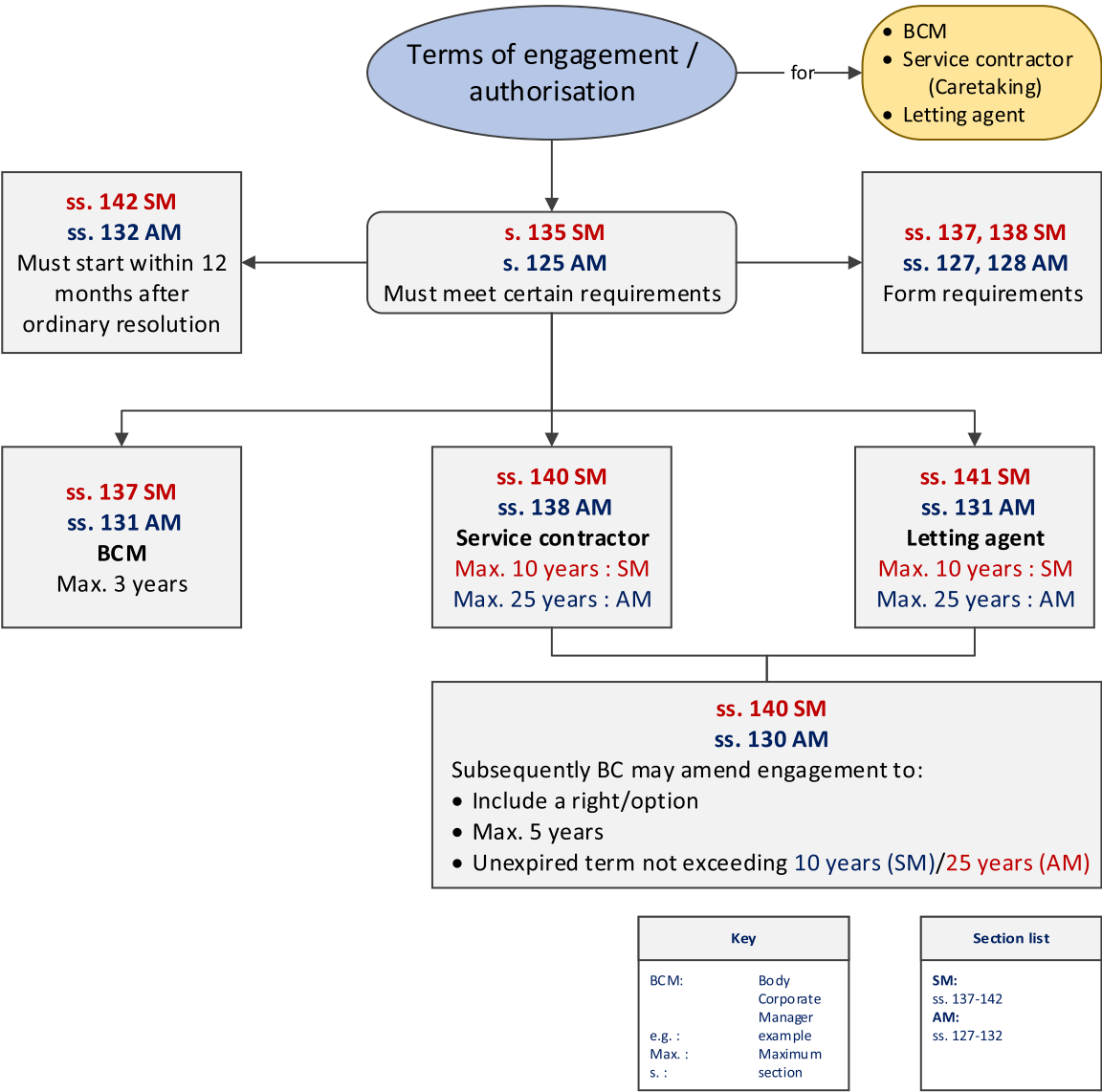
Flowchart No 4.9: Filling casual vacancies



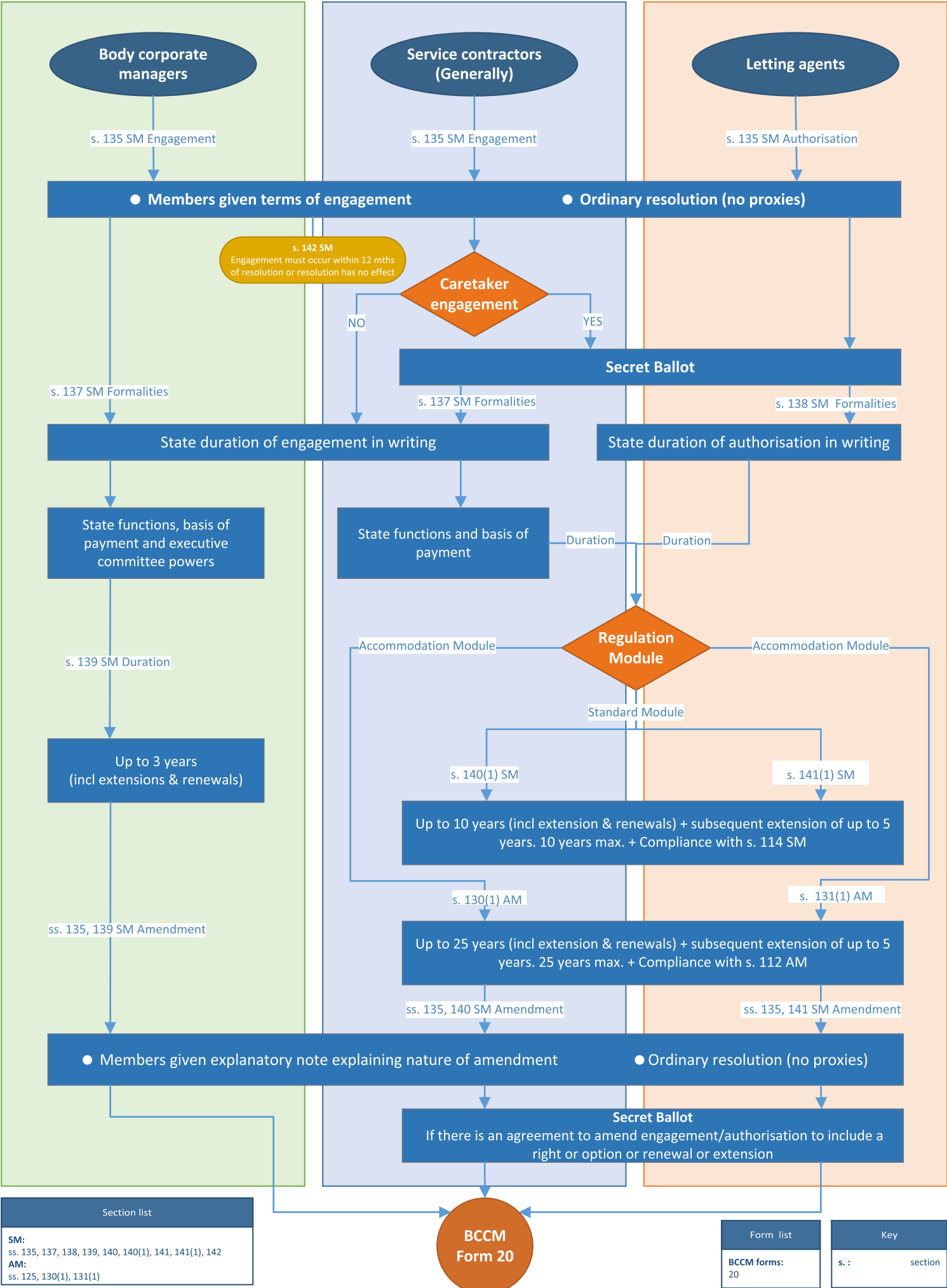
Flowchart No 4.10: Restricted issues for committee



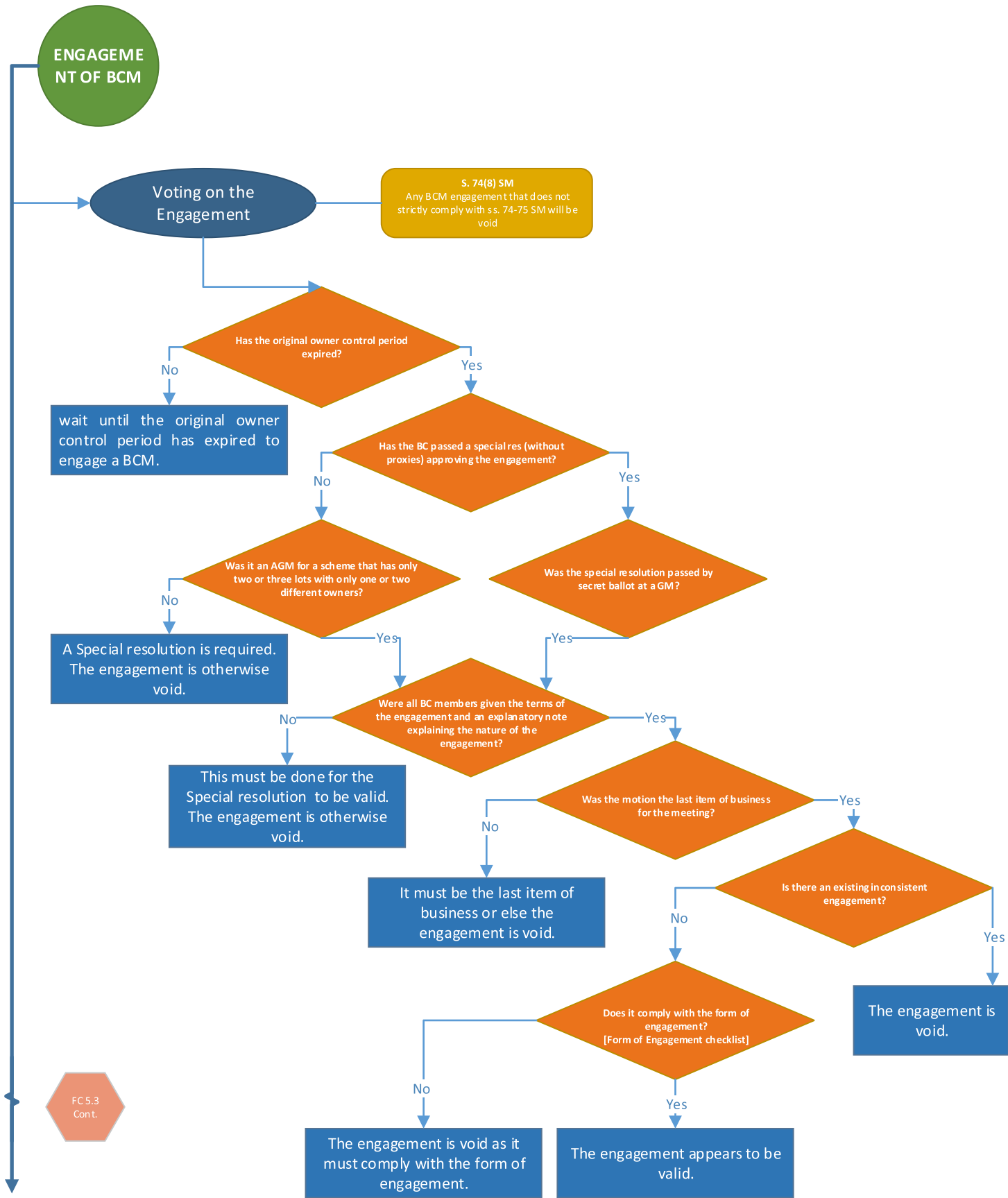
Flowchart No 5.1: Term of engagement and authorisation



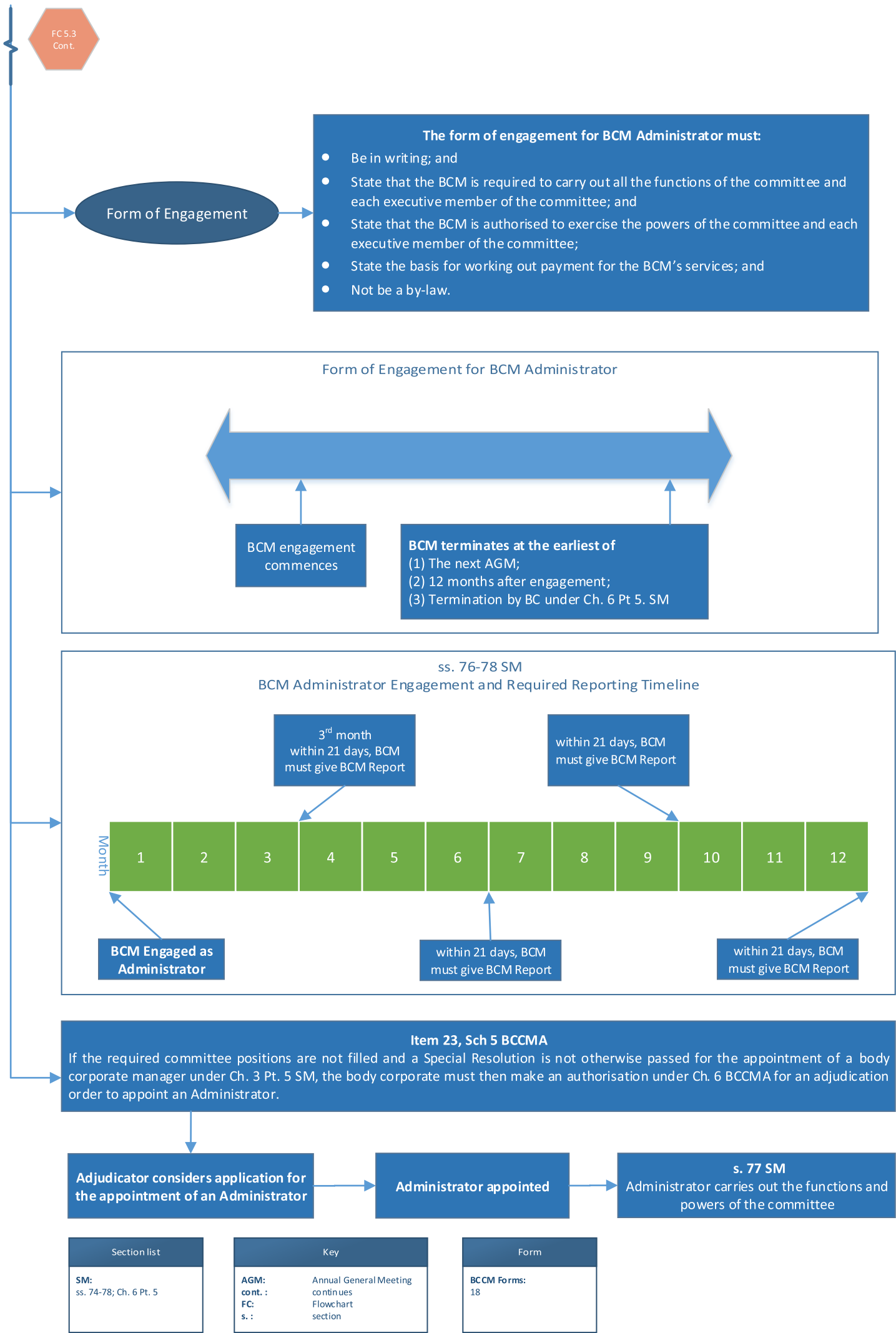
Flowchart No 5.2: Service contractors (including Body Corporate Manager)



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		
Pick date		
Pick date		
Pick date		
Pick date		
Pick date		
Pick date		
Pick date		

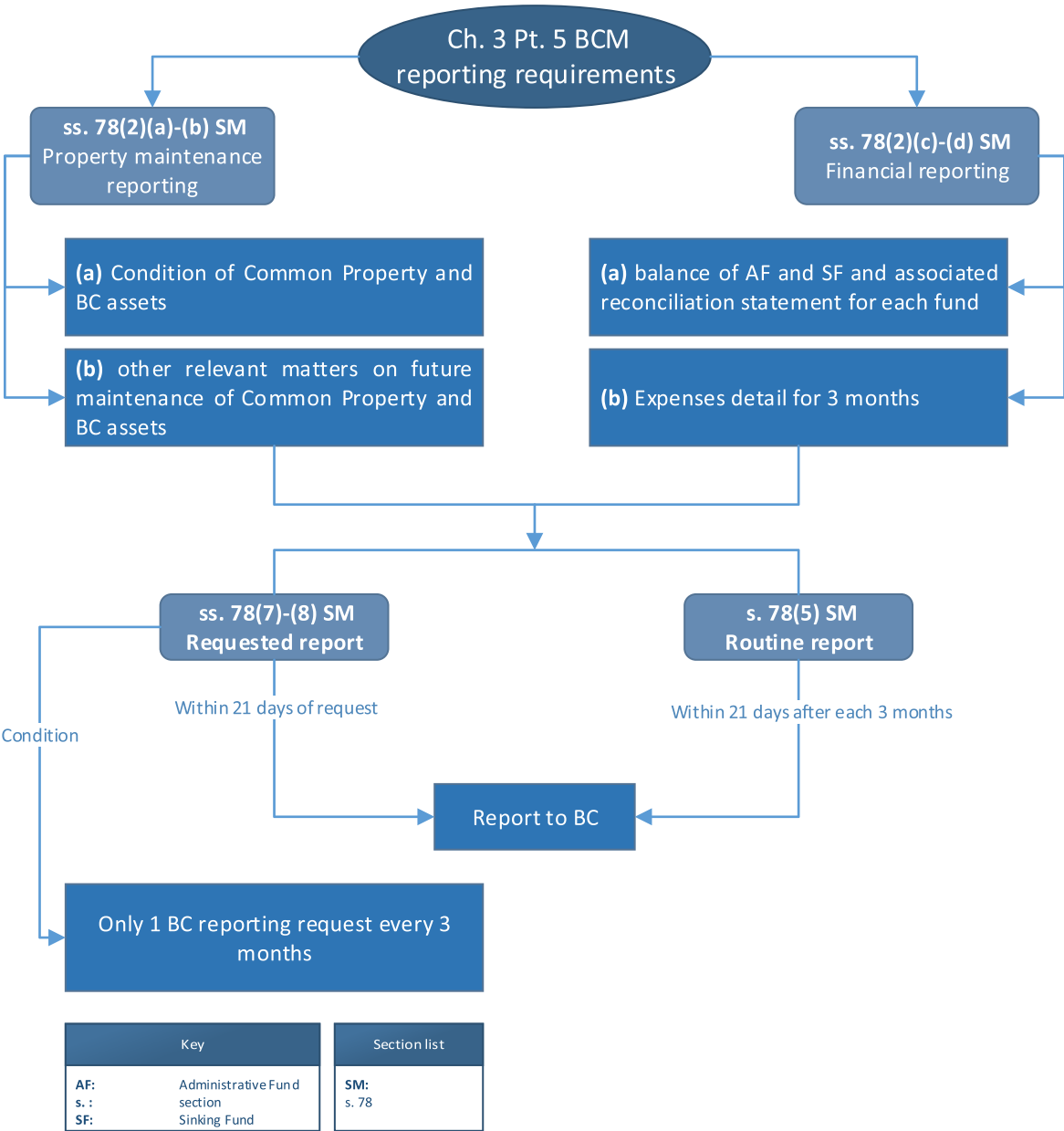
Please refer to the attached resolutions of the administrator acting as the committee (Annexure 3).

List of Annexures

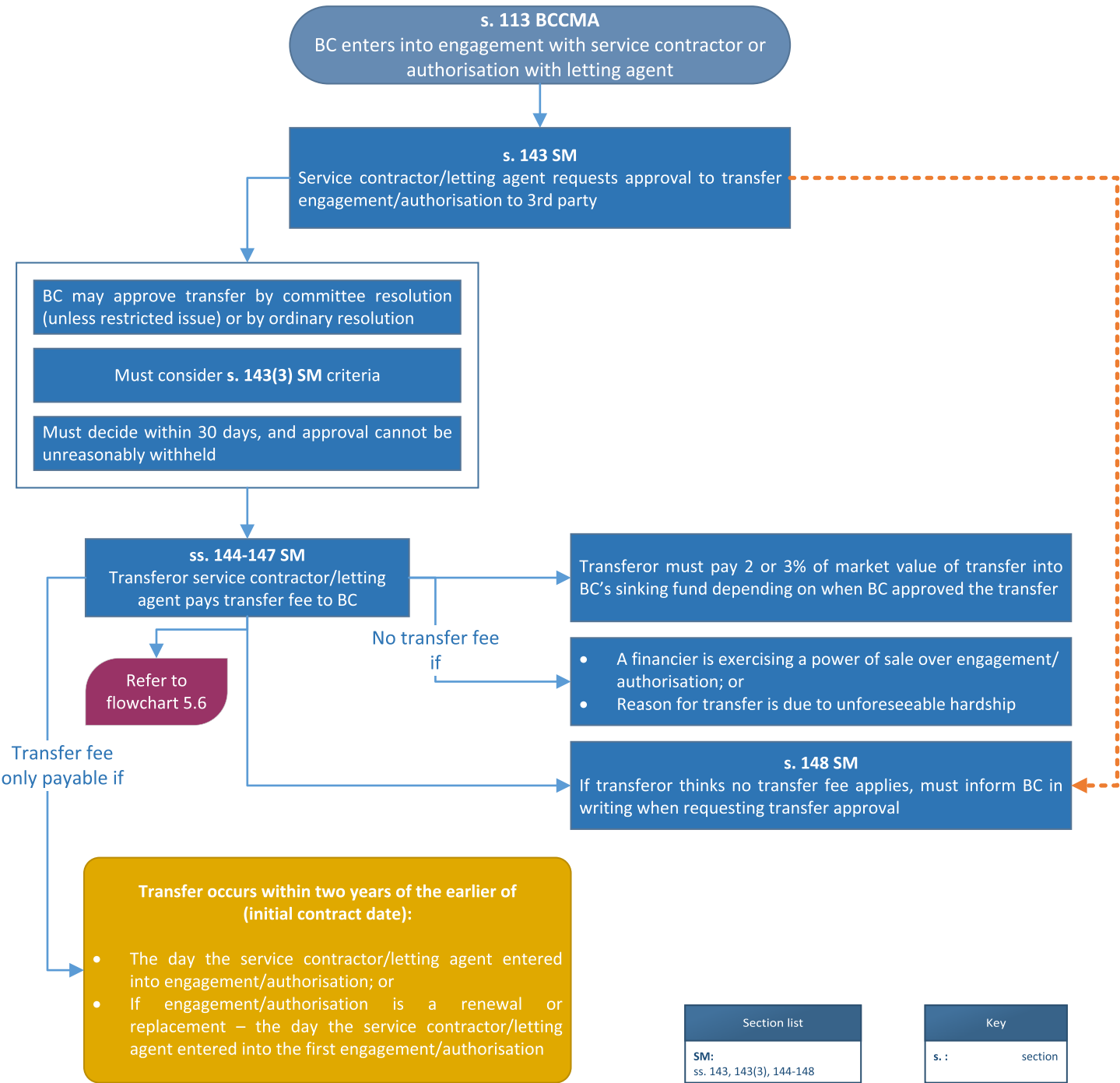
- Annexure 1 Financial statements.
- Annexure 2 Accounts payable report.
- Annexure 3 Resolutions of the administrator acting as the committee.

End of Report

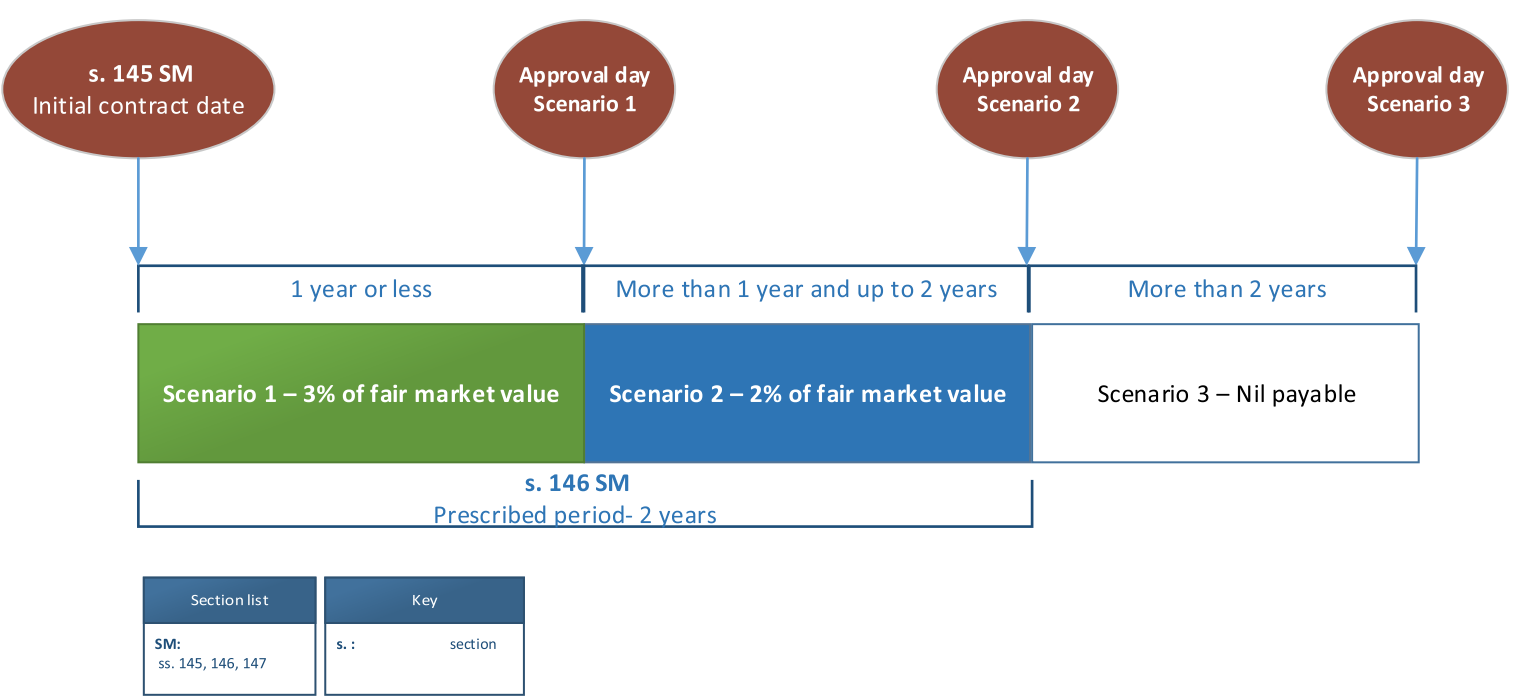
Flowchart No 5.4: Reporting to body corporate under Ch 3 Pt 5 engagement



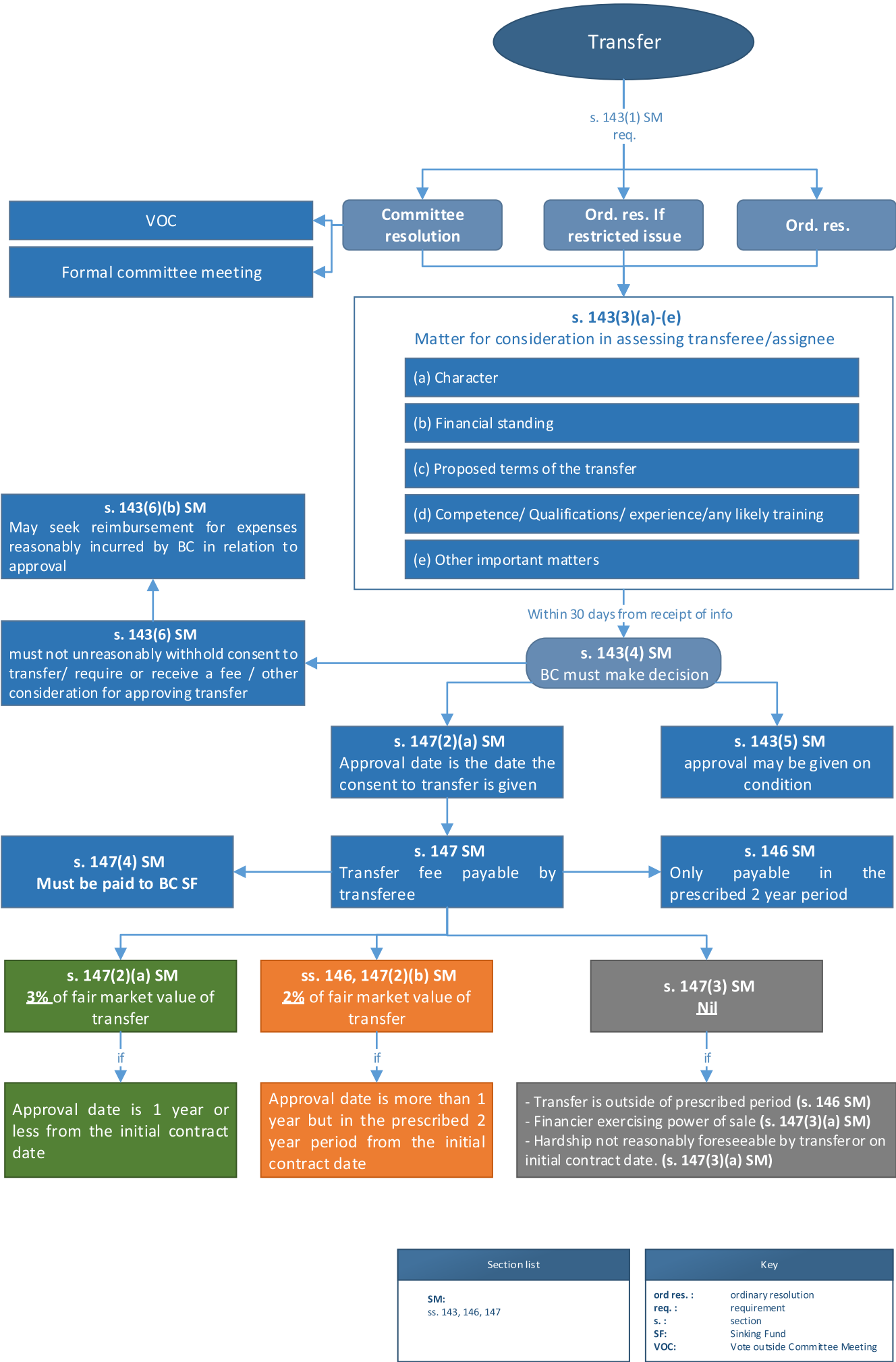
Flowchart No 5.5: Transferring engagements of service contractors and authorisations of letting agents



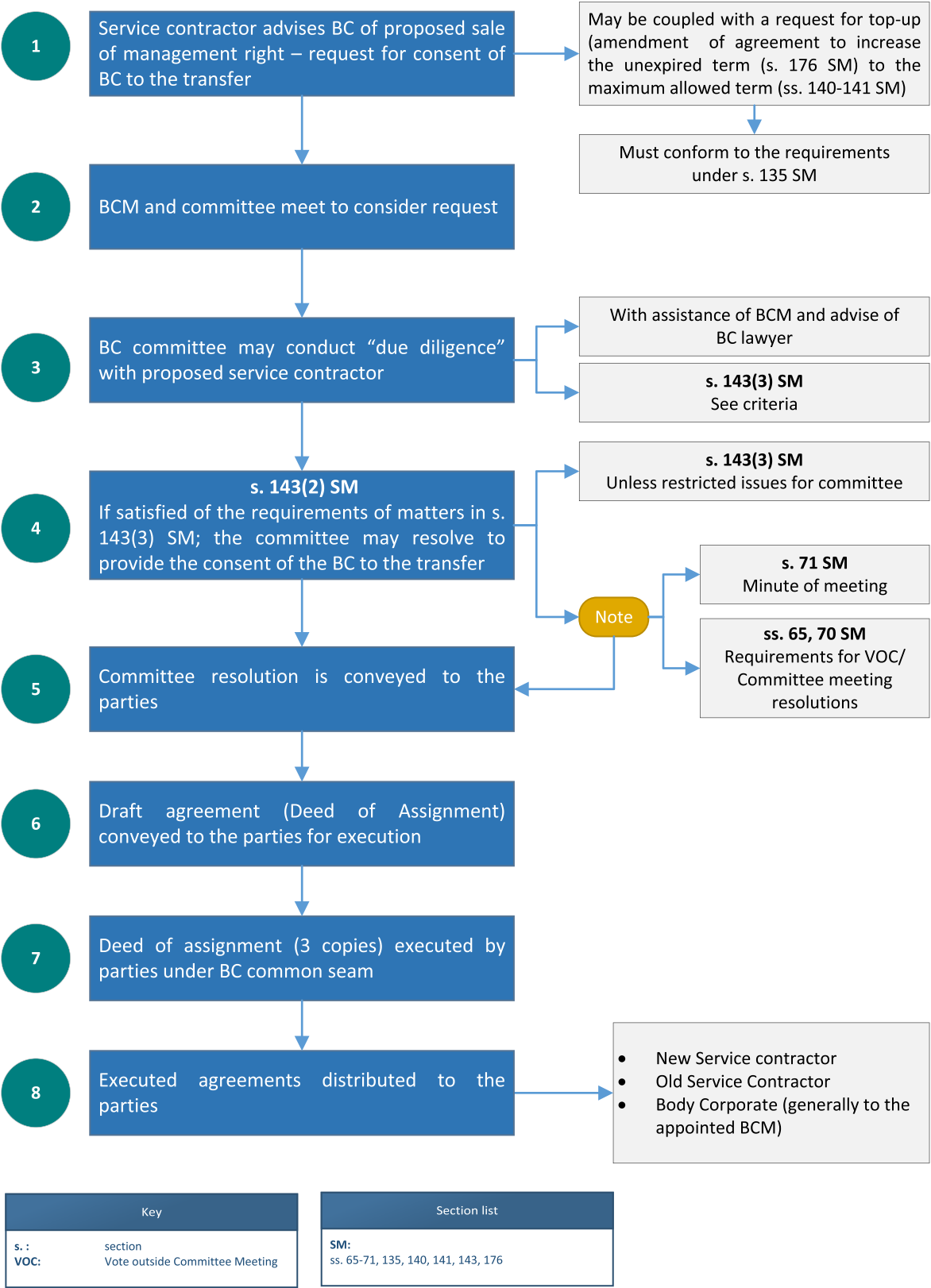
Flowchart No 5.6: Calculation of transfer fee



