



*South Bank Corporation Act 1989*

# **South Bank Corporation (Modified Building Units and Group Titles) Regulation 2003**

**Reprinted as in force on 19 December 2003**

**Reprint No. 1A\***

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# Information about this reprint

This regulation is reprinted as at 19 December 2003. The reprint shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes. Also see list of legislation for any uncommenced amendments.

Minor editorial changes allowed under the provisions of the Reprints Act 1992 have also been made to use aspects of format and printing style consistent with current drafting practice (s 35).

This page is specific to this reprint. See previous reprint for information about earlier changes made under the Reprints Act 1992. A table of reprints is included in the endnotes.

**Also see endnotes for information about—**

- **when provisions commenced**
- **editorial changes made in earlier reprint.**

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Queensland

# South Bank Corporation (Modified Building Units and Group Titles) Regulation 2003

## Contents

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		Page
<b>Part 1</b>	<b>Preliminary</b>	
1	Short title . . . . .	5
2	Commencement . . . . .	5
3	Application of schedule . . . . .	5
<b>Part 2</b>	<b>Repeal</b>	
4	Repeal . . . . .	5
<b>Schedule</b>	<b>Modified Building Units and Group Titles Regulation . . . . .</b>	<b>6</b>
<b>Part 1</b>	<b>Preliminary</b>	
1	Short title . . . . .	7
1A	Definitions . . . . .	7
2	Meaning of the Act and section . . . . .	8
3	Approved forms . . . . .	8
5	Repeals . . . . .	8
6	Transitional . . . . .	9
<b>Part 2</b>	<b>Plans</b>	
7	Registers of plans . . . . .	9
8	Requirements for registration . . . . .	9
9	Further requirements for registration . . . . .	11
10	Manner of registration . . . . .	12
<b>Part 3</b>	<b>Instruments</b>	
10A	Certificates of title to be in the approved form . . . . .	13
11	Instruments to comply with certain requirements . . . . .	13
12	Certificate by local authority . . . . .	13
12A	Instruments—Act, s 17A . . . . .	13

*South Bank Corporation (Modified Building Units and  
Group Titles) Regulation 2003*

---

12B	Certificate of licensed surveyor . . . . .	14
12C	Certificate of lessees approving subdivision . . . . .	14
13	Certificate of body corporate . . . . .	14
14	Notification of extinguishment. . . . .	14
14A	Form of request—Act, s 26B . . . . .	15
15	Notification of change of by-laws . . . . .	15
16	Notice of change of address. . . . .	15
16A	Notice of change of name of building or stratum parcel . . . . .	15
17	Manner of registration of certain dealings . . . . .	15
18	Production of certain certificates of title not necessary . . . . .	16
19	Manner of entry of notification of extinguishment on plan . . . . .	16
19A	Statement by original lessee . . . . .	16
<b>Part 4</b>	<b>Elections</b>	
20	Procedure at first annual general meeting etc. . . . .	16
21	Nomination procedures for second or subsequent annual general meeting . . . . .	20
21A	Procedure on open ballot . . . . .	23
21B	Procedure on secret ballot . . . . .	24
21C	Result of ballot . . . . .	25
<b>Part 5</b>	<b>Fees</b>	
22	Fees payable to registrar of titles . . . . .	26
23	Fees payable to referee . . . . .	27
24	Fees payable to body corporate . . . . .	27
<b>Part 6</b>	<b>General</b>	
25	Retention of records etc. . . . .	27
26	Prescribed investment . . . . .	28
27	Form of roll—Act, s 39 . . . . .	28
28	Application to body corporate—Act, s 40 . . . . .	28
29	Application for exemption . . . . .	29
30	Grounds for application for exemption . . . . .	29
31	Restriction on expenditure by committee . . . . .	29
32	Notices to body corporate—Act, s 53. . . . .	30
33	Request for summons . . . . .	30
34	Form of summons . . . . .	30
35	Form of inquiry . . . . .	30
36	Classes of order . . . . .	30

*South Bank Corporation (Modified Building Units and  
Group Titles) Regulation 2003*

---

37	Application for reservation of name . . . . .	31
38	Manner of reservation of name . . . . .	31
39	Notice of general meeting . . . . .	31
40	Requirements of application or notice of appeal . . . . .	32
41	Offences . . . . .	32
42	Cost of improvements. . . . .	32
43	Insurance . . . . .	32
<b>Endnotes</b>		
1	Index to endnotes. . . . .	33
2	Date to which amendments incorporated. . . . .	33
3	Key . . . . .	33
4	Table of reprints . . . . .	34
5	List of legislation. . . . .	34
6	List of annotations . . . . .	34



## **South Bank Corporation (Modified Building Units and Group Titles) Regulation 2003**

[as amended by all amendments that commenced on or before 19 December 2003]

### **Part 1 Preliminary**

#### **1 Short title**

This regulation may be cited as the *South Bank Corporation (Modified Building Units and Group Titles) Regulation 2003*.

