

Queensland



ANNO TRICESIMO SEPTIMO

ELIZABETHAE SECUNDAE REGINAE

No. 23 of 1988

An Act to amend the Building Units and Group Titles Act
1980-1986 in certain particulars

[ASSENTED TO 11TH APRIL, 1988]

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

1. Short title. This Act may be cited as the *Building Units and Group Titles Act Amendment Act 1988*.

2. Commencement. (1) Section 1 and this section shall commence on the day on which this Act is assented to for and on behalf of Her Majesty.

(2) Except as provided by subsection (1), this Act shall commence on a day appointed by Proclamation.

3. Principal Act and citation as amended. (1) In this Act, the *Building Units and Group Titles Act 1980-1986* is referred to as the Principal Act.

(2) The Principal Act as amended by this Act may be cited as the *Building Units and Group Titles Act 1980-1988*.

4. Amendment of s. 3. Arrangement of Act. Section 3 of the Principal Act is amended by—

(a) omitting the expression "*Division 2—Councils* (ss. 42-48);" and substituting the expression "*Division 2—Committees* (ss. 42-48B);";

(b) omitting from the expression "*Division 3—Original Proprietors* (s. 49);" the expression "s. 49" and substituting the expression "ss. 49-49A";

(c) omitting the expression "*Division 4—Managing Agents* (s. 50);" and substituting the expression "*Division 4—Body Corporate Managers* (ss. 50-50A);";

(d) after the expression "THIRD SCHEDULE—BY-LAWS" inserting the following expression and words:—

“;

FOURTH SCHEDULE—PROVISIONS APPLYING TO COMMITTEES”.

5. Amendment of s. 5. Savings and transitional. Section 5 of the Principal Act is amended by—

(a) in subsection (5)—

(i) after provision (d), omitting the word “and”;

(ii) at the end of provision (e), inserting the following expression and words:—

“; and

(f) the unit entitlements or, as the case may be, lot entitlements endorsed on a former plan as if they were lot entitlements endorsed on a registered plan”;

(b) in subsection (7)—

(i) omitting from paragraph (a) (ii) the words “clause 1 (1) of Part 2 of the Second Schedule” and substituting the words “section 29A”;

(ii) after paragraph (a), inserting the following paragraph:—

“(aa) Where, in relation to a continued body corporate, the original proprietor was, on the appointed day, the proprietor of a lot the subject of the plan, then—

(i) if a general meeting of that body corporate has not been held before the commencement of section 5 of the *Building Units and Group Titles Act Amendment Act 1988*, a general meeting of that body corporate shall be held within three months after that commencement and that general meeting shall, for the purposes of this Act (other than section 29 (4)) be the first annual general meeting of the body corporate;

or

(ii) the last annual general meeting of that body corporate held before the commencement of section 5 of the *Building Units and Group Titles Act Amendment Act 1988* or, if no such meeting has been held, the last general meeting held before that commencement shall, for the purposes only of section 29A, be deemed to have been a valid meeting and the first annual general meeting of the body corporate.”;

(iii) in paragraph (b), after the words “with paragraph (a) (i)”, inserting the words “or paragraph (aa) (i)”;

(iv) in paragraph (d), after the words “under paragraph (a) (i)”, inserting the words “, paragraph (aa) (i)”;

(v) in paragraph (e), after the words “under paragraph (a) (i)”, inserting the words “or paragraph (aa) (i)”;

(vi) at the end thereof, inserting the following paragraph:—

“(f) Notwithstanding paragraph (a) (ii) or paragraph (aa) (ii), upon a resolution, carried by the body corporate in general meeting held within six months after the commencement of section 5 of the *Building Units and Group Titles Act Amendment Act 1988*, to that effect, a reference in section 29A to the first annual general meeting shall, from the date of the resolution or from such earlier date as may be specified in the resolution, be read and construed as a reference to the date on which the last annual general meeting of the body corporate held before the appointed day was held.”;

(c) in subsection (10)—

(i) inserting in the first paragraph after the words “a former plan” the words “, together with such of the by-laws set out in the Third Schedule as are not inconsistent with the former by-laws,”;

(ii) inserting after the first paragraph the following paragraph:—

“It is hereby declared that, notwithstanding any addition to or amendment or repeal of any of the by-laws set forth in the Second Schedule to the *Building Units Titles Act 1965-1972* or, as the case may be, in the Second Schedule to the *Group Titles Act 1973* before the appointed day, those by-laws were part of the former by-laws relating to a former plan:

Provided that, if, at any time before the expiration of six months after the commencement of section 5 of the *Building Units and Group Titles Act Amendment Act 1988*, the body corporate lodges with the Registrar of Titles a notification in the prescribed form of any such addition, amendment or repeal (having been made before that commencement by a by-law or former by-law that was valid at the time it was made) upon the Registrar of Titles recording the notification on the corresponding plan, those by-laws as added to, amended or repealed as particularized in the notification shall be deemed to be part of the former by-laws relating to the former plan.”;

(d) in subsection (12), in paragraph (b), omitting the words “section 38 (1) (j) of the kind referred to in section 38 (4).” and substituting the words “the provisions of section 38 (1) (j) of a kind referred to in the provisions of section 38 (4) until the repeal of each of those provisions by the *Building Units and Group Titles Act Amendment Act 1988*, and, on and from the commencement of section 5 of that Act, under section 38A (1) of a kind referred to in section 38A (5).”;

(e) repealing subsection (13);

(f) in subsection (15)—

(i) in paragraph (a), omitting the words “under section 38 (1) (j) to be made by that body corporate.” and substituting the words “to be made by that body corporate under the provisions of section 38 (1) (j) until the repeal of those provisions by the *Building Units and Group Titles Act Amendment Act 1988* and, on and from the commencement of section 5 of that Act, under section 38A (1).”;

(ii) in paragraph (b), omitting the words “under section 38 (1) (l) to be established by that body corporate.” and substituting the words “to be established by that body corporate under the provisions of section 38 (1) (l) until the repeal of those provisions by the *Building Units and Group Titles Act Amendment Act 1988* and, on and from the commencement of section 5 of that Act, under section 38 (1).”;

