



Queensland

Body Corporate and Community Management and Other Legislation Amendment Regulation (No. 1) 2007

Subordinate Legislation 2007 No. 148

made under the

Body Corporate and Community Management Act 1997
Building Units and Group Titles Act 1980

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Part 1 Preliminary

1 Short title

This regulation may be cited as the *Body Corporate and Community Management and Other Legislation Amendment Regulation (No. 1) 2007*.

2 Commencement

This regulation commences on 1 July 2007.

Part 2 Amendment of Body Corporate and Community Management (Accommodation Module) Regulation 1997

3 Regulation amended in pt 2

This part amends the *Body Corporate and Community Management (Accommodation Module) Regulation 1997*.

4 Insertion of new pt 3, div 5AA

After section 23—

insert—

‘Division 5AA Removing committee voting member for breaching code of conduct—Act, section 101B

‘23AA Notice for breach of code of conduct

- ‘(1) If a body corporate believes a member of the body corporate’s committee who is a committee voting member has breached the code of conduct for the member, the body corporate may

decide, by ordinary resolution, to give the member a written notice stating each of the following—

- (a) that the body corporate believes the member has breached a stated provision of the code of conduct;
- (b) details sufficient to identify the breach in not more than 600 words;
- (c) that the member may give any other member of the body corporate, within the stated period of at least 21 days after the member is given the notice, a written response to the notice in not more than 600 words;
- (d) that, if asked by the member, the body corporate will pay the member all postage charges and photocopy expenses reasonably incurred by the member in giving a written response under paragraph (c) to any other member of the body corporate;
- (e) that the body corporate is to consider a motion to remove the member from office for the breach at the next general meeting of the body corporate called after the period mentioned in paragraph (c) ends.

- ‘(2) If asked by the member, the body corporate must pay the member all postage charges and photocopy expenses reasonably incurred by the member in giving a written response under subsection (1)(c) to any other member of the body corporate.

‘23AB Removal of member at general meeting

- ‘(1) This section applies if—
 - (a) a body corporate gives a committee voting member a notice under section 23AA(1); and
 - (b) the period mentioned in section 23AA(1)(c) for the notice has ended.
- ‘(2) The body corporate must—
 - (a) include on the agenda of the next general meeting of the body corporate, called after the period mentioned in section 23AA(1)(c) ends, a motion to remove the

member from office for breaching the code of conduct for the member; and

- (b) attach to the agenda a copy of the notice given to the member.
- ‘(3) The member may be removed from office, by ordinary resolution, at the next general meeting mentioned in subsection (2)(a).’.

5 Amendment of s 43 (Agenda for general meeting)

Section 43(4)—

omit.

6 Amendment of s 150 (Fee for information given to interested persons—Act, s 205)

- (1) Section 150(1)(a)(i), ‘\$11.00’—

omit, insert—

‘\$11.40’.

- (2) Section 150(1)(a)(ii), ‘\$22.00’—

omit, insert—

‘\$22.70’.

- (3) Section 150(2), from ‘\$43.50’ to ‘\$10.90’—

omit, insert—

‘\$44.60, plus a priority fee of \$16.80 if the certificate is required within 24 hours, plus a fee of \$11.20’.

Part 3 Amendment of Body Corporate and Community Management (Commercial Module) Regulation 1997

7 Regulation amended in pt 3

This part amends the *Body Corporate and Community Management (Commercial Module) Regulation 1997*.

8 Insertion of new pt 3, div 5A

After section 14—

insert—

‘Division 5A Removing committee voting member for breaching code of conduct—Act, section 101B

‘14A Notice for breach of code of conduct

- ‘(1) If a body corporate believes a member of the body corporate’s committee who is a committee voting member has breached the code of conduct for the member, the body corporate may decide, by ordinary resolution, to give the member a written notice stating each of the following—
- (a) that the body corporate believes the member has breached a stated provision of the code of conduct;
 - (b) details sufficient to identify the breach in not more than 600 words;
 - (c) that the member may give any other member of the body corporate, within the stated period of at least 21 days after the member is given the notice, a written response to the notice in not more than 600 words;
 - (d) that, if asked by the member, the body corporate will pay the member all postage charges and photocopy expenses reasonably incurred by the member in giving a

written response under paragraph (c) to any other member of the body corporate;

- (e) that the body corporate is to consider a motion to remove the member from office for the breach at the next general meeting of the body corporate called after the period mentioned in paragraph (c) ends.
- ‘(2) If asked by the member, the body corporate must pay the member all postage charges and photocopy expenses reasonably incurred by the member in giving a written response under subsection (1)(c) to any other member of the body corporate.

