

Queensland



Body Corporate and Community Management Act 1997

BODY CORPORATE AND COMMUNITY MANAGEMENT (TRANSITIONAL) REGULATION 1997

**Reprinted as in force on 31 July 1997
(includes amendments up to SL No. 227 of 1997)**

Reprint No. 1

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Information about this reprint

This regulation is reprinted as at 31 July 1997. 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 endnotes for information about when provisions commenced.

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BODY CORPORATE AND COMMUNITY MANAGEMENT (TRANSITIONAL) REGULATION 1997

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BODY CORPORATE AND COMMUNITY MANAGEMENT (TRANSITIONAL) REGULATION 1997

[as amended by all amendments that commenced on or before 31 July 1997]

Short title

1. This regulation may be cited as the *Body Corporate and Community Management (Transitional) Regulation 1997*.

Commencement

2. This regulation commences on the day section 3¹ of the Act commences.

Definitions

3. In this regulation—

“**1980 Act**” means the *Building Units and Group Titles Act 1980*.

“**1980 Act plan**” means an existing 1980 Act plan or a future 1980 Act plan.

“**commencement**” means the commencement of this regulation.

“**existing 1980 Act plan**” means—

- (a) a former building units plan or former group titles plan within the meaning of section 5(1) of the 1980 Act; or
- (b) a building units plan or group titles plan registered under the 1980 Act;

to which, immediately before the commencement, the 1980 Act applied, other than a building units plan or group titles plan registered under the

¹ Section 3 (Primary object)

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1980 Act but brought into existence for a specified Act.

“future 1980 Act plan” means a building units plan or group titles plan registered under the 1980 Act after the commencement, other than a building units plan or group titles plan brought into existence for a specified Act.

“new scheme”, for a 1980 Act plan, means the community titles scheme established under the transitional provisions for the 1980 Act plan.

“specified Act” means—

- (a) the *Integrated Resort Development Act 1987*; or
- (b) the *Mixed Use Development Act 1993*; or
- (c) the *Registration of Plans (H.S.P. (Nominees) Pty. Limited) Enabling Act 1980*; or
- (d) the *Registration of Plans (Stage 2) (H.S.P. (Nominees) Pty. Limited) Enabling Act 1984*; or
- (e) the *Sanctuary Cove Resort Act 1985*.

Change of name—1980 Act, s 9(4)

4.(1) This section applies if—

- (a) before the commencement, the consent of the registrar under section 9(4) of the 1980 Act was sought to change the name of a building or parcel in relation to an existing 1980 Act plan; and
- (b) immediately before the commencement, the consent of the registrar had not been given.

(2) The change of name must continue to be dealt with under the 1980 Act.

(3) If the registrar gives consent under section 9(4) of the 1980 Act, the name consented to becomes the identifying name for the new scheme for the existing 1980 Act plan.

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Existing insurance

5.(1) This section applies if, immediately before the commencement, there is in place, for an existing 1980 Act plan, insurance required to be put in place under the 1980 Act (the “**1980 Act insurance**”).

(2) The 1980 Act insurance may be continued in place for not longer than 1 year after the commencement.

(3) If the 1980 Act insurance is in place under subsection (2), the body corporate for the new scheme for the existing 1980 Act plan is not required to comply with provisions about insurance in the regulation module applying to the new scheme.

Modification of 1980 Act requirements if community management statement deposited

6.(1) This section applies to a future 1980 Act plan if a community management statement is lodged for recording under section 284² of the Act as the community management statement for the new scheme for the future 1980 Act plan.

(2) There does not need to be endorsed on the future 1980 Act plan the things otherwise required under section 9(1)(f)³ to (h) or 9(2)(f) to (h) of the 1980 Act.

Contracts after commencement for proposed lots

7.(1) Sections 49 and 49A⁴ of the 1980 Act apply for a contract entered into by the original proprietor for a future 1980 Act plan after the commencement for the sale of a proposed lot to be included in the new scheme for the future 1980 Act plan.

(2) However, subsection (1) applies only if at least 1 contract for the sale

² Section 284 (Community management statement recorded for 1980 Act plan when plan registered)

³ Section 9 (Registration of plan)

⁴ Sections 49 (Duties of original proprietor) and 49A (Interpretation of awareness in s 49(5))

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of a proposed lot on the future 1980 Act plan was entered into before the commencement.

(3) To avoid doubt, it is declared that chapter 5, part 2⁵ of the Act does not apply for—

- (a) an original proprietor contract; or
- (b) a contract entered into after the commencement for the sale of a proposed lot on a future 1980 Act plan.

(4) In subsection (3) and this subsection—

“original proprietor contract” means a contract for which, under subsections (1) and (2), sections 49 and 49A of the 1980 Act apply.

“proposed lot”, on a future 1980 Act plan, means a proposed lot that is already the subject of an original proprietor contract.

General meetings

8.(1) A procedural step towards the calling of a general meeting for the new scheme for an existing 1980 Act plan may, at the discretion of the body corporate for the new scheme, be taken under the provisions of the 1980 Act about general meetings, instead of under the provisions of the regulation module applying to the scheme about general meetings.

(2) Subsection (1) applies to a general meeting only if the meeting is held within 3 months after the commencement.

Seal

9.(1) For not longer than 1 year after the commencement, the seal of the body corporate for the new scheme for an existing 1980 Act plan is the

⁵ Chapter 5 (Sale of lots), part 2 (Proposed lots)

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body corporate's seal under the 1980 Act plan immediately before the commencement.⁶

(2) Subsection (1) operates until the seal is changed.

Continuance in office of certain committee members

10.(1) For the continuance in office, under section 276(7)⁷ of the Act, of the chairperson, secretary or treasurer of the body corporate, or of another member of the committee of the body corporate, for the new scheme for an existing 1980 Act plan, the eligibility provisions of the regulation module applying to the new scheme do not apply.

(2) Subsection (1) applies only until the annual general meeting for the new scheme first held after the commencement.

(3) In this section—

“eligibility provisions” means provisions about—

- (a) eligibility for membership of the committee; and
- (b) eligibility to vote at meetings of the committee.

Expiry

11. This regulation expires 1 year after the commencement.

⁶ The name of the new scheme will incorporate an identifying number to be allocated by the registrar, and accordingly the new scheme will require a new seal.

⁷ Section 276 (Existing plan)

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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 31 July 1997. Future amendments of the Body Corporate and Community Management (Transitional) Regulation 1997 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

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

Body Corporate and Community Management (Transitional) Regulation 1997 SL No. 212

notfd gaz 11 July 1997 pp 1229–30

ss 1–2 commenced on date of notification

remaining provisions commenced 13 July 1997 (see s 2 and 1997 SL No. 210)

Note—This regulation exp 13 July 1998 (see s 11)

as amended by—

Body Corporate and Community Management (Transitional) Amendment (No. 1) Regulation 1997 SL No. 227

notfd gaz 25 July 1997 pp 1462–3

ss 3–4 commenced 13 July 1997 (see s 2)

remaining provisions commenced on date of notification

5 List of annotations

Contracts after commencement for proposed lots

s 7 amd 1997 SL No. 227 s 4

General meetings

s 8 amd 1997 SL No. 227 s 5