(iii) omitting paragraph (c) and substituting the following paragraph:—

“(c) In relation to a continued body corporate to which the provisions of section 5 (15) (c) of the *Building Units and Group Titles Act 1980* (which provisions have been repealed by the *Building Units and Group Titles Act Amendment Act 1988*) applied, in section 38A (1) the words “Within 14 days after the

registration of the plan and from time to time thereafter” shall be read and construed as “From time to time”.”;

(iv) in paragraph (d), after the expression “38 (1) (l)” inserting the words “of the *Building Units and Group Titles Act 1980* which has been repealed by the *Building Units and Group Titles Act Amendment Act 1988*”;

(v) after paragraph (d) inserting the following paragraph:—

“(da) A continued body corporate which, before the commencement of section 5 of the *Building Units and Group Titles Act Amendment Act 1988*, has not—

(a) made a determination specified in section 38 (1) (k) of the *Building Units and Group Titles Act 1980*, which section has been repealed by the *Building Units and Group Titles Act Amendment Act 1988*;

or

(b) established a sinking fund specified in section 38 (1) (m) of the *Building Units and Group Titles Act 1980*, which section has been repealed by the *Building Units and Group Titles Act Amendment Act 1988*,

shall within 12 months of that commencement—

(c) in a case referred to in provision (a), make a determination specified in section 38A (2);

and

(d) in all cases, establish a sinking fund specified in section 38 (4) and (5).”;

(vi) in paragraph (e)—

(A) in provision (i), after the expression “38 (1) (j) or (k)”, inserting the words “of the *Building Units and Group Titles Act 1980* which section has been repealed by the *Building Units and Group Titles Act Amendment Act 1988* or section 38A”;

(B) in provision (ii), omitting the word “does” and substituting the words “of the *Building Units and Group Titles Act 1980* which section has been repealed by the *Building Units and Group Titles Act Amendment Act 1988* and section 38 (3) do”;

(vii) in paragraph (f), in provision (i), omitting the expression “38 (1) (k)” and substituting the expression “38A (2)”;

(g) in subsection (17)—

(i) in provision (a), omitting the expression “38 (1) (j)” and substituting the expression “38A (1)”;

(ii) in provision (b), omitting the expression “38 (1) (k)” and substituting the expression “38A (2)”;

(h) omitting subsection (18) and substituting the following subsection:—

“(18) **Councils to be committees.** Each council of a body corporate within the meaning of the *Building Units and Group Titles Act 1980-1986* and in existence immediately before the commencement of section 5 of the *Building Units and Group Titles Act Amendment Act 1988* shall on and from that commencement be a committee of that body corporate and all references to such a council in any Act (other than this Act) or other document or writing by whatever means expressed shall be taken to be a reference to the relevant committee.”;

(i) omitting from subsection (26) (a) the words “or councils” and substituting the words “or committees”.

6. Amendment of s. 7. Interpretation. Section 7 of the Principal Act is amended in subsection (1) by—

(a) omitting the definition “administrative fund” and substituting the following definition:—

““administrative fund” means the fund established by a body corporate under section 38 (1) and includes a fund established under section 38 (1) (l) of the *Building Units and Group Titles Act 1980* prior to the repeal of that section by the *Building Units and Group Titles Act Amendment Act 1988*.”;

(b) after the definition “body corporate” inserting the following definition:—

““body corporate manager” means a person appointed under section 50 or 94 for the time being a body corporate manager of a body corporate and includes a person who immediately prior to the commencement of section 6 of the *Building Units and Group Titles Act Amendment Act 1988* is a managing agent for so long as his appointment continues.”;

(c) in the definition “building”, omitting the words “means the building or buildings shown on a building units” and substituting the words “, in relation to a building units plan, means the building or buildings shown on the”;

(d) inserting after the definition “building units plan” the following definitions:—

““ceiling” does not include a false ceiling;

“committee” means the committee of a body corporate constituted under this Act.”;

(e) omitting the definition “council” and the definition “managing agent”;

(f) in the definition “original proprietor” after the words “the plan” inserting the words “and includes any successor or assignee of that person but does not include a bona fide purchaser for value of a lot or any successor or assignee of that purchaser”;

(g) after the definition “plan” inserting the following definition:—

“ “prescribed arrangement” means any agreement or arrangement (including an arrangement set out in the by-laws in respect of the plan) between—

in the case of a registered lot, the body corporate or the original proprietor and any other person;

or

in the case of a proposed lot, the original proprietor and any other person,

being an agreement or arrangement—

(a) by instrument in writing appointing, pursuant to section 50, a body corporate manager;

(b) for the carrying out of any of the duties of the body corporate under section 37 (1) (a), (b) or (c);

(c) entered into pursuant to section 37 (2) (a), (b), (c), (d) or (e) or section 38c;

(d) for the protection of the parcel or any part thereof or of the security of the occupants of the lots;

(e) for the conduct of a business upon the parcel (whether upon a lot or the common property) of letting of lots on behalf of any proprietors of lots;

or

(f) under which the rights of the proprietor of a lot are or are likely to be affected to a material extent;”;

(h) omitting the definition “sinking fund” and substituting the following definition:—

“ “sinking fund” means the fund established by a body corporate under section 38 (4) and includes a fund established under section 38 (1) (m) of the *Building Units and Group Titles Act 1980* prior to the repeal of that section by the *Building Units and Group Titles Act Amendment Act 1988*;”;

(i) omitting the definition “special resolution” and substituting the following definition:—

“ “special resolution” means a resolution which is passed at a duly convened general meeting of a body corporate by the proprietors the votes against which constitute not more than 25 per centum of the aggregate lot entitlement and are by not more than 25 per centum of the total number of persons who are proprietors;”.