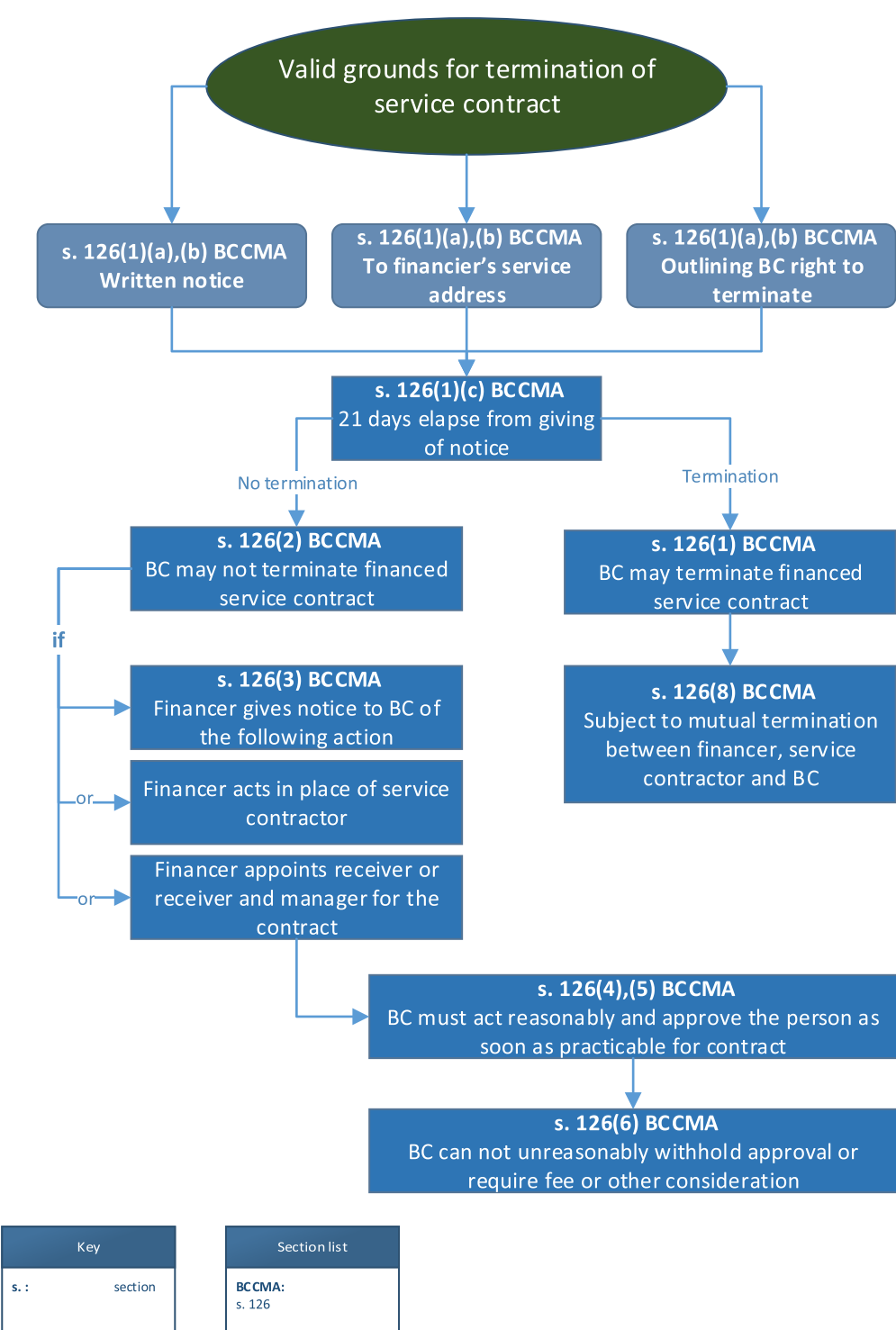
Flowchart No 5.7: Transferring of management rights (technical requirements)



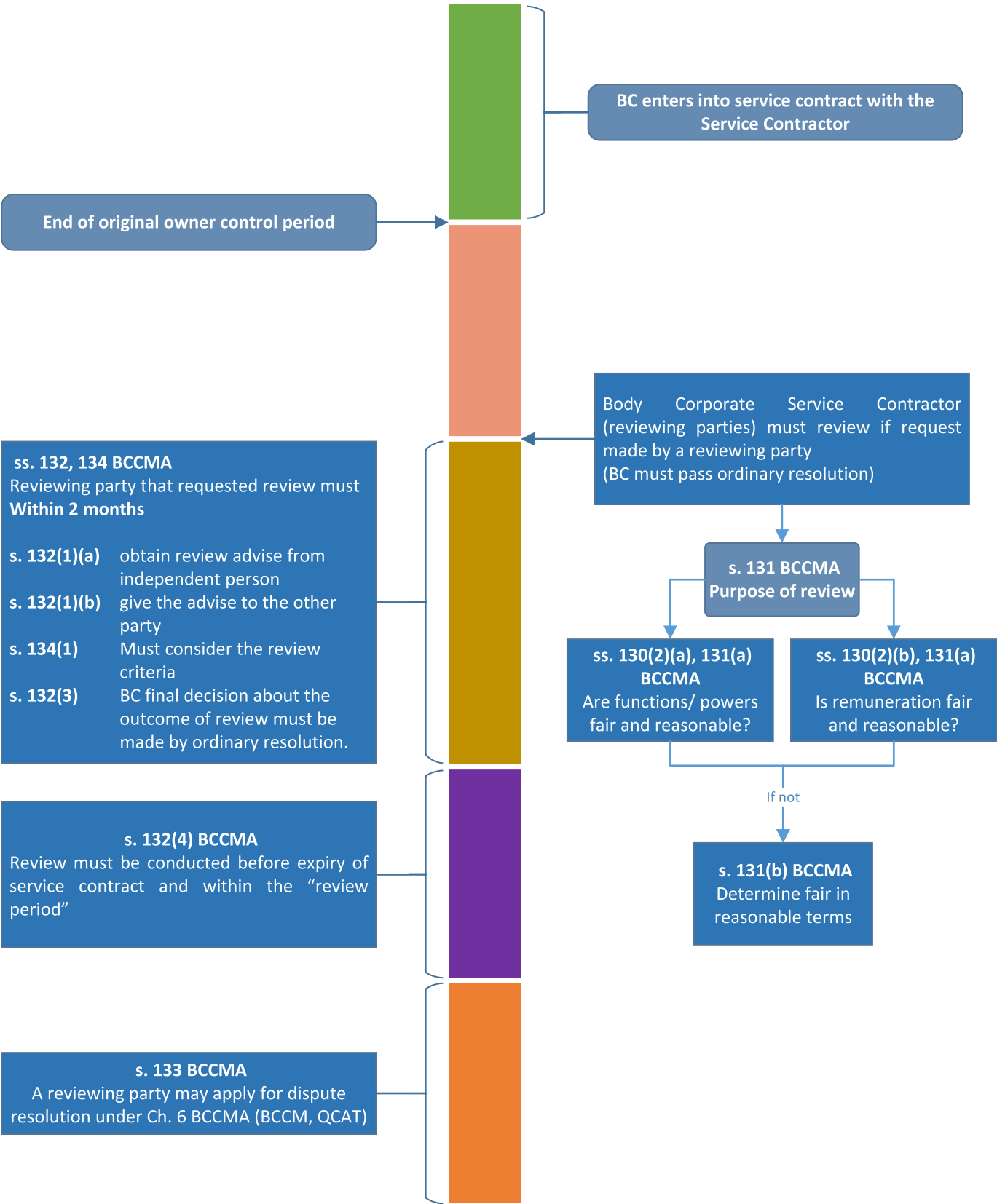
Flowchart No 5.8: Transferring of management rights (sequence of events)



Flowchart No 5.9: Limitation on termination of financed contract

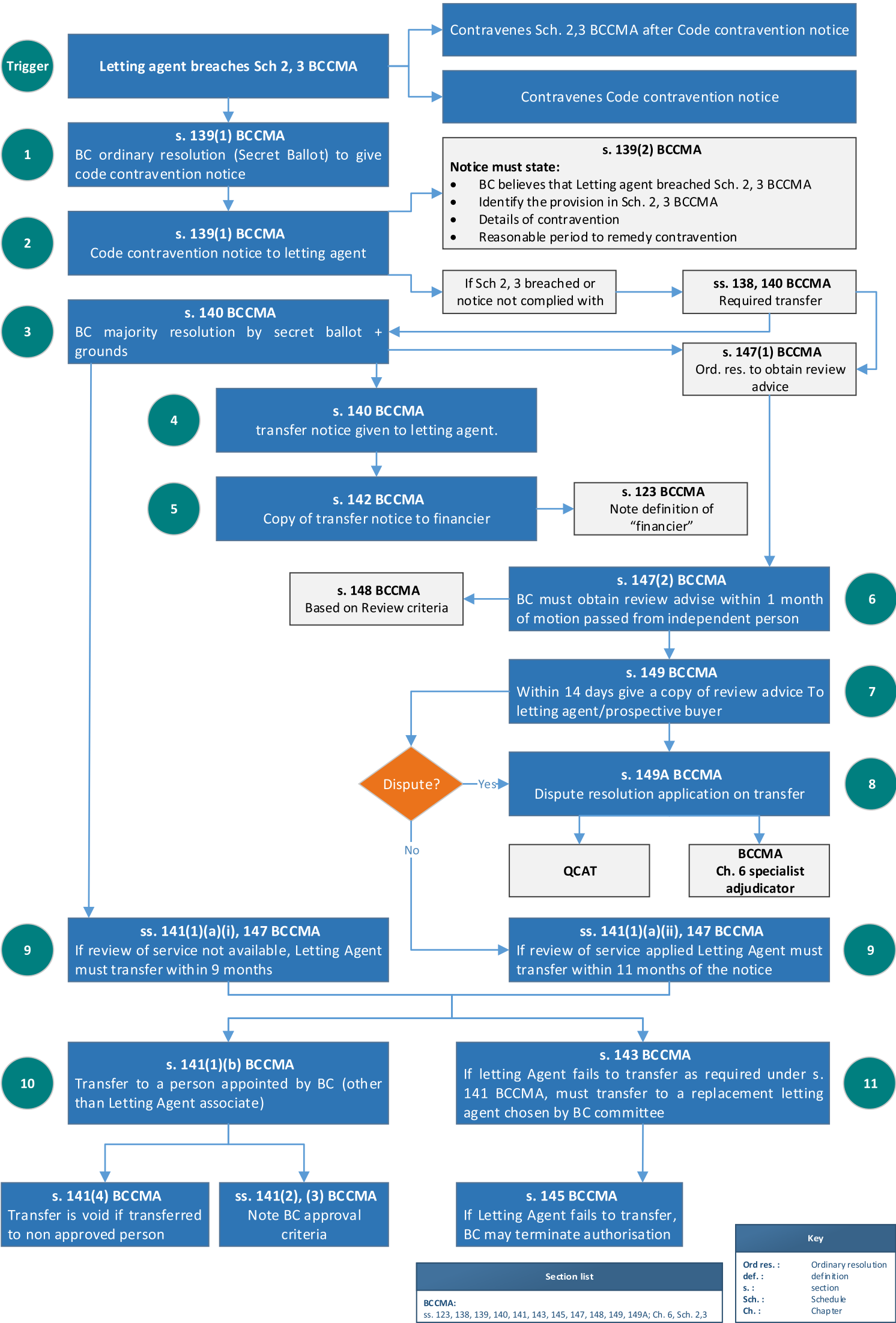


Flowchart No 5.10: Review of service contracts

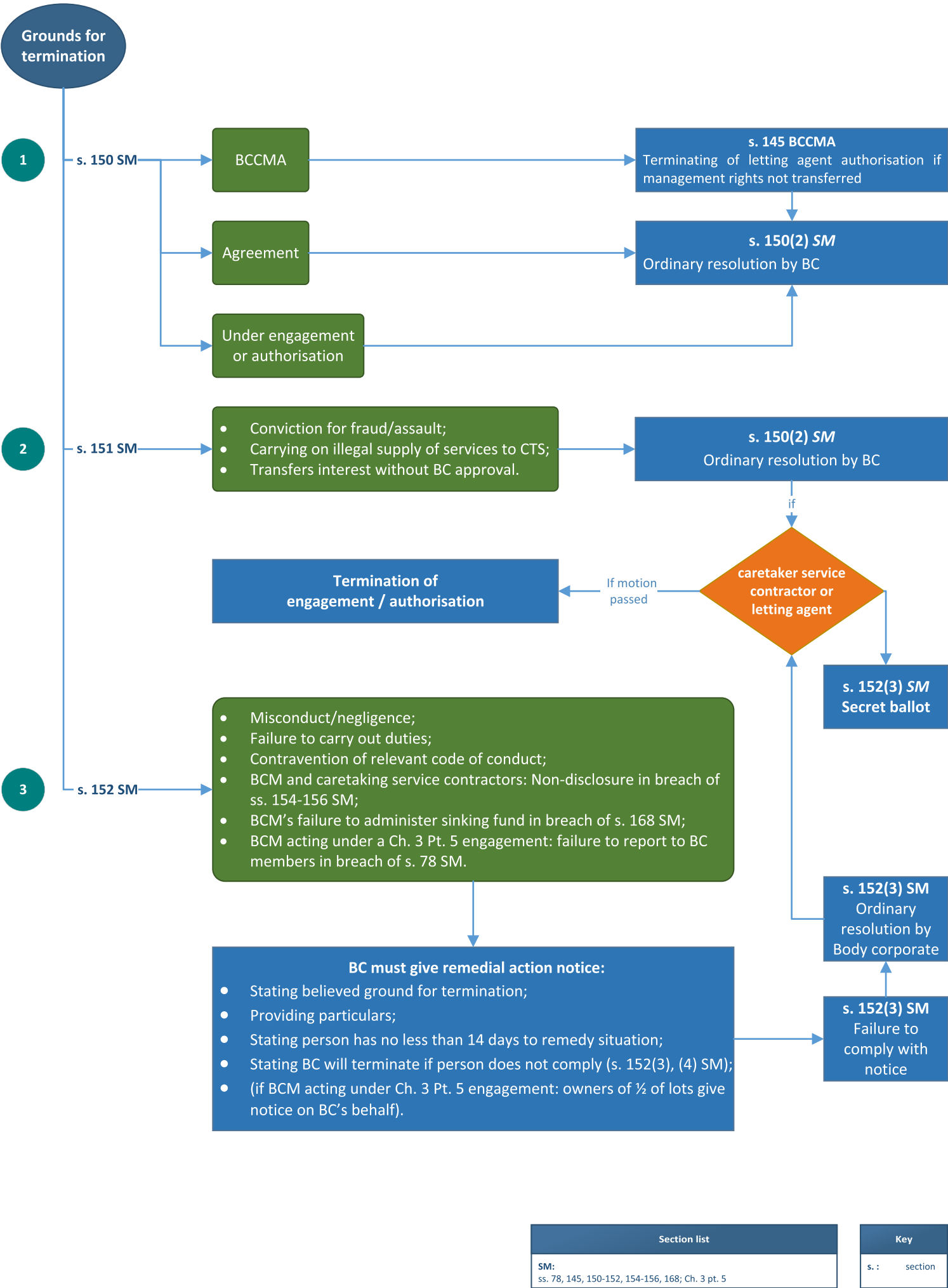


Key		Section list
Ch. :	chapter	BCCMA: ss. 130-135; Ch 3 Pt. 2 div. 7
div. :	Division	
Pt. :	Part	
s. :	section	

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



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.

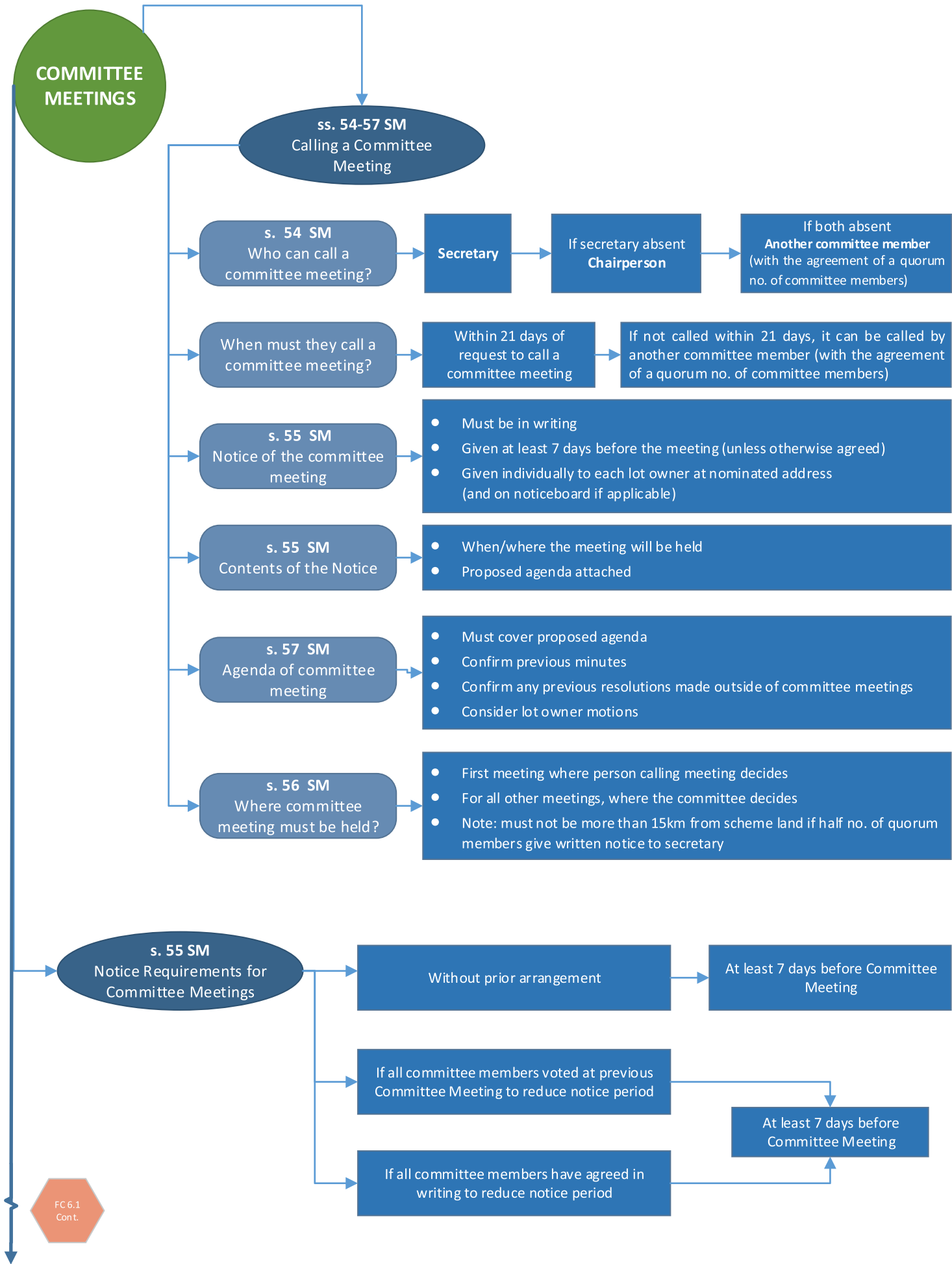
And further that the Body Corporate Manager be authorised to affect payment to the said contractor in accordance with the contractor’s stated payment terms, upon the provision of a valid invoice from the contractor, and upon advice from a committee member of the satisfactory completion of the works.

YES: ☐

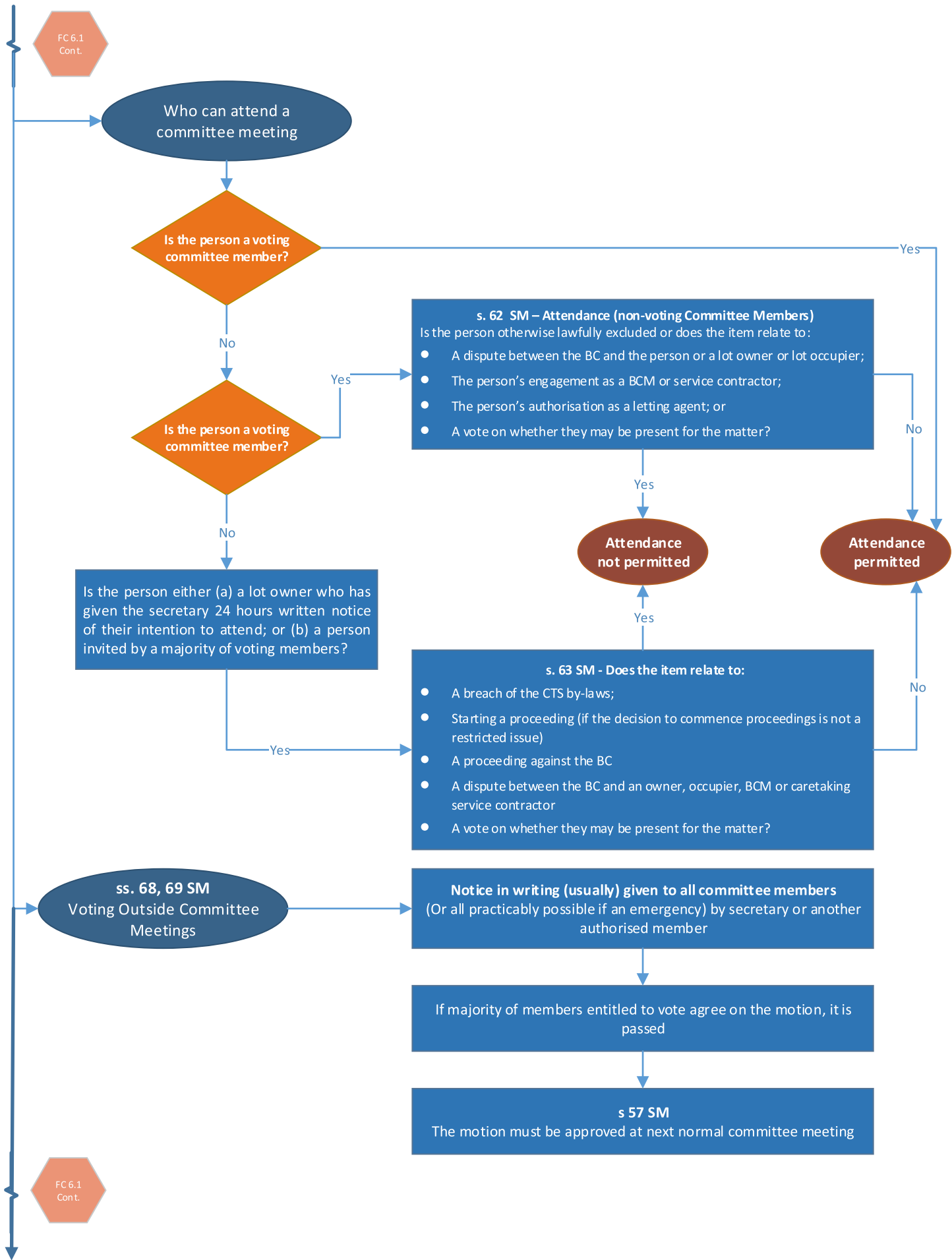
NO: ☐

ABSTAIN: ☐

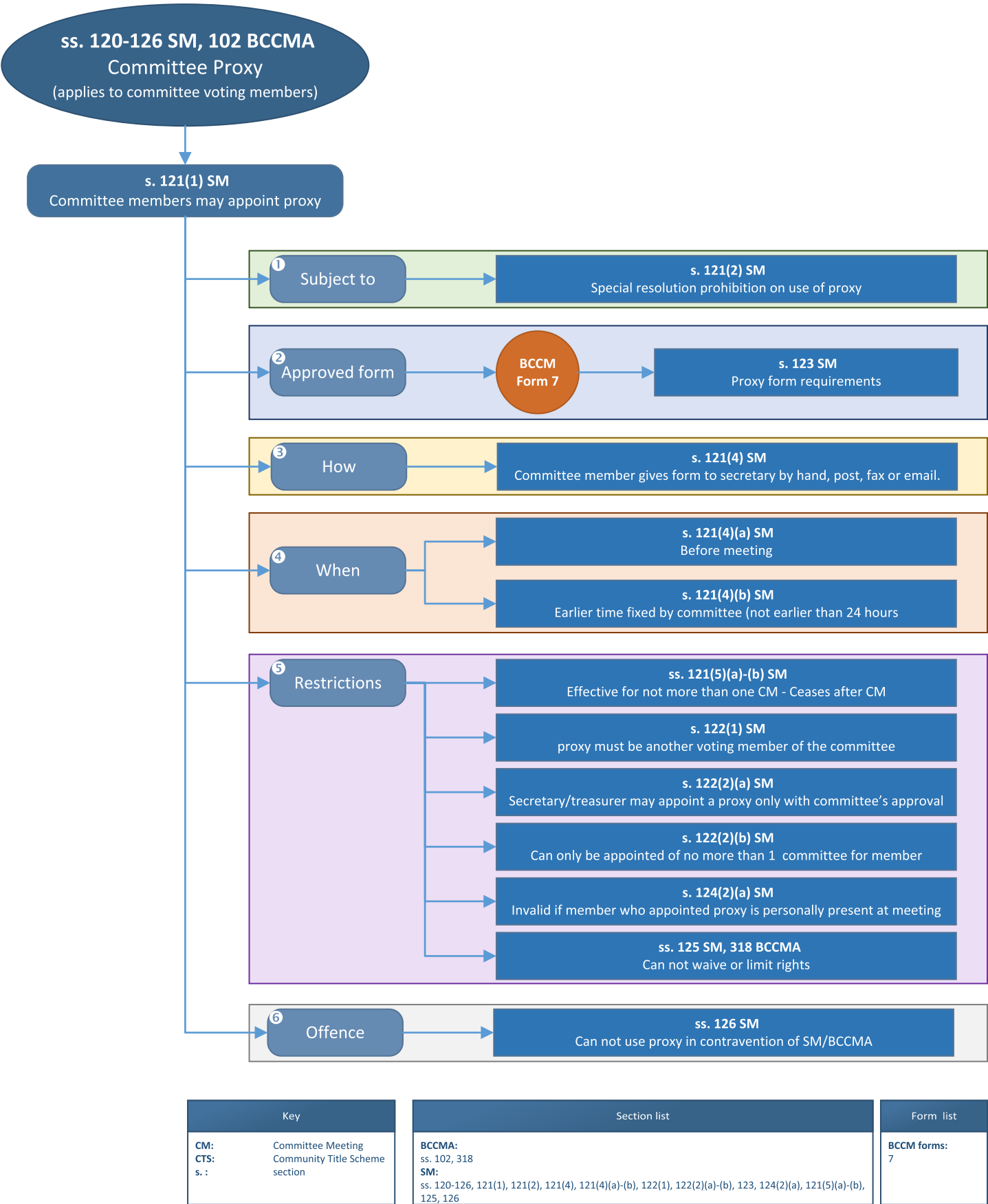
Flowchart No 6.1: Committee meetings



Flowchart No 6.1: Committee meetings (Continued)



Flowchart No 6.2: Committee proxies



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.

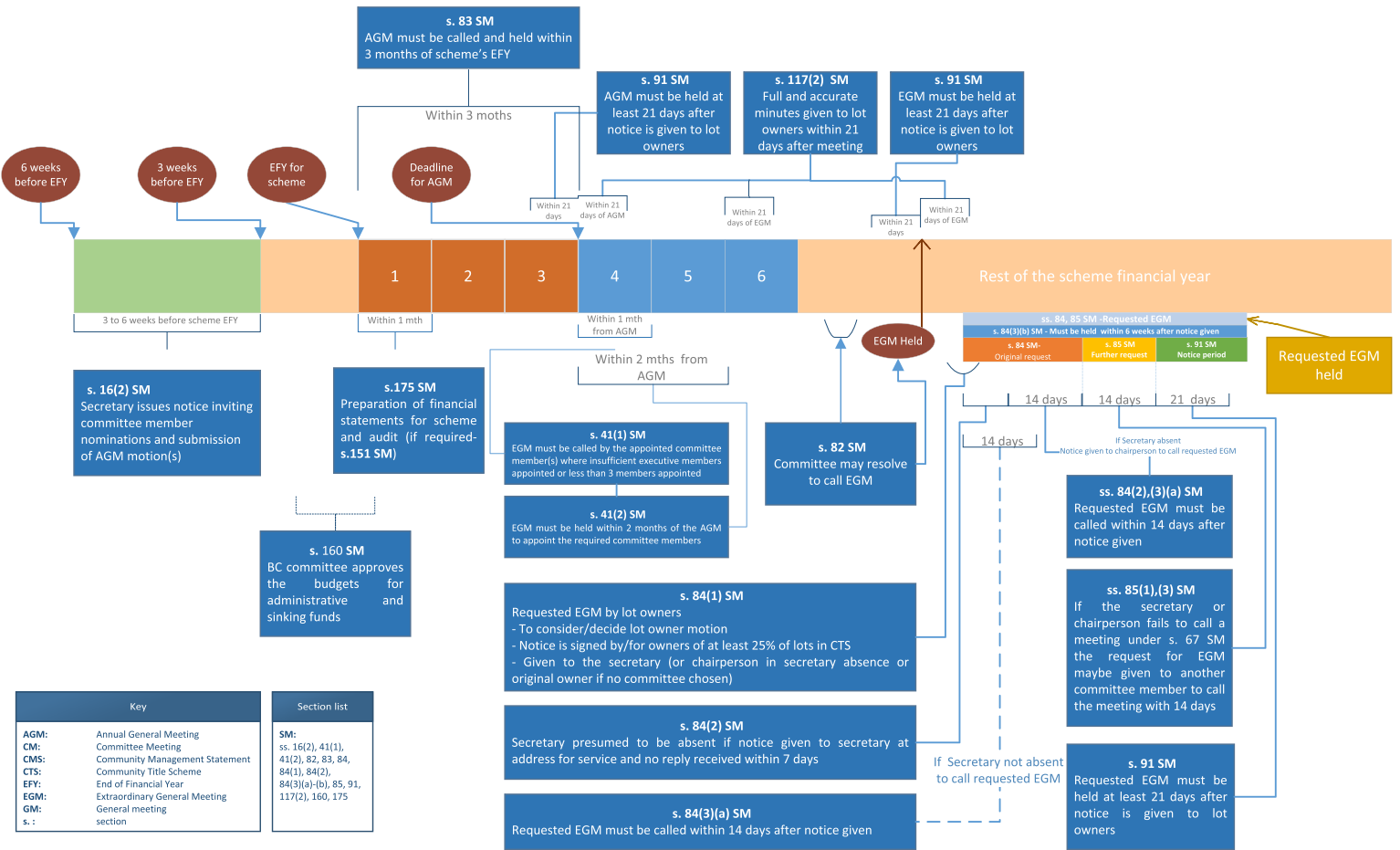
(3) A requested extraordinary general meeting—

- (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.

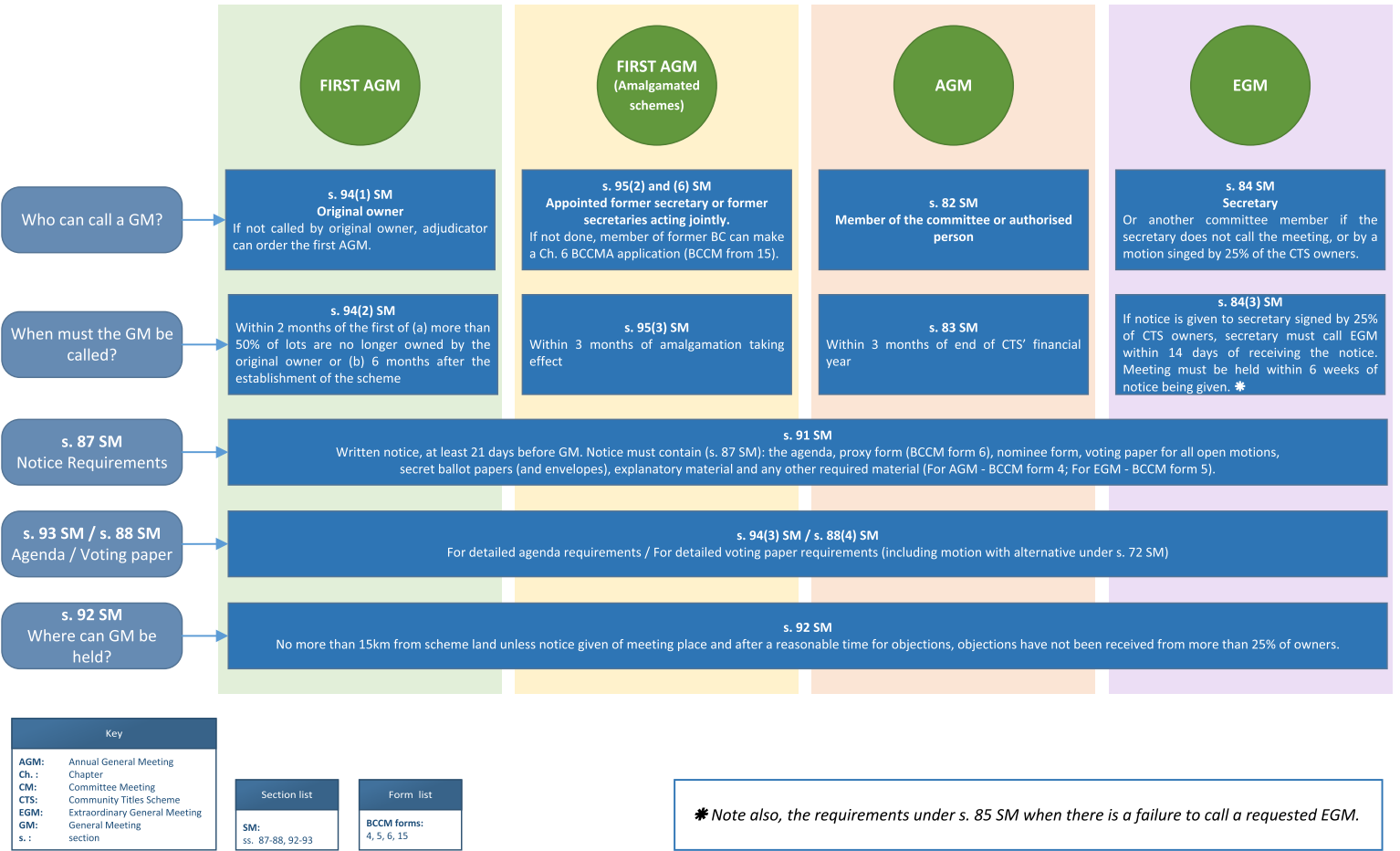
Note—
Section 91 provides a general meeting must be held at least 21 days after notice is given to the lot owners.

(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.

