



The Standard Module Regulations 2008

A new regulation module, the *Body Corporate and Community Management (Standard Module) Regulation 2008* (the Standard Module) commenced on 30 August 2008.

This regulation module replaces the Standard Module regulation which commenced in 1997

This factsheet provides an overview of the major changes in the regulation module. It is not an exhaustive guide and the legislation should be the primary reference.

Overview of changes

Eligibility

Section 10

A member of the body corporate or a person nominated by a member of the body corporate is not eligible to be a voting member of the committee if the member owes a body corporate debt when the voting members of the committee are chosen.

Lot owner's right of nomination

Section 17

A lot owner who owns more than one lot can nominate one person for committee membership for each additional lot.

However, if there are less than seven lots in the scheme, the lot owner may not nominate more than two people or if there are seven or more lots in the scheme, the lot owner may not nominate more than three people.

A lot owner cannot nominate a person for committee membership if the lot owner owes a body corporate debt when the nomination is received by the secretary.

Conduct of ballot – scrutiny of votes

Section 25

The person chairing the meeting can delegate a function defined in the section to a person attending the meeting who is not a candidate for the position and who, in the chairperson's opinion, has sufficient independence.

Exceptions to restricted issues for committee

Section 43

Usually a committee is restricted from paying a remuneration, however the body corporate can, by ordinary resolution, authorise the committee to repay expenses to a committee member. Information about the payment must be included in an explanatory schedule with the voting paper.

Calling general meetings

Section 65

A member of the committee, including a non-voting member, can only call a general meeting if they are authorised by a committee resolution.

Transfer fee

Section 126

The service contractor or letting agent must pay a transfer fee to the body corporate when the transfer is within two years (the prescribed period*) of the initial contract date*. Previously, it was optional for the body corporate to request the payment.

The transfer fee will be either:

- three per cent of the fair market value for the transfer if it is approved in the first year after the initial contract date; or
- two per cent of the fair market value for the transfer if it is approved after the first year after the initial contract date.

The service contractor or letting agent may ask that the transfer fee be waived because of genuine hardship provided they give the body corporate supporting documentation.

* See section 124 "Definitions".

Committee spending

Section 151

The relevant limit for committee spending can now be set by ordinary resolution of the body corporate.

If no amount is set, the amount can be calculated by multiplying the number of lots in the scheme by \$200.

Major spending authorised at general meeting

Section 152

The relevant limit for major spending by the scheme can be set by ordinary resolution of the body corporate.

If no amount is set, it is the lesser of:

- multiplying the number of lots in the scheme by \$1100; or
- \$10 000.

Major spending by committee

Section 153

If the committee is considering a motion to carry out work that is above the limit for major spending for the scheme, the committee must get at least two quotations.



Improvements to common property by the body corporate

Section 163

There are four circumstances where improvements to the common property may be authorised:

Cost of improvements*	Authorised by
Basic improvements limit (\$300 X the number of lots in the scheme subject to section 151).	The committee
Ordinary resolution improvement range (an amount that is more than the basic improvement limit and \$2000 X the number of lots in the scheme).	Ordinary resolution (once per year)
An amount over the ordinary resolution improvement range.	Special resolution
Otherwise	Adjudicator's order

*Cost of the improvements, or, if the improvements together with associated improvements, form a single project, the cost of the entire project.

Improvements to common property by a lot owner

Section 164

A lot owner may only make an improvement to the common property if authorised by ordinary resolution of the body corporate.

If the improvement is minor (\$3000 or less), the committee may give approval.

Valuation for insurance

Section 181

If the body corporate is required to insure one or more buildings, the body corporate must obtain an independent valuation for the full replacement value at least once every five years.

Details about the most recent valuation must be included in the notice of the annual general meeting or any note attached to the administrative fund budget proposed for the annual general meeting.

Use affecting premium

Section 188

The lot owner must give the body corporate details of any use of the lot which may affect the premium for reinstatement insurance or public risk insurance.

Register of reserved issues

Section 201

The body corporate must keep a register of issues that have been reserved for decision by ordinary resolution of the body corporate.

The notice of the annual general meeting must be accompanied by a copy of the register of reserved issues.

The Office of the Commissioner for Body Corporate and Community Management (BCCM Office)

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Copies of the Body Corporate and Community Management Act 1997, the regulation modules, and any amendments can be accessed for free via the Office of the Parliamentary Council at www.legislation.qld.gov.au/Acts_SLs/Acts_SL.htm or can be purchased from SDS, Ground Floor, Mineral House, 41 George Street, Brisbane. SDS Customer Service can be contacted on 07 3118 6900 or 1800 679 778 or at www.publications.qld.gov.au.

Disclaimer

The laws referred to in this guide are complex and various qualifications may apply in different circumstances. The information in this factsheet does not constitute legal advice. You are encouraged to obtain independent legal or financial advice if you are unsure of how these laws apply to your situation.