7. Amendment of s. 8. Subdivision. Section 8 of the Principal Act is amended by omitting subsection (6).

8. Amendment of s. 9. Registration of plan. Section 9 of the Principal Act is amended by—

(a) in subsection (1), in provision (d), omitting the words “and ceilings” and substituting the words “, ceilings and, in the case where

a boundary may be defined by reference to a permanent structure or permanent structures of the building, each such structure”;

(b) in subsection (5), designating the existing subsection as paragraph (a) of subsection (5) and at the end thereof inserting the following paragraphs:—

“(b) Notwithstanding paragraph (a), a balcony, courtyard, roof garden or other area (being part of a building) which is not bounded wholly by walls or a ceiling or walls and a ceiling may and, it is hereby declared, always could from the commencement of the *Building Units and Group Titles Act 1980* be included as part of a lot shown on a building units plan:

Provided that the balcony, courtyard, roof garden or other area shall be contiguous to a part of the lot the boundary of which part if it, by itself, were a lot would be the centre of walls, floor and ceiling.

(c) Where, pursuant to paragraph (b), a balcony, courtyard, roof garden or other area of a building is included as part of a lot shown on a building units plan—

(i) that part of the boundary of the lot that is not the centre of a wall and would, but for the operation of paragraph (b), be required to be the centre of a wall shall be the vertical plane from the upper boundary of the lot to the floor along the line described connecting the centres of the permanent vertical structures of the building approved for that purpose by the Registrar of Titles (which may include part of a wall) on that boundary, with the centres of the walls that form part of the boundary of the lot;

(ii) that part of the boundary of the lot that is not the centre of a ceiling and would, but for paragraph (b), be required to be the centre of a ceiling shall be the horizontal plane from the edge of the existing ceiling to the vertical boundary of the lot over which that ceiling does not extend at the level or levels of the walls and, where provision (i) applies, the permanent vertical structures to that part, such that, in any case, the plane is no higher than the boundary of the area of the lot that is the centre of a ceiling.”;

(c) in subsection (6), inserting at the end thereof the following paragraph:—

“For the purposes of this subsection when a group titles plan resubdivides lots or common property or lots and common property the plan shall be deemed to be a plan subdividing the parcel the subject of the original group titles plan into the number of lots to be comprised in the parcel as a result of the original plan and all subsequent plans of resubdivision up to and including the firstmentioned plan.”;

(d) omitting subsection (12) and substituting the following subsection:—

“(12) Every group titles plan lodged for registration shall be endorsed with or accompanied by a certificate in the form prescribed under the *Surveyors Act 1977-1983* that the plan is accurate by a licensed surveyor within the meaning of that Act.”.

9. Amendment of s. 10. Resubdivision. Section 10 of the Principal Act is amended by—

(a) in subsection (1), omitting from the second proviso the words “unanimous resolution” and substituting the words “resolution without dissent”;

(b) in subsection (6), omitting from paragraph (b) the words “unanimous resolution” and substituting the words “resolution without dissent”;

(c) omitting subsection (10).

10. Amendment of s. 21. Acquisition of additional common property. Section 21 of the Principal Act is amended by—

(a) inserting in subsection (1) (a) after the word “a” the words “grant or”;

(b) inserting after subsection (1) the following subsection:—

“(1A) For the purposes of the application of the *Land Act 1962-1987*, a body corporate shall be deemed to be the holder or the registered proprietor in fee simple of the land comprising the parcel.”;

(c) inserting in subsection (2) (a) after the word “the” where it first occurs the words “deed of grant or”;

(d) inserting after subsection (2) the following subsection:—

“(2A) The Registrar of Titles shall not—

(a) deliver to any person;

or

(b) record in the register any dealings in respect of, a deed of grant issued in the name of a body corporate until there is registered in the office of the Registrar of Titles a plan under the Real Property Acts showing as a single lot the land comprised in the grant and the land comprised in the parcel before the grant.”;

(e) inserting in subsection (3) after the words “any such” the words “grant or”.

11. Amendment of s. 22. Transfer or lease of part of common property. Section 22 of the Principal Act is amended by—

(a) omitting subsection (1) and substituting the following subsection:—

“(1) A body corporate may, subject to the approval of the local authority—

(a) pursuant to a unanimous resolution, execute a transfer of part of common property;

(b) pursuant to a resolution without dissent, execute a lease of or rent part of common property,

other than common property the subject of a lease accepted or acquired by the body corporate under section 21 (1).”;

(b) omitting from subsection (2) the words “special resolution” and substituting the words “resolution without dissent”;

(c) omitting from subsection (3) the words “special resolution” and substituting the words “resolution without dissent”.

12. Amendment of s. 25. Variation or extinguishment of plan. Section 25 of the Principal Act is amended by—

(a) in subsection (1)—

(i) omitting the word “and” occurring after provision (a);

(ii) in provision (b)—

(A) inserting after the words “to the” the word “proposed”;

(B) inserting after the word “obtained” the following expression and words:—

“;

and

(c) when the Registrar of Titles makes an entry of the extinguishment on the registered plan pursuant to section 26”;

(b) in subsection (11), in paragraph (a), omitting the words “managing agent” and substituting the words “body corporate manager”.

13. New s. 25A. The Principal Act is amended by inserting after section 25 the following section:—

“**25A. Notification to local authority on extinguishment of plan.** Upon extinguishment of a plan, the Registrar of Titles shall forthwith furnish to the local authority a notification in writing of the extinguishment in the form prescribed which shall include a statement of the undivided share in the land comprised in the extinguished plan to which each proprietor is entitled as a tenant in common with the other proprietors.”.

14. Amendment of s. 26. Disposition on extinguishment of plan. Section 26 of the Principal Act is amended by—

(a) in subsection (1)—

(i) omitting the words “Upon extinguishment of a plan” and substituting the words “Upon a resolution by the body corporate pursuant to section 25 (1) (a) (i) or an order of the Court pursuant to section 25 (1) (a) (ii) and, in the case of a group titles plan, the obtaining of the approval of the local authority to the proposed extinguishment,”;

(ii) in provision (a), inserting after the words “of the” the word “proposed”;

(b) omitting subsection (4), and substituting the following subsection:—

“(4) Upon a resolution by the body corporate pursuant to section 25 (1) (a) (i) or an order of the Court pursuant to section 25 (1) (a) (ii) and, in the case of a group titles plan, the obtaining of the approval of the local authority to the proposed extinguishment, the body corporate by unanimous resolution may transfer the land comprised in the plan or any part or parts thereof.”.