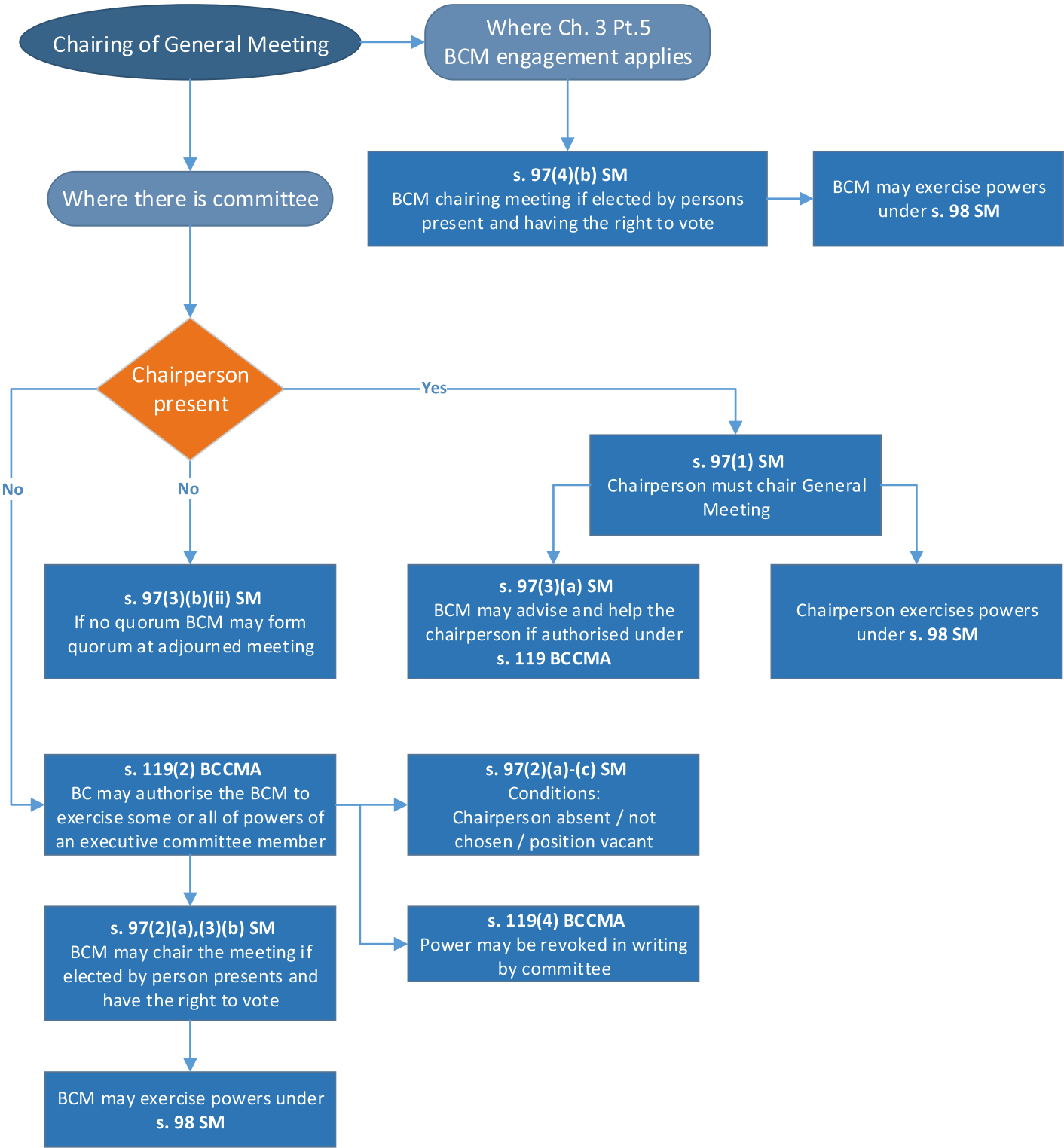
Flowchart No 6.3: General meeting timeline



Flowchart No 6.4: Body corporate meetings

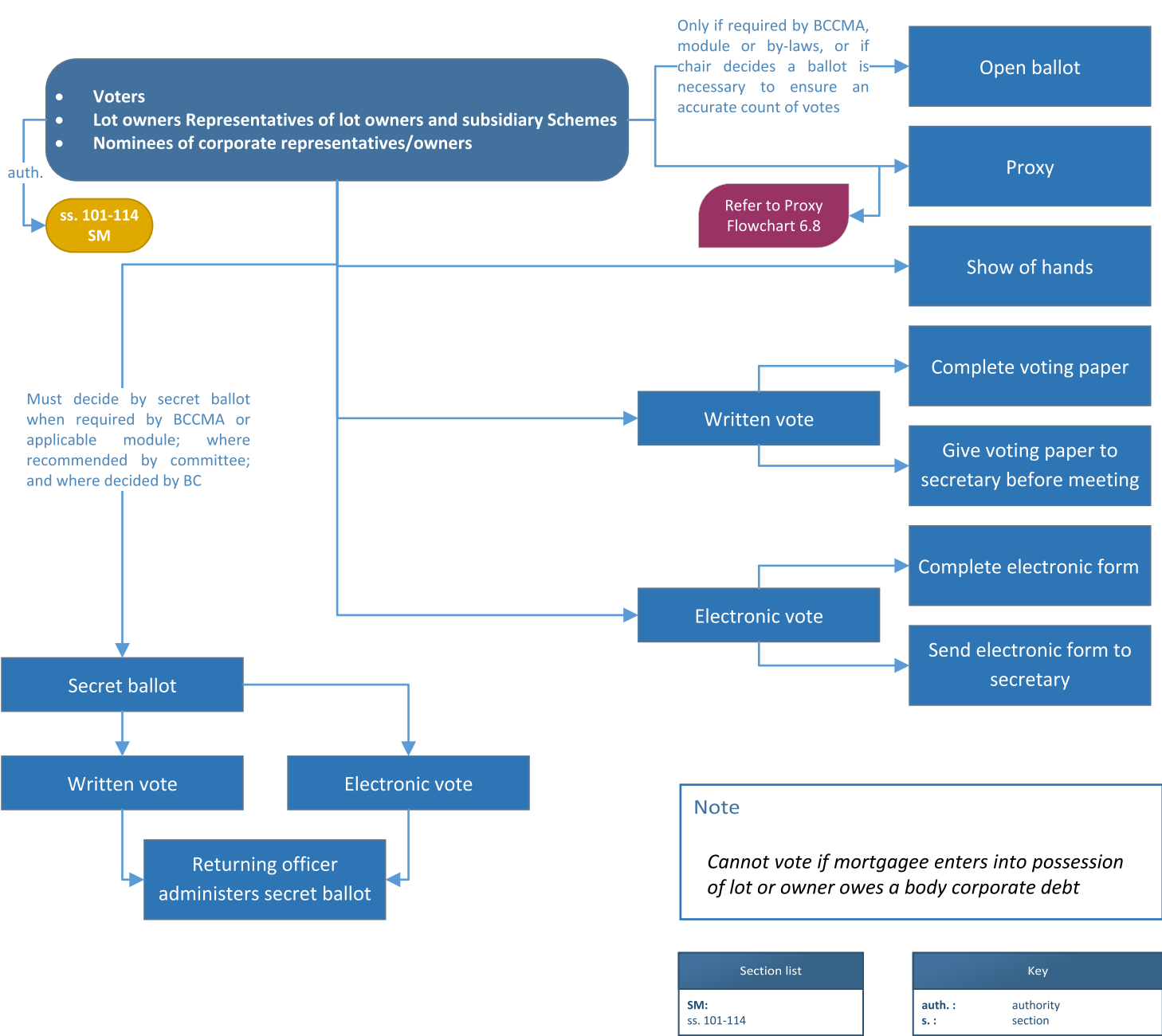


Flowchart No 6.5: Chairing general meeting

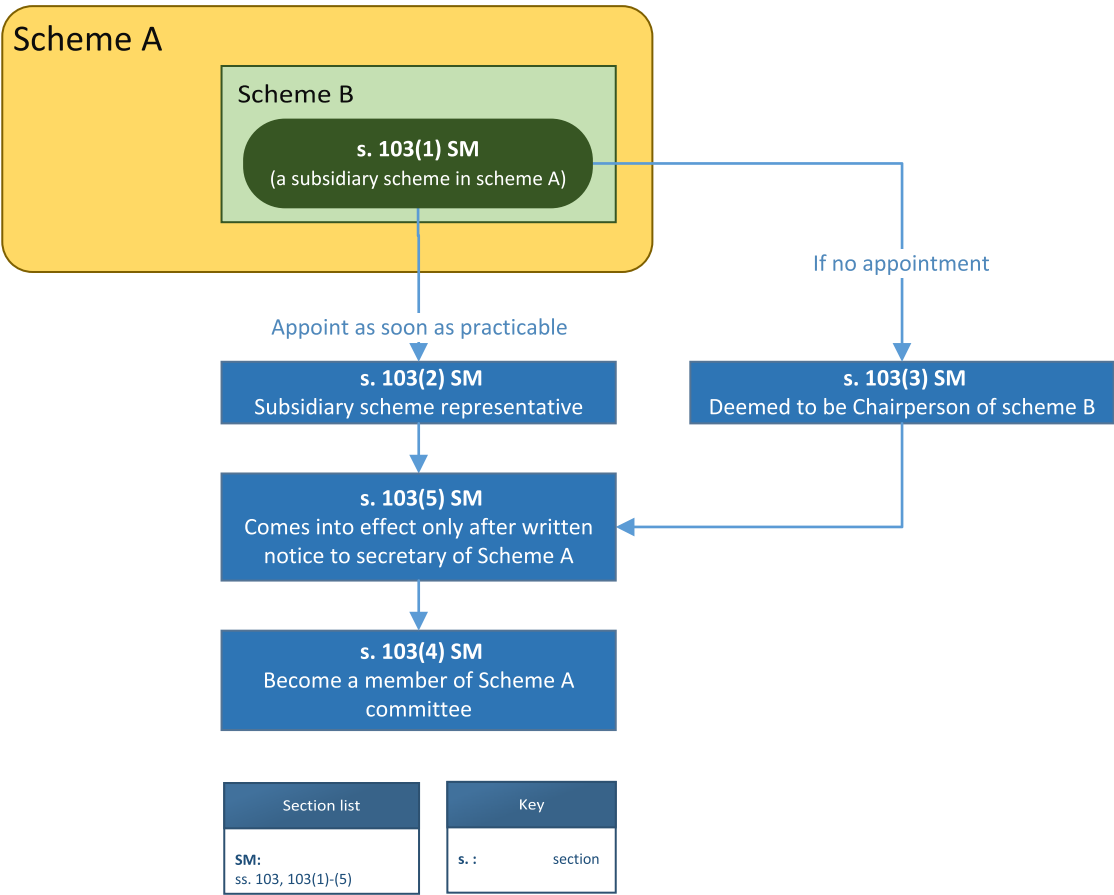


Section list	Key
SM: ss. 97, 98 BCCMA: s. 119	BCM: Body corporate manager Ch.: Chapter Pt.: Part s.: section

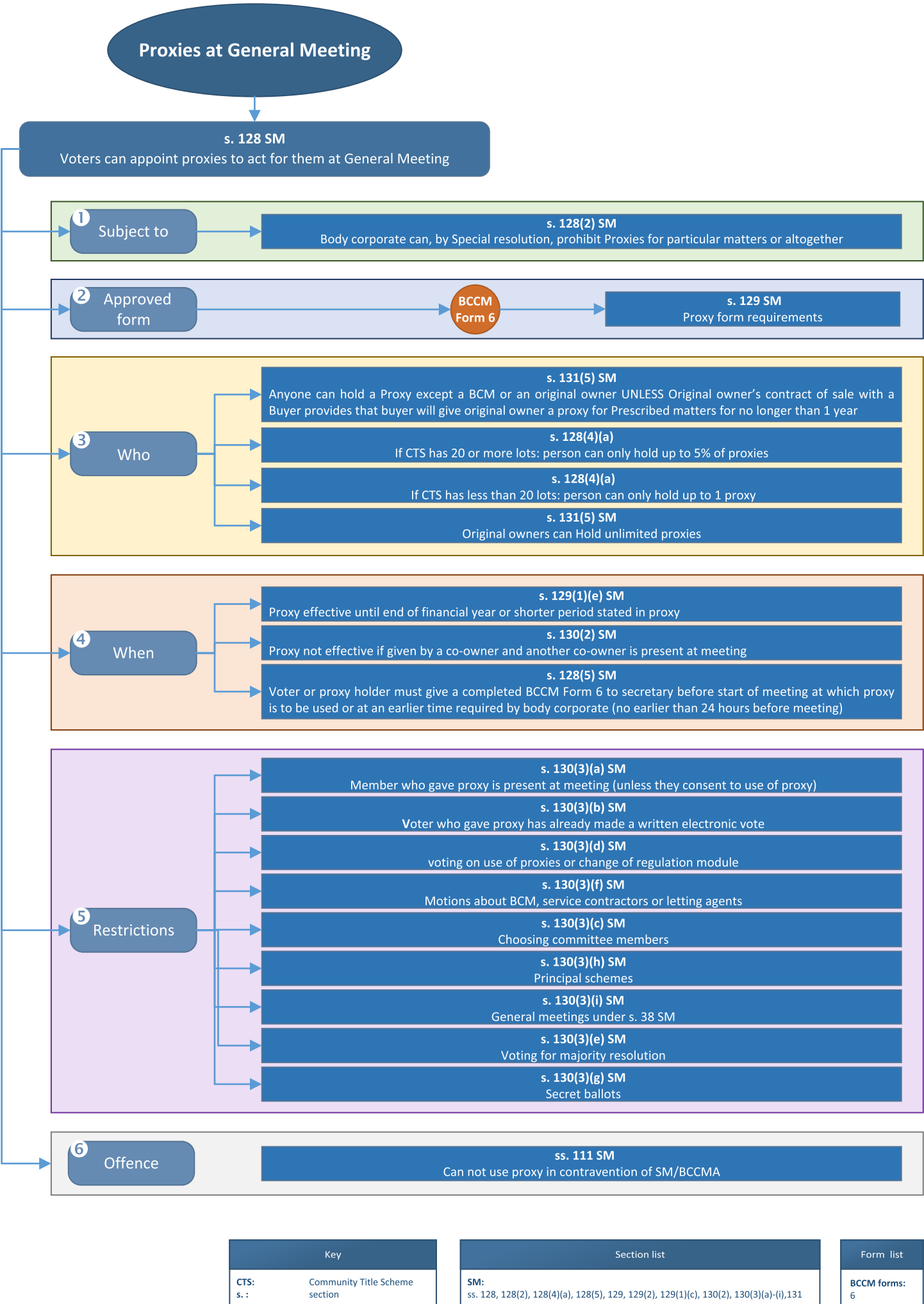
Flowchart No 6.6: Voting at general meetings



Flowchart No 6.7: Representative of subsidiary scheme



Flowchart No 6.8: Proxies at general meetings



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 consider 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

Witness Signature

Print Full Name of Committee Member

Print Full Name of Witness

Insert Returning Officer ABN 12 123 123 123)

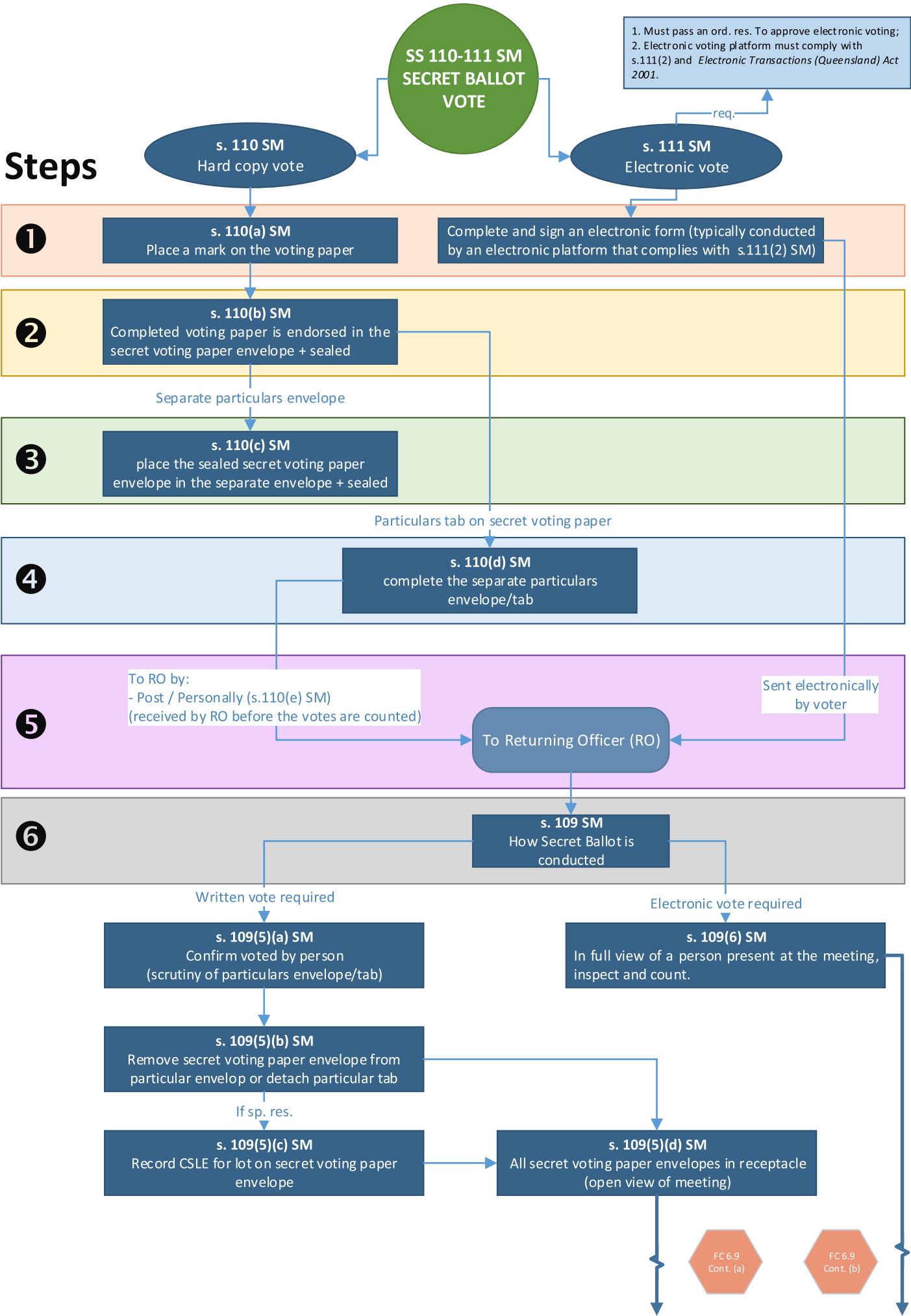
Signature of Returning Officer

Witness Signature

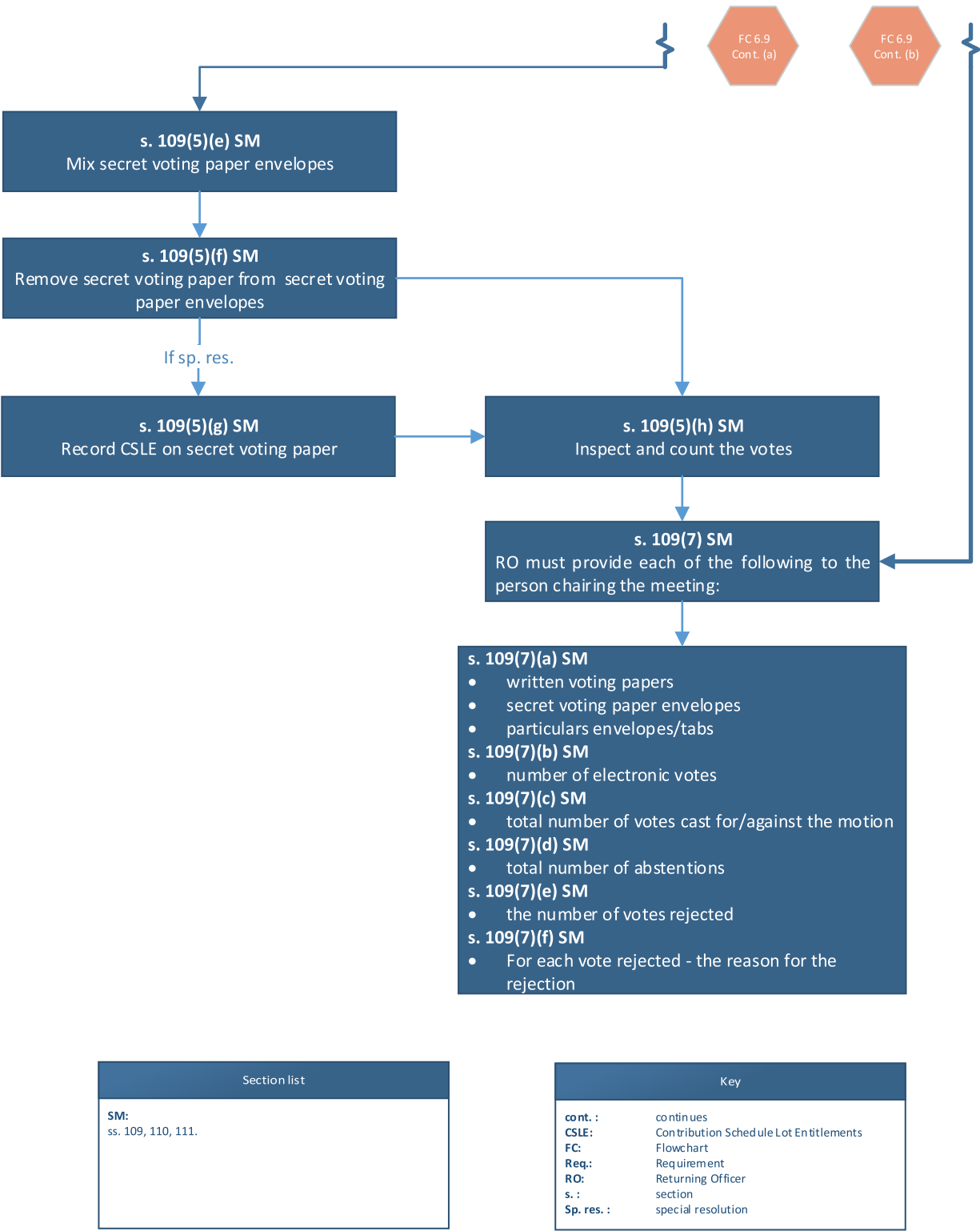
Print Full Name of Returning Officer

Print Full Name of Witness

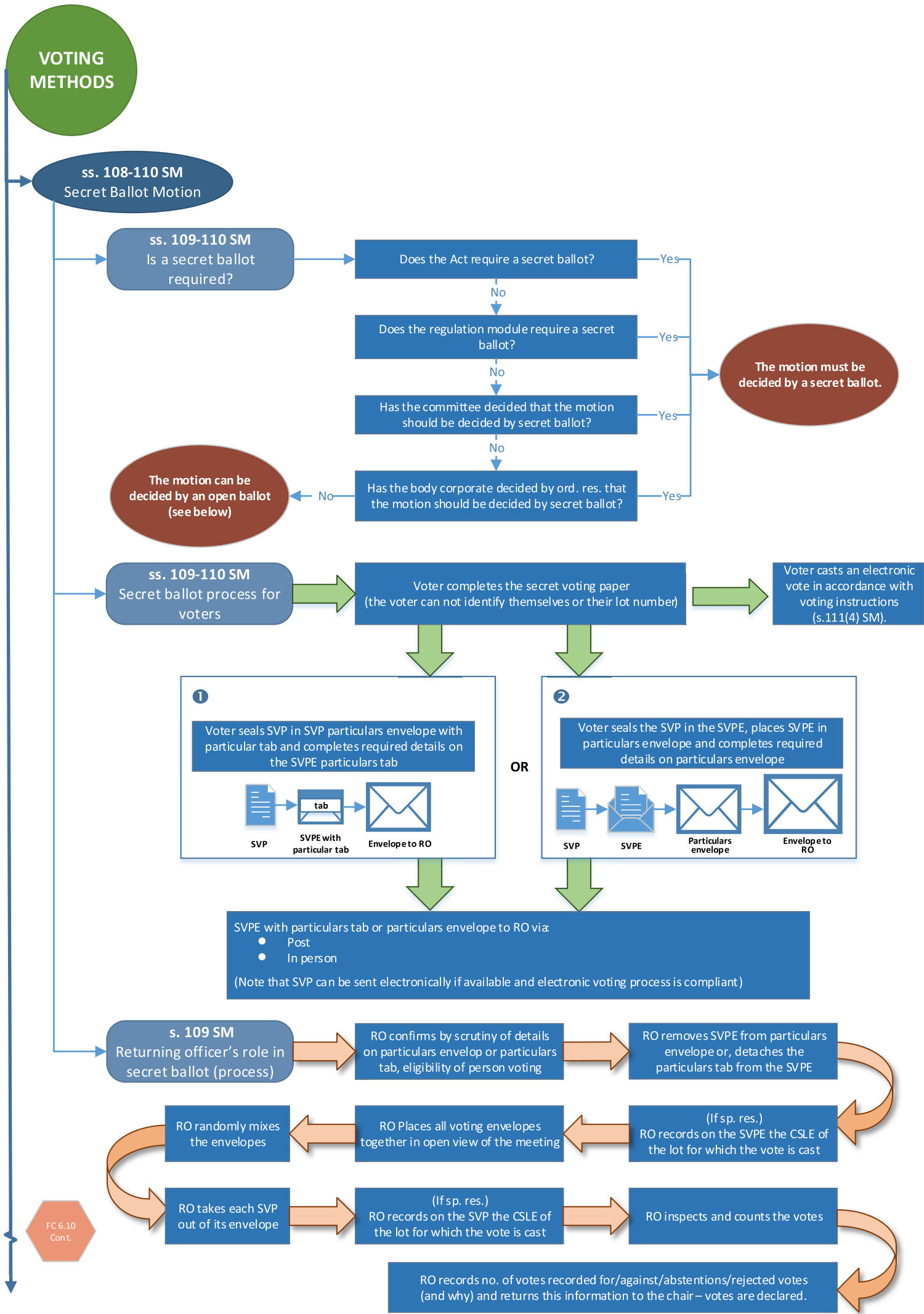
Flowchart No 6.9: Secret ballot process conducted by returning officer



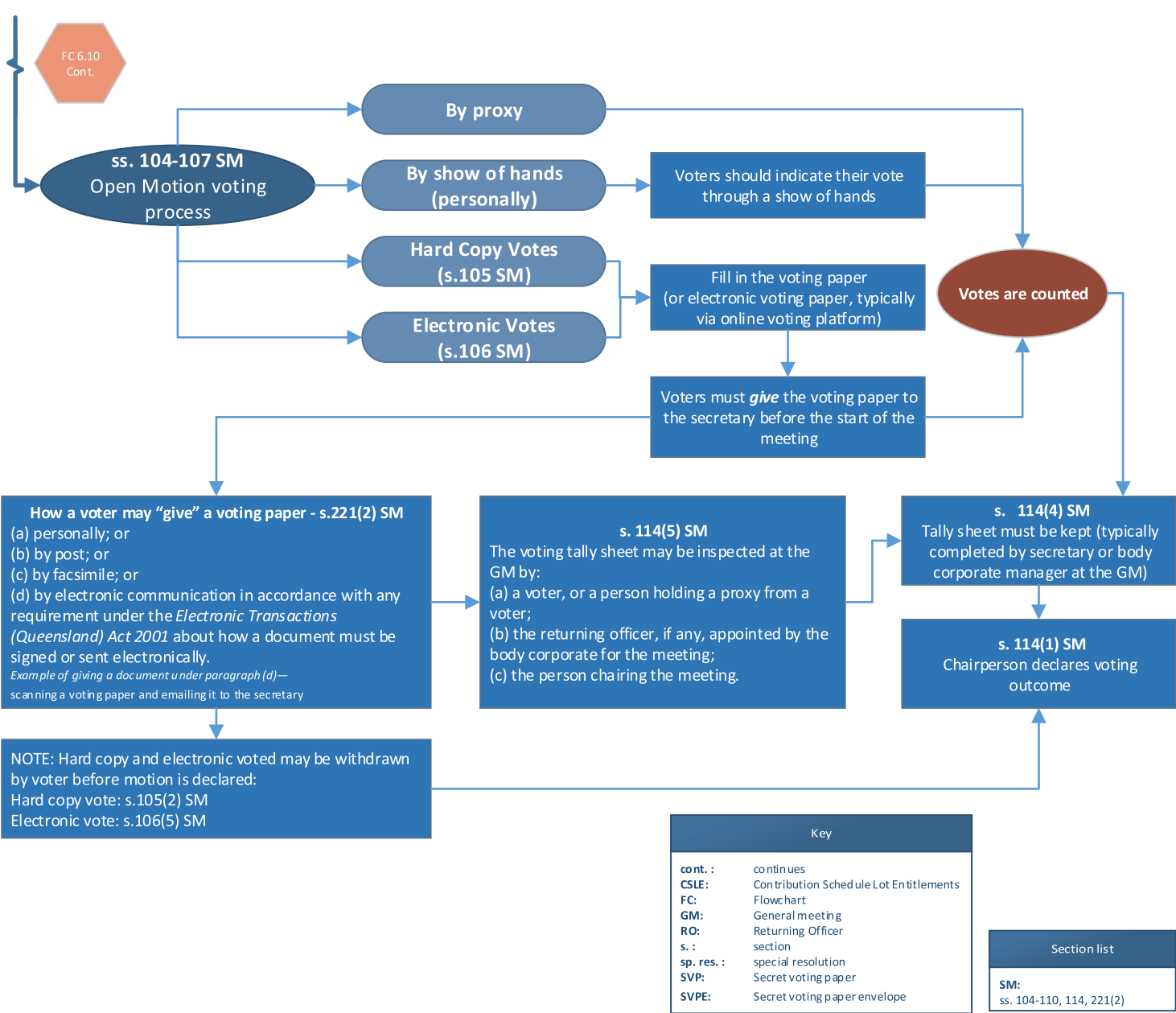
Flowchart No 6.9: Secret ballot process conducted by returning officer (Continued)



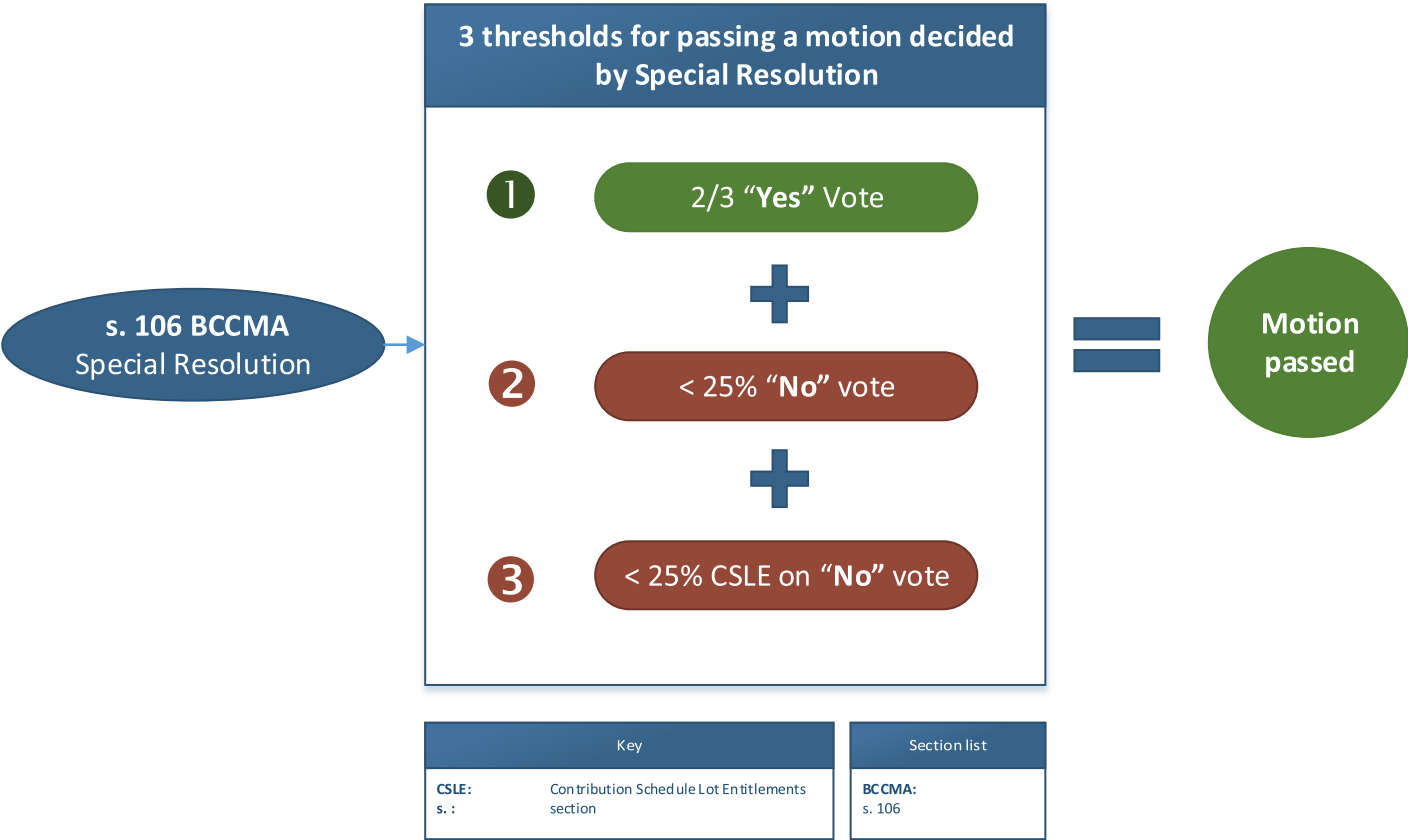
Flowchart No 6.10: Voting methods



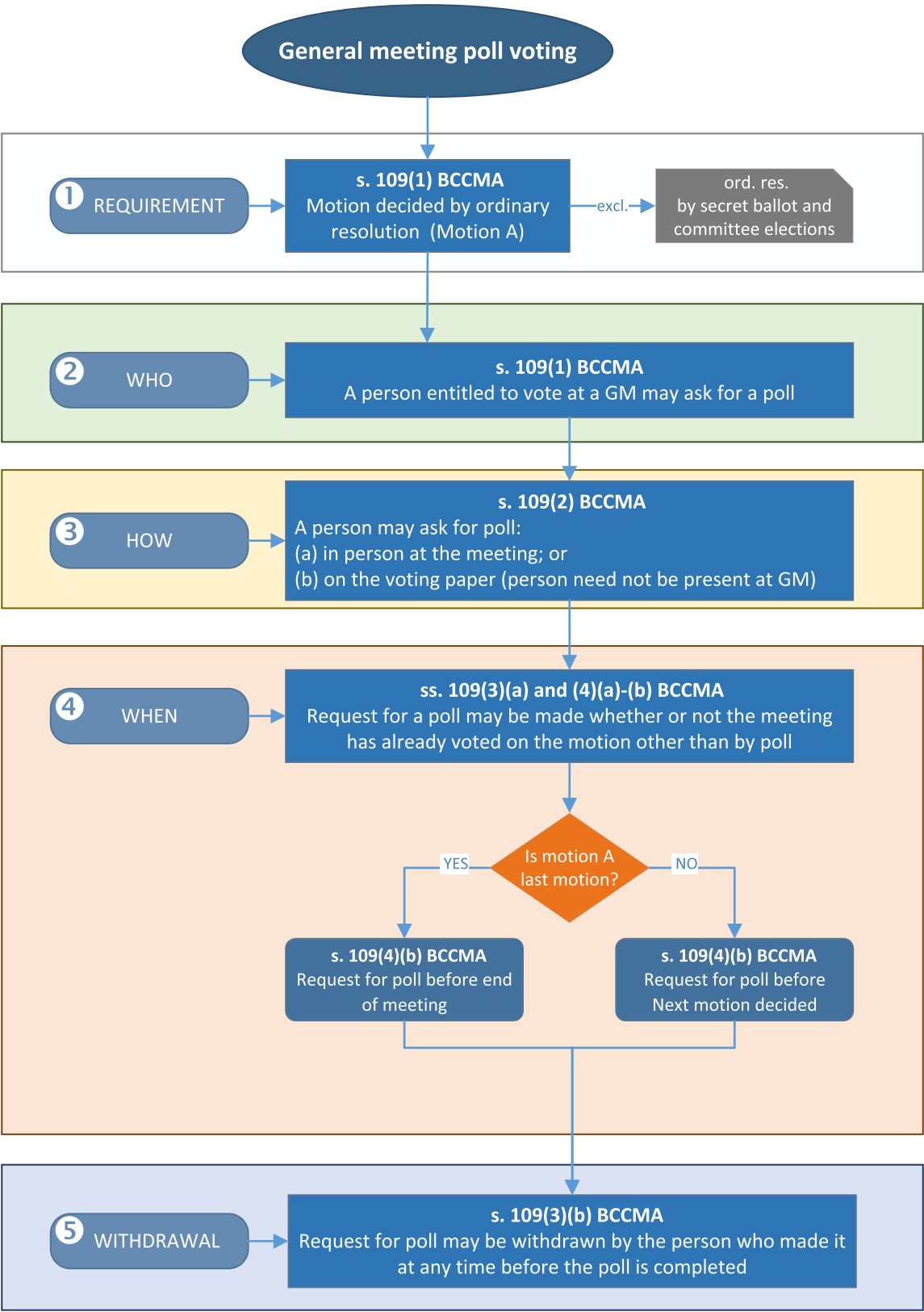
Flowchart No 6.10: Voting methods (Continued)