#### **2 Commencement**

This regulation commences on 27 June 2003.

#### **3 Application of schedule**

The provisions of the schedule apply to land that is subdivided under section 25F<sup>1</sup> of the Act.

### **Part 2 Repeal**

#### **4 Repeal**

The South Bank Corporation (Modified Building Units and Group Titles) Regulation 1992 SL No. 115 is repealed.

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<sup>1</sup> Section 25F (Subdivision of land by a leasehold building units plan) was renumbered as section 47 under the *South Bank Corporation Act 1989*, section 117.

## **Schedule                      Modified Building Units and Group Titles Regulation**

section 3

### **Explanatory notes to the schedule**

- 1 The provisions set out in this schedule are, subject to note 2, the provisions of the repealed *Building Units and Group Titles Regulation 1980* (the ***applied regulation***) as it was in force at the making of the repealed *South Bank Corporation (Modified Building Units and Group Titles) Regulation 1992*.
- 2 Various provisions of the applied regulation have been omitted or appear in a modified form in this schedule. Other provisions have been inserted.
- 3 Notes have been included at the end of various provisions in the schedule to indicate the source of the provisions. The following rules have been followed in the inclusion of notes—
  - (a) if a provision of the applied regulation has not been amended (other than in a way in which a regulation is authorised to be reprinted by the *Reprints Act 1992*, section 7)—no note is included;
  - (b) if a provision of the applied regulation has been omitted—instead of that provision, the note ‘(not applied)’ appears;
  - (c) if an additional provision has been inserted or a provision has been replaced—the note ‘(new)’ appears;
  - (d) if a provision has been otherwise amended (other than in a way in which a regulation is authorised to be reprinted by the *Reprints Act 1992*, section 7)—the note ‘(amended)’ appears.
- 4 The notes do not form part of the provisions of this schedule.

Schedule (continued)

**Part 1 Preliminary**

**1 Short title**

(not applied)

**1A Definitions**

In this schedule—

***approved form*** means a form approved under section 3.

***corporation manager*** means the corporation manager appointed under the *South Bank Corporation Act 1989*, section 9.<sup>2</sup>

***plan*** means any of the following plans—

- (a) leasehold building units plan;
- (b) leasehold plan of amalgamation;
- (c) leasehold plan of resubdivision.

***registrar*** means the registrar of titles.

***relevant direction***, for a plan or other document, means a direction of the registrar about the required format for a plan of subdivision mentioned in the *Land Title Act 1994*, section 50(i)<sup>3</sup> that is relevant to the plan or document.

***schedule of lot entitlements*** means the schedule mentioned in section 19(1)<sup>4</sup> of the Act.

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2 Section 9 (Corporation manager) was renumbered as section 13 under the *South Bank Corporation Act 1989*, section 117.

3 *Land Title Act 1994*, section 50 (Requirements for registration of plan of subdivision)

4 Section 19 (Lot entitlement) of the Act

### Schedule (continued)

***town clerk*** means the town clerk appointed by the council under the *City of Brisbane Act 1924*, section 25.<sup>5</sup>

(new)

## 2 Meaning of *the Act* and *section*

In this schedule—

- (a) a reference to ***the Act*** is a reference to the modified Building Units and Group Titles Act; and
- (b) a reference to a ***section*** or other provision that is not accompanied by a reference to ‘the Act’ is a reference to a section or other provision of this schedule.

(new)

## 3 Approved forms

- (1) The approving officer may approve forms for use under this regulation.
- (2) The approving officer must make an approved form available to a person who asks for it.
- (3) In this section—

***approving officer*** means—

- (a) for a form to be used in the land registry—the chief executive of the department in which the *Land Title Act 1994* is administered; or
- (b) for another form—the corporation manager.

(new)

## 5 Repeals

(not applied)

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<sup>5</sup> *City of Brisbane Act 1924*, section 25 (Town clerk)

Schedule (continued)

**6 Transitional**  
(not applied)

**Part 2 Plans**

**7 Registers of plans**

(1) The registrar must keep a register of leasehold building units plans.

(amended)

(1A) The registrar must record in the register the following particulars of each leasehold building units plan and leasehold plan of resubdivision or amalgamation lodged in the land registry—

(a) the number of the plan;

(b) the number of lots comprised in the plan;

(c) the name of—

(i) if the plan does not relate to a stratum parcel—the building; or

(ii) if the plan relates to a stratum parcel—the stratum parcel;

(d) the name of the relevant local government;

(e) the name of the party lodging the plan.