15. Amendment of s. 28. Seal of body corporate. Section 28 of the Principal Act is amended by—

(a) in subsection (3), omitting the words “managing agent” and substituting the words “body corporate manager”;

(b) in subsection (4), omitting the words “managing agent” and substituting the words “body corporate manager”.

16. Amendment of s. 29. Meetings of body corporate. Section 29 of the Principal Act is amended by—

(a) in the note to the section, omitting the word “Meetings” and substituting the words “First annual general meeting”;

(b) omitting from subsection (1) the words “the prescribed manner” and the words “to be” and substituting the words “accordance with Part I of the Second Schedule” and the words “which shall be” respectively;

(c) in subsection (2)—

(i) inserting in provision (a) after the word “extended” the words “or if not effected what insurances should be effected”;

(ii) in provision (b)—

(A) omitting the words “section 38 (1) (j) or (k) or (2)” and substituting the words “section 38A (1), (2) or (4)”;

(B) inserting after the word “varied” the words “or if not determined what amounts should be determined”;

- (iii) omitting the word “and” appearing after provision (f);
- (iv) in provision (g)—
 - (A) omitting the words “managing agent” where they twice occur and substituting the words “body corporate manager” in each case;
 - (B) after the words “to him”, inserting the following expression and words:—
 - “;
 - (h) to decide whether to appoint a person (who shall be a registered public accountant under the *Public Accountants Registration Act 1946-1975*) to audit the books and accounts of the body corporate;
 - and
 - (i) such other matters as may be raised at the meeting”;
- (d) after subsection (2) as amended, inserting the following subsection:—
 - “(2A)(a) The agenda for a meeting convened under subsection (1) may include as an item that the body corporate resolve that the accounts of the body corporate shall not be audited.
If the body corporate so resolves, the item on the agenda referred to in subsection (2) (h) shall not be proceeded with.
 - (b) Nothing in this subsection shall prevent a body corporate resolving in general meeting that the accounts of the body corporate relating to any period specified in the resolution shall be audited.”;
- (e) in subsection (3), omitting the word “convened” and substituting the word “held”;
- (f) in subsection (5), omitting all words from and including the words “and Part 2” to the end of the subsection;
- (g) in subsection (6)—
 - (i) omitting the words “in accordance with subsection (1)” and substituting the words “and held in accordance with subsections (1) and (2)”;
 - (ii) after the words “that person” inserting the words “shall be held within that period and”;
- (h) omitting subsection (7);
- (i) in subsection (8), omitting the expression “or (7)”;
- (j) in subsection (9), omitting the expression “or (7)”.

17. **New s. 29A.** The Principal Act is amended by inserting after section 29 the following section:—

“29A. **Meetings, other than first annual general meeting, of body corporate.** (1) An annual general meeting of a body corporate

shall be held in each year on or after the anniversary of the first annual general meeting but not later than two months after that anniversary.

(2) A meeting of a body corporate which is not an annual general meeting shall be held whenever it is convened by the committee and shall be an extraordinary general meeting.”.

18. New s. 29B. The Principal Act is amended by inserting after section 29A the following section:—

“29B. Audit of accounts of body corporate. (1) The books and accounts of the body corporate in respect of each financial year of the body corporate shall be audited except where the body corporate at the annual general meeting held at the beginning of that financial year by special resolution resolves that the accounts shall not be audited.

(2) The audit of the books and accounts of the body corporate shall be carried out by a person registered as a public accountant under the *Public Accountants Registration Act 1946-1975*.

(3) The provisions of subsections (1) and (2) do not apply where a body corporate—

- (a) has appointed a body corporate manager who is a licensed body corporate manager under the *Auctioneers and Agents Act 1971-1988*;
and
- (b) has by special resolution resolved that Division 1A of Part VI of that Act shall apply to the body corporate.”.

19. Amendment of s. 30. By-laws. Section 30 of the Principal Act is amended by—

(a) omitting from subsection (2) the words “Subject to” and substituting the words “Save where otherwise provided in”;

(b) in subsection (6), inserting after the word “No” the words “by-law or any”;

(c) in subsection (9), in provision (b), omitting the words “for the performance of the duty of the body corporate under section 38 (1) (b) (i) in respect of” and substituting the words “at his expense for the performance of the duty of the body corporate to properly maintain and keep in a state of good and serviceable repair under section 37 (1) (b) and (c) (i)”;

(d) after subsection (11), inserting the following subsections:—

“(12) A by-law which, but for this section, would have effect to prohibit or restrict—

- (a) the keeping on a lot of a guide dog used by a proprietor or occupier of a lot who is a blind person or a deaf person;

or

(b) the use of a guide dog on a lot or common property by a blind person or a deaf person,

shall, to the extent of that prohibition or restriction, have no force or effect.

For the purposes of this subsection the words “guide dog”, “blind person” and “deaf person” have the meanings respectively assigned to them in the *Guide Dogs Act 1972-1984*.

(13) Subject to subsection 12, each by-law in force in respect of a plan immediately before the commencement of section 19 of the *Building Units and Group Titles Act Amendment Act 1988* shall, notwithstanding the commencement of that section, continue to be a by-law in force in respect of that plan except to the extent of any subsequent amendment or addition thereto or repeal thereof pursuant to this section.”.

20. Repeal of and new s. 31. Copy of by-laws to be provided. The Principal Act is amended by repealing section 31 and substituting the following section:—

“31. Copy of by-laws to be produced upon request. Where any lot or common property is leased or rented, otherwise than to a proprietor of a lot, the lessor or, as the case may be, landlord shall upon the request of the lessee or tenant produce or cause to be produced to the lessee or tenant for his inspection a copy of the by-laws for the time being in force in respect of the plan.

Penalty: Two penalty units.”.