Flowchart No 6.11: Requirements to pass a special resolution

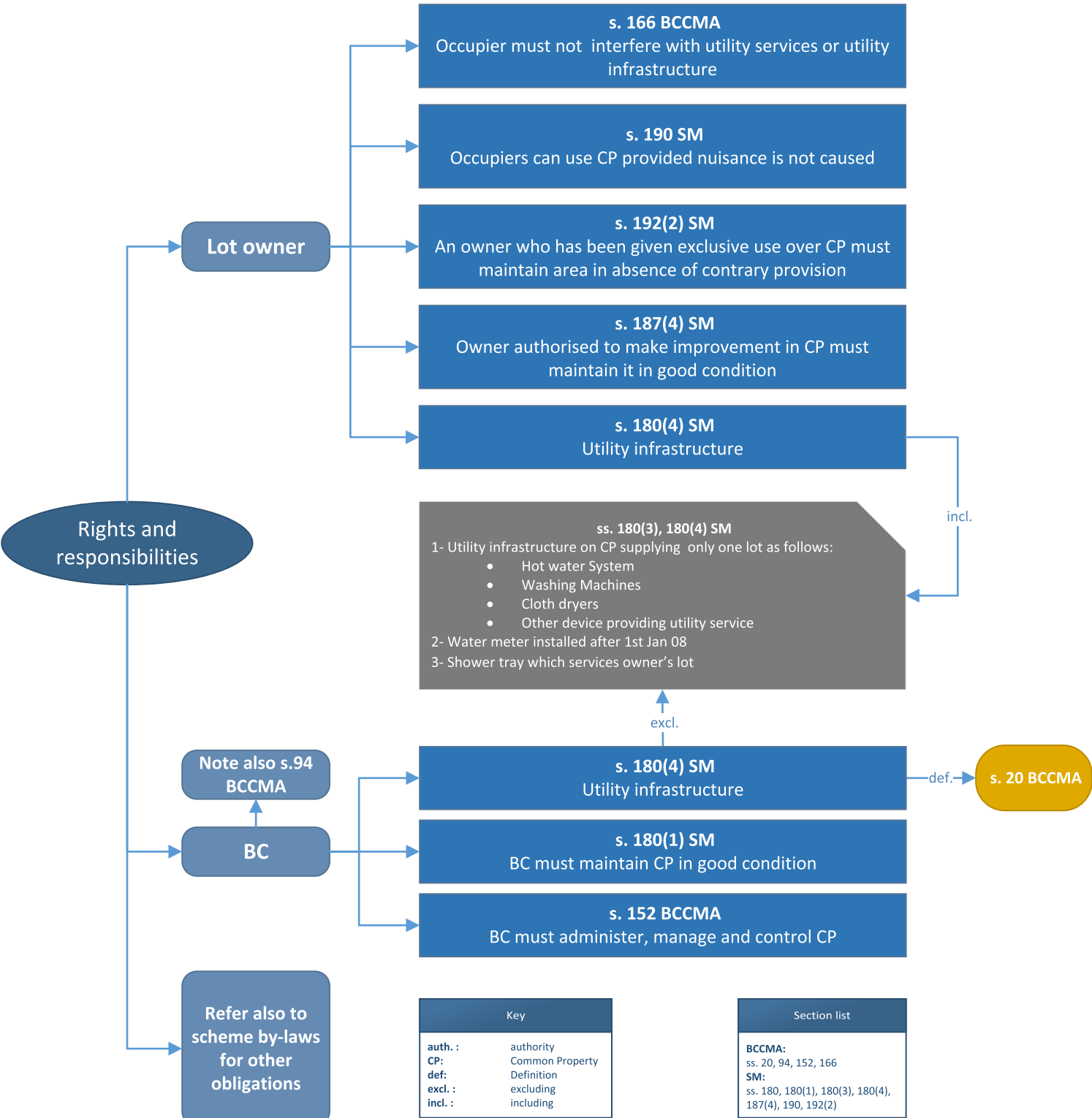


Flowchart No 6.12: Poll voting requirements

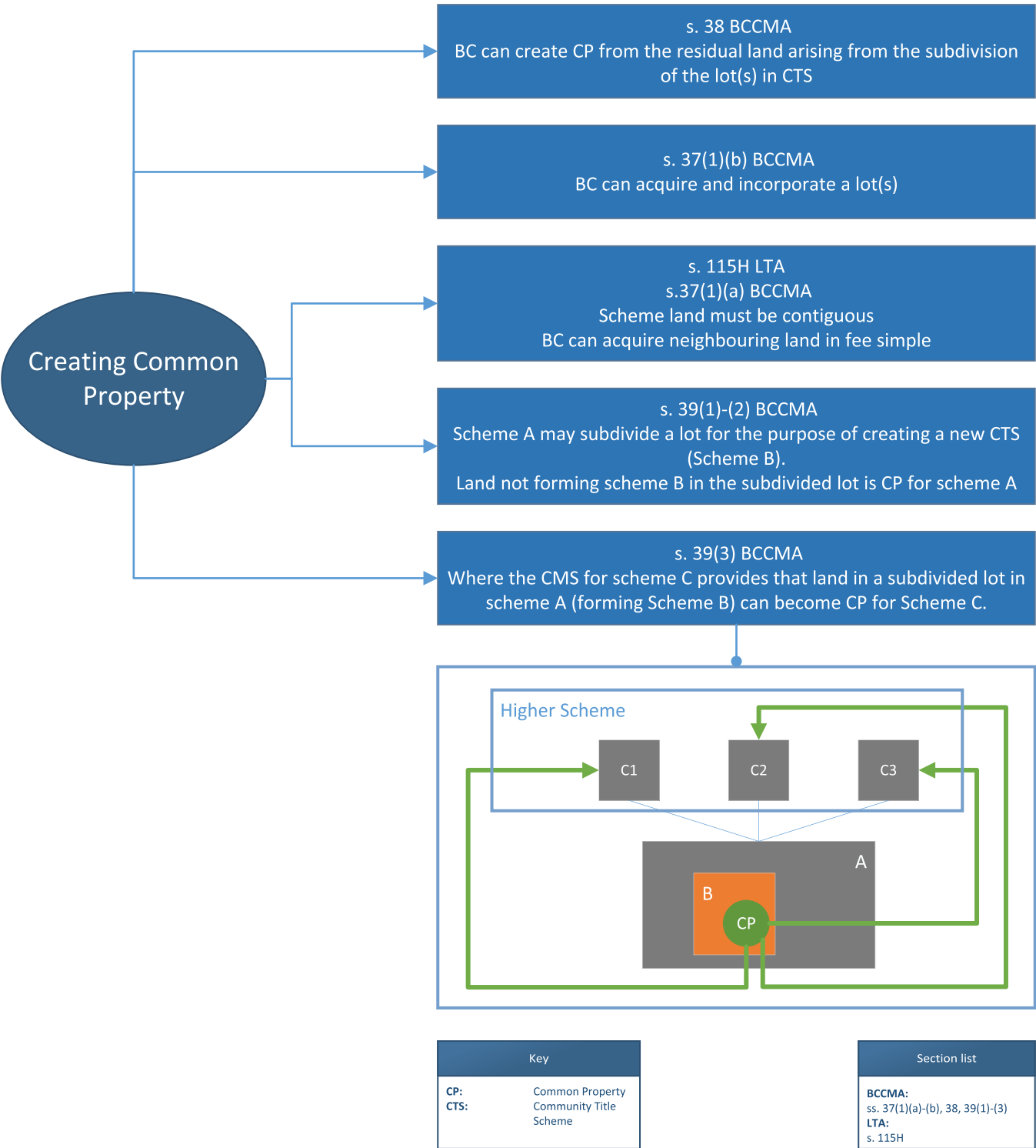


Key		Section list	
excl. :	excluding	BCCMA:	s. 109
GM:	general meeting		
ord. res. :	ordinary resolution		
s. :	section		

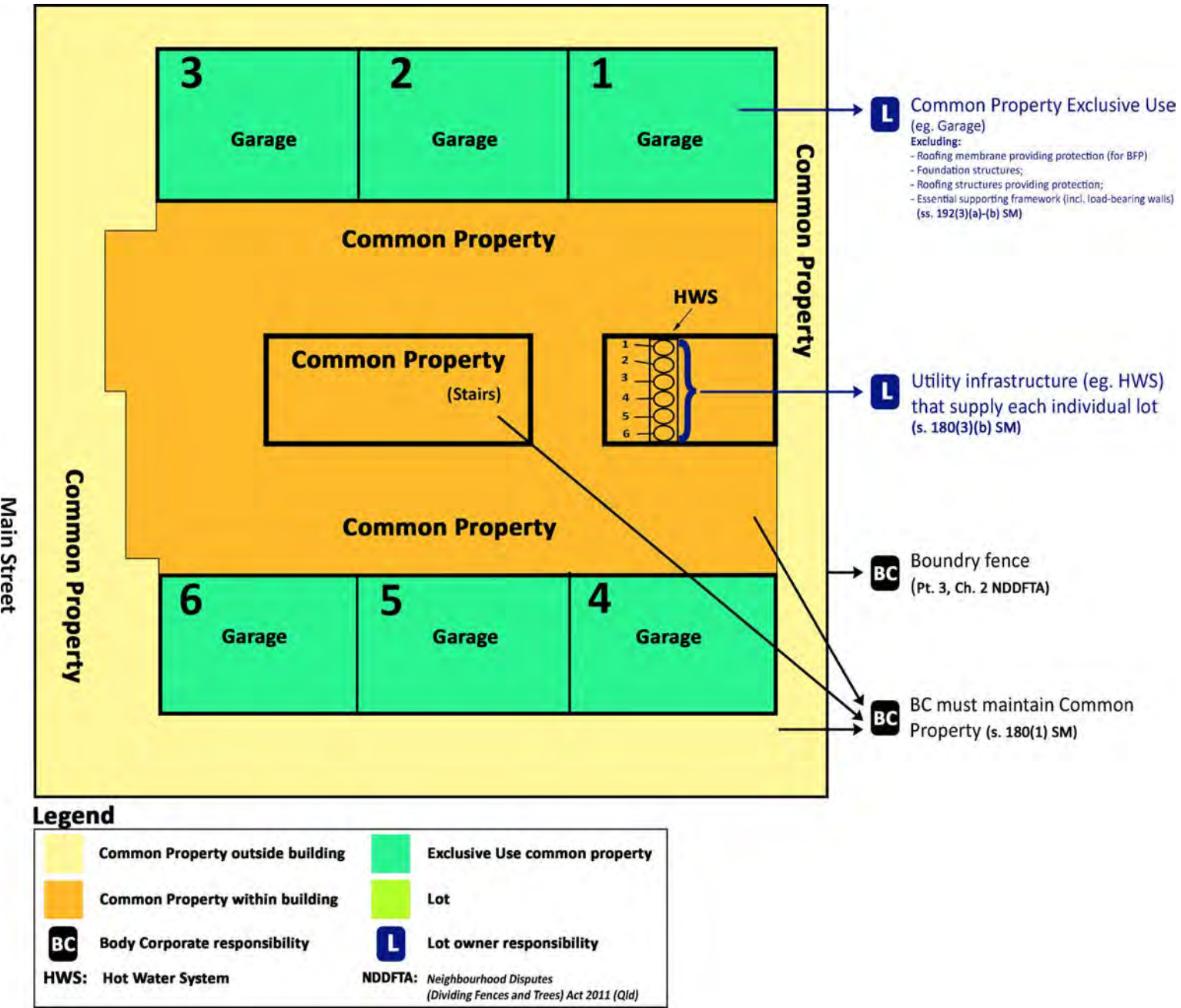
Flowchart No 7.1: Rights and responsibilities over common property



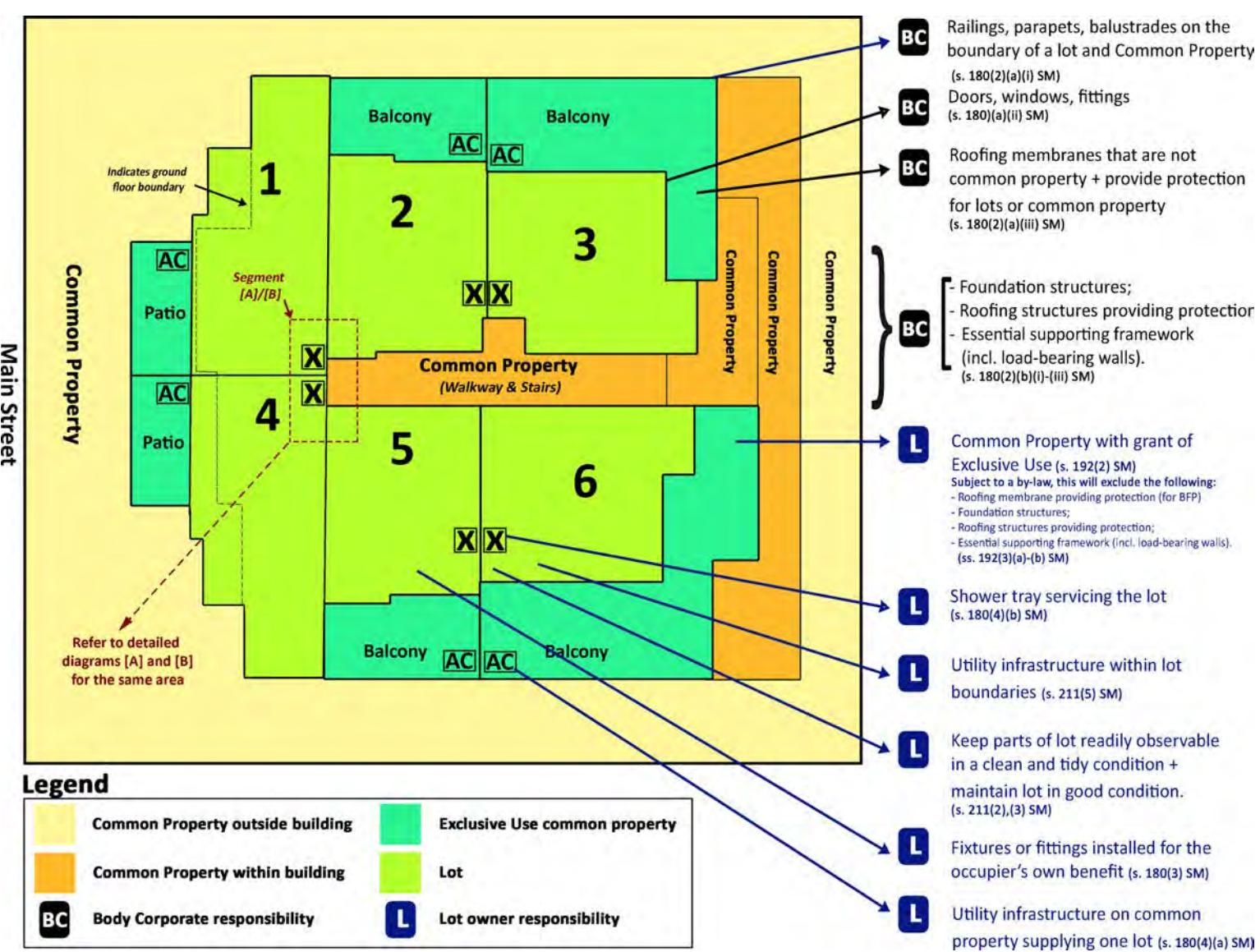
Flowchart No 7.2: Creating common property



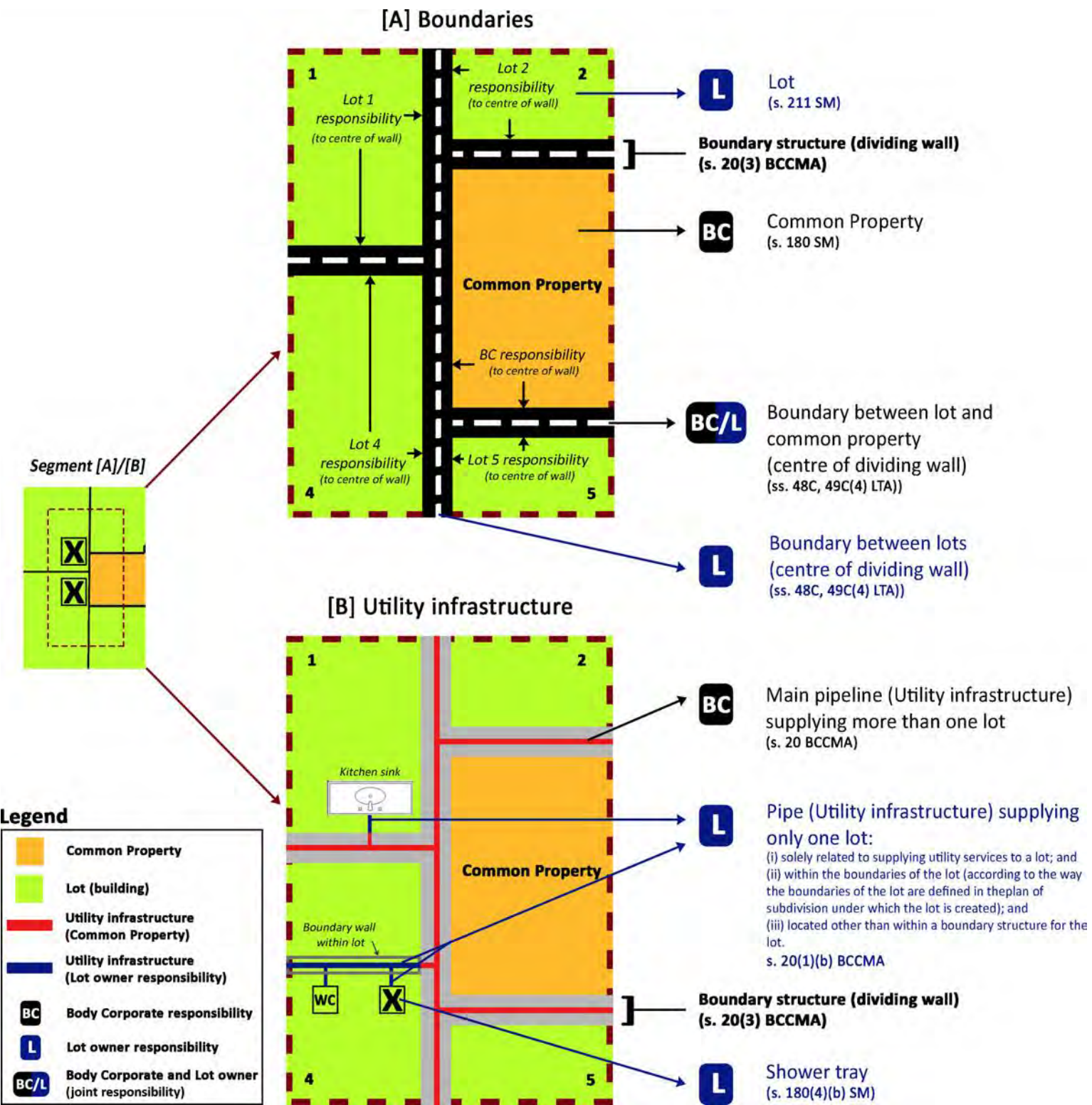
Maintenance obligations of scheme registered under building format plan of subdivision



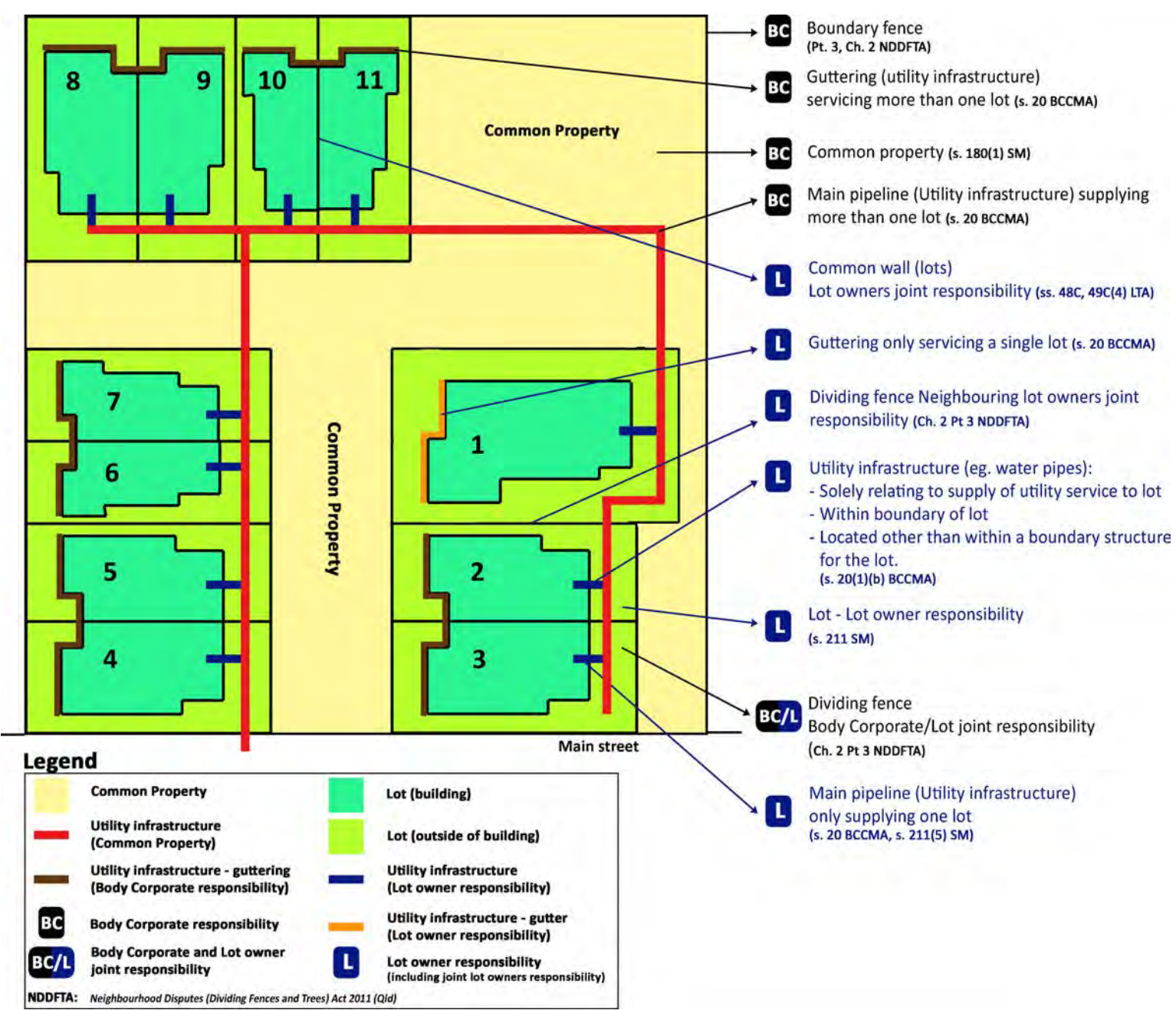
Maintenance obligations of scheme registered under building format plan of subdivision (Continued)



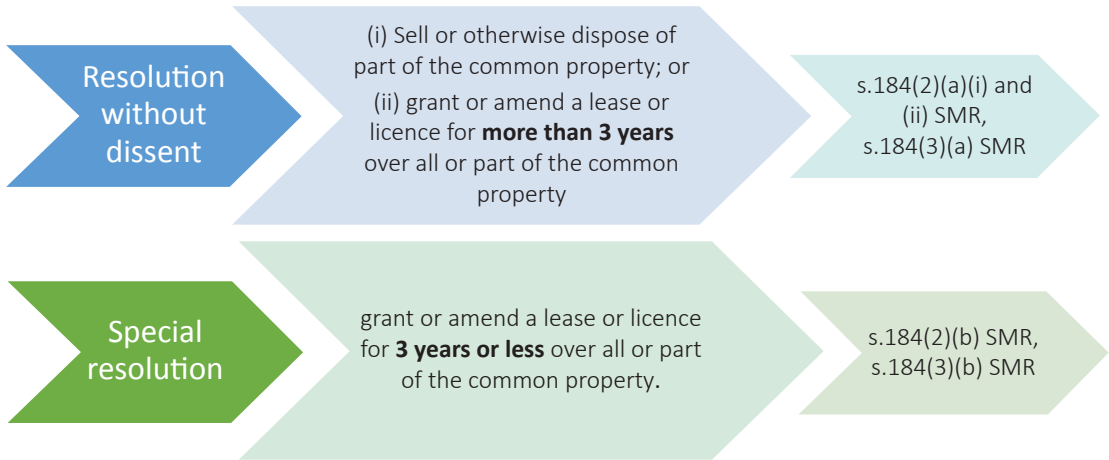
Maintenance obligations of scheme registered under building format plan of subdivision (Continued)



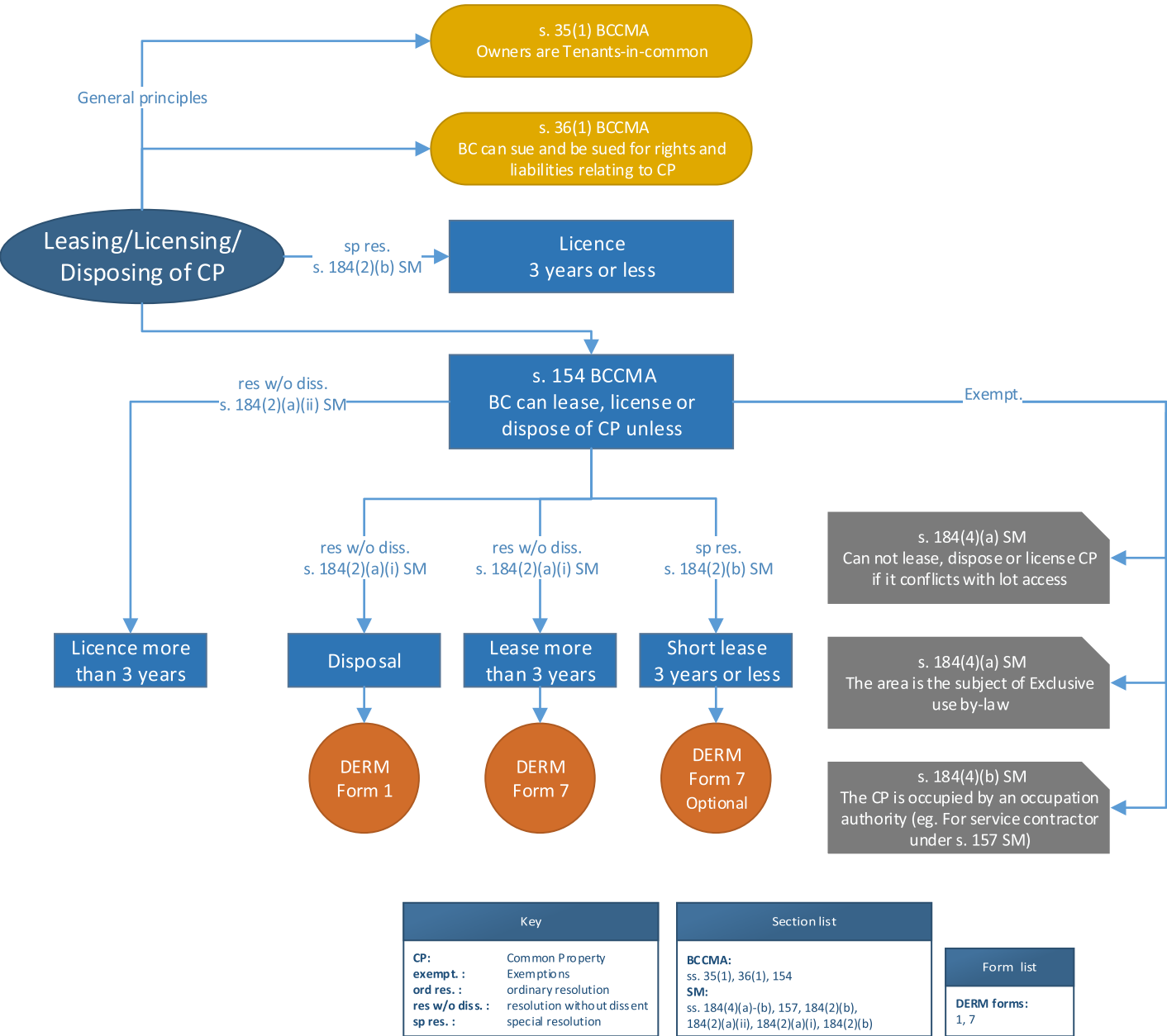
Maintenance obligations of scheme registered under building format plan of subdivision (Continued)



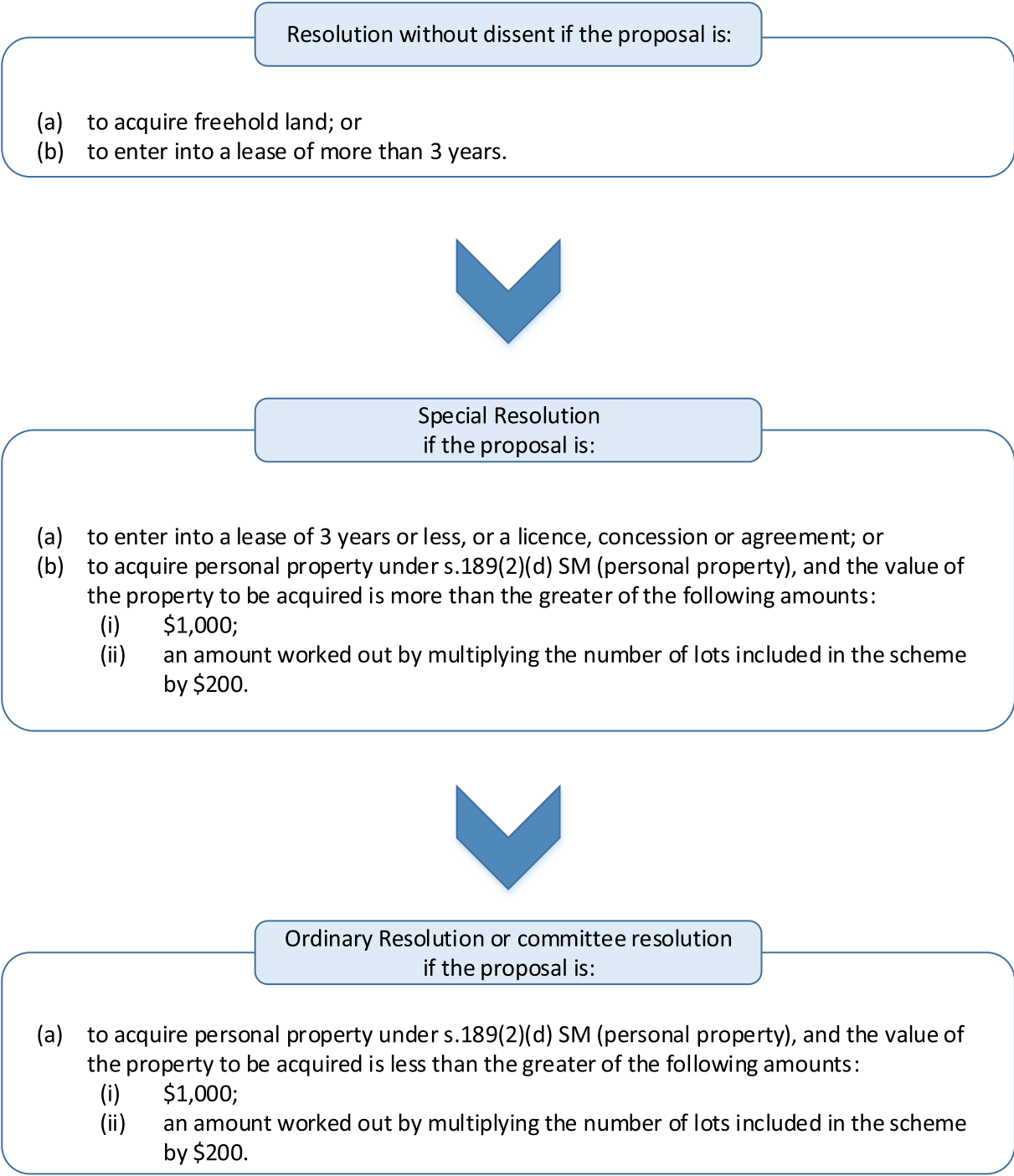
General powers



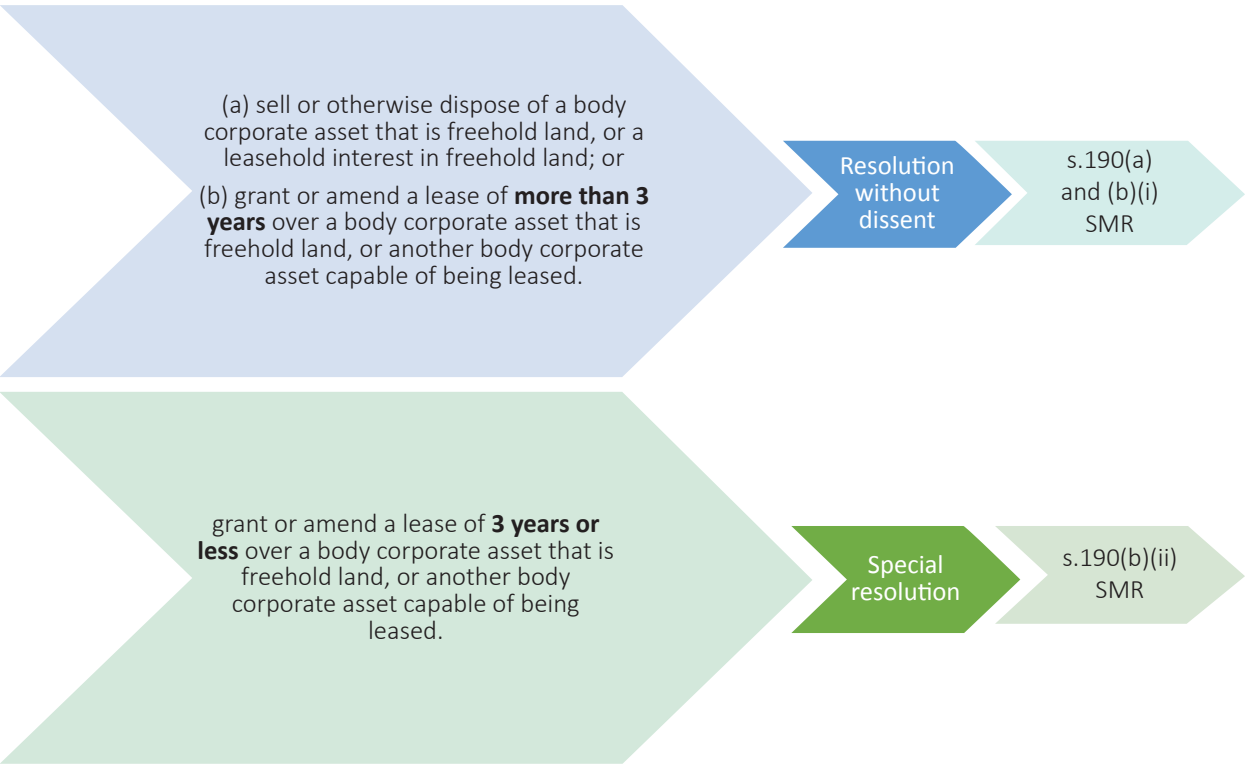
Flowchart No 7.3: Leasing/licensing/disposing of common property



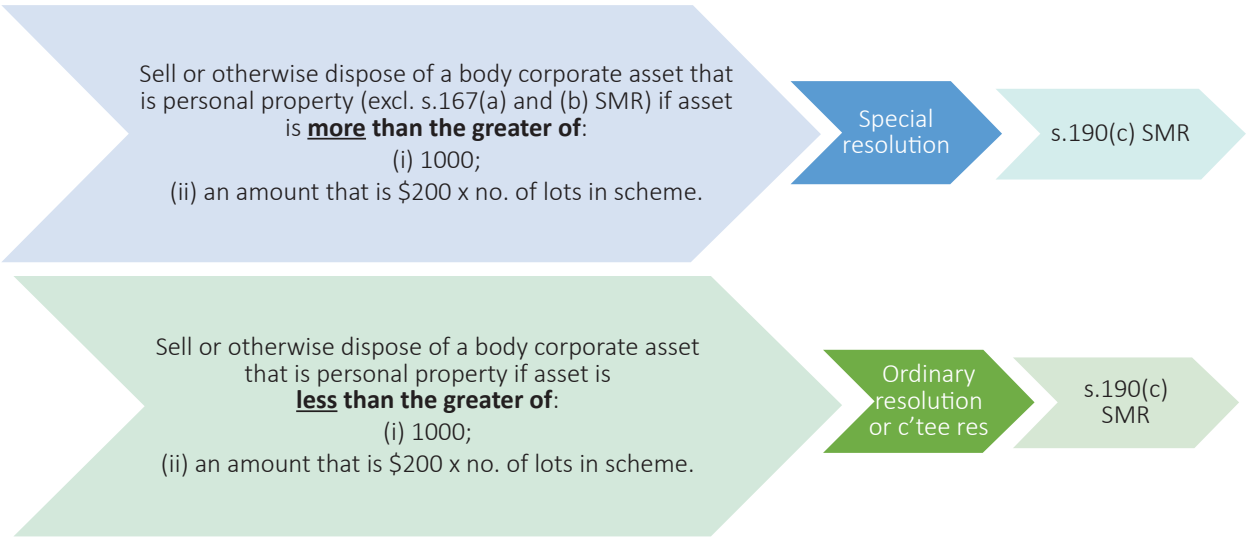
Resolution requirements for acquisition of body corporate assets