(amended)

(2) (not applied)

**8 Requirements for registration**

(1) A plan lodged for registration in the land registry must—

(a) be in the approved form; and

**Schedule (continued)**

- (b) be printed on paper that is—
    - (i) international sheet size A3; and
    - (ii) of a density of at least 130gm to a square metre; and
  - (c) comply with any relevant direction of the registrar.
- (2) A notice of conversion, schedule of lot entitlements or other document lodged for registration in the land registry must—
- (a) be in the approved form for the notice, schedule or document; and
  - (b) be printed on paper that is—
    - (i) international sheet size A4; and
    - (ii) white bond of a density at least 80gm to a square metre; and
    - (iii) free from discolouration and blemishes; and
  - (c) comply with the following requirements—
    - (i) have clear margins no smaller than 10mm on all sides;
    - (ii) have a clear space no smaller than 90mm wide and 65mm deep at the top right-hand corner of the relevant form for a duty imprint;
    - (iii) be completed on 1 side only, either—
      - (A) printed with type size no smaller than 1.8mm (10 point); or
      - (B) in a way that is permanent and that can be photocopied to produce a copy satisfactory to the registrar;
    - (iv) have all pages of the relevant form and all attachments securely bound together in a way approved by the registrar; and
  - (d) comply with any relevant direction of the registrar.

### Schedule (continued)

- (3) Subject to subsection (4), an alteration on a document may only be made by—
  - (a) striking through the printing or writing intended to be altered so that the original printing or writing is still legible; and
  - (b) having each party to the document and each witness initial the alteration to the document.
- (4) An alteration on a plan must be initialled by—
  - (a) the licensed surveyor who prepared the plan; and
  - (b) for an alteration that affects the boundary of a lot—
    - (i) if the appropriate authority is the corporation—the corporation manager; or
    - (ii) if the appropriate authority is the council—the town clerk.

(amended)

## **9 Further requirements for registration**

A plan or notice of conversion lodged for registration in the land registry must—

- (a) show the name and postal address of the registered proprietor of the land and the name and address of the person who lodged the plan; and
- (b) be lodged by hand; and
- (c) be accompanied by—
  - (i) for a leasehold building units plan—the certificate of title for the relevant parcel; and
  - (ii) for a leasehold plan of resubdivision or amalgamation—the certificate of title for the leasehold estate in each lot comprised in the plan; and

Schedule (continued)

- (iii) for a notice of conversion—the certificate of title for the leasehold estate in each lot comprised in the notice.

(amended)

**10 Manner of registration**

When registering a leasehold plan of resubdivision or amalgamation, or notice of conversion, the registrar must—

- (a) endorse on the original leasehold building units plan and on the certificates of title for the leasehold estate in the lots the subject of the resubdivision, amalgamation or conversion, a notification of the resubdivision, amalgamation or conversion and sign the endorsement; and
- (b) indicate by appropriate charting on the diagram on the original leasehold building units plan illustrating the lots or common property or lots and common property the subject of the resubdivision, amalgamation or conversion, that the lots or common property or lots and common property have been resubdivided, amalgamated or converted; and
- (c) for an amalgamation—amend the schedule of lot entitlements endorsed on the original leasehold building units plan by striking out the reference in the schedule to the lots that have been amalgamated and their entitlements and recording on the schedule the amalgamated lot and its entitlement.

(amended)

Schedule (continued)

**Part 3                      Instruments**

**10A      Certificates of title to be in the approved form**

A certificate of title for the leasehold estate in a lot, issued by the registrar under section 9A(6)<sup>6</sup> of the Act, must be in the approved form.

(new)

**11           Instruments to comply with certain requirements**

(not applied)

**12           Certificate by local authority**

(not applied)

**12A      Instruments—Act, s 17A**

- (1) For section 17A(1)<sup>7</sup> of the Act, the prescribed form for an instrument is the approved form.
- (2) The form for a memorandum of variation mentioned in section 17A(4) of the Act is the approved form.
- (3) A person signing a form mentioned in this section must execute the form as required by the *Land Title Act 1994*, section 161.<sup>8</sup>

(new)

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6      Section 9A (Effect of registration of leasehold building units plan) of the Act

7      Section 17A (Easements in certain leasehold building units plans) of the Act

8      *Land Title Act 1994*, section 161 (Execution and proof)

Schedule (continued)

**12B Certificate of licensed surveyor**

A certificate of a licensed surveyor mentioned in section 9(1A)(b)(ii)<sup>9</sup> of the Act must be in the approved form.