21. Amendment of s. 32. Levies by body corporate on proprietors. Section 32 of the Principal Act is amended by—

(a) in subsection (1), omitting the expression “38 (1) (j) and (k)”, the expression “38 (1) (q)” and the expression “38 (2)” and substituting the expression “38A (1) and (2)”, the expression “38A (3)” and the expression “38A (4)” respectively;

(b) in subsection (2), after the words “Contributions levied”, inserting the words “under subsection (1)”;

(c) in subsection (4), omitting the expression “38 (4)” and substituting the expression “38A (5)”;

(d) in subsection (5), omitting the expression “38 (4)” and substituting the expression “38A (5)”;

(e) after subsection (5) inserting the following subsection:—

“(5A) A notice of the levy of contributions to a proprietor of a lot shall—

(a) if an amount has been determined pursuant to section 38A (4) in respect of the contributions, state the

amount of the contribution attributable to that amount of discount;

- (b) state the date when the contribution becomes due and payable;
and
- (c) be served or deemed to be served on the proprietor before the date when the contributions become due and payable.”;

(f) in subsection (6), omitting the expression “38 (2)” where it twice occurs and substituting the expression “38A (4)” in each case;

(g) in subsection (7), after the words “general meeting”, inserting the words “or the committee”.

22. Amendment of s. 33. Power of body corporate to carry out work.
Section 33 of the Principal Act is amended by—

(a) in subsection (2), in provision (b), omitting the expression “51 (a)” and substituting the expression “51 (1) (a)”;

(b) in subsection (5), omitting the expression “51 (a) (ii)”, the expression “51 (a)” and the word “may” and substituting the expression “51 (1) (a) (ii)”, the expression “51 (1) (a)” and the word “shall” respectively.

23. Repeal of and new s. 34. Change of body corporate’s address.
The Principal Act is amended by repealing section 34 and substituting the following section:—

“**34. Body corporate’s address.** (1) A body corporate shall ensure that an address for the time being for service of notices on it is recorded on the registered plan.

(2) Upon a change of address of a body corporate for service of notices on it, the body corporate shall cause a notice in the prescribed form of the change of address to be lodged forthwith in the office of the Registrar of Titles.

(3) Notwithstanding subsection (2), a body corporate which has decided, before the commencement of section 23 of the *Building Units and Group Titles Act Amendment Act 1988*, upon such a change of address and has not, prior to that commencement, lodged the notice in the prescribed form of the change of address in the office of the Registrar of Titles, shall do so within two months of that commencement.

(4) The Registrar of Titles shall make such recording on the registered plan of the change of address of a body corporate as he considers appropriate.

(5) Upon the recording by the Registrar of Titles of the change of address notified in accordance with subsection (2) or (3) and not otherwise, that address as changed shall, notwithstanding any other provision of this Act, be an address for service of notices on the body corporate.”.

24. Amendment of s. 36. Power of entry. Section 36 of the Principal Act is amended in subsection (1) by—

(a) in provision (c), omitting the expression “38 (1) (b) or (c)” and substituting the expression “37 (1) (b) or (c)”;

(b) in provision (d), omitting the expression “51 (a) (ii)” and substituting the expression “51 (1) (a) (ii)”.

25. Repeal of ss. 37 and 38 and new ss. 37, 37A and 38. The Principal Act is amended by repealing sections 37 and 38 and substituting the following sections:—

“37. Duties and powers of body corporate regarding property etc. (1) A body corporate shall—

- (a) control, manage and administer the common property for the benefit of the proprietors;
- (b) where reasonably practicable, establish and maintain suitable lawns and gardens on the common property;
- (c) subject to section 37A, properly maintain and keep in a state of good and serviceable repair (including, where reasonably necessary, renew or replace the whole or part thereof)—
 - (i) the common property;
 - (ii) any fixture or fitting (including any pipe, pole, wire, cable or duct) comprised on the common property or within any wall, floor or ceiling the centre of which forms a boundary of a lot;
 - (iii) any fixture or fitting (including any pipe, pole, wire, cable or duct) which is comprised within a lot and which is intended to be used for the servicing or enjoyment of any other lot or of the common property;
 - (iv) each door, window and other permanent cover over openings in walls where a side of the door, window or cover is part of the common property;
 - (v) any personal property vested in the body corporate; and
- (d) cause to be constructed and maintained at or near the street alignment of the parcel a receptacle suitable for the receipt of mail and other documents with the name of the body corporate clearly shown thereon.

(2) A body corporate may—

- (a) enter into an agreement, upon such terms and conditions (including terms for the payment of consideration) as may be agreed upon by the parties thereto, with a proprietor or occupier of a lot for the

provision of amenities or services by it to the lot or to the proprietor or occupier thereof;

- (b) acquire and hold any personal property;
 - (c) for the purpose of a company providing services to the proprietors of the lots or to the body corporate, participate in the formation of that company or acquire an interest therein;
 - (d) enter into hiring agreements and leasing agreements;
 - (e) accept or acquire a lease, licence or permit for the purposes of providing moorings for vessels;
 - (f) accept and deal with a lease, licence or permit that may be issued or granted under the *Land Act 1962-1987* to any person in respect of any Crown land which abuts on the parcel;
- and
- (g) make or cause to be made improvements to the common property where—
 - (i) in any one case, the cost of the improvements does not exceed the prescribed amount;
 - (ii) the body corporate by resolution without dissent so resolves;or
 - (iii) the body corporate resolves in general meeting that the improvements are considered to be essential for the health, safety or security of users of the common property and the referee makes an order approving the making of the improvements.

(3) For the purposes of the application of the *Land Act 1962-1987* the body corporate shall be deemed to be the holder or the registered proprietor in fee simple of the land comprising the parcel.

37A. Improvement etc. to common property by proprietor of lot. (1) A body corporate may, upon such terms as it considers appropriate, at the request of a proprietor of a lot, by resolution without dissent, authorize the proprietor of the lot to effect improvements (including erect or install fixtures and fittings) in or upon the common property for the benefit of that proprietor.

(2) The proprietor for the time being of a lot in respect of which any improvement in or upon the common property has been effected pursuant to an authority granted under subsection (1) shall, unless excused by the body corporate, be responsible for the performance of the duty of the body corporate under section 37 (1) (c) in respect of the improvement.

38. Administrative fund and sinking fund. (1) A body corporate shall establish and maintain a fund as its administrative fund.