‘14B Removal of member at general meeting

- ‘(1) This section applies if—
- (a) a body corporate gives a committee voting member a notice under section 14A(1); and
 - (b) the period mentioned in section 14A(1)(c) for the notice has ended.
- ‘(2) The body corporate must—
- (a) include on the agenda of the next general meeting of the body corporate, called after the period mentioned in section 14A(1)(c) ends, a motion to remove the member from office for breaching the code of conduct for the member; and
 - (b) attach to the agenda a copy of the notice given to the member.
- ‘(3) The member may be removed from office, by ordinary resolution, at the next general meeting mentioned in subsection (2)(a).’.

9 Amendment of s 131 (Fee for information given to interested persons—Act, s 205)

- (1) Section 131(1)(a)(i), ‘\$11.00’—
omit, insert—

- (b) may require the applicant to provide documentary evidence to support the application.

Example of documentary evidence—

a concession card

‘(4) In this section—

concession card means—

- (a) a health care card or pensioner concession card under the *Social Security Act 1991* (Cwlth); or
- (b) a pensioner concession card issued by the Commonwealth Department of Veterans’ Affairs.’.

12 Replacement of schedule (Fees)

Schedule—

omit, insert—

‘Schedule Fees

section 3

§

1	Application under section 238 of the Act—	
	(a) if the application includes a request for the commissioner to consider whether an interim order should be considered by an adjudicator.	118.00
	(b) otherwise	57.00
2	Application under section 246 of the Act—	
	(a) to inspect an application under section 238 of the Act, submissions under section 243(2)(b) of the Act or replies to submissions under section 244(2)(b) of the Act—	
	(i) for each hour or part of an hour	11.70
	(ii) maximum fee payable for a day.	47.60

insert—

**‘Division 5A Removing committee voting
 member for breaching code of
 conduct—Act, section 101B**

‘14A Notice for breach of code of conduct

- ‘(1) If a body corporate believes a member of the body corporate’s committee who is a committee voting member has breached the code of conduct for the member, the body corporate may decide, by ordinary resolution, to give the member a written notice stating each of the following—
- (a) that the body corporate believes the member has breached a stated provision of the code of conduct;
 - (b) details sufficient to identify the breach in not more than 600 words;
 - (c) that the member may give any other member of the body corporate, within the stated period of at least 21 days after the member is given the notice, a written response to the notice in not more than 600 words;
 - (d) that, if asked by the member, the body corporate will pay the member all postage charges and photocopy expenses reasonably incurred by the member in giving a written response under paragraph (c) to any other member of the body corporate;
 - (e) that the body corporate is to consider a motion to remove the member from office for the breach at the next general meeting of the body corporate called after the period mentioned in paragraph (c) ends.
- ‘(2) If asked by the member, the body corporate must pay the member all postage charges and photocopy expenses reasonably incurred by the member in giving a written response under subsection (1)(c) to any other member of the body corporate.

‘14B Removal of member at general meeting

- ‘(1) This section applies if—
- (a) a body corporate gives a committee voting member a notice under section 14A(1); and
 - (b) the period mentioned in section 14A(1)(c) for the notice has ended.
- ‘(2) The body corporate must—
- (a) include on the agenda of the next general meeting of the body corporate, called after the period mentioned in section 14A(1)(c) ends, a motion to remove the member from office for breaching the code of conduct for the member; and
 - (b) attach to the agenda a copy of the notice given to the member.
- ‘(3) The member may be removed from office, by ordinary resolution, at the next general meeting mentioned in subsection (2)(a).’.

16 Amendment of s 110 (Fee for information given to interested persons—Act, s 205)

- (1) Section 110(1)(a)(i), ‘\$11.00’—
omit, insert—
‘\$11.40’.
- (2) Section 110(1)(a)(ii), ‘\$22.00’—
omit, insert—
‘\$22.70’.
- (3) Section 110(2), from ‘\$43.50’ to ‘\$10.90’—
omit, insert—
‘\$44.60, plus a priority fee of \$16.80 if the certificate is required within 24 hours, plus a fee of \$11.20’.

Part 6 Amendment of Body Corporate and Community Management (Standard Module) Regulation 1997

17 Regulation amended in pt 6

This part amends the *Body Corporate and Community Management (Standard Module) Regulation 1997*.