(new)

**12C Certificate of lessees approving subdivision**

(1) A certificate given under section 9(1A)(b)(iv)(A) of the Act must be in the approved form.

(2) For section 9(1A)(b)(iv)(A) of the Act, the prescribed persons are—

(a) if there are no more than 3 leases—all of the lessees; or

(b) if there are more than 3 leases—the person elected as chairperson at the meeting mentioned in section 9(1A)(b)(iii) of the Act and 2 other lessees who are not joint lessees under the same lease.

(new)

**13 Certificate of body corporate**

A certificate of the body corporate mentioned in section 21(2)(b), 22(8) or 23(5)<sup>10</sup> of the Act must be in the approved form.

(amended)

**14 Notification of extinguishment**

(not applied)

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<sup>9</sup> Section 9 (Registration of leasehold building units plan) of the Act

<sup>10</sup> Section 21 (Acquisition of additional common property), 22 (Transfer of lease of part of common property) or 23 (Creation of easements) of the Act

Schedule (continued)

**14A Form of request—Act, s 26B**

For section 26B(1)<sup>11</sup> of the Act, the prescribed form for a request is the approved form.

(new)

**15 Notification of change of by-laws**

For section 30(3) and (7D)<sup>12</sup> of the Act, the prescribed form for a notification is the approved form.

(amended)

**16 Notice of change of address**

For section 34(2)<sup>13</sup> of the Act, the prescribed form for a notice is the approved form.

(amended)

**16A Notice of change of name of building or stratum parcel**

A body corporate that, under section 9(4)<sup>14</sup> of the Act, is changing the name of a building or stratum parcel endorsed on a leasehold building units plan, must give the registrar a request in the approved form.

(amended)

**17 Manner of registration of certain dealings**

- (1) For registration of a sublease, transfer of lease or surrender of sublease under section 22(11)<sup>15</sup> of the Act, the registrar must endorse and sign a memorial of the sublease, transfer of lease

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11 Section 26B (Consequences of making an order under s 25 or 26) of the Act

12 Section 30 (By-laws) of the Act

13 Section 34 (Body corporate's address) of the Act

14 Section 9 (Registration of leasehold building units plan) of the Act

15 Section 22 (Transfer of lease of part of common property) of the Act

### Schedule (continued)

or surrender of sublease on a sheet annexed to the first sheet of the registered leasehold building units plan.

- (2) For registration of an instrument creating or surrendering an easement under section 23(7)<sup>16</sup> of the Act, the registrar must endorse and sign a memorial of the instrument on a sheet annexed to the first sheet of the registered leasehold building units plan.

(amended)

**18 Production of certain certificates of title not necessary**

(not applied)

**19 Manner of entry of notification of extinguishment on plan**

(not applied)

**19A Statement by original lessee**

For section 49(1)<sup>17</sup> of the Act, the prescribed form for a statement is the approved form.

(amended)

## **Part 4 Elections**

**20 Procedure at first annual general meeting etc.**

- (1) This section applies to the nomination and election of a chairperson, secretary and treasurer of a body corporate and other members of a committee, at any of the following meetings of the body corporate—

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16 Section 23 (Creation of easements) of the Act

17 Section 49 (Duties of original lessee) of the Act

**Schedule (continued)**

- (a) the first annual general meeting;
  - (b) an extraordinary general meeting convened under section 42(5)<sup>18</sup> of the Act;
  - (c) a meeting convened under section 43(2A)<sup>19</sup> of the Act;
  - (d) the annual general meeting, if, because of a resolution of the body corporate under section 41(1)<sup>20</sup> of the Act, or a referee's order under section 41(4) or (4A) of the Act—
    - (i) a provision of schedule 2, part 2<sup>21</sup> of the Act does not apply to the body corporate; and
    - (ii) schedule 4, section 10(f)<sup>22</sup> of the Act does not fully apply to the body corporate.
- (2) The nomination and election must be under the following rules—
- 1 The meeting must decide—
    - (a) if there are more than 3 lessees and subject to section 42(4)<sup>23</sup> of the Act—the number of persons who are to be committee members; and
    - (b) for section 42(15) of the Act—if the election is to be an open election or by secret ballot.
  - 2 The chairperson of the meeting must call upon those persons present and entitled to nominate candidates<sup>24</sup> to nominate candidates for election as chairperson,

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18 Section 42 (Constitution of committees) of the Act

19 Section 43 (Vacation of office of member of committee) of the Act

20 Section 41 (Exemption from certain provisions of Act) of the Act

21 Schedule 2 (Meetings of, and voting at meetings of, body corporate), part 2 (Meetings other than first annual general meeting) of the Act

22 Schedule 4 (Provisions applying to committees and office bearers), section 10 (Powers and duties of secretary) of the Act

23 Section 42 (Constitution of committees) of the Act

24 For entitlement to nominate a candidate, see schedule 2 (Meetings of, and voting at meetings of, body corporate), part 1 (First annual general meeting), section 4 (Restrictions on submitting motions) of the Act.