- (2) A body corporate shall pay into its administrative fund—
- (a) all moneys received by it in respect of contributions determined pursuant to section 38A(1);
 - (b) the proceeds of the sale or other disposal of any personal property of the body corporate;
 - (c) any fees received by the body corporate under section 40;
 - (d) any amounts paid to the body corporate by way of discharge of insurance claims;
 - (e) interest received on any investments belonging to the administrative fund.
- (3) A body corporate shall not disburse any moneys from its administrative fund otherwise than for the purpose of—
- (a) meeting its liabilities referred to in section 38A (1);
or
 - (b) carrying out its powers, authorities, duties or functions under this Act.
- (4) A body corporate shall establish and maintain a fund as its sinking fund.
- (5) A body corporate shall pay into its sinking fund—
- (a) all moneys received by it in respect of contributions determined pursuant to section 38A (2);
 - (b) any amounts paid to the body corporate by way of discharge of insurance claims and not paid to its administrative fund;
 - (c) all other amounts received by the body corporate and not paid or payable into the administrative fund;
 - (d) interest received on any investments belonging to the sinking fund.
- (6) A body corporate shall not disburse any moneys from its sinking fund otherwise than for the purpose of—
- (a) meeting its liabilities referred to in section 38A (2);
or
 - (b) carrying out its powers, authorities, duties or functions under this Act.
- (7) A body corporate may only invest any moneys in its administrative fund or its sinking fund in any manner permitted by law for the investment of trust funds or in any prescribed investment.
- (8) A body corporate shall pay any moneys in its administrative fund or its sinking fund that are not otherwise invested in accordance with subsection (7) into an account established with a bank in the name of the body corporate.”.

26. New ss. 38A, 38B and 38C. The Principal Act is amended by inserting after section 38 the following sections:—

“38A. Body corporate to determine contributions by proprietors.

(1) Within 14 days after registration of the plan and from time to time thereafter, the body corporate shall determine the amounts necessary in its opinion to be raised by contributions for the purpose of meeting its actual or expected liabilities incurred or to be incurred within the period (not exceeding 12 months) specified in the determination in respect of—

- (a) the regular maintenance and keeping in good and serviceable repair pursuant to section 37 of parts of the parcel being the common property, fixtures, fittings and other property (including personal property) held by or on behalf of the body corporate;
- (b) the payment of insurance premiums;
and
- (c) all other liabilities incurred or to be incurred during that period by or on behalf of the body corporate in carrying out its powers, authorities, duties and functions under this Act other than liabilities referred to in subsection (2).

(2) Within 12 months after registration of the plan and from time to time thereafter, the body corporate shall determine the amounts necessary in its opinion to be raised by contributions for the purposes of meeting its actual or expected liabilities in respect of—

- (a) painting or treating of any part of the common property which is a structure or other improvement for the preservation and appearance of the common property;
- (b) the acquisition of personal property;
- (c) the making of improvements to the common property;
- (d) the renewal or replacement pursuant to section 37 of parts of the parcel being the common property, fixtures and fittings which the body corporate is required by this Act to maintain and keep in good and reasonable repair and other property (including personal property) held by or on behalf of the body corporate;
and
- (e) such other liabilities expected to be incurred at a future time where the body corporate considers that the whole or part thereof should be met from its sinking fund.

(3) If the body corporate becomes liable to pay any moneys that it is unable to pay forthwith, the body corporate shall determine that amount to be raised by contributions.

(4) The body corporate from time to time may in respect of contributions determined in accordance with subsection (1), (2) or (3) determine, for the purposes of section 32 (6) (b) an amount being not greater than 20 per centum of those contributions.

(5) A determination made by a body corporate under subsection (1) or (2) may specify that the amounts to be raised for the purposes therein referred to shall be raised by such regular periodic contributions as may be specified in the determination.

38B. Levy by body corporate for contributions. A body corporate shall from time to time levy, in accordance with section 32, on each person liable therefor a contribution to raise the amounts referred to in section 38A (1), (2) and (3).

38C. Borrowings by body corporate. A body corporate may borrow moneys and secure the repayment thereof and of any interest in such manner as may be agreed upon by the body corporate and the lender.”.

27. New ss. 38D and 38E. The Principal Act is amended by inserting after section 38C the following sections:—

“38D. Duty of body corporate as to keeping records, convening meetings, etc. (1) A body corporate shall—

- (a) cause proper records to be kept of notices given to the body corporate under this or any other Act and of any orders made under this Act and served on the body corporate whether before or after the commencement of the *Building Units and Group Titles Act Amendment Act 1988*;
- (b) cause to be kept and retained for the prescribed time or times minutes of its meetings (which shall include particulars of motions passed by it at those meetings) and proper books of account in respect of moneys received or expended by the body corporate;
- (c) cause to be prepared, from the books referred to in paragraph (b), a proper statement of accounts of the body corporate in respect of each period commencing on the date of registration of the plan or the day immediately after the date up to which the last previous such statement was prepared and ending on the last day of the month that precedes by three months the month in which occurs each anniversary of the first annual general meeting;
- (d) cause annual general meetings to be convened in accordance with section 29A.

(2) For the purpose of this section—

- (a) proper books of account shall include a receipt book, cash book, bank deposit book, contributions levy register, cheque book and register of assets;
- (b) a register of assets shall disclose the personal property vested in the body corporate;
- (c) the expression “book” includes any register or other record of information and any accounts or accounting records however compiled recorded or stored and also includes any document.

(3) For the purposes of subsection (1) (c), there shall be shown in respect of each item shown in every statement of accounts of the body corporate, except the first statement after incorporation of the body corporate, the corresponding amount (if any) as at the end of the immediately preceding financial year and where the financial years are not equal in length, the periods covered shall be clearly indicated by way of note or otherwise.

If the statement of accounts does not include an item corresponding to an item in the statement of accounts as at the end of the immediately preceding financial year, that previous item and the amount thereof shall be shown.

(4) If a body corporate fails or neglects to convene an annual general meeting within the period required by section 29A, the annual general meeting held next after the expiration of that period shall be an annual general meeting of the body corporate.

38E. Body corporate to implement its decisions. A body corporate shall implement the decisions of the body corporate.”.