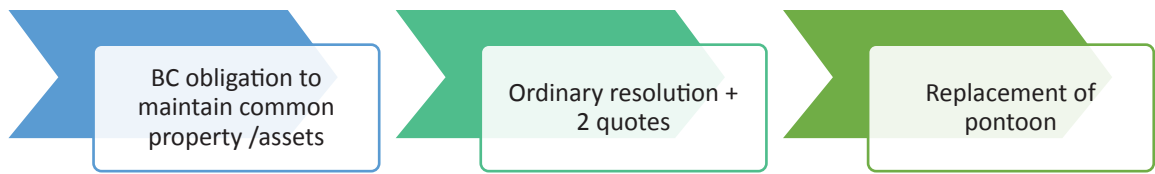
Sale/disposal/lease of body corporate asset (freehold land or leasehold interests)



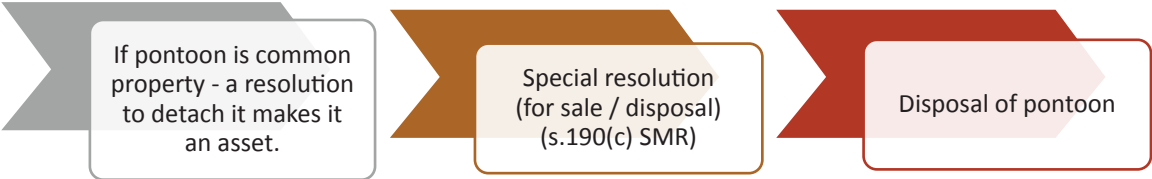
Sale/disposal/lease of body corporate asset (personal property)



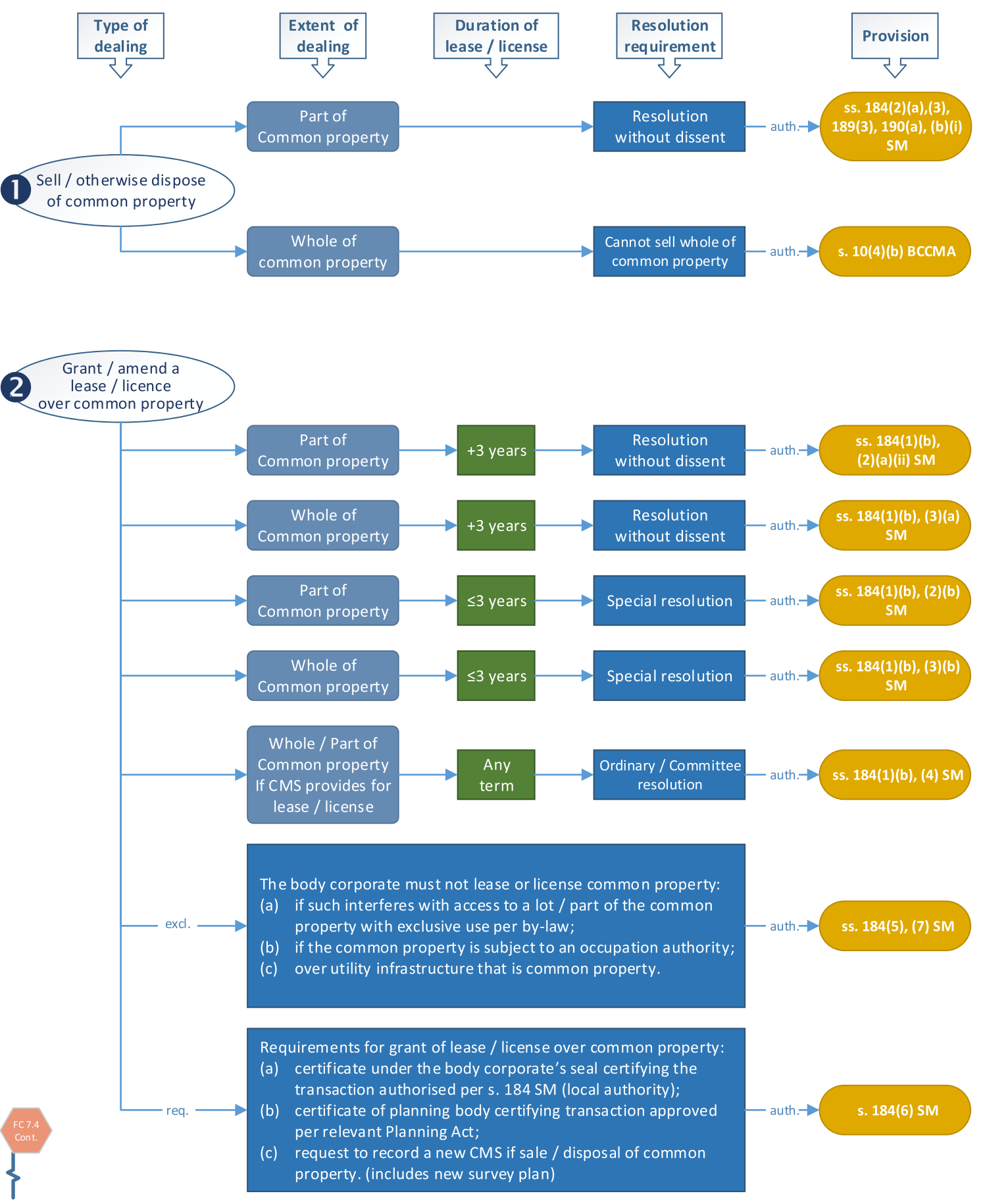
Procedure to replace pontoon



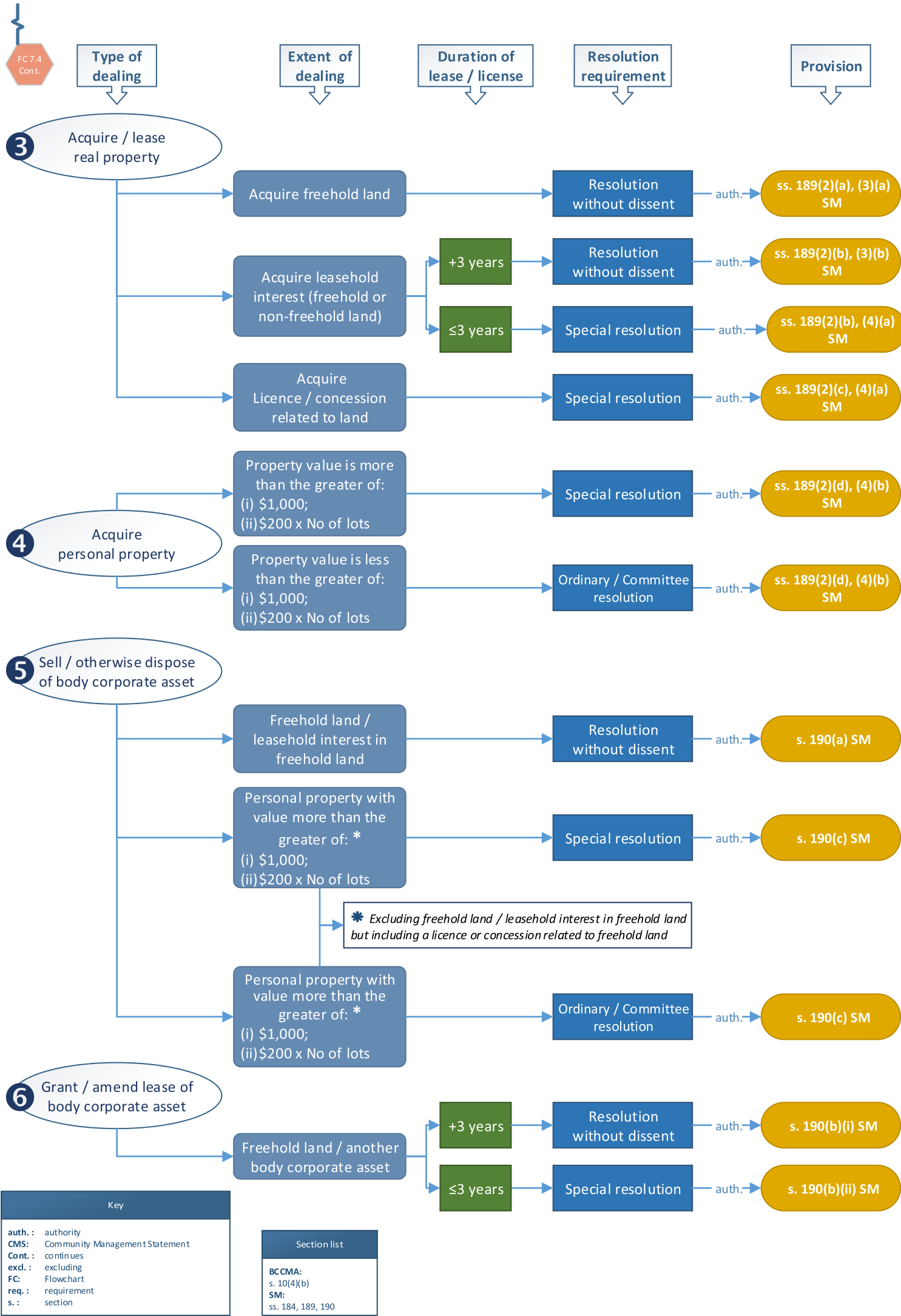
Procedure to dispose of pontoon



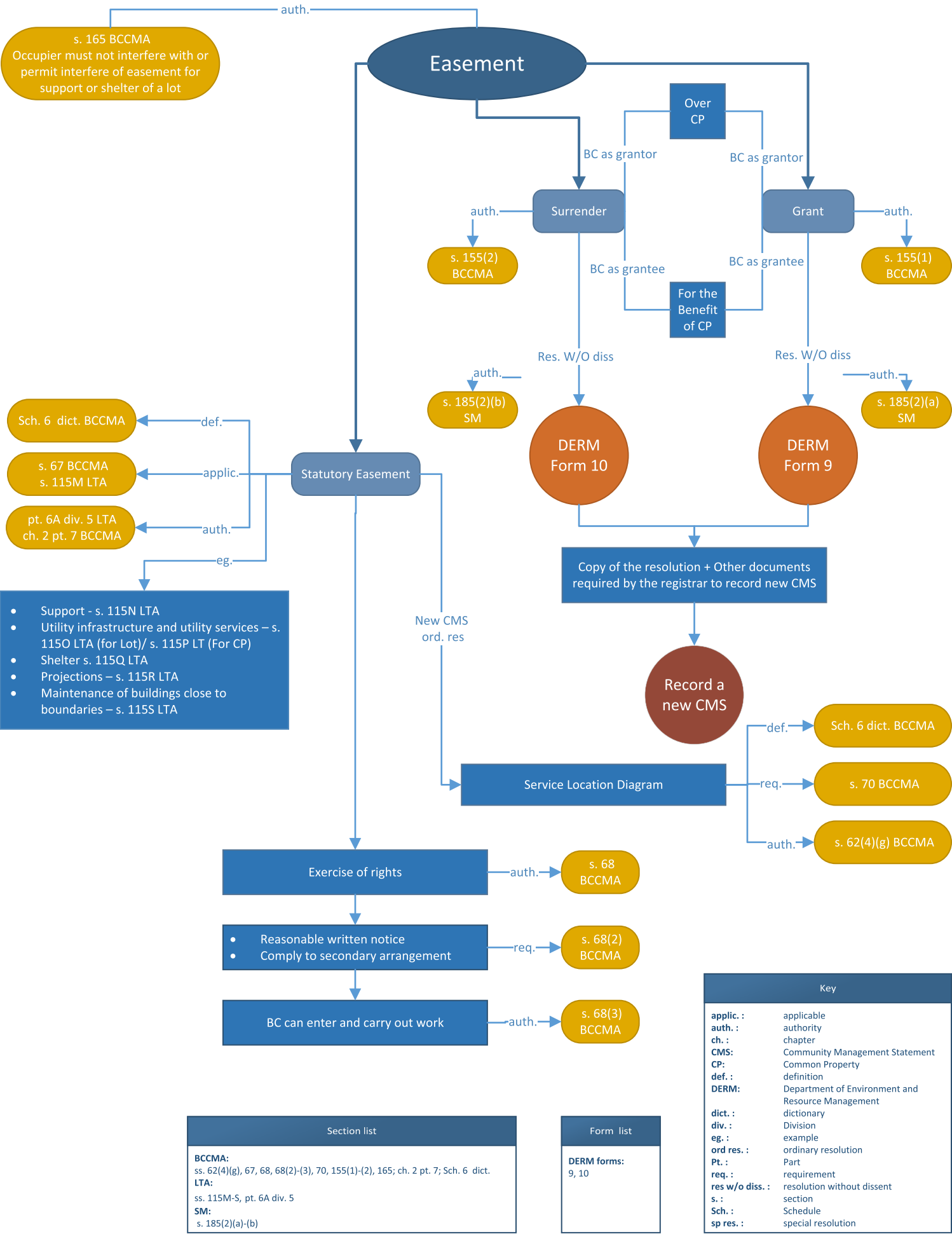
Flowchart No 7.4: Acquiring and disposing body corporate assets



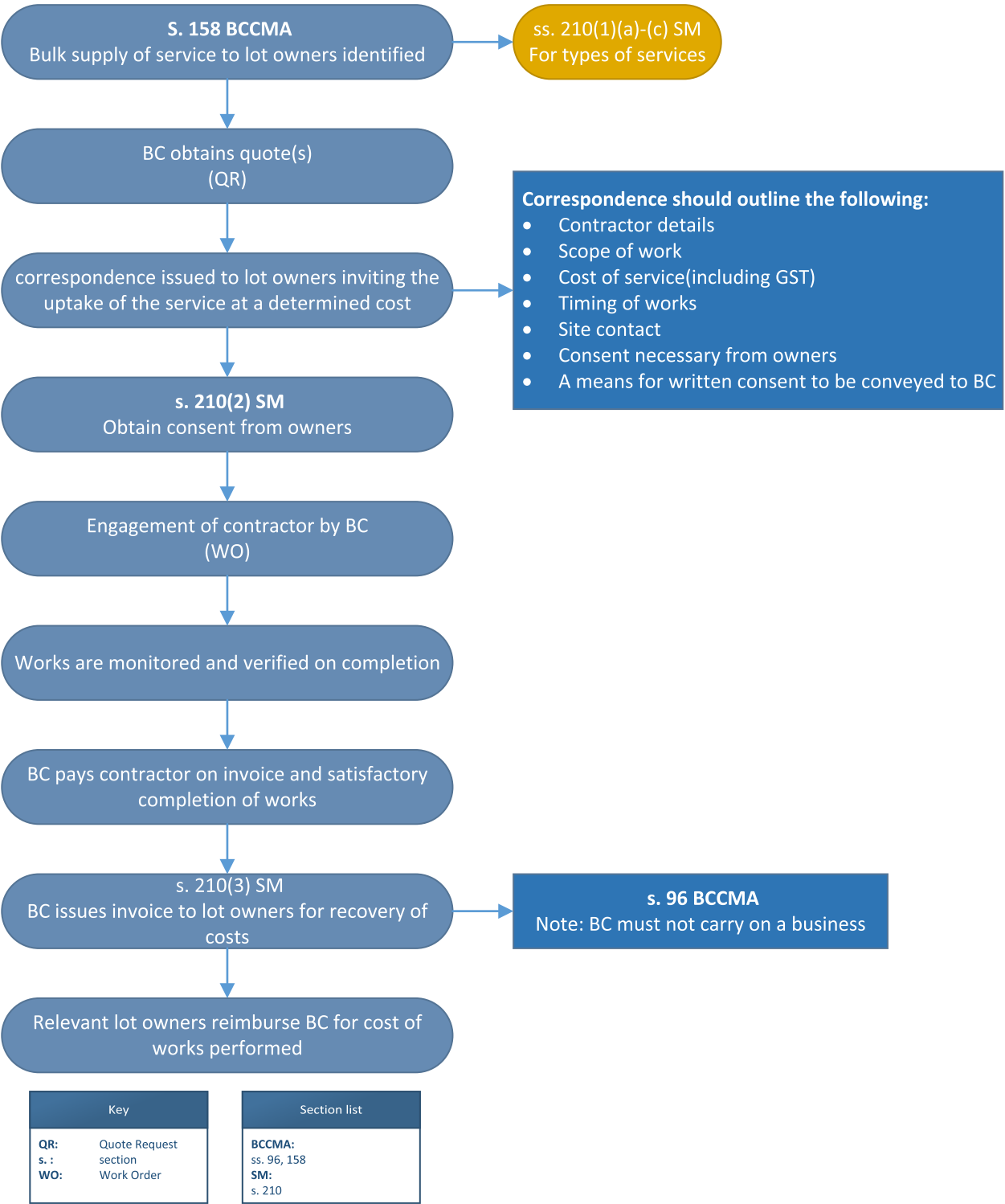
Flowchart No 7.4: Acquiring and disposing body corporate assets (Continued)



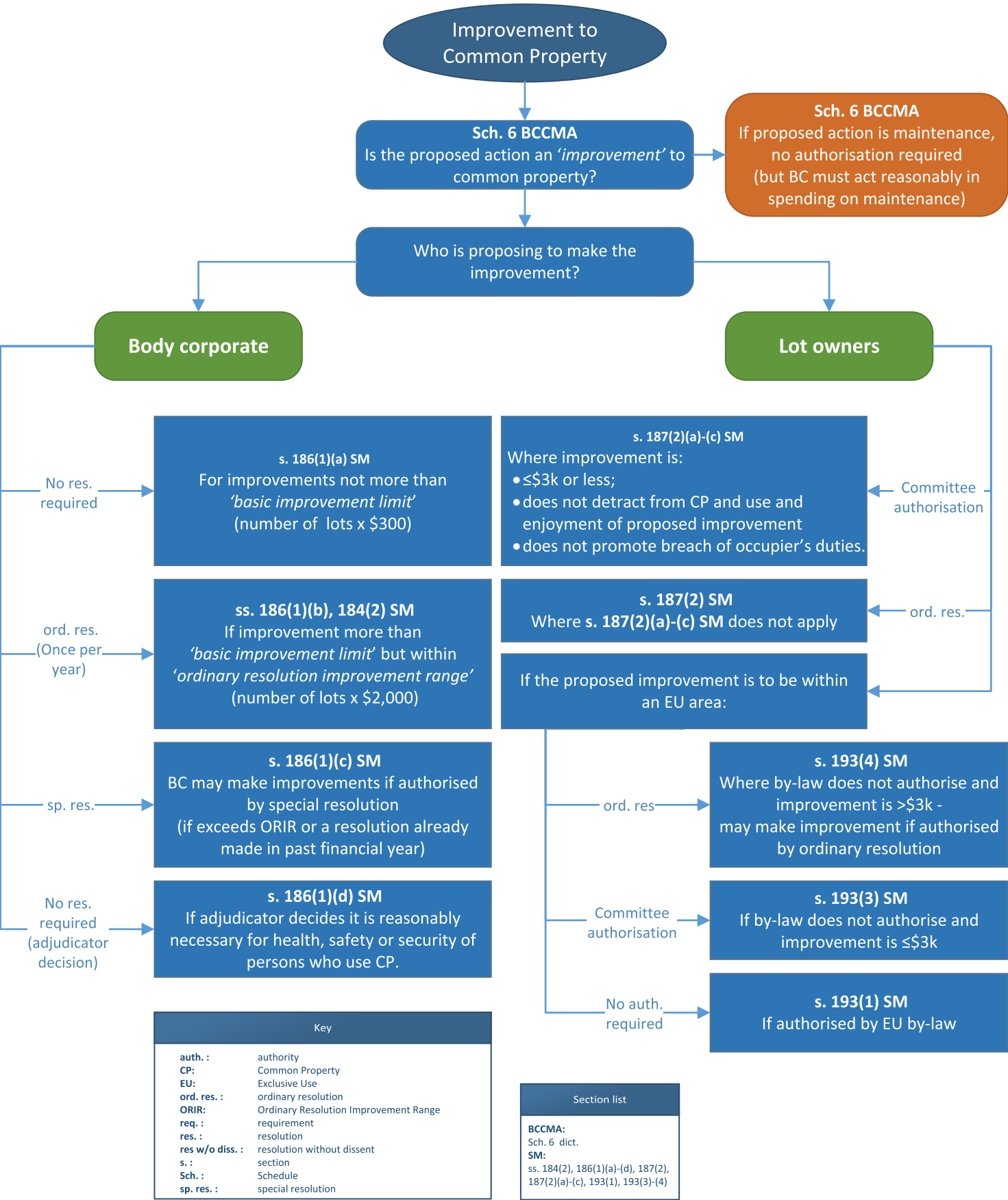
Flowchart No 7.5: Common property easements



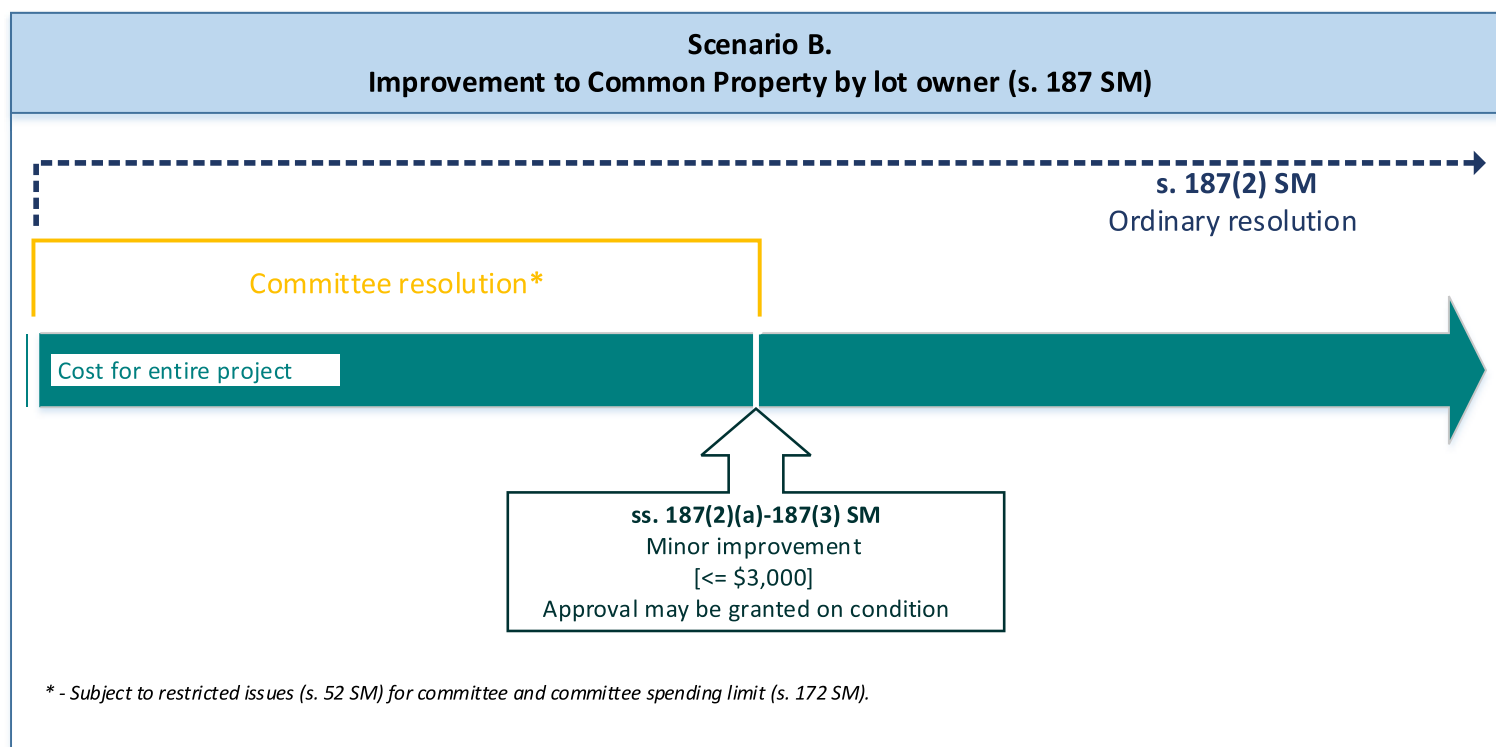
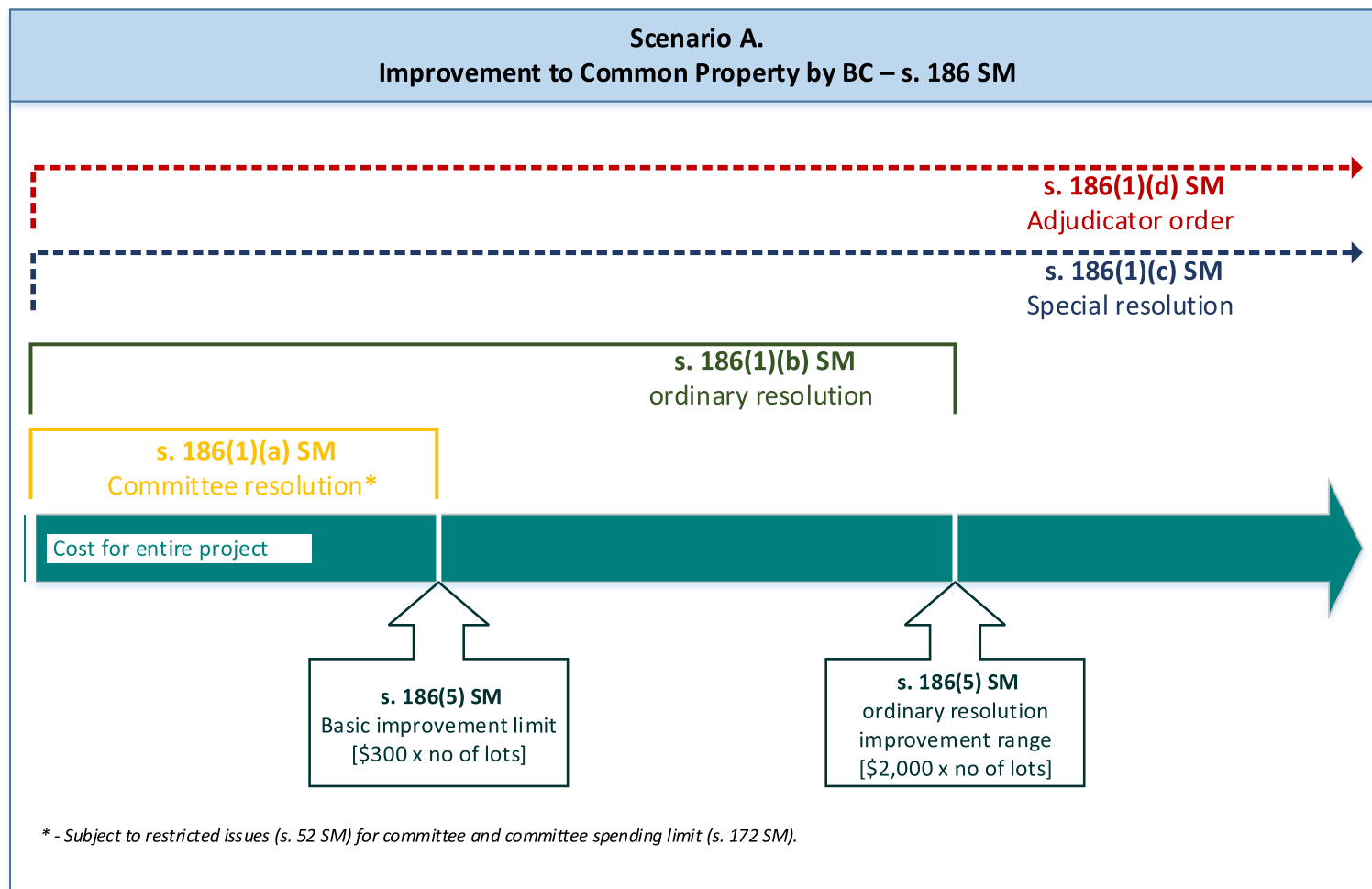
Flowchart No 7.6: Supply of services to lot owners by body corporate



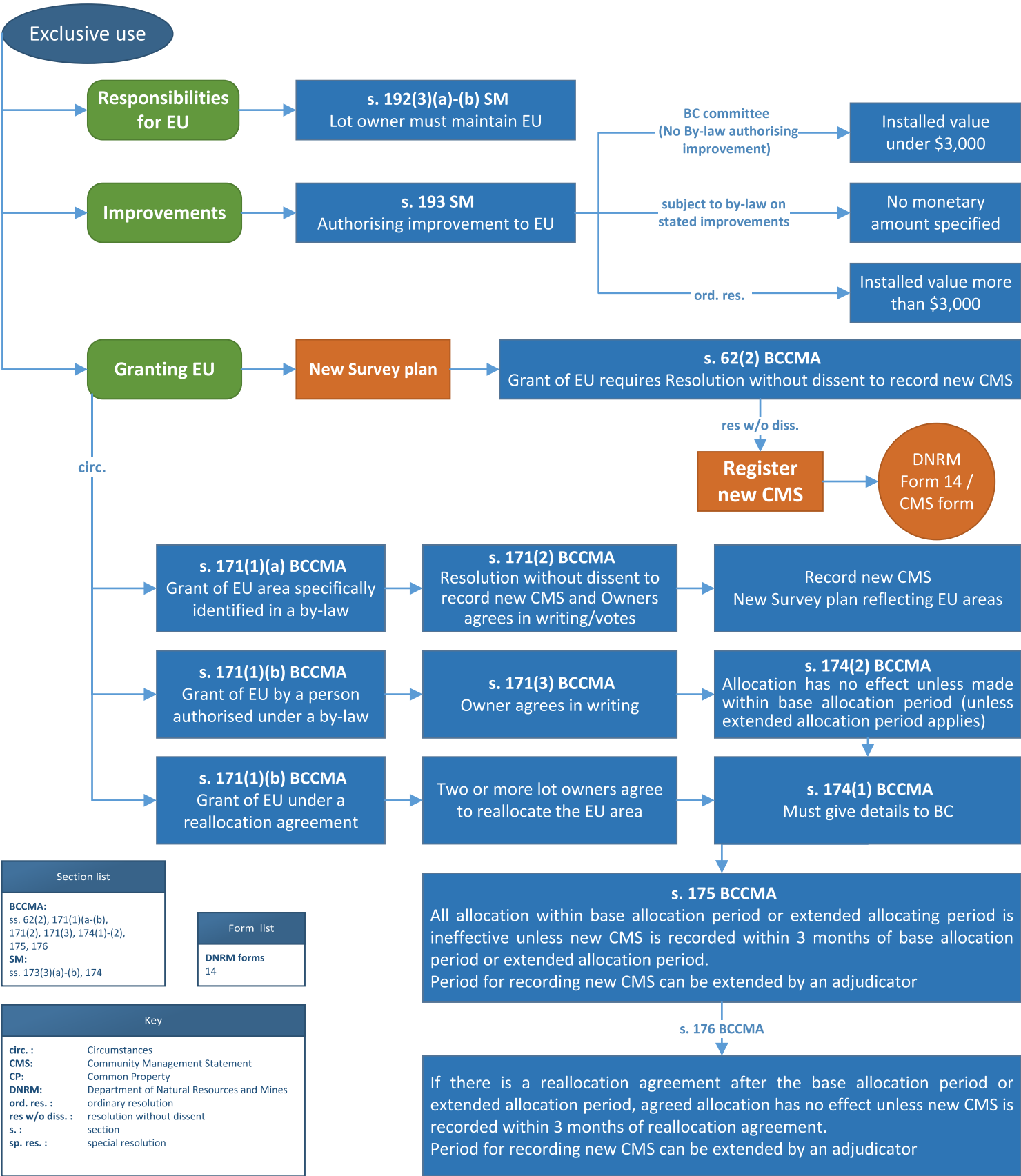
Flowchart No 7.7: Improvement to common property



Flowchart No 7.8: Approval requirements for common property improvements



Flowchart No 7.9: Common property with grant of exclusive use



Note

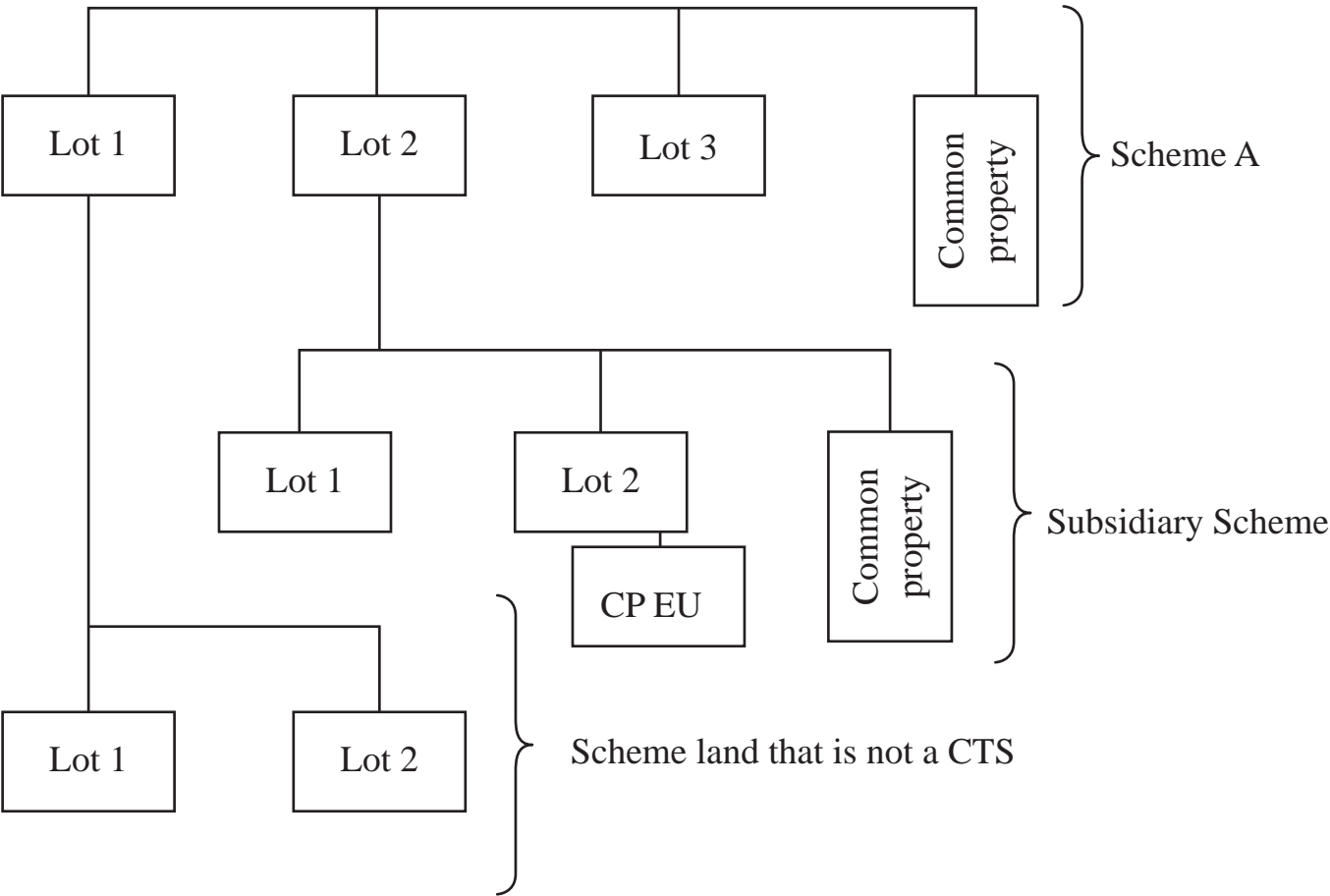
Base allocation period equals one year after:

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

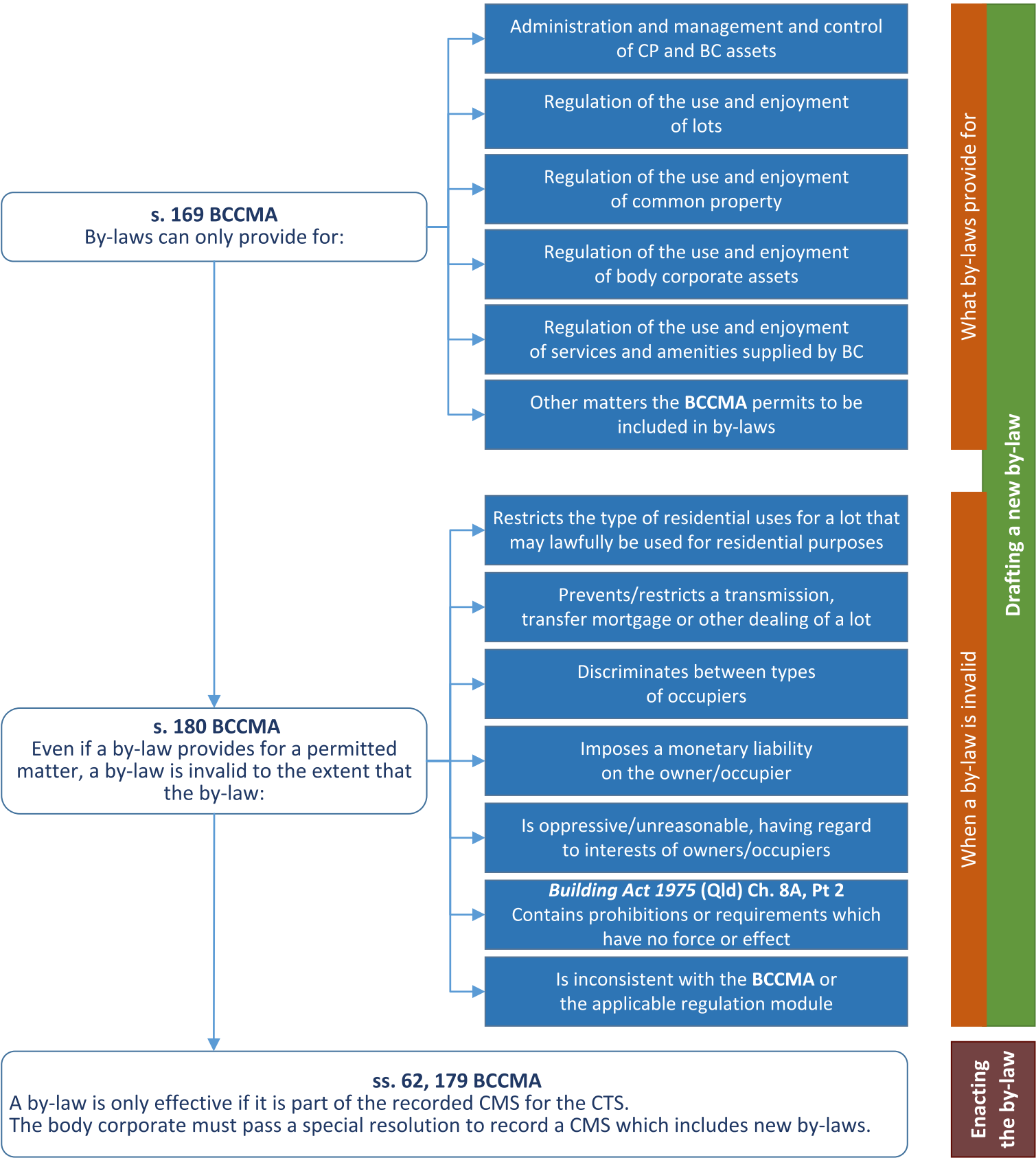
Extended allocation period equals no more than 2 years after:

- 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

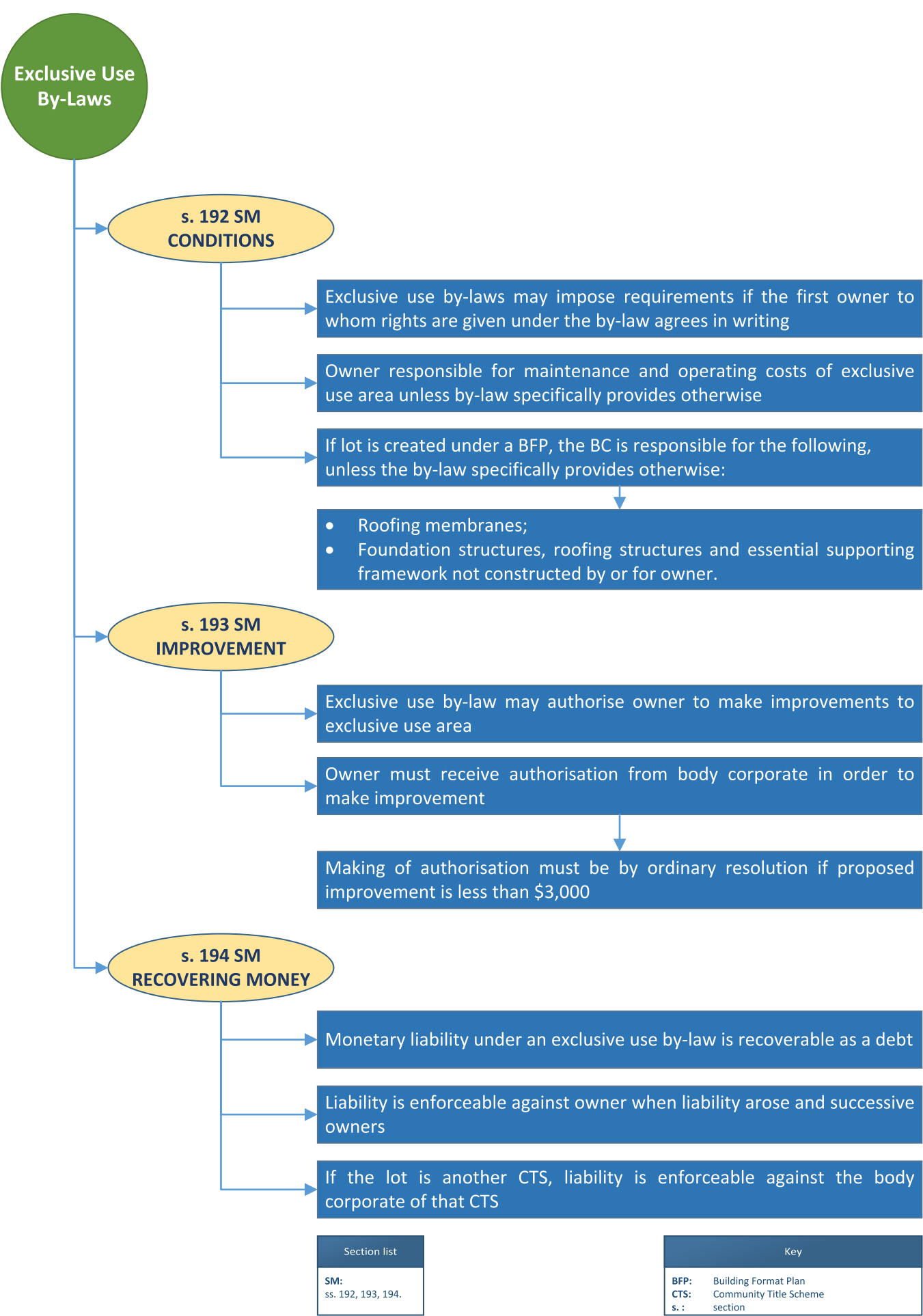


Flowchart No 8.1: By-law requirements (other than for exclusive use by-law)

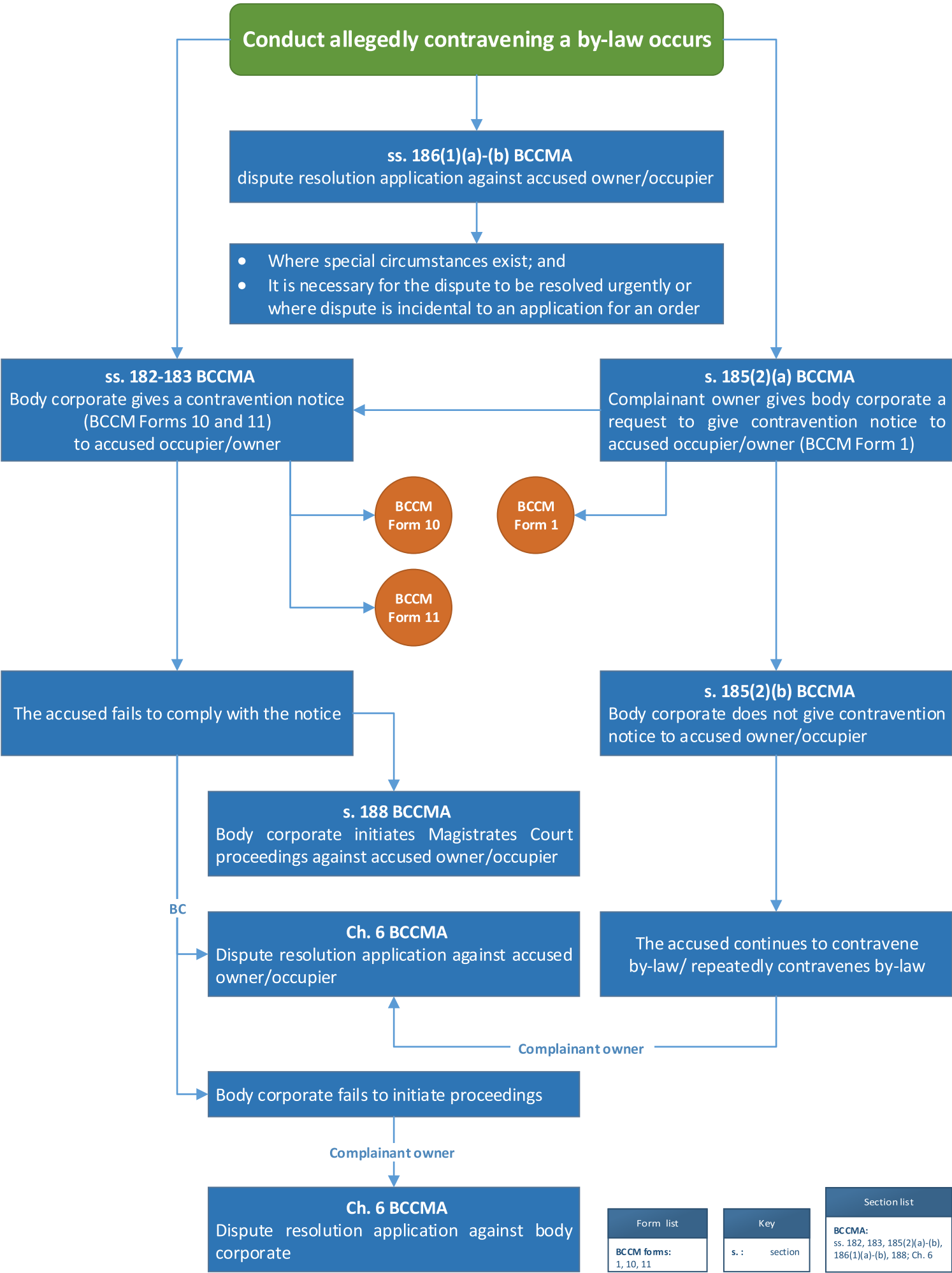


Key	Section list
BC: Body Corporate	BCCMA: ss. 62, 169, 179, 180
CMS: Community Management Statement	Building Act 1975: Ch. 8A, Pt 2
CP: Common Property	
CTS: Community Titles Scheme	
s. : section	

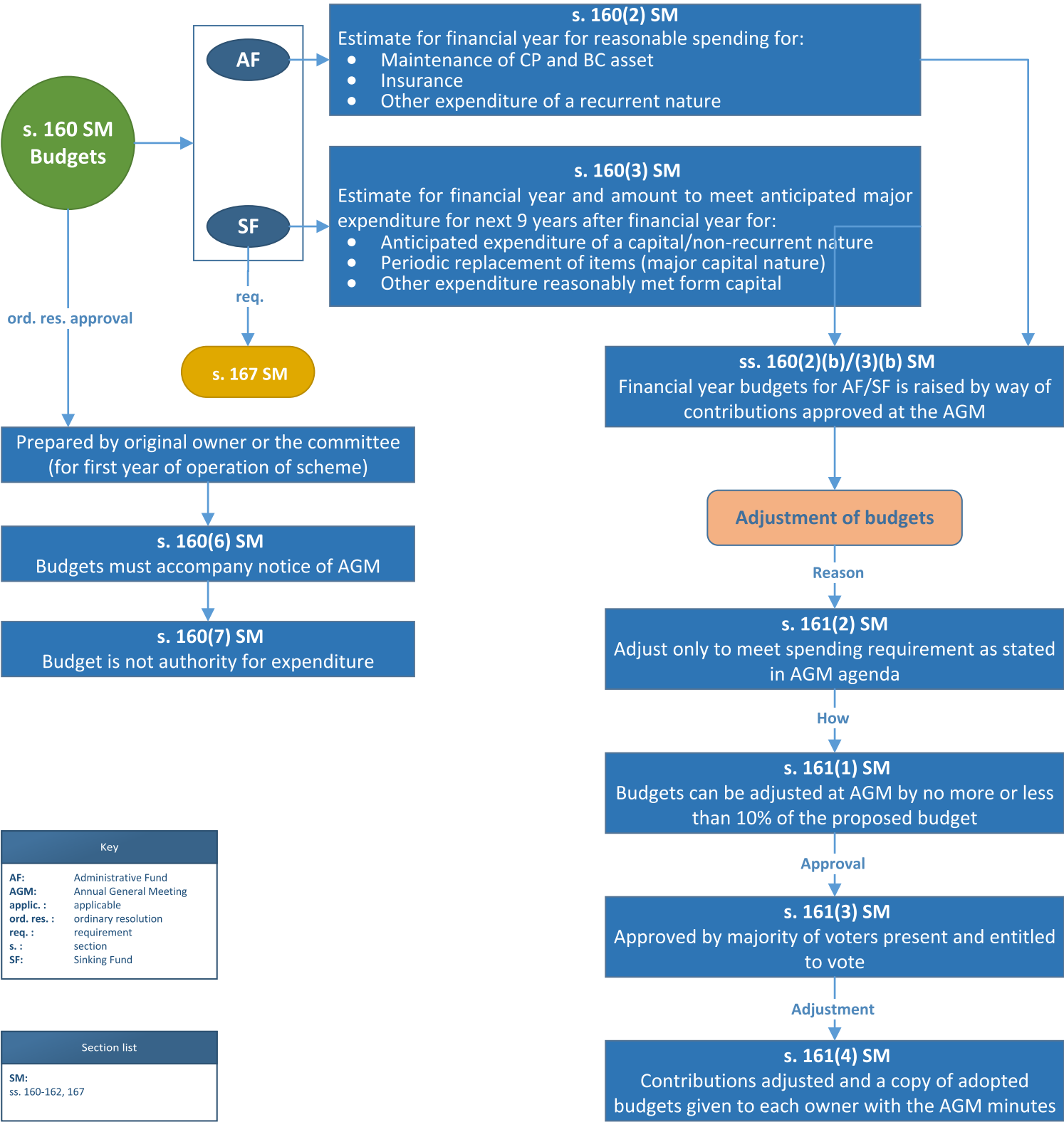
Flowchart No 8.2: Exclusive use by-laws



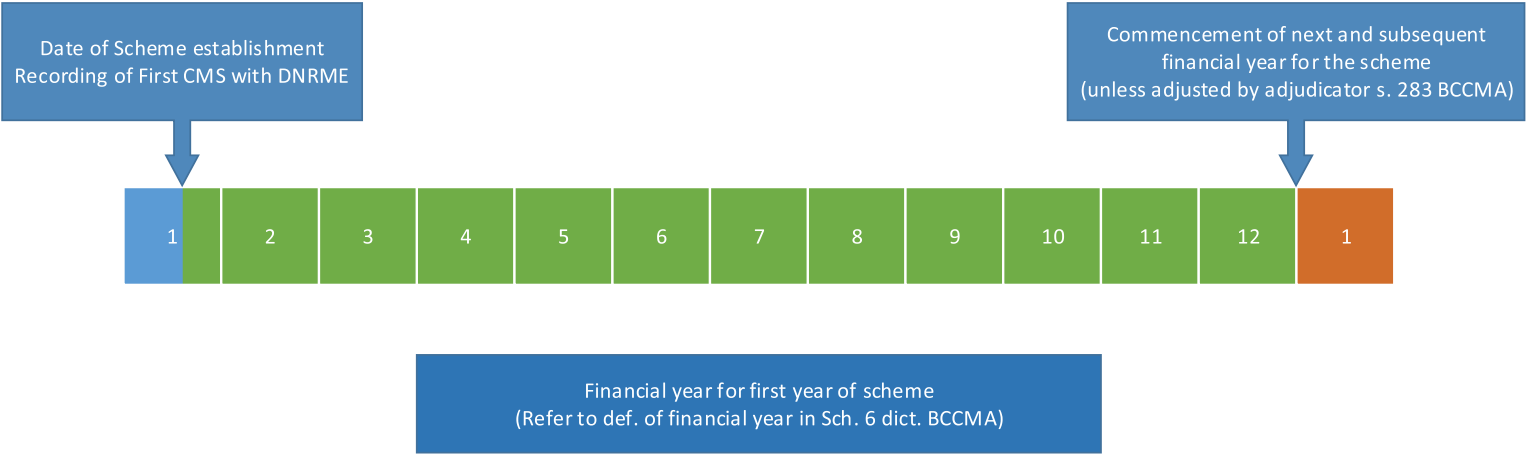
Flowchart No 8.3: By-law contravention



Flowchart No 9.1: Budgets



Flowchart No 9.2: Determining financial year start date for CTS



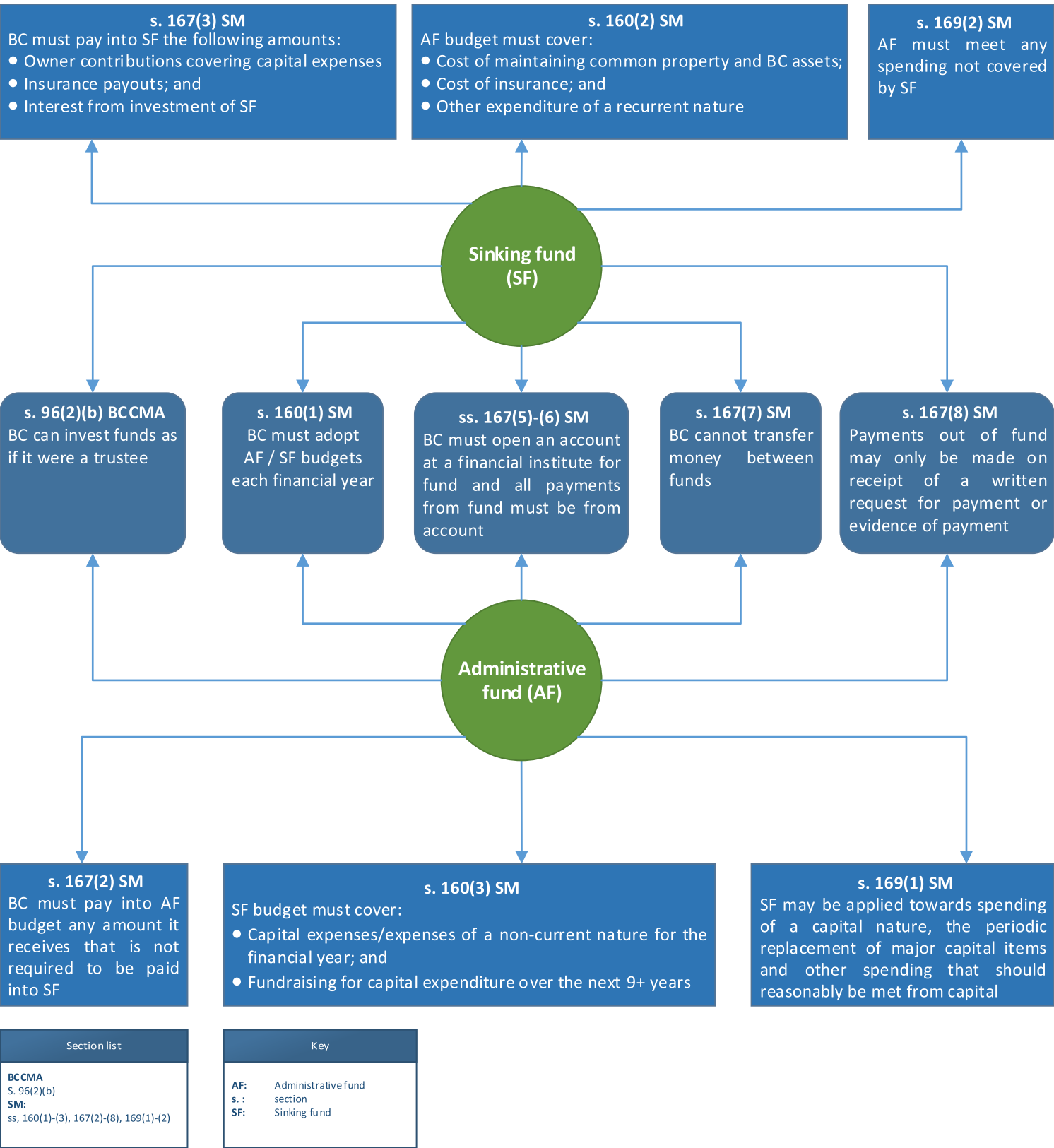
Note

Sch. 6 - Dictionary BCCMA

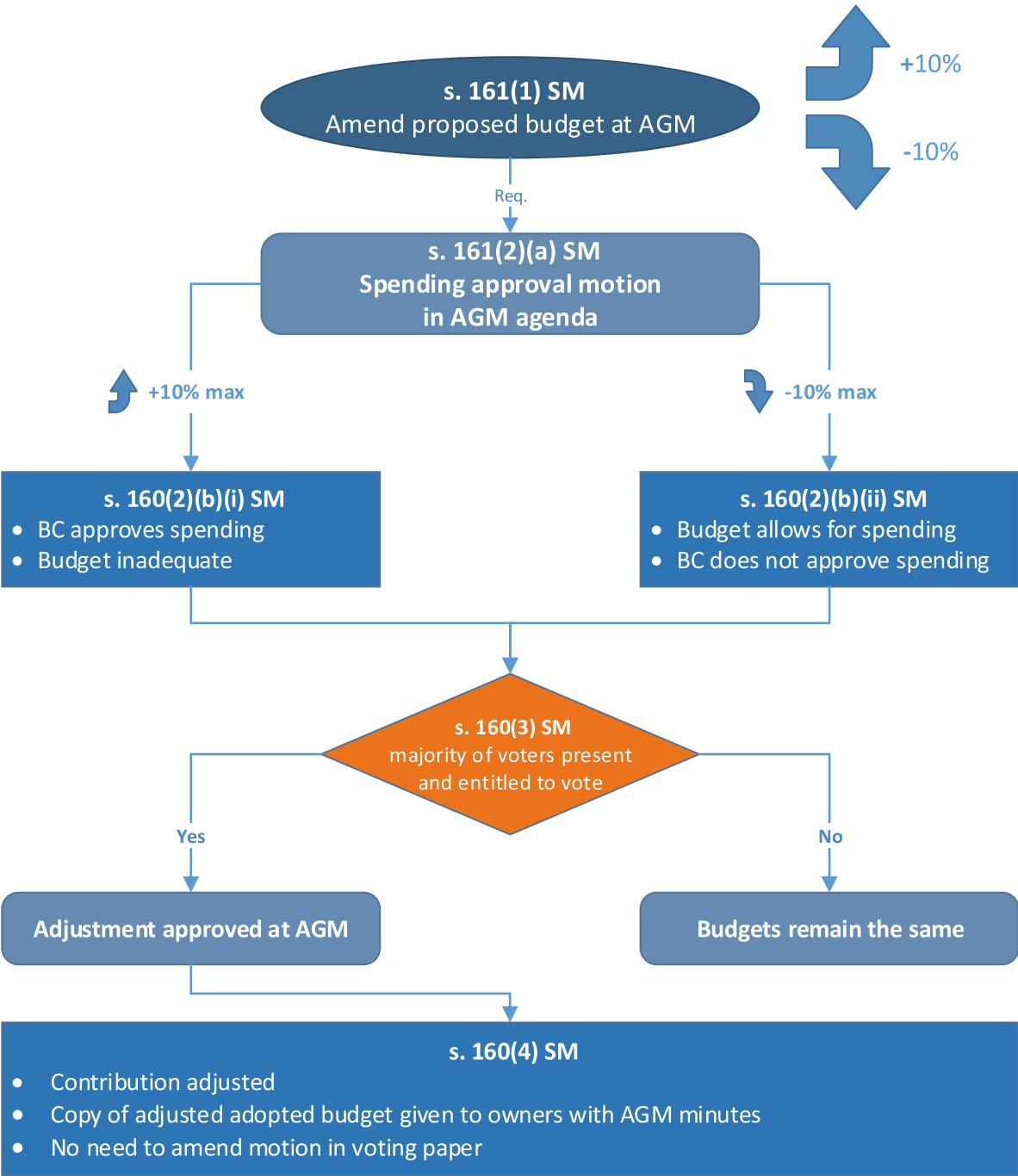
Financial year, of the body corporate for a community titles scheme (other than a community titles scheme established for an existing 1980 Act plan under the transitional provisions), means—
(a) the period from the establishment of the scheme until the end of the month immediately before the month when 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	BCCMA:	
DNRME:	Department of Natural Resources Mines and Energy	Sch. Dict. 6,	
def. :	definition	s. 283	
dict. :	dictionary		
s. :	section		
Sch. :	Schedule		

Flowchart No 9.3: Administrative Fund and Sinking Fund

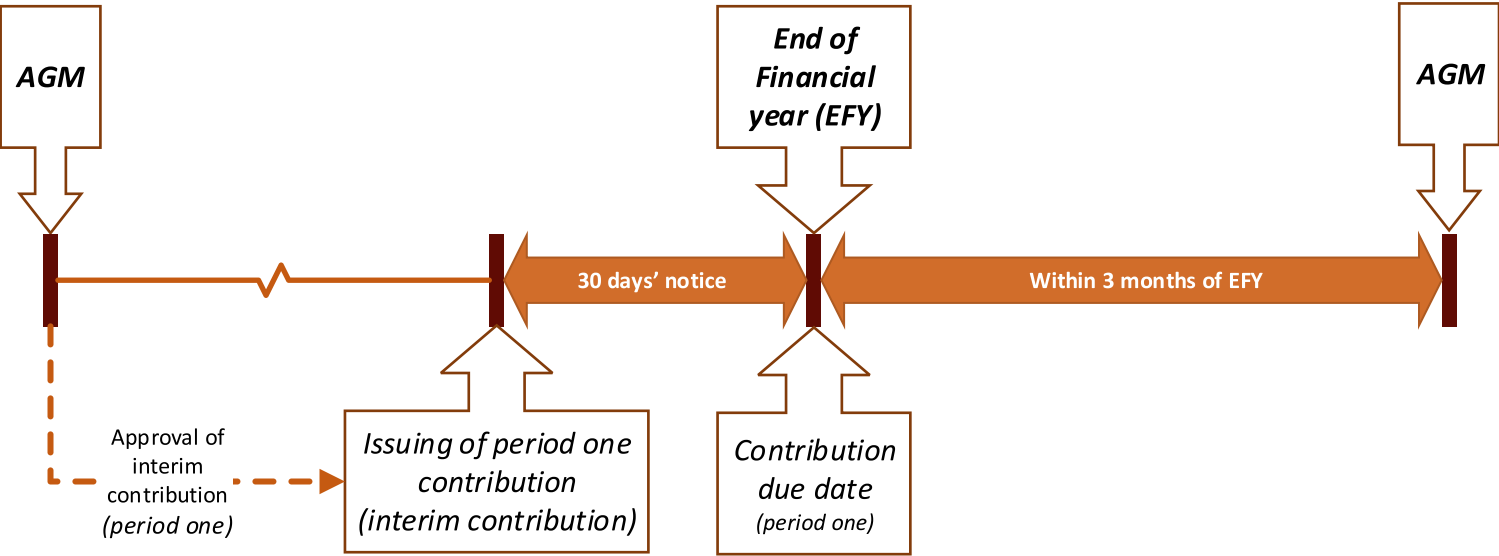


Flowchart No 9.4: Adjusting proposed budgets at AGM

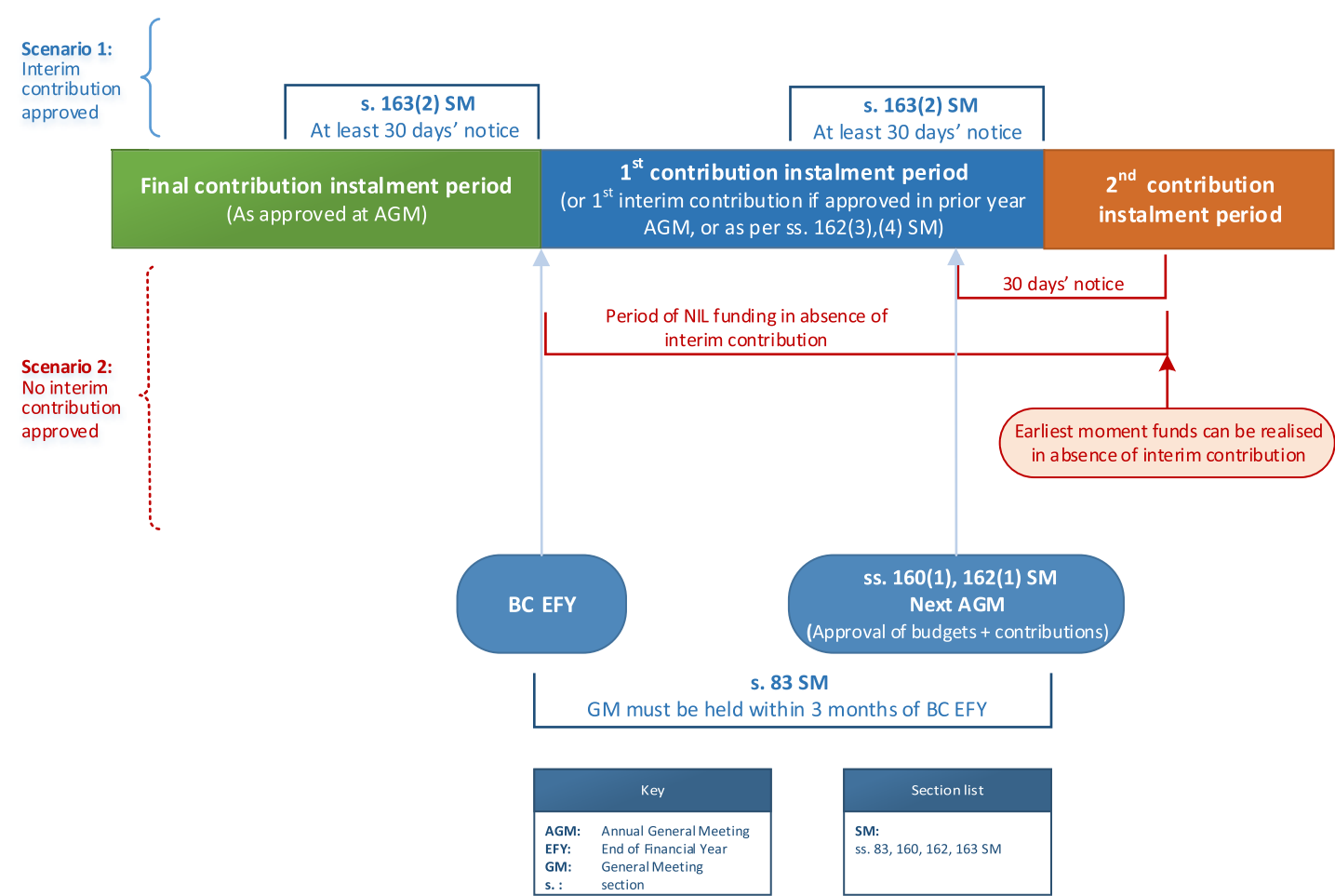


Section list	Key
SM: s. 160	AGM: Annual General Meeting req. : requirement s. : section

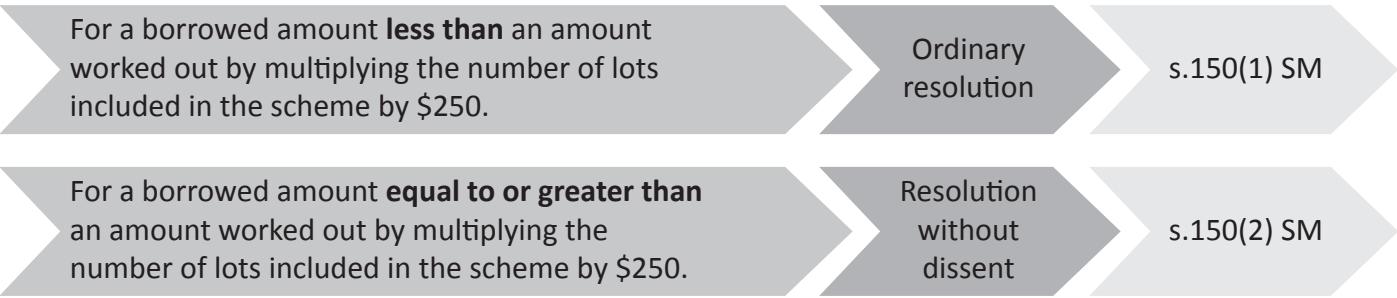
Interim contributions



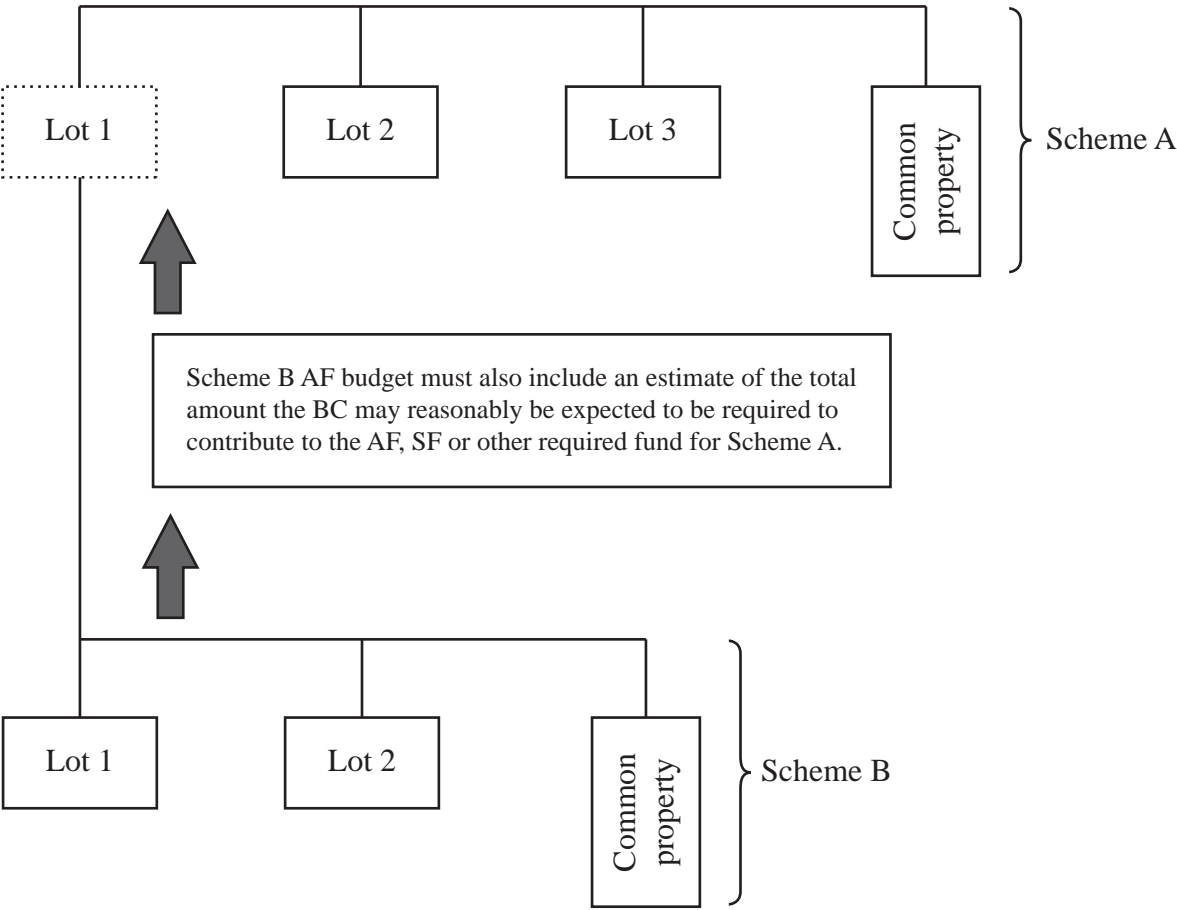
Flowchart No 9.5: Rationale for interim contributions