Schedule (continued)

- secretary and treasurer of the body corporate and other members of the committee.
- 3 A nomination is ineffective unless supported by the consent of the nominee to his or her nomination, given—
- (a) in writing to the chairperson at the meeting; or
  - (b) orally, if the nominee is present at the meeting.
- 4 (1) The election of the chairperson, secretary and treasurer of the body corporate, and the other members of the committee, must be conducted separately.
- (2) When there are no further nominations for each election, the chairperson—
- (a) if there is only 1 nomination for any 1 or more of the offices of chairperson, secretary or treasurer—must declare that the candidate is elected as the chairperson, secretary or treasurer, as applicable; and
  - (b) if the number of candidates for other members of the committee equals the number of other members of the committee decided under section 42(4) of the Act—must declare that the candidates are elected as the other members of the committee; and
  - (c) if there is more than 1 candidate for any 1 or more of the offices of the chairperson, secretary or treasurer—must direct that a ballot be held for the offices for which there is more than 1 candidate; and
  - (d) if the number of candidates for other members of the committee is more than the number of other members of the committee decided under section 42(4) of the Act—must direct that a ballot be held.
- 5 For each ballot held the chairperson must—

Schedule (continued)

- (a) announce the names of the candidates and, for each candidate, whether the candidate is a lessee or, if not, by whom the candidate was nominated; and
  - (b) if the election is—
    - (i) an open election—give to each person present and entitled to vote a blank paper for each lot entitling that person to vote, for use as a ballot paper; or
    - (ii) by secret ballot—give to each person present and entitled to vote a blank paper for each lot entitling the person to vote, and a ballot paper envelope and particulars envelope that comply with section 21B.
- 6 A person who is entitled to vote must complete a valid ballot paper by—
- (a) for the election of the chairperson, secretary or treasurer—writing on the ballot paper the name of a candidate; or
  - (b) for the election of the other members of the committee—writing on the ballot paper the names of candidates, equal in number to the number of other members of the committee decided under section 42(4) of the Act, so that no name is repeated; or
  - (c) if the election is an open election—
    - (i) indicating on the ballot paper the number of the lot entitling the person to vote and whether the person votes in the capacity of lessee, first mortgagee, proxy, nominee or trustee; and
    - (ii) signing the ballot paper; and
    - (iii) returning the ballot paper to the chairperson; or
  - (d) if the election is by secret ballot—

**Schedule (continued)**

- (i) completing the ballot paper in accordance with section 21B; and
  - (ii) returning the ballot paper to the chairperson.
- 7 The chairperson, or a person appointed by the chairperson, must count the votes recorded on valid ballot papers in favour of each candidate.
- 8 Subject to rule 9, for the election of the other members of the committee, the candidates, being equal in number to the number of other members of the committee decided under section 42(4) of the Act, who receive the highest numbers of votes must be declared elected to the committee.
- 9 (1) This rule applies if—
  - (a) the number of votes recorded in favour of a candidate is the lowest of the numbers of votes mentioned in rule 8; and
  - (b) the number of votes equals the number of votes recorded in favour of another candidate; and
  - (c) if the candidates mentioned in paragraphs (a) and (b) were to be declared elected, the number of persons elected would exceed the number of persons required to be elected.
- (2) The election, as between those candidates, must be decided by lot.

(amended)

**21 Nomination procedures for second or subsequent annual general meeting**

- (1) This section applies to the nomination of a chairperson, secretary, and treasurer of a body corporate and other committee members at an annual general meeting of the body corporate other than an annual general meeting mentioned in section 20(1).

**Schedule (continued)**

- (2) However, this section does not apply to a body corporate, to which, because of a resolution of the body corporate under section 41(1) of the Act, or a referee's order under section 41(4) or (4A) of the Act—
- (a) a provision of schedule 2, part 2 of the Act does not apply; or
  - (b) schedule 4, section 10(f) of the Act does not fully apply.
- (3) The nomination must be under the following rules—
- 1 The secretary must serve a notice on each lessee shown on the body corporate's roll, inviting the lessee to nominate candidates for the position of chairperson, secretary, treasurer or other member of the committee.
  - 2 The notice must be served<sup>25</sup> at least 14 days before the day on which nominations close.
  - 3 Nominations close 21 days before the anniversary of the first annual general meeting.
  - 4 A nomination of a person for election as chairperson, secretary or treasurer or other member of a committee must—
    - (a) state the full name of the person nominated; and
    - (b) state whether the nominee is—
      - (i) an individual who is a lessee; or
      - (ii) a company nominee of a corporation that is a lessee; or
      - (iii) an individual who is not a lessee but who is nominated for election; and
    - (c) state the full name of the person who made the nomination; and
    - (d) be signed by the nominee and the person who made the nomination.