18 Insertion of new pt 3, div 5AA

After section 25—

insert—

‘Division 5AA Removing committee voting member for breaching code of conduct—Act, section 101B

‘25AA Notice for breach of code of conduct

- ‘(1) If a body corporate believes a member of the body corporate’s committee who is a committee voting member has breached the code of conduct for the member, the body corporate may decide, by ordinary resolution, to give the member a written notice stating each of the following—
- (a) that the body corporate believes the member has breached a stated provision of the code of conduct;
 - (b) details sufficient to identify the breach in not more than 600 words;
 - (c) that the member may give any other member of the body corporate, within the stated period of at least 21 days after the member is given the notice, a written response to the notice in not more than 600 words;
 - (d) that, if asked by the member, the body corporate will pay the member all postage charges and photocopy expenses reasonably incurred by the member in giving a

- written response under paragraph (c) to any other member of the body corporate;
- (e) that the body corporate is to consider a motion to remove the member from office for the breach at the next general meeting of the body corporate called after the period mentioned in paragraph (c) ends.
- ‘(2) If asked by the member, the body corporate must pay the member all postage charges and photocopy expenses reasonably incurred by the member in giving a written response under subsection (1)(c) to any other member of the body corporate.

‘25AB Removal of member at general meeting

- ‘(1) This section applies if—
- (a) a body corporate gives a committee voting member a notice under section 25AA(1); and
- (b) the period mentioned in section 25AA(1)(c) for the notice has ended.
- ‘(2) The body corporate must—
- (a) include on the agenda of the next general meeting of the body corporate, called after the period mentioned in section 25AA(1)(c) ends, a motion to remove the member from office for breaching the code of conduct for the member; and
- (b) attach to the agenda a copy of the notice given to the member.
- ‘(3) The member may be removed from office, by ordinary resolution, at the next general meeting mentioned in subsection (2)(a).’.

19 Amendment of s 45 (Agenda for general meeting)

Section 45(4)—

omit.

20 Amendment of s 151 (Fee for information given to interested persons—Act, s 205)

- (1) Section 151(1)(a)(i), ‘\$11.00’—
omit, insert—
‘\$11.40’.
- (2) Section 151(1)(a)(ii), ‘\$22.00’—
omit, insert—
‘\$22.70’.
- (3) Section 151(2), from ‘\$43.50’ to ‘\$10.90’—
omit, insert—
‘\$44.60, plus a priority fee of \$16.80 if the certificate is required within 24 hours, plus a fee of \$11.20’.

Part 7 Amendment of Building Units and Group Titles Regulation 1998

21 Regulation amended in pt 7

This part amends the *Building Units and Group Titles Regulation 1998*.

22 Amendment of sch 3 (Fees)

Schedule 3, parts 2 and 3—
omit, insert—

‘Part 2 Fees payable to the referee

		\$
8	Application for an order as mentioned in section 41(2) of the Act	57.00
9	Application for an order as mentioned in section 77(1) of the Act—	
	(a) if the applicant requests an interim order as mentioned in section 76(2) of the Act	118.00
	(b) otherwise	57.00
10	Issuing a summons under section 103(1) of the Act	57.00
11	Lodging a notice of appeal under section 106(1) of the Act	57.00
12	Making an inquiry as mentioned in section 117 of the Act—	
	(a) if the reply is collected from the referee	12.20
	(b) if the reply is posted to the inquirer	14.90
	(c) if the reply is sent by facsimile to the inquirer	18.90

‘Part 3 Fees payable to a body corporate

		\$
13	Giving information under section 40(1)(a) of the Act	24.60
14	Making documents available for inspection under section 40(1)(b) of the Act—	
	(a) if the applicant is a person mentioned in section 40(5), definition <i>prescribed person</i> , paragraph (a), of the Act	12.20
	(b) if the applicant is a person mentioned in section 40(5), definition <i>prescribed person</i> , paragraph (b), of the Act	24.60

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		\$
15	Giving a certificate under section 40(1)(c) of the Act—	
	(a) if the applicant asks to be given the certificate and is given the certificate within 24 hours after it is requested	67.50
	(b) otherwise	49.20
16	Additional fee for sending a certificate mentioned in item 15 by facsimile.	12.20
17	Giving a copy of the by-laws under section 40(1)(d) of the Act—	
	(a) if the body corporate giving the by-laws has decided a fee of less than \$1.00	the decided fee
	(b) otherwise	1.20’.

ENDNOTES

- 1 Made by the Governor in Council on 28 June 2007.
- 2 Notified in the gazette on 29 June 2007.
- 3 Laid before the Legislative Assembly on . . .
- 4 The administering agency is the Department of Tourism, Fair Trading and Wine Industry Development.