



The Commercial Module Regulations 2008

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

This regulation module replaces the Commercial Module regulation which commenced in 1997.

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

Overview of changes

Eligibility—Section 11

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 members of the committee are chosen.

A member of the body corporate is not able to nominate a person for committee membership if the member owes a body corporate debt when the nomination is received by the secretary.

Term of office—Section 15

A committee member becomes ineligible to hold the member's position if the member:

- was a body corporate member when elected but ceases to be a member of the body corporate
- was not a member of the body corporate when elected and was nominated for membership by a member who is no longer a member
- was elected as a voting member and is engaged as a body corporate manager for the scheme.

Restricted issues for committee—Section 18

Changes to section 18 extend the power of a committee to start proceedings for an offence if an owner or occupier does not comply with a by-law contravention notice. The committee may start dispute resolution proceedings (other than an appeal against an adjudicator's order).

Attendance at committee meetings—Section 25

Lot owners may attend committee meetings if they give

written notice to the secretary at least 24 hours before the start of the meeting.

Calling general meetings—Section 32

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

Agenda for general meeting—Section 43

The agenda for an annual general meeting must include the statutory motions, which include:

- presenting the financial year accounts
- adopting the administrative and sinking fund budgets
- fixing the contributions (levies)
- reviewing insurance policies.

Secret ballots—Sections 55-58

Sections 55 to 58 contain provisions for conducting a secret ballot.

Termination of engagements or authorisations—Chapter 6 Part 4

This chapter gives procedures for the body corporate to terminate a person's engagement as a body corporate manager or service contractor or authorisation as a letting agent.

Valuation for insurance—Section 137

If the body corporate is required to insure one or more buildings, the body corporate must obtain an independent valuation for the full replacement 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.

Register of reserved issues—Section 157

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 by visiting:

www.legislation.qld.gov.au/Acts_SLs/Acts_SL.htm

Copies can be purchased online by visiting

www.bookshop.qld.gov.au, or by contacting SDS Customer Service by phoning (07) 3883 8700 or 1800 801 123.

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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