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<sup>25</sup> See section 127(3) (Service of documents on body corporate, lessees and others) of the Act.

Schedule (continued)

- 5 The secretary must not include in a ballot paper the name of a person whose name is included in a nomination that does not comply with rule 4.
- 6 If, for the position of chairperson, secretary or treasurer—
  - (a) no person is nominated—the chairperson at the annual general meeting must invite nominations for the relevant position and must conduct an election in the same way as an election under section 20; or
  - (b) only 1 person is nominated for a position—the chairperson at the annual general meeting must declare the person to be elected; or
  - (c) more than 1 person is nominated for a position—a ballot must be conducted for the position.
- 7 If, for the position of another member of the committee—
  - (a) no person is nominated—the chairperson at the annual general meeting must invite nominations for the position and conduct an election in the same way as an election under section 20; or
  - (b) less than the number of persons required to be elected are nominated—the chairperson at the annual general meeting—
    - (i) must declare each person who has been nominated to be elected; and
    - (ii) must invite nominations for the positions that have not been filled and conduct an election for those positions in the same way as an election under section 20; or
  - (c) more persons are nominated than are required to be elected—a ballot must be conducted for the position.

(amended)

Schedule (continued)

**21A Procedure on open ballot**

An open election by ballot must be conducted under the following rules—

- 1 The secretary must prepare ballot papers showing—
  - (a) the number of persons required to be elected; and
  - (b) the names of the candidates in alphabetical order; and
  - (c) for each candidate, whether the candidate is—
    - (i) an individual who is a lessee; or
    - (ii) a company nominee of a corporation that is a lessee; or
    - (iii) an individual who is not a proprietor but who is nominated for election by a lessee; and
  - (d) the name of the person who nominated the candidate.
- 2 The secretary must give to each person shown on the roll, a ballot paper and an envelope marked ‘Ballot Paper’ and addressed to the secretary.
- 3 A person who is entitled to vote must vote by—
  - (a) crossing out the names of candidates for whom the person does not wish to vote until the number of names remaining equals the number of persons required to be elected to each position; and
  - (b) signing the back of the ballot paper; and
  - (c) marking the number of the lot entitling the person to vote on the back of the ballot paper; and
  - (d) unless the ballot paper is completed at the annual general meeting—
    - (i) placing the ballot paper in the ballot paper envelope; and
    - (ii) sealing the envelope and signing the back of the envelope; and

**Schedule (continued)**

- (iii) marking the number of the lot entitling the person to vote on the back of the envelope; and
  - (e) giving or sending the envelope to the secretary before or at the annual general meeting.
- 4 A person who is entitled to vote but has not voted before the annual general meeting must be given a ballot paper by the secretary when the person asks for it, and the person must give the completed ballot to the secretary when required by the secretary to do so.
- 5 A ballot paper envelope must not be opened until all votes cast have been given to the secretary.

(amended)

**21B Procedure on secret ballot**

An election by secret ballot must be conducted under the following rules—

- 1 The secretary must give to each person shown on the roll a ballot paper, a ballot paper envelope that complies with section 21A, rule 1, and another envelope (a *particulars envelope*).
- 2 A particulars envelope may be—
- (a) a separate envelope; or
  - (b) a part of the ballot paper envelope that may be detached without opening the ballot paper envelope.
- 3 The voter must—
- (a) complete the particulars envelope by inserting—
    - (i) the number of the lot; and
    - (ii) the name of the lessee of the lot; and
    - (iii) the name of the person entitled to vote; and
    - (iv) the capacity in which that person votes; and

**Schedule (continued)**

- (b) sign and date the envelope.
- 4 A person who is entitled to vote in a secret ballot must vote by—
- (a) crossing out the names of candidates for whom the person does not wish to vote until the number of names remaining equals the number of persons required to be elected; and
  - (b) placing the ballot paper in a ballot paper envelope, which must be sealed and, if a separate particulars envelope is provided, placed in the completed particulars envelope; and
  - (c) giving or sending the sealed envelope to the secretary.
- 5 The secretary may issue a fresh ballot paper in place of a ballot paper that has been lost, is not received, is destroyed or is for any other reason not available for use and must make a written record about the issue and show the record to the chairperson at the meeting before the votes in the election are counted.