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Specific changes to Standard Module

1	Title	18	No change
2	30 August 2008	19	No change
3	No change	20	No change
4	No change	21	No change
5	Minor (format)	22	No change
6	No change	23	No change
7	Minor (ref to body corporate manager)	24	No change
8	Minor (format)	25	Minor (chair may delegate functions relating to scrutiny to anor.)
9	No change	26	Minor (26(4) and (5) limited to 1 nomination regardless of number of lots owned)
10	Now provides at 10(2); However, a person who is otherwise eligible under subsection (1) to be a voting member of the committee is ineligible to be a voting member of the committee if the person is— (d) a person who is a member of the body corporate who owes a body corporate debt <u>in relation to a lot or lots owned by the person</u> at the time voting members are chosen, or <u>a person nominated by that person</u> .	27	Minor (27(7) and (8) limited to 1 nomination regardless of number of lots owned)
11	New section	28	No change
12	Previously 9A	29	No change
13	Minor (11(5) moved to 14)	30	No change
14	Previously 11(5)	31	No change
15	No change	32	No change
16	16(2) notice must set out; (a) the right of nomination under sec 17, and (b) that the owner, or a person nominated by the owner, is not eligible to be a voting member of the committee if the owner owes a body corporate debt in relation to a lot or lots owned by the owner at the time the members of the committee are chosen.	33	No change
17	New section. A lot owner who owns more than one lot can nominate one person for committee membership for each additional lot.	34	No change

However, if there are less than seven lots in the scheme, the lot owner may not nominate more than two people or if there are seven or more lots in the scheme, the lot owner may not nominate more than three people.

35	No change	71	No change
36	No change	72	No change
37	No change	73	No change
38	No change	74	No change
39	No change	75	No change
40	Minor (owner of multiple lots can only nominate 1 person)	76	No change
41	No change	77	No change
42	Minor (section relating to remuneration moved to s.43)	78	No change
43	New section.	79	No change
44	No change	80	No change
45	No change	81	No change
46	No change	82	No change
47	No change	83	No change
48	No change	84	No change
49	No change	85	No change
50	No change	86	No change
51	No change	87	No change
52	Minor	88	No change
53	No change	89	No change
54	No change	90	No change
55	No change	91	No change
56	New section (previous section (37) split into s.56 and s.57)	92	No change
57	New section (see above)	93	No change
58	No change	94	No change
59	Minor	95	No change
60	No change	96	No change
61	Minor	97	No change
62	No change	98	No change
63	No change	99	No change
64	No change	100	No change
65	Minor	101	No change
66	No change	102	No change
67	No change	103	New section (moved from old s.69)
68	No change	104	Minor (Part moved to s.103)
69	No change	105	No change
70	No change	106	No change

107	No change	143	No change
108	No change	144	No change
109	No change	145	No change
110	No change	146	No change
111	No change	147	No change
112	No change	148	No change
113	No change	149	No change
114	No change	150	No change
115	No change	151	Change to spending limit (See dictionary for limit)
116	No change	152	Change to spending limit (See dictionary for limit)
117	No change	153	New section (Quotes for major spending by committee)
118	No change	154	No change
119	No change	155	No change
120	No change	156	No change
121	No change	157	New section (Reporting payments)
122	No change	158	No change
123	New section	159	No change
124	New section	160	No change
125	New section	161	Minor (ref to Planning Acts)
126	New section (3% or 2% tfr fee must be paid)	162	No change
127	New section (Tfree must prove hardship)	163	Major (Change of spending limits)
128	No change	164	Major (now ordinary res and increase to value of improvement)
129	No change	165	No change
130	No change	166	No change
131	No change	167	No change
132	No change	168	No change
133	No change	169	No change
134	No change	170	No change
135	No change	171	No change
136	No change	172	No change
137	No change	173	No change
138	No change	174	Minor (now only ordinary resolution if value is over \$3000)
139	No change	175	No change
140	No change	176	No change
141	No change		
142	No change		

- 177 Minor (notice of agm must include valuation details)
- 178 No change
- 179 No change
- 180 No change
- 181 New section (5 yearly valuations)
- 182 No change
- 183 No change
- 184 No change
- 185 No change
- 186 No change
- 187 No change
- 188 No change
- 189 Minor (subsec.5 moved to s.190)
- 190 New section
- 191 No change
- 192 No change
- 193 No change
- 194 No change
- 195 No change
- 196 No change
- 197 No change
- 198 No change
- 199 No change
- 200 No change
- 201 New section (Register of reserved issues)
- 202 No change
- 203 No change
- 204 No change
- 205 Minor (change in amounts)
- 206 No change
- 207 No change
- 208 New section (Repeal of 1997 regs)
- 209 – 230 Transitional stuff