28. Amendment of s. 39. Roll. Section 39 of the Principal Act is amended by—

(a) in subsection (3)—

(i) omitting from provision (b) the words “on the folio of the register comprising the lot” and the word “that” and substituting the words “in the register consequent” and the word “each” respectively;

(ii) omitting the word “and” appearing after provision (i);

(iii) in provision (j), after the word “notice”, inserting the following expression and words:—

“;

and

(k) the name and address of any real estate agent, within the meaning of the *Auctioneers and Agents Act 1971-1988*, appointed as agent by the proprietor for the purpose of the letting of the lot as shown in a prescribed notice”;

(b) adding after subsection (4) the following subsection:—

“(5) The body corporate shall maintain as part of the roll a register in which shall be recorded the prescribed particulars of each prescribed arrangement entered into in respect of the plan.”.

29. Amendment of s. 40. Supply of information, certificates and copies by body corporate. Section 40 of the Principal Act is amended by—

(a) in subsection (1)—

(i) inserting after the words “A body corporate” the words “incorporated by the registration of a plan”;

(ii) omitting the words “a plan by a proprietor or mortgagee of that lot or by a person authorized in writing by such a proprietor or mortgagee” and substituting the words “that plan by a prescribed person”;

(iii) in provision (a), omitting the words “managing agent” and substituting the words “body corporate manager”;

(iv) in provision (b) (ii), omitting the expression “38 (1) (f)” and substituting the expression “38D (1) (a)”;

(v) in provision (b) (vi), omitting the expression “38 (1) (h)” and substituting the expression “38D (1) (c)”;

(vi) in provision (c) (i), omitting the expression “38 (1) (j) and (k) and (4)” and substituting the expression “38A (1), (2) and (5)”;

(vii) in provision (c) (ii)—

(A) omitting the expression “38 (1) (j)” and substituting the expression “38A (1)”;

(B) omitting the expression “38 (1) (k)” where it twice occurs and substituting the expression “38A (2)” in each case;

(viii) in provision (c) (iii), omitting the expression “38 (1) (q)” and substituting the expression “38A (3) or 38B”;

(ix) in provision (c) (vii), omitting the expression “38 (2)” and substituting the expression “38A (4)”;

(x) in provision (d), omitting the expression “21” and substituting the expression “14”;

(b) in subsection (2), omitting the words “ten days” and substituting the words “14 days”;

(c) after subsection (4), inserting the following subsection:—

“(5) For the purposes of subsection (1) “prescribed person” means—

(a) a proprietor or mortgagee of the lot in respect of which the application is made or a person authorized in writing by that proprietor or mortgagee;

(b) a person who signs (by himself or by his agent) a contract for sale or other instrument that is intended

to bind him (absolutely or conditionally) to purchase the lot in respect of which the application is made from the proprietor of that lot or a person authorized in writing by the firstmentioned person.

An application under subsection (1) by a person specified in provision (b) shall be supported by a statutory declaration under the *Oaths Act 1867-1981* unless the body corporate is otherwise satisfied that an applicant is such a person.”.

30. New s. 40A. The Principal Act is amended by inserting after section 40 the following section:—

“**40A. Body corporate may require information as to letting of lot.** A proprietor, or real estate agent recorded on the roll pursuant to a notice given under section 53 (14), shall, upon application made to him in writing in respect of a lot by the body corporate, certify whether, at the material time, the lot has or had been let by him and, if so, the name of the person to whom it has or had been let.”.

31. Amendment of s. 41. Exemption from certain provisions of Act. Section 41 of the Principal Act is amended by—

(a) in subsection (1) (a) omitting provision (ii) and substituting the following provisions:—

“(ii) clauses 1 (4) (a) (ia), (5), (6), (7), (8) and (10), 4 (b), 5 (b), 6 and 8 of Part 2 of the Second Schedule;

(iii) clause 10 (f) of the Fourth Schedule insofar as that clause casts a duty upon a secretary of the body corporate and any regulation prescribing any procedure for the carrying out of that duty”;

(b) after subsection (4), inserting the following subsection:—

“(4A) Where, upon an application by a proprietor or the body corporate for an order under this subsection, a referee considers that such an order should be made, the referee may by order—

(a) revoke an order made under subsection (4);

(b) vary an order made under subsection (4);

or

(c) determine that the order made under subsection (4) shall apply or shall not apply to the extent indicated in the order and either generally or in respect of the applicant.”;

(c) after subsection (5), inserting the following subsection:—

“(6) For so long as a resolution made under subsection (1) or an order made under subsection (4) or (4A) subsists, the provisions of this Act the subject of the resolution or, as the case may be, order shall not apply to the extent indicated in the resolution or order.”.

32. Amendment of heading. The Principal Act is amended by omitting from the heading "*Division 2—Councils*" appearing after section 41 the word "*Councils*" and substituting the word "*Committees*".

33. Amendment of s. 42. Constitution of councils. Section 42 of the Principal Act is amended by—

(a) omitting from the note to the section the word "**councils**" and substituting the word "**committees**";

(b) omitting subsection (4) and substituting the following subsection:—

"(4) (a) Where there are more than three proprietors, the body corporate shall determine the number of persons, being not less than three nor more than the number of proprietors or seven, whichever is the less, to be members of the committee including the chairman, secretary and treasurer of the body corporate.

(b) The committee shall consist of such members as for the time being hold office not exceeding in number the number determined by the body corporate under paragraph (a).";

(c) omitting subsection (5) and substituting the following subsection:—

"(5) The members of a committee referred to in subsection (4) (if any) and the chairman, secretary and treasurer—

(a) shall, upon the number of proprietors increasing to more than three, be first elected—

(i) at an extraordinary general meeting convened for the purpose and held forthwith after notice thereof has been duly given but not later than three months before the anniversary date of the annual general meeting of the body corporate first occurring after that increase or, if requested, in writing addressed to the secretary of the body corporate, by a proprietor, at any time before that anniversary date;

or

(ii) at the annual general meeting of the body corporate first held after that increase,
whichever shall first occur;

(b) shall be elected at each annual general meeting of the body corporate held after the first such election.";

(d) in subsection (14), omitting the words "managing agent" and substituting the words "body corporate manager".