(amended)

**21C Result of ballot**

The result of a ballot must be decided under the following rules—

- 1 If the election was conducted by secret ballot, the chairperson, or a person appointed by the chairperson, must scrutinise the particulars endorsed on the particulars envelope in the presence of any scrutineers appointed by the chairperson, and, if satisfied the person who completed the envelope was entitled to vote in the election, must remove the ballot paper envelope from the particulars envelope.
- 2 If the election was conducted by secret ballot, all ballot paper envelopes must be placed in a receptacle in open view of the meeting and must be randomly mixed.

### Schedule (continued)

- 3 The chairperson, or a person appointed by the chairperson, must open the ballot paper envelopes and count the votes recorded on the ballot papers in those envelopes.
- 4 Subject to rule 5—
  - (a) for an election for the position of chairperson, secretary or treasurer, the person who receives the highest number of votes for a position must be declared elected to the position; and
  - (b) for an election for the position of other members of a committee, the chairperson must declare elected the person who received the highest number of votes, in descending order, until the number of persons required to be elected have been elected.
- 5 If 2 or more persons receive the same number of votes and the number of persons to be elected would be exceeded by declaring those persons elected, the result of the ballot must be decided by lot.

(amended)

## Part 5 Fees

### 22 Fees payable to registrar of titles

- (1) (not applied)
- (2) The registrar must assess the fee for lodgment and registration of a dealing executed by a body corporate under section 21, 22 or 23<sup>26</sup> of the Act, as if the dealing related to land comprised in a single certificate of title.

(amended)

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<sup>26</sup> Section 21 (Acquisition of additional common property), 22 (Transfer of lease of part of common property) or 23 (Creation of easements) of the Act

### Schedule (continued)

- (3) The following fees are payable to the registrar—
- (a) for lodgment for registration of a plan—
    - (i) for the first 9 lots—\$125.00; and
    - (ii) for each additional lot—\$15.70;
  - (b) for lodgment of the following documents—
    - (i) a notice of conversion—\$78;
    - (ii) a request under section 26B of the Act—\$78;
    - (iii) a notification of change of by-laws—\$78;
  - (c) for lodgment of a document required to be lodged under the Act, other than a document mentioned in paragraph (a) or (b)—\$15.70.

(amended)

**23 Fees payable to referee**

(not applied)

**24 Fees payable to body corporate**

(not applied)

## **Part 6 General**

**25 Retention of records etc.**

- (1) (not applied)
- (2) For section 38D(1)(b)<sup>27</sup> of the Act—

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<sup>27</sup> Section 38D (Duty of body corporate as to keeping records, convening meetings etc.) of the Act

**Schedule (continued)**

- (a) a body corporate for a leasehold building units plan must keep minutes of its meetings until the day of extinguishment of the leasehold building units plan; and
- (b) a body corporate must keep books of account for moneys received or expended by the body corporate for 6 years after the day a statement of the accounts is submitted to an annual general meeting.

(amended)

**26 Prescribed investment**

(not applied)

**27 Form of roll—Act, s 39**

The part of the roll on which the body corporate records information under section 39(3)<sup>28</sup> of the Act must be in the approved form.

(amended)

**28 Application to body corporate—Act, s 40**

- (1) An application made to a body corporate under section 40(1)<sup>29</sup> of the Act must be in the approved form and the information and certification for section 40(1)(a) and (c) of the Act must be provided by the body corporate on the application.

(amended)

- (2) However, a departure from the approved form of the application or any information or certification provided by a body corporate for section 40(1)(a) or (c) of the Act, does not of itself affect the validity of the application, or constitute a

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28 Section 39 (Roll) of the Act

29 Section 40 (Supply of information, certificates and copies by body corporate) of the Act

### Schedule (continued)

failure of the body corporate to comply with section 40(1) of the Act.

(amended)

#### **29 Application for exemption**

The prescribed form for an application under section 41(2)<sup>30</sup> of the Act is the approved form.

(amended)

#### **30 Grounds for application for exemption**

For section 41(2) of the Act, each of the following is a prescribed ground—

- (a) a lessee who was a permanent resident has transferred the lease of the lot to a non-resident lessee who does not oppose the application;
- (b) a lessee who is a permanent resident is the owner of more than 1 lot in a leasehold building units plan;
- (c) a lessee is a corporation;
- (d) all non-resident lessees have notified the body corporate in writing that they do not oppose the application.