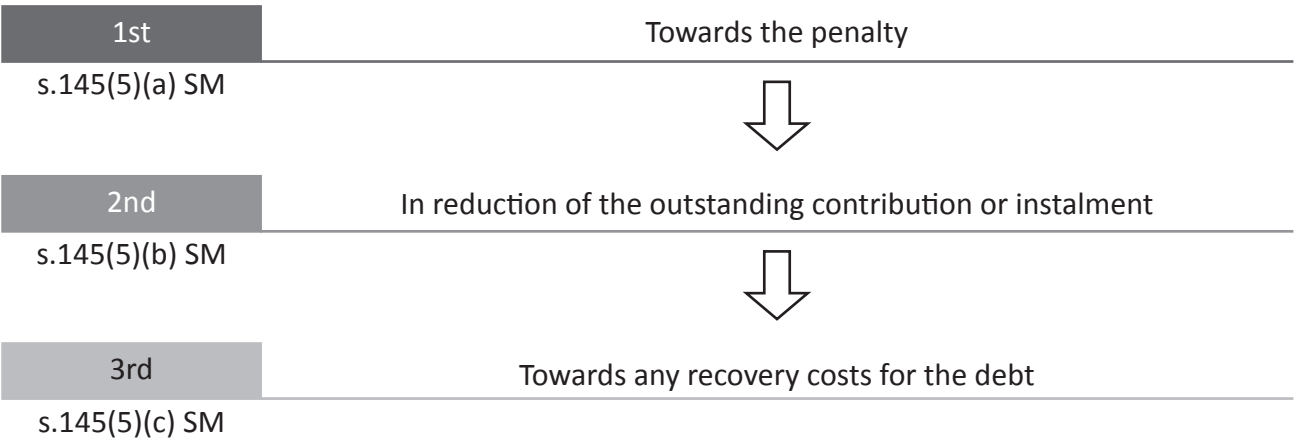
Power to borrow



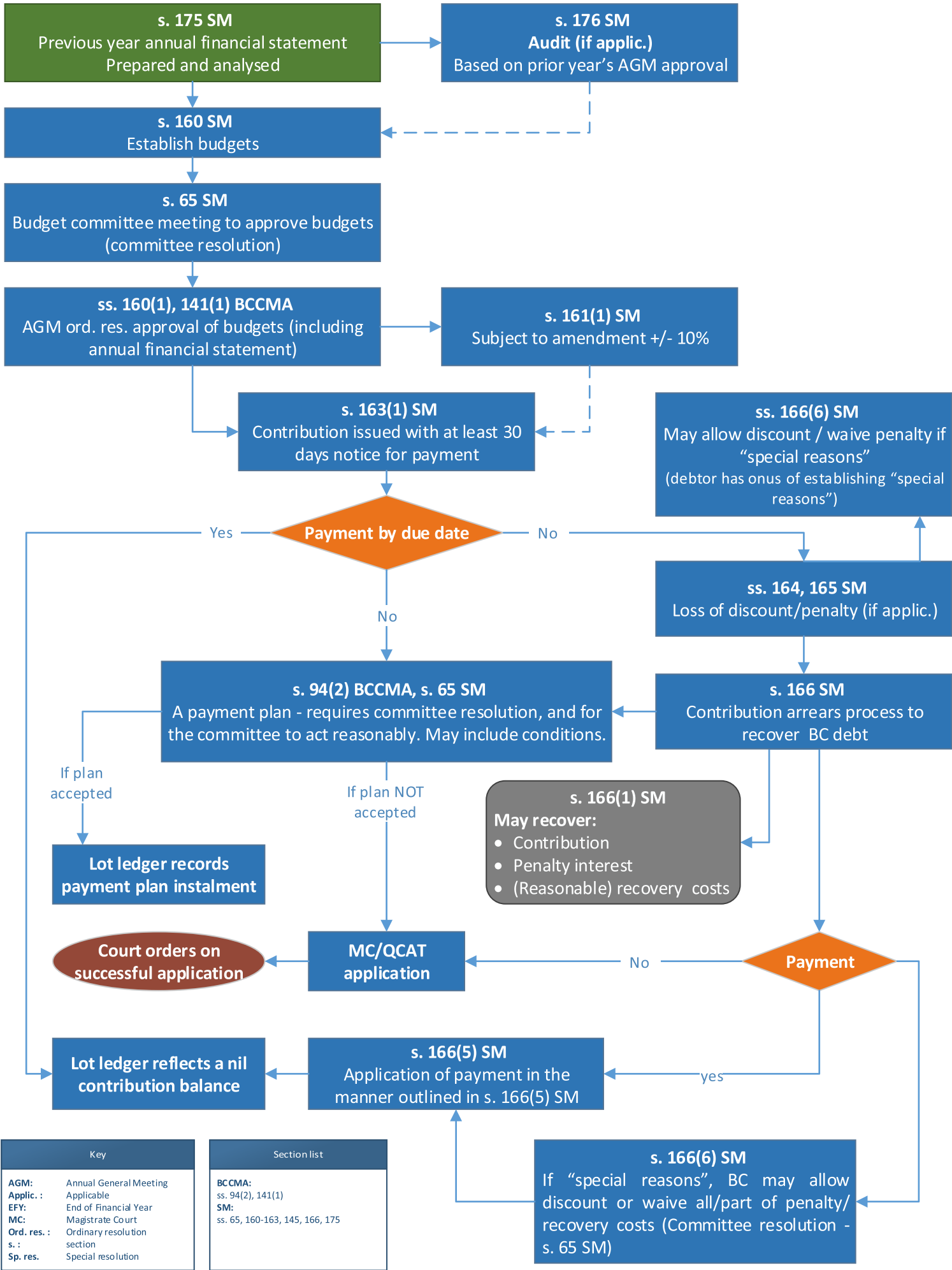
Contributions in schemes with a layered arrangement



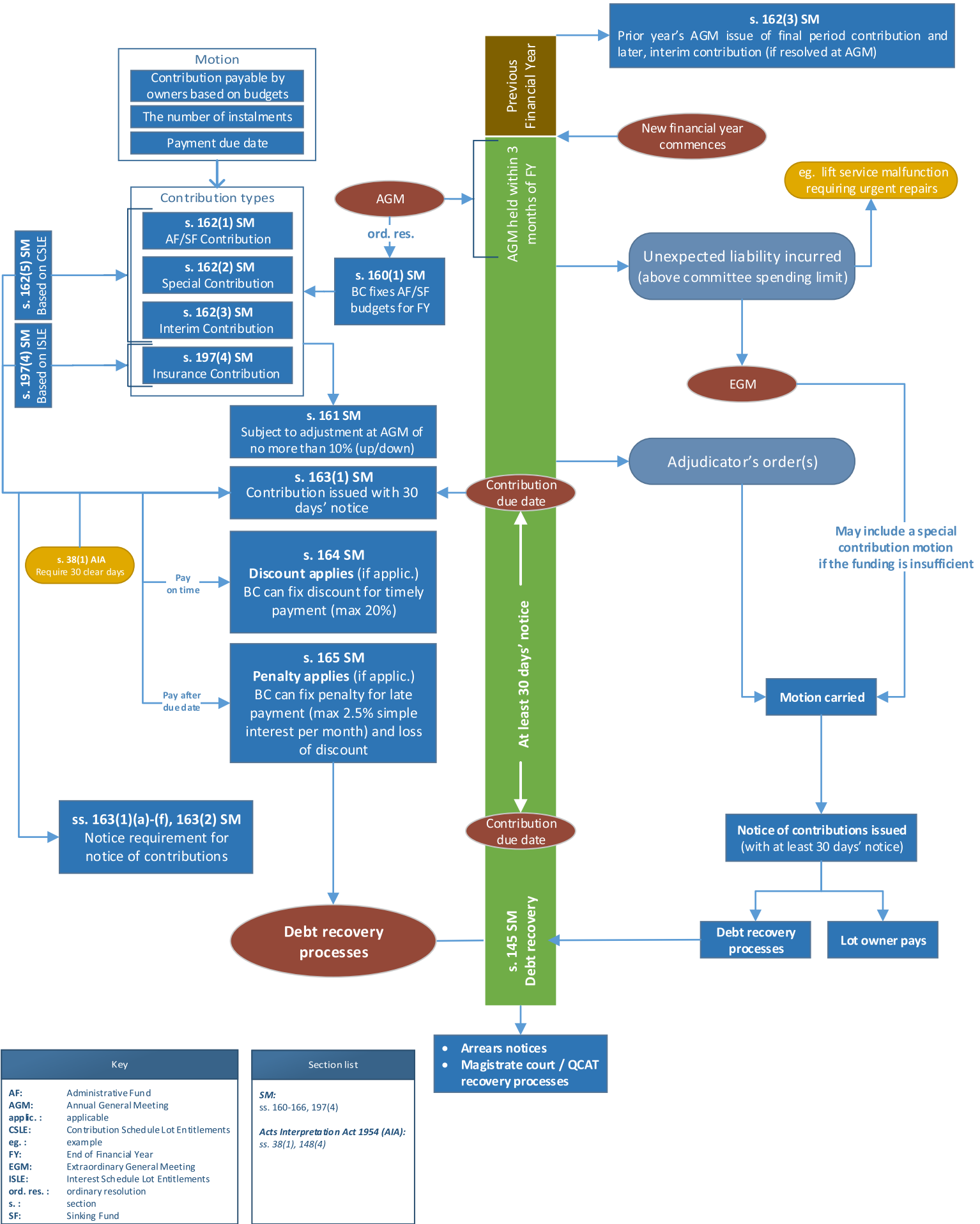
Priority of the application of payments made



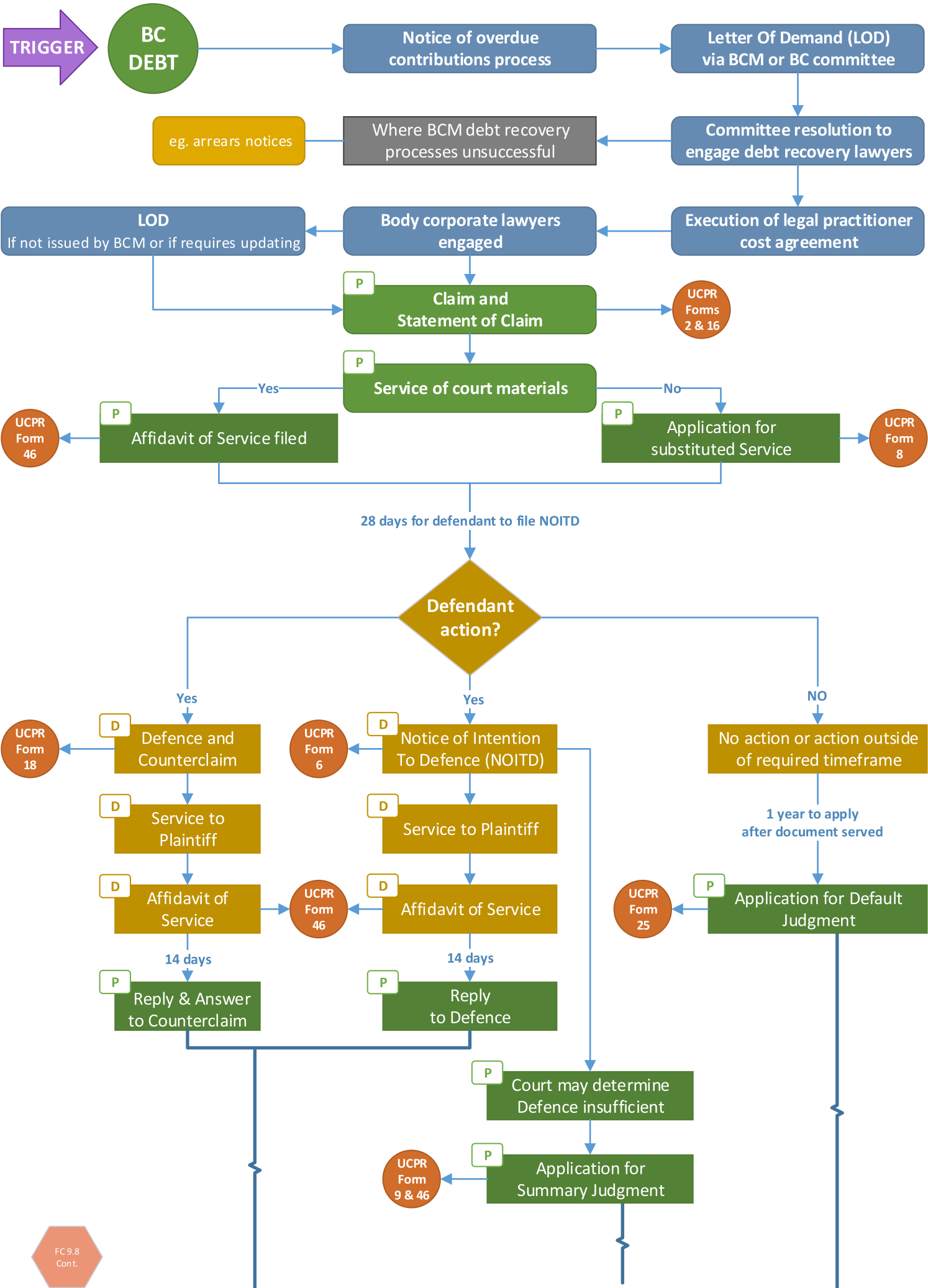
Flowchart No 9.6: Relationship between budgets, contributions and debt recovery processes



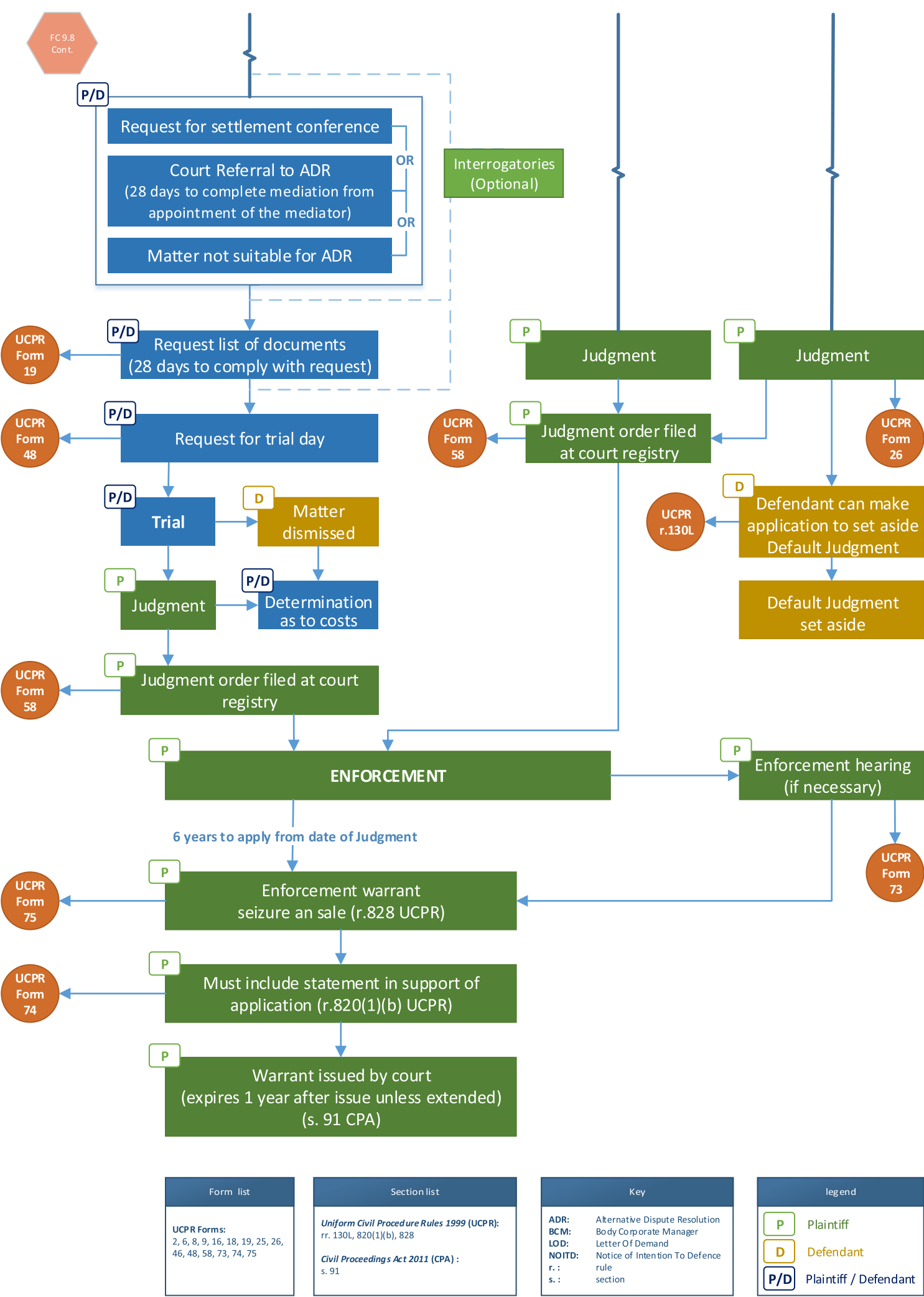
Flowchart No 9.7: Contributions



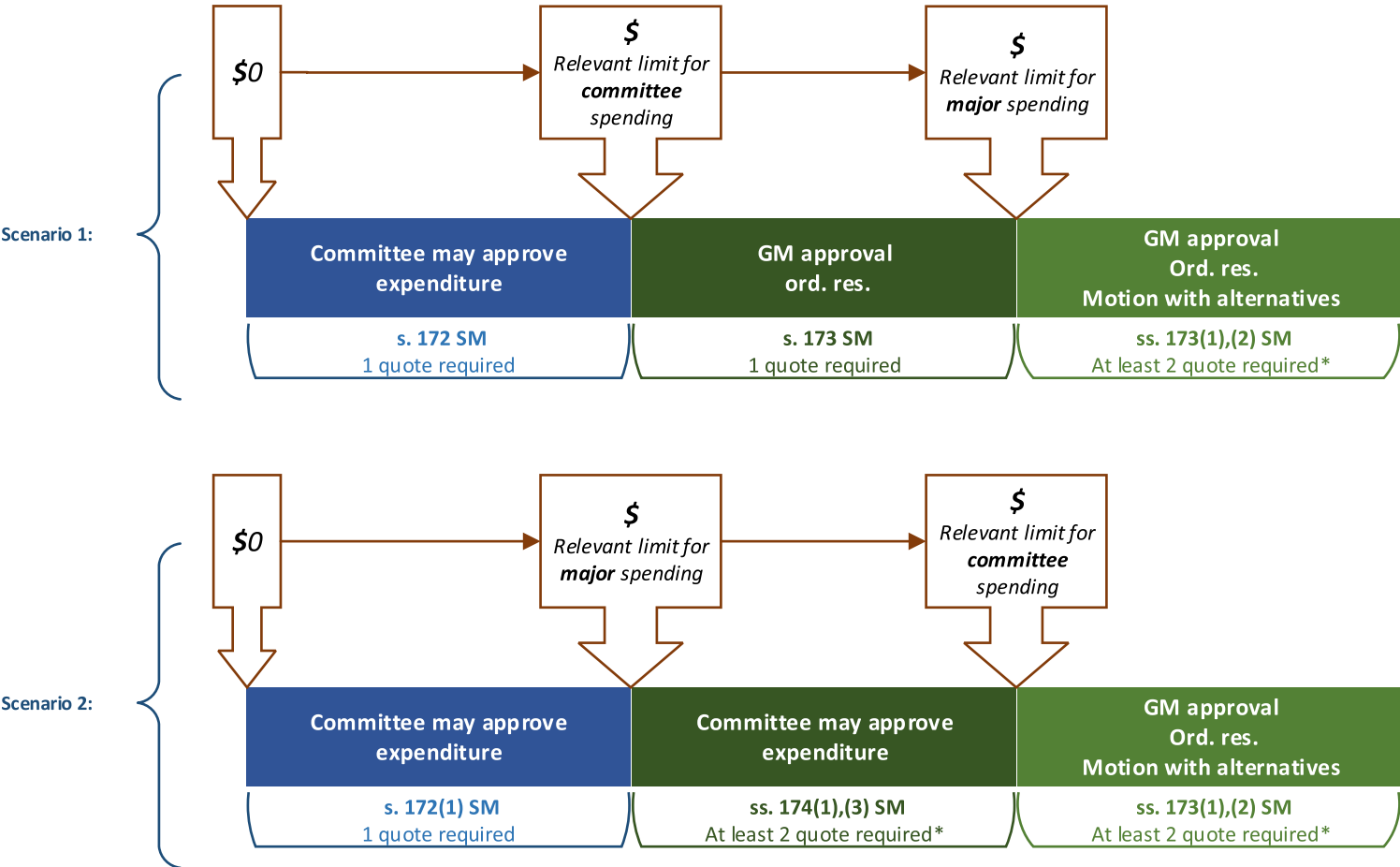
Flowchart No 9.8: Debt recovery



Flowchart No 9.8: Debt recovery (Continued)



Flowchart No 9.9: Control of spending



Note

- Scenario 1:

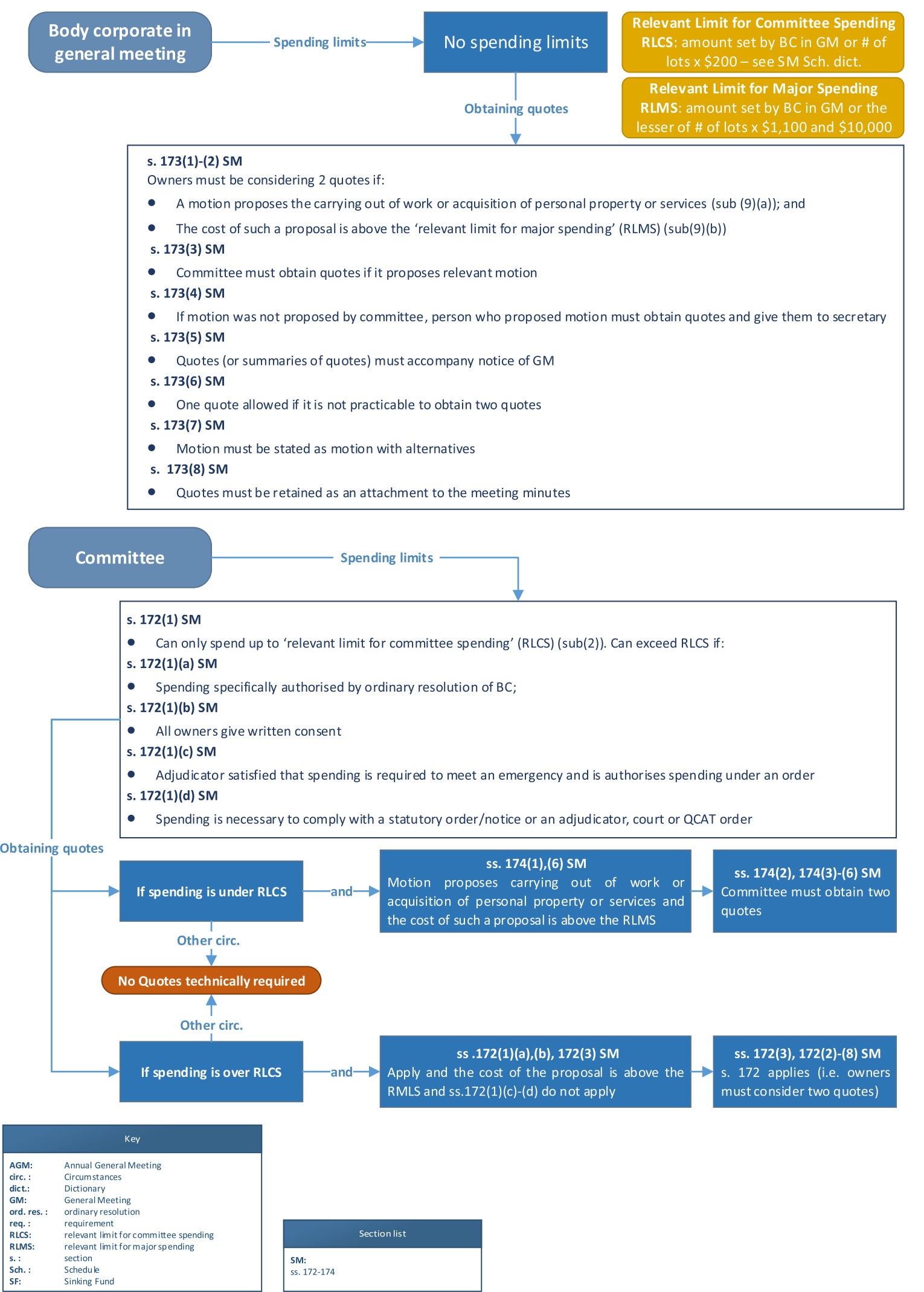
When the relevant limit for **major** Spending Is more than the relevant limit for **committee** Spending
- Scenario 2:

When the relevant limit for **major** Spending Is less than the relevant limit for **committee** Spending

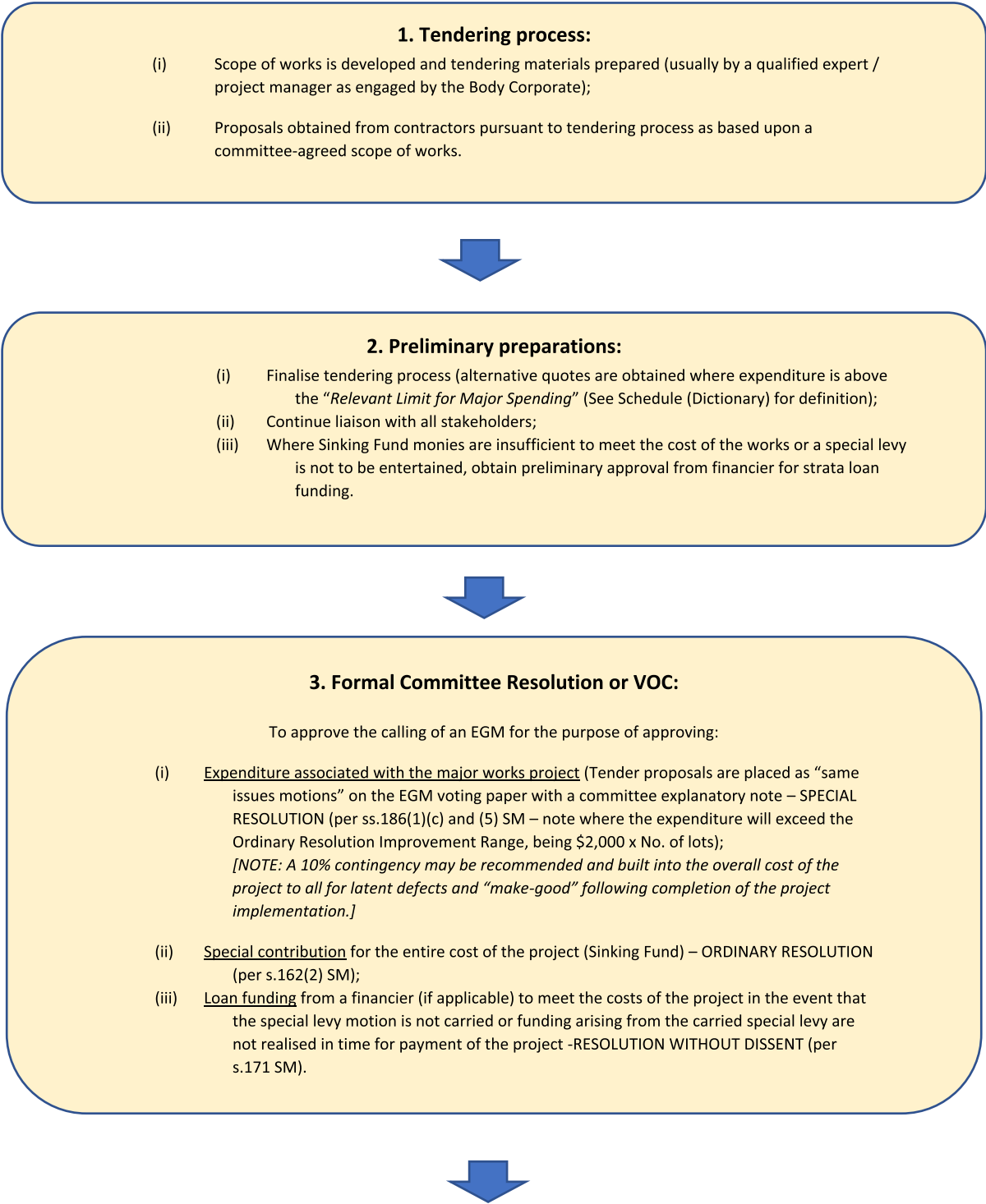
- * Required for at least 2 quotes is subject to s. 173(6) SM
- * Summaries may be provided if voluminous – but must advice on location to inspect full quote. s. 173(5) SM

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

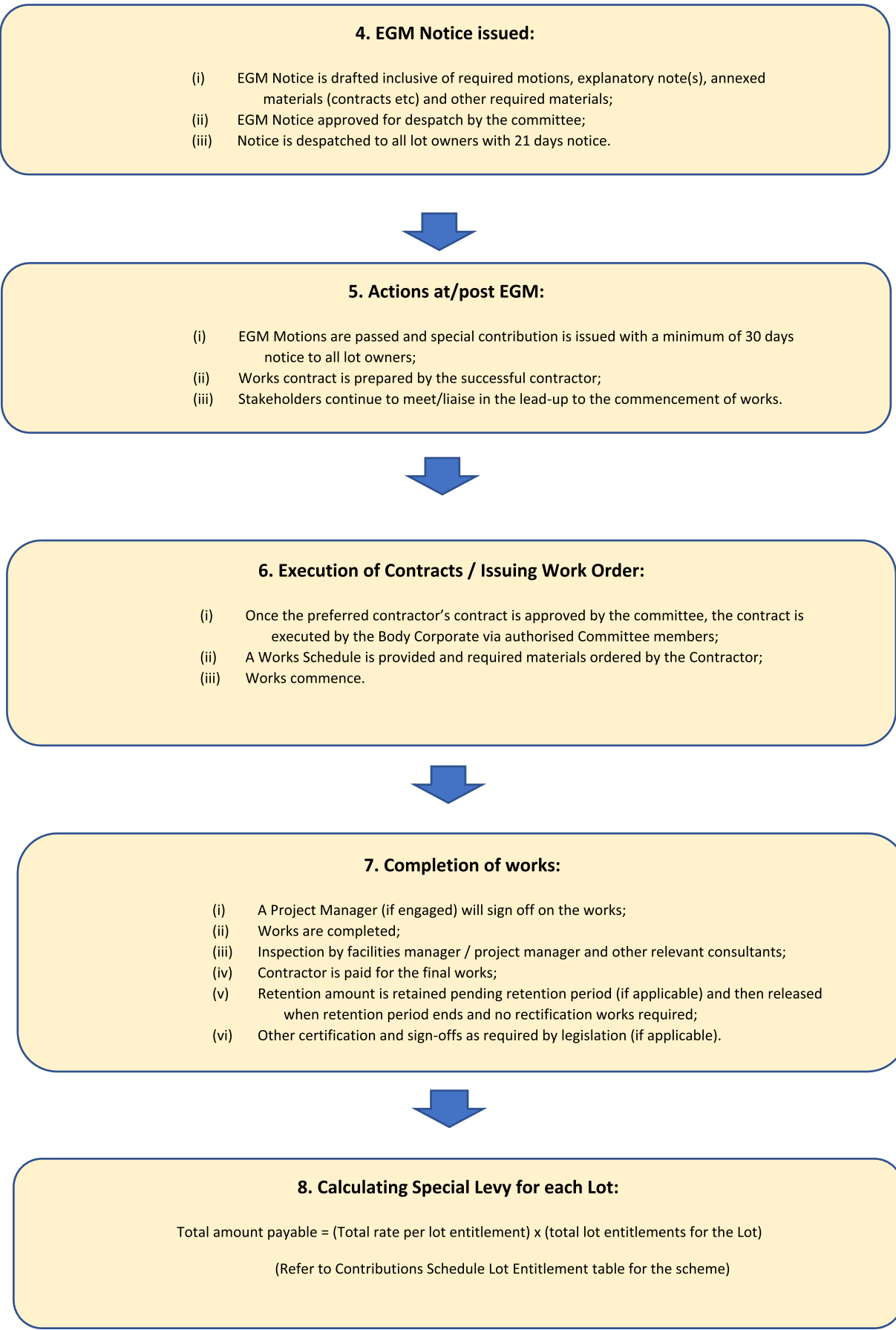
Flowchart No 9.10: Spending



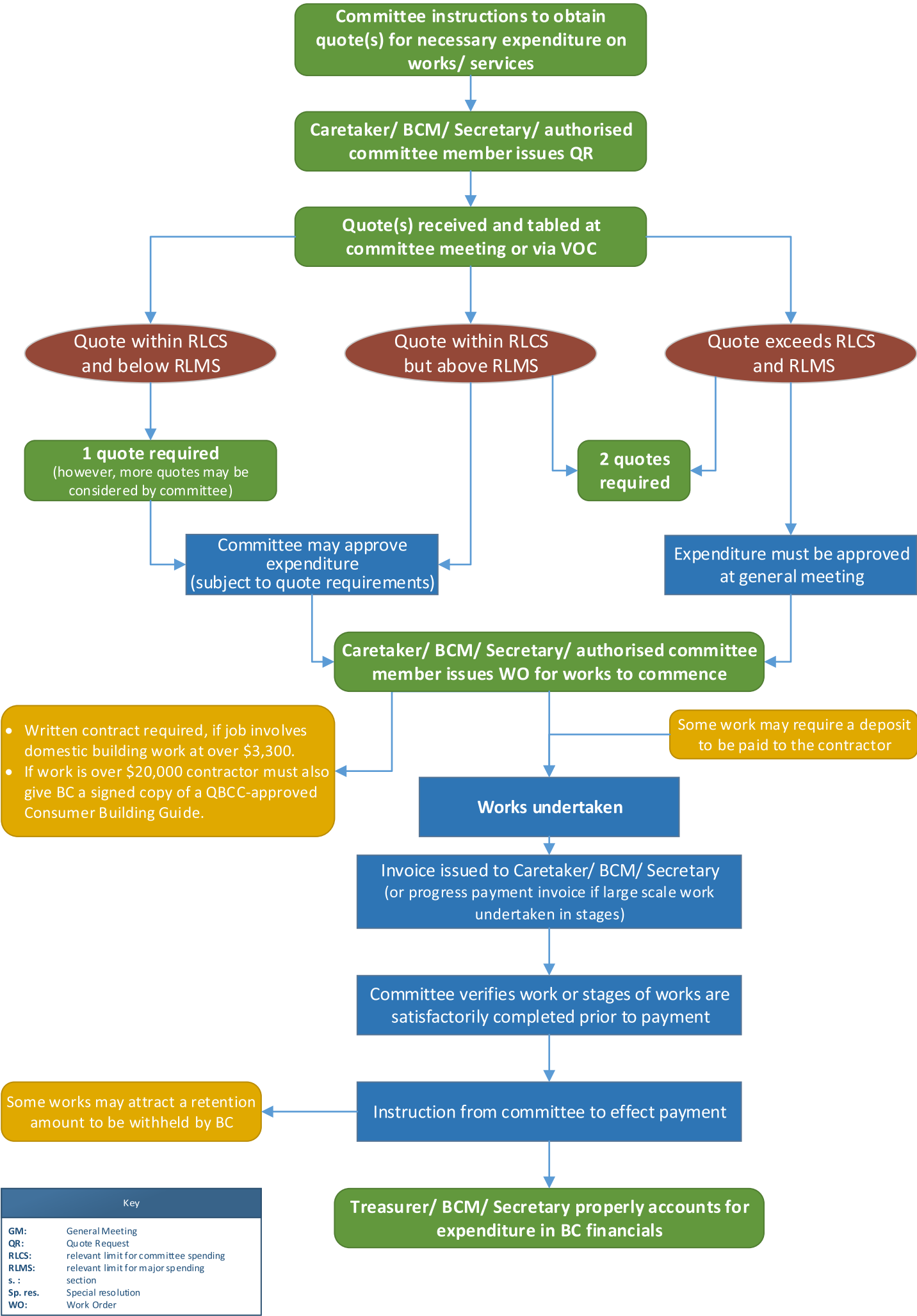
Body corporate for sample scheme CTS 12345



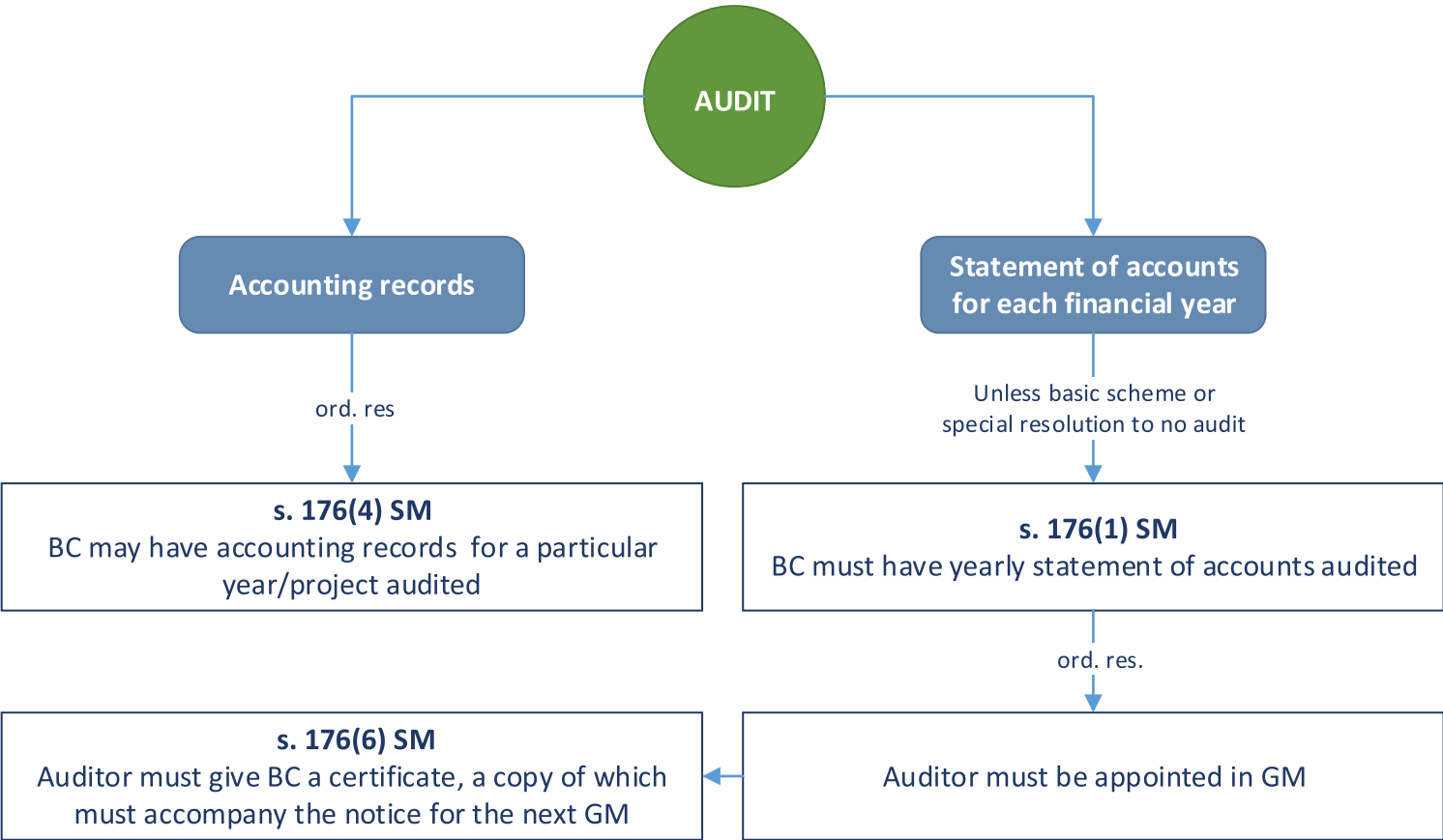
Body corporate for sample scheme CTS 12345 (Continued)



Flowchart No 9.11: Quote request and Work Order processes



Flowchart No 9.12: Auditing



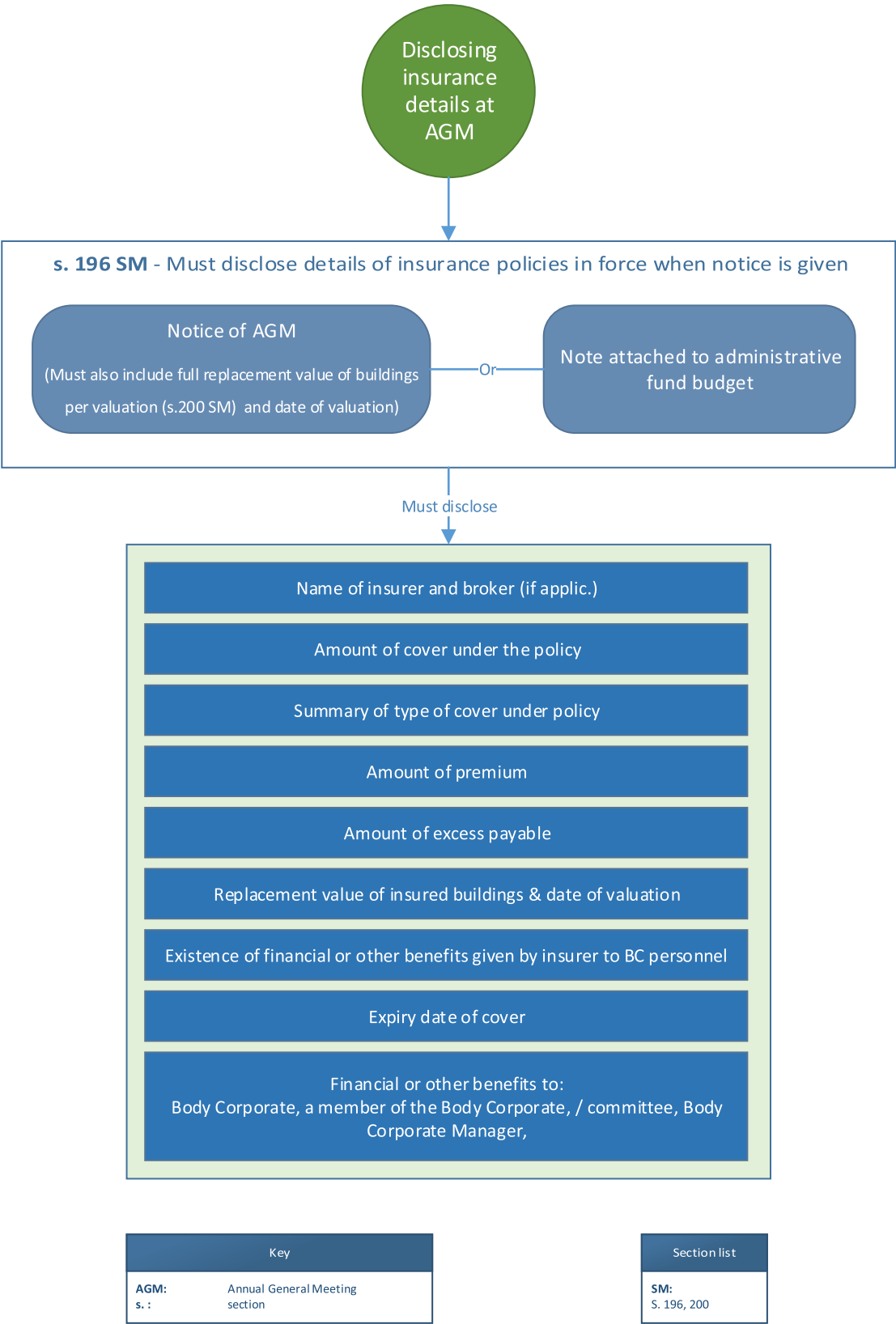
Note

Auditors must:

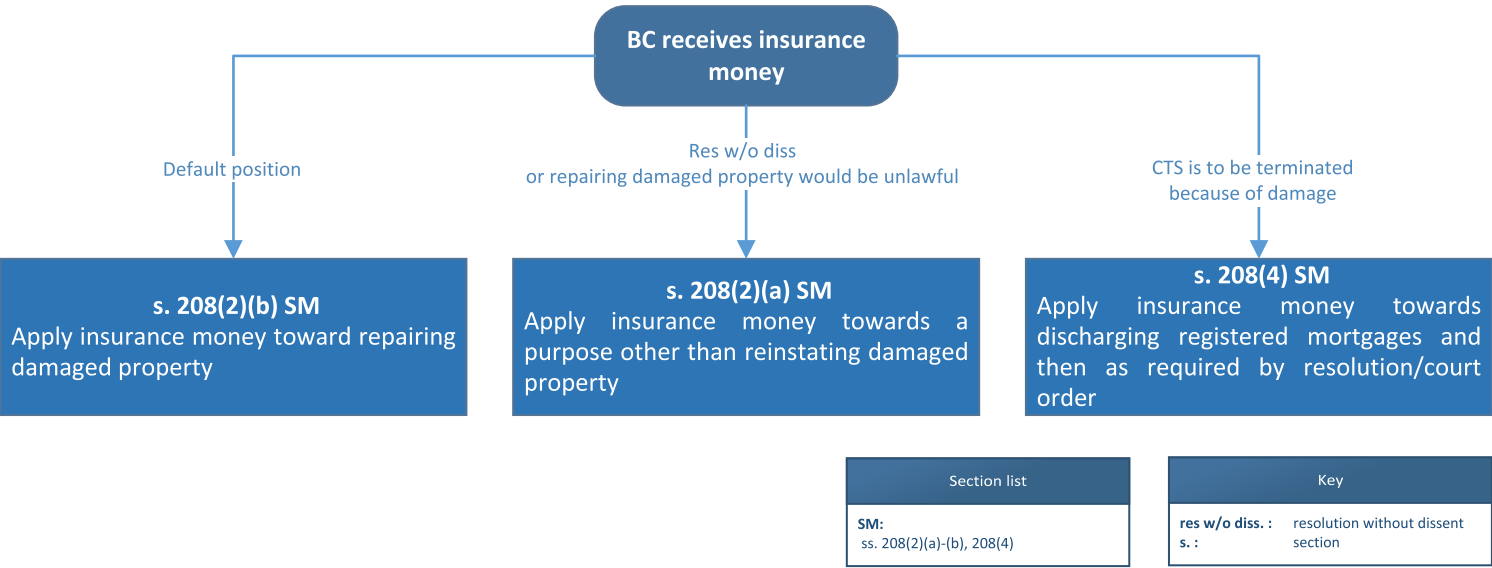
- satisfy the professional qualifications in s. 177 SM
- not be a committee member or body corporate manager or an associate of either class of persons – s. 176(6) SM

Key		Section list
GM:	General meeting	SM: ss. 176-177
ord. res. :	ordinary resolution	
s. :	section	

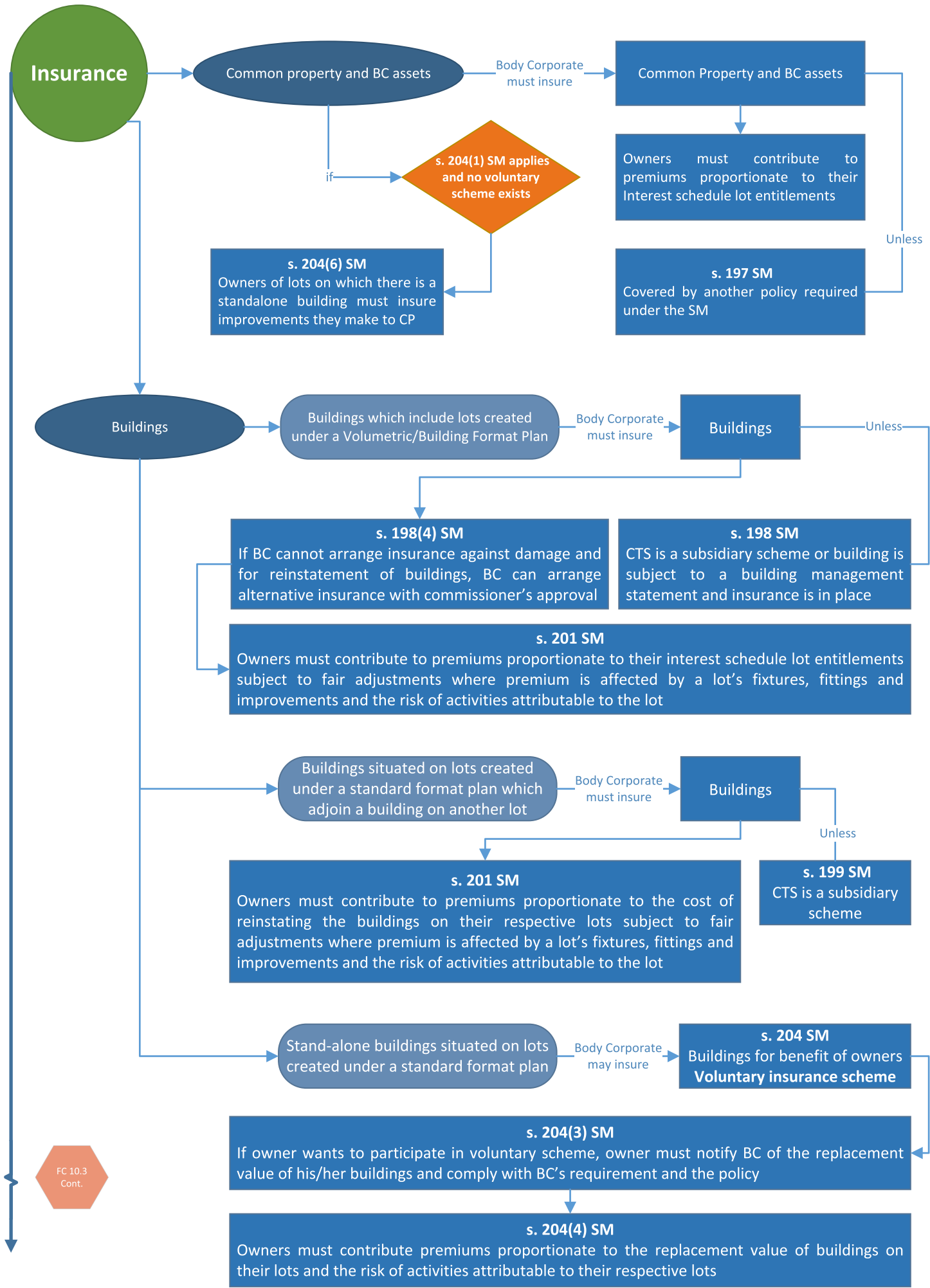
Flowchart No 10.1: Disclosing insurance details at an AGM



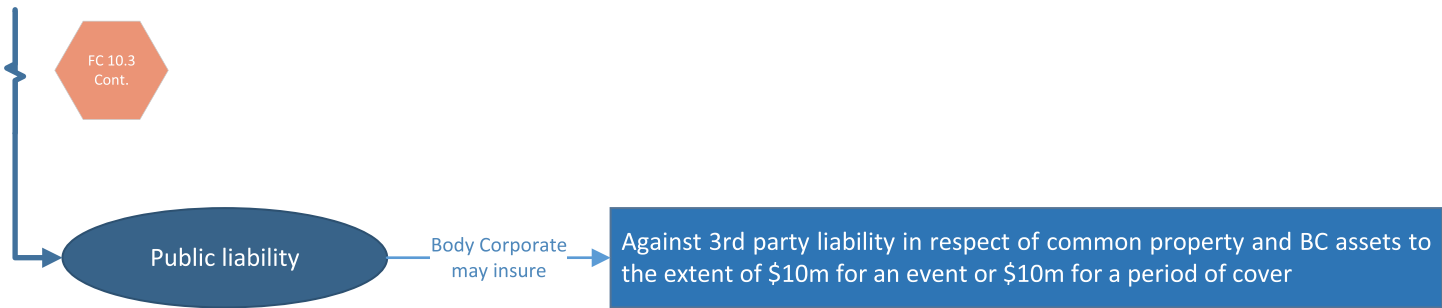
Flowchart No 10.2: Use of insurance money not paid under voluntary insurance scheme



Flowchart No 10.3: Insurance



Flowchart No 10.3: Insurance (Continued)

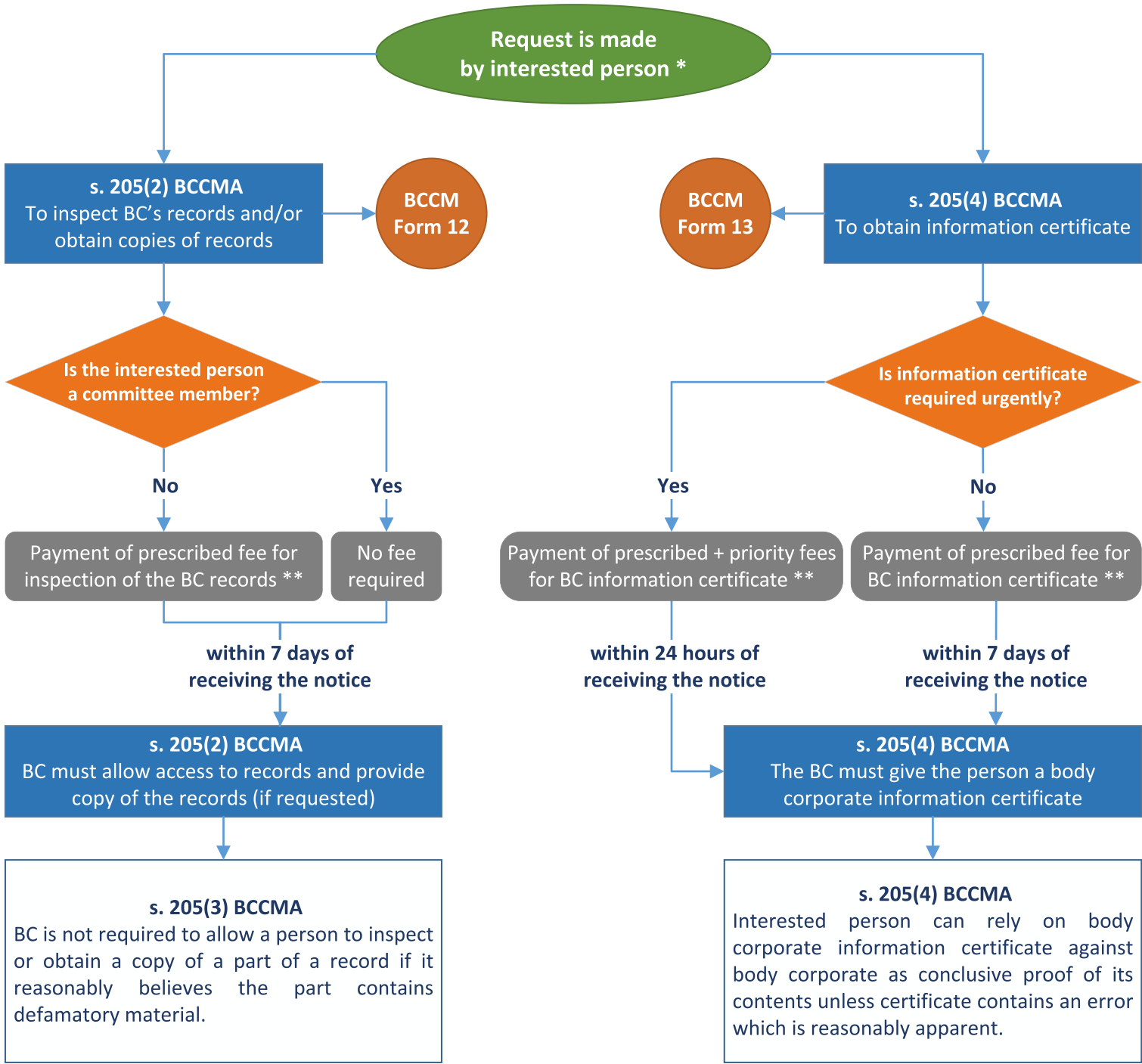


(ss. 197(3), 198(3), 199(3), 204(7) SM)
All reinstatement insurance policies that the BC is required to take out must cover, to the greatest practicable extent, damage (def. : s. 195 SM) and costs incidental to reinstate insured buildings and provide for such buildings’ reinstatement

- 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:	Annual General Meeting	SM: 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
cont. :	continues	
CP:	Common Property	
def. :	definition	
FC:	Flowchart	

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



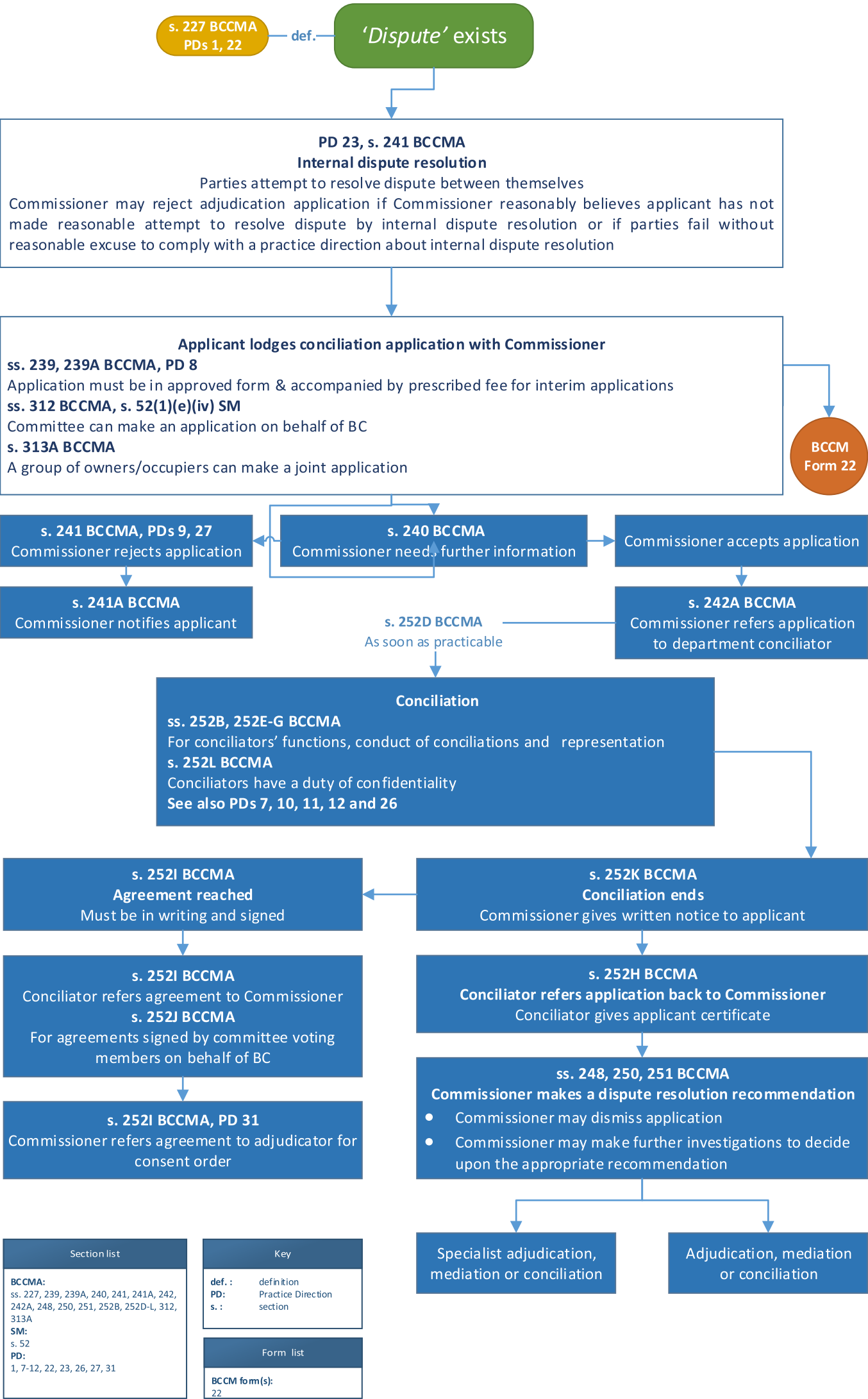
* Interested persons

s. 205(4) BCCMA

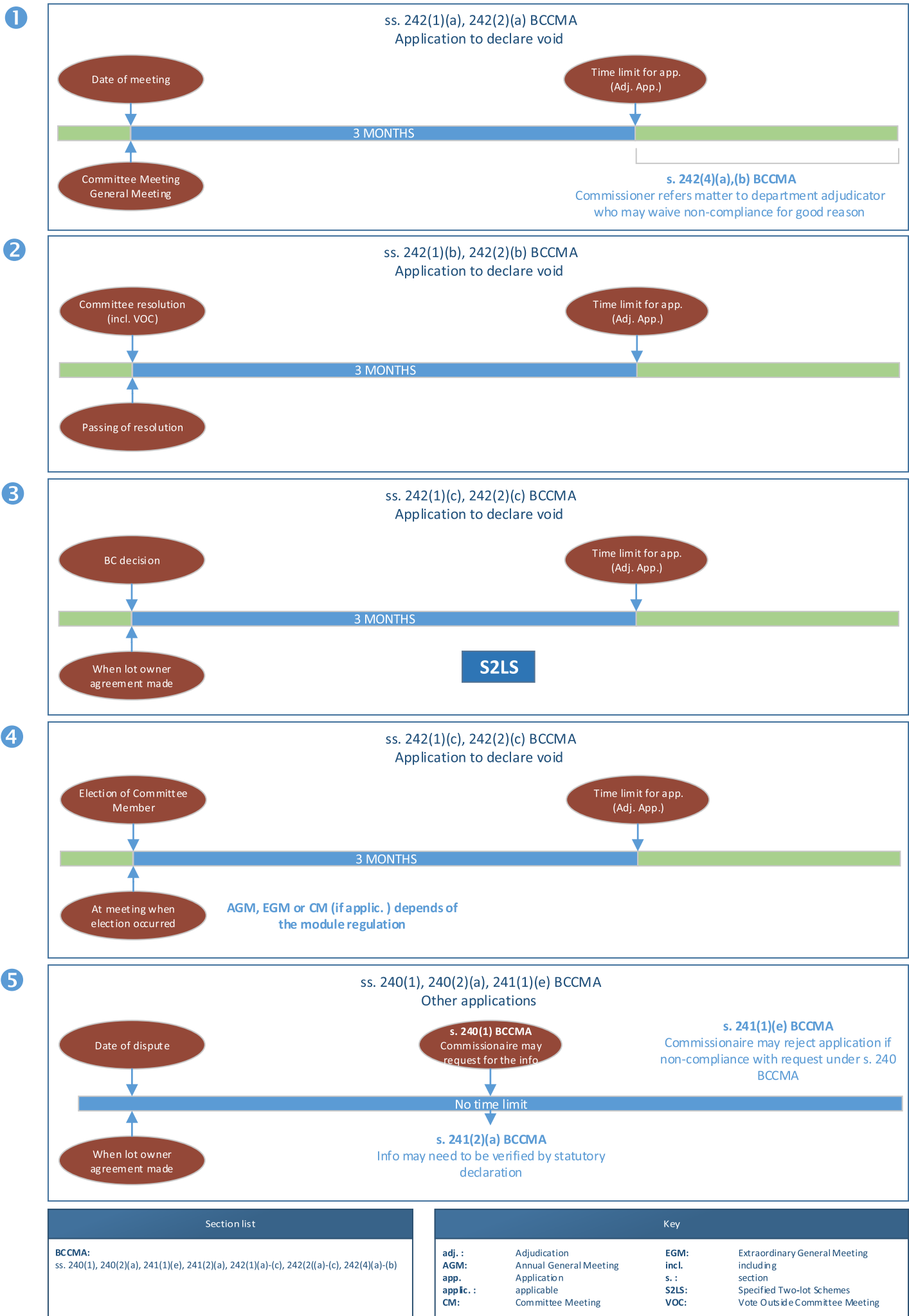
- Owner or mortgagee of a lot;
- Buyer of a lot;
- Person who BC is satisfied has a proper interest in information sought; or
- Agent of the above.

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

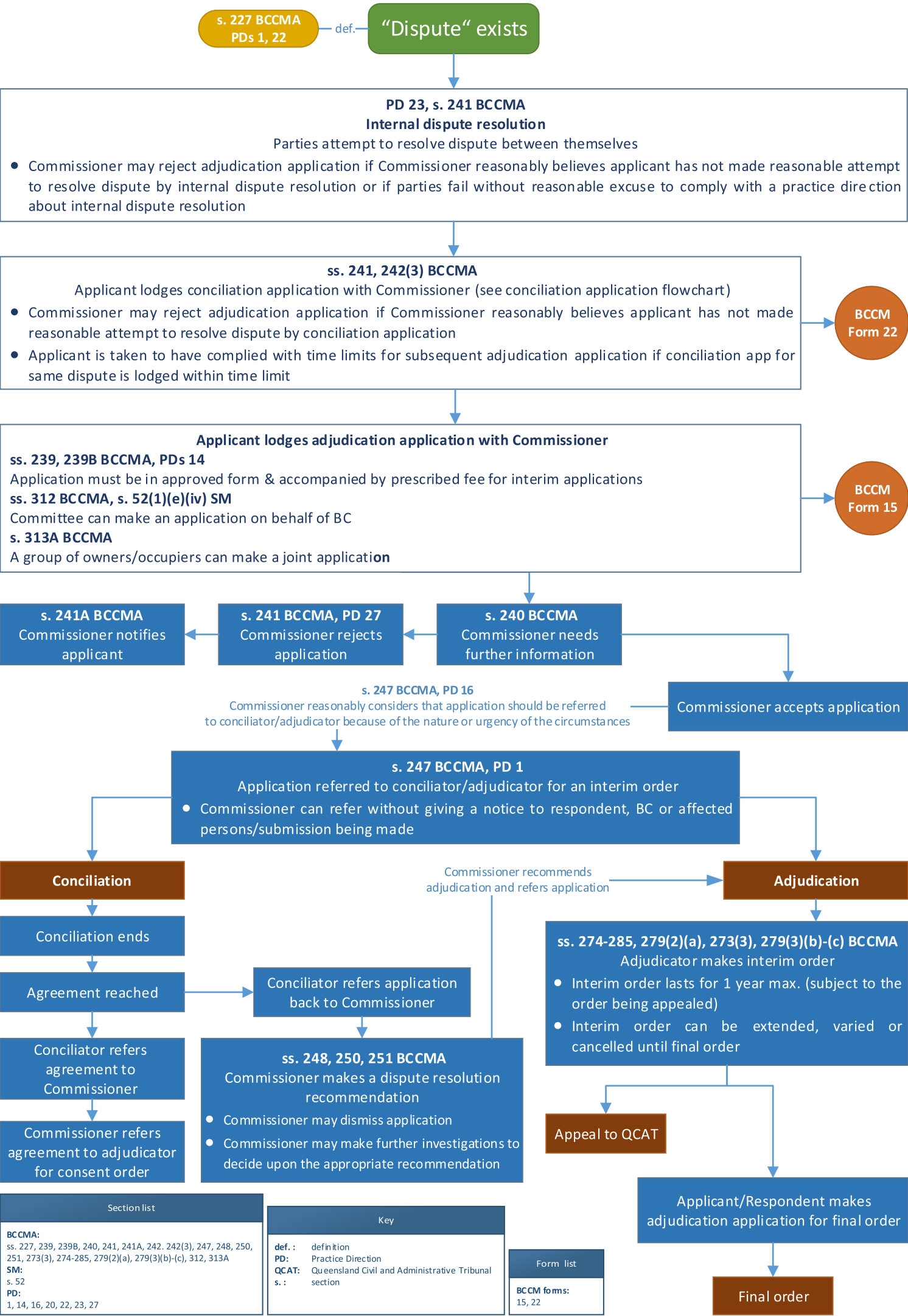
Flowchart No 12.1: Conciliation



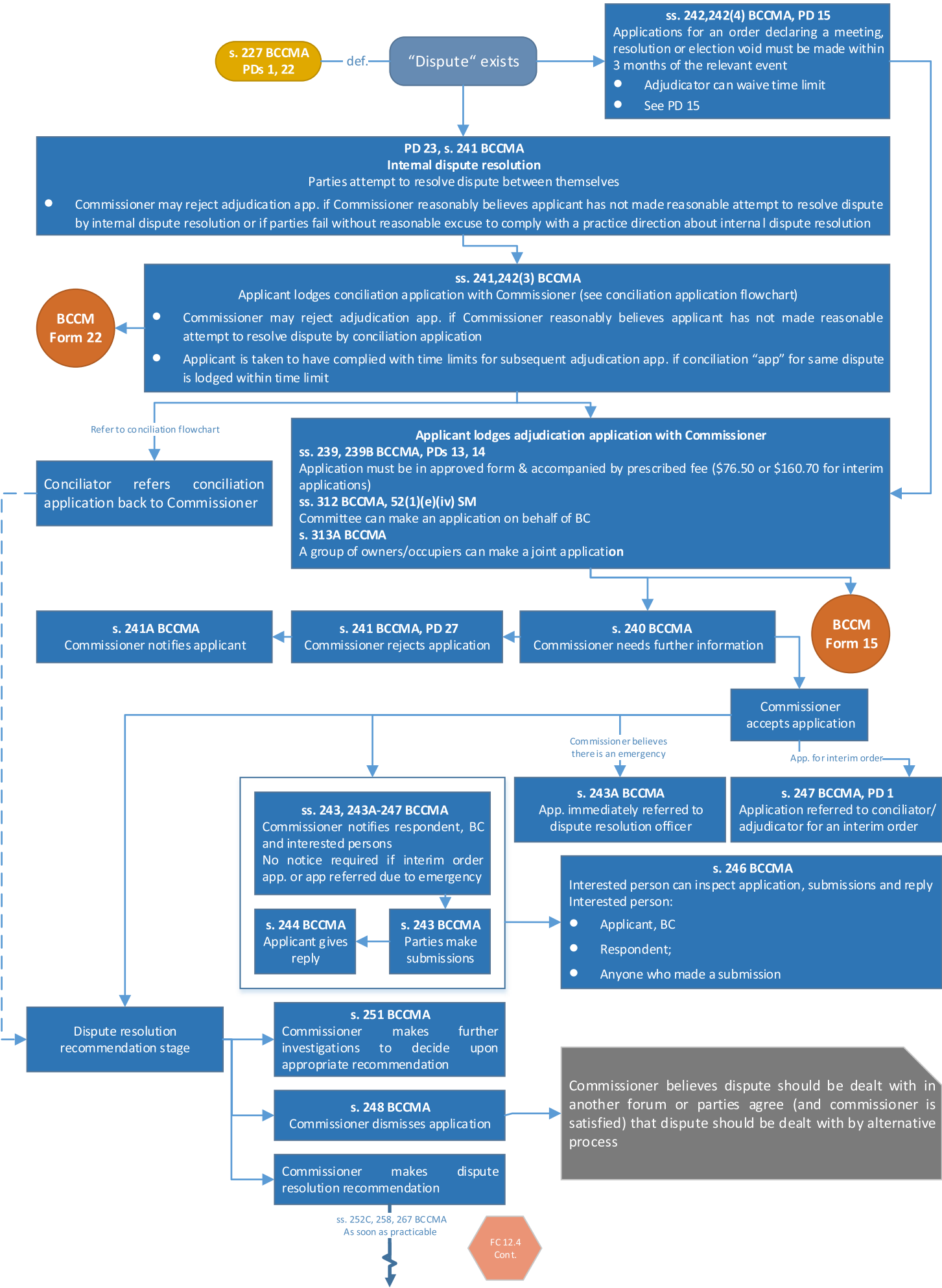
Flowchart No 12.2: Adjudication time limit



Flowchart No 12.3: Applying for an interim order



Flowchart No 12.4: Adjudication



Flowchart No 12.4: Adjudication (Continued)