34. Amendment of s. 43. Vacation of office of member of council. Section 43 of the Principal Act is amended by—

(a) omitting from the note to the section the word "**council**" and substituting the word "**committee**";

(b) in subsection (2) designating the existing paragraph as paragraph (a), omitting therefrom the word “council” and substituting the word “committee” and at the end of paragraph (a) adding the following paragraphs:—

“(b) If the membership of the committee is one-half or less than one-half of the number determined by the body corporate pursuant to section 42 (4) to be members of the committee, the members for the time being of the committee shall, notwithstanding section 45 (1), constitute a quorum at a meeting of the committee for the purpose only of appointing a person to fill a vacancy in the office of chairman, secretary or treasurer of the body corporate or another member of the committee or of convening a meeting of the body corporate for that purpose:

Provided that, if—

- (i) there is no member of the committee;
- or
- (ii) the members of the committee—
 - (A) do not appoint a person to fill the vacancy or vacancies in that office or those offices;
 - and
 - (B) have not convened a meeting of the body corporate for that purpose,

the referee may, pursuant to an application made to him by a proprietor or mortgagee of a lot, appoint by order a person nominated by the proprietor or mortgagee, who has consented to that nomination, to convene and hold a meeting of the body corporate within such time as may be specified in the order for the purpose of appointing a person or persons to fill the vacancy or vacancies in that office or those offices and a meeting so convened shall be held within that time.

(c) An order under the proviso to paragraph (b) may include such ancillary or consequential provisions as the referee thinks fit.

(d) Notwithstanding the Second Schedule, where an order made under paragraph (b) so provides—

- (i) the person appointed to convene and hold a meeting of the body corporate by the order shall preside at the meeting and, while he so presides, shall be deemed to be the chairman of the body corporate;
- and
- (ii) notice of that meeting may be given in the manner specified in the order.

(e) A meeting convened and held pursuant to an order of the referee made under paragraph (b) by reason that there is no member of the committee shall, for the purpose of conducting the election of the chairman, secretary and treasurer of the body

corporate and the other members of the committee, be deemed to be a first annual general meeting of the body corporate.”.

35. Amendment of s. 44. Chairman, secretary and treasurer of council. Section 44 of the Principal Act is amended by—

(a) omitting from the note to the section the word “**council**” and substituting the word “**committee**”;

(b) inserting after subsection (1) the following subsection:—

“(1A) The committee may from time to time appoint a member of the committee to exercise the powers and authorities and perform the duties and functions of the secretary of the body corporate during any absence of the secretary specified in the appointment and that member while acting in accordance with the terms of his appointment shall be deemed to be the secretary of the committee.”;

(c) in subsection (2), in provision (b), omitting the words “managing agent” and substituting the words “body corporate manager”.

36. Amendment of s. 45. Meetings of councils. Section 45 of the Principal Act is amended by—

(a) omitting from the note to the section the word “**councils**” and substituting the word “**committees**”;

(b) omitting subsection (1) and substituting the following subsection:—

“(1) At a meeting of a committee a quorum is constituted by members who number more than one-half of—

(a) the number of persons determined by the body corporate pursuant to section 42 (4) to be members of the committee;

or

(b) if such a determination has not been made, the members of the committee.”.

37. Amendment of s. 46. Council’s decisions to be decisions of body corporate. Section 46 of the Principal Act is amended by omitting from the note to the section the word “**Council’s**” and substituting the word “**Committee’s**”.

38. Amendment of s. 47. Statutory restrictions on powers of councils. Section 47 of the Principal Act is amended by—

(a) omitting from the note to the section the word “**councils**” and substituting the word “**committees**”;

(b) in subsection (1) omitting provision (a) and substituting the following provision:—

“(a) otherwise determined by the body corporate in general meeting;”.

39. Amendment of s. 48. Restrictions imposed on council by body corporate. Section 48 of the Principal Act is amended by omitting from the note to the section the word “council” and substituting the word “committee”.

40. New ss. 48A and 48B. The Principal Act is amended by inserting after section 48 the following sections:—

“**48A. Protection of committee members from liability.** No action shall lie against a member of a committee on account of anything done in good faith and without negligence under the authority of this Act or purporting to be under the authority of this Act.

48B. Fourth Schedule. The Fourth Schedule applies to and in respect of the committee of the body corporate, the chairman, secretary and treasurer of the body corporate and the other members of the committee.”.

41. Amendment of s. 49. Duties of original proprietor. Section 49 of the Principal Act is amended by—

(a) omitting subsection (1) and substituting the following subsection:—

“(1) Before a person contracts to purchase a lot or a proposed lot from an original proprietor, the original proprietor shall give to him (or to his agent) a statement in the prescribed form signed by the original proprietor, in compliance in every respect with this section.”;

(b) in subsection (2)—

(i) omitting provision (d) and substituting the following provision:—

“(d) set out or be accompanied by details of any prescribed arrangement entered into in respect of the plan or proposed plan including the terms and conditions of that prescribed arrangement and the cost or estimated costs thereof to the proprietor of each lot;”;

(ii) in provision (f), omitting the word “given” and substituting the word “signed”;

(iii) omitting from provision (g) the words “a person” and substituting the words “an agent”;

(c) omitting subsection (4) and substituting the following subsection:—

“(4) (a) If, at any time before the purchaser becomes proprietor of a lot, a statement in writing of a description referred to in subsections (1) and (2) given to the purchaser—

(i) is not accurate as at the time it is given;

or

(ii) contains information that subsequent to the time it is given becomes inaccurate in any respect,

it is the duty of the original proprietor to give (forthwith upon the inaccuracy becoming known to him) to the purchaser a notice in writing that rectifies the inaccuracy.

For the purposes of this section, every rectification notice given, together with the statement in writing to which it relates, shall be deemed to be the statement in writing given for the purposes of subsection (1).

(b) Paragraph (a) applies whether the statement in writing is given in due time in accordance with subsection (1) or at a later time.

(c) If the purchaser has been materially prejudiced (proof of which shall lie on him) by any matter referred to in