(amended)

#### **31 Restriction on expenditure by committee**

(not applied)

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<sup>30</sup> Section 41 (Exemption from certain provisions of Act) of the Act

Schedule (continued)

**32 Notices to body corporate—Act, s 53**

A notice given to a body corporate under section 53<sup>31</sup> of the Act must be in the approved form.

(amended)

**33 Request for summons**

A request for the issue of a summons under section 103(1)<sup>32</sup> of the Act must be in the approved form and lodged with a referee.

(amended)

**34 Form of summons**

A summons issued under section 103(1) of the Act must be in the approved form.

(amended)

**35 Form of inquiry**

The prescribed form for an inquiry made to a referee under section 117<sup>33</sup> of the Act is the approved form.

(amended)

**36 Classes of order**

For section 117(a)(ii) of the Act, the prescribed classes of order are orders made by a referee about—

- (a) a body corporate or its committee; or
- (b) a body corporate manager; or

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31 Section 53 (Notices to be given by lessees and mortgagees) of the Act

32 Section 103 (Witness may be summoned before tribunal) of the Act

33 Section 117 (Inquiries) of the Act

**Schedule (continued)**

- (c) a lessee or occupier of the particular lot the subject of the inquiry; or
- (d) a lessee or occupier of another lot in the parcel to which the inquiry relates within the period of 12 months before the inquiry was made.

(amended)

**37 Application for reservation of name**

- (1) The prescribed form for an application for the reservation of a name under section 120(1)<sup>34</sup> of the Act is the approved form.

(amended)

- (2) (not applied)

**38 Manner of reservation of name**

- (1) For section 120(2) of the Act, the prescribed manner for reserving a name of a building or stratum parcel in a proposed leasehold building units plan, is recording the name, and the day the application for reservation of the name is lodged, in a register kept solely for that purpose.

(amended)

- (2) (not applied)

**39 Notice of general meeting**

- (1) A notice of a general meeting of a body corporate, other than the first annual general meeting, must be in the approved form.

(amended)

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34 Section 120 (Reservation of name) of the Act

Schedule (continued)

- (2) However, a departure from the approved form of a notice mentioned in subsection (1) does not of itself affect the validity of the notice.

(amended)

**40 Requirements of application or notice of appeal**

Section 8(2)(b), (c) and (3)<sup>35</sup> also applies to an application made to, or notice of appeal lodged with the referee, under part 5<sup>36</sup> of the Act.

(amended)

**41 Offences**

(not applied)

**42 Cost of improvements**

(not applied)

**43 Insurance**

(not applied)

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35 Section 8 (Requirements for registration)

36 Part 5 (Disputes) of the Act

## Endnotes

### 1 Index to endnotes

		Page
2	Date to which amendments incorporated. . . . .	33
3	Key . . . . .	33
4	Table of reprints . . . . .	34
5	List of legislation . . . . .	34
6	List of annotations . . . . .	34

### 2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 19 December 2003. Future amendments of the South Bank Corporation (Modified Building Units and Group Titles) Regulation 2003 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

### 3 Key

#### Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amdt	= amendment	prov	= provision
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No.[X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renum	= renumbered
ins	= inserted	rep	= repealed
lap	= lapsed	(retro)	= retrospectively
notfd	= notified	rv	= revised edition
o in c	= order in council	s	= section
om	= omitted	sch	= schedule
orig	= original	sdiv	= subdivision
p	= page	SIA	= Statutory Instruments Act 1992
para	= paragraph	SIR	= Statutory Instruments Regulation 2002
prec	= preceding	SL	= subordinate legislation
pres	= present	sub	= substituted
prev	= previous	unnum	= unnumbered

*South Bank Corporation (Modified Building Units and  
Group Titles) Regulation 2003*

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## 4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

Reprint No.	Amendments included	Effective	Notes
1	none	27 June 2003	
1A	2003 SL No. 343	19 December 2003	

## 5 List of legislation

### **South Bank Corporation (Modified Building Units and Group Titles) Regulation 2003 SL No. 152**

made by the Governor in Council on 26 June 2003

notfd gaz 27 June 2003 pp 749–56

ss 1–2 commenced on date of notification

remaining provisions commenced 27 June 2003 (see s 2))

exp 1 September 2013 (see SIA s 54)

Note—The expiry date may have changed since this reprint was published. See the latest reprint of the SIR for any change.

amending legislation—

### **South Bank Corporation (Modified Building Units and Group Titles) Amendment Regulation (No. 1) 2003 SL No. 343**

notfd gaz 19 December 2003 pp 1307–13

commenced on date of notification

## 6 List of annotations

### **SCHEDULE—MODIFIED BUILDING UNITS AND GROUP TITLES REGULATION**

#### **Procedure on open ballot**

s 21A amd 2003 SL No. 343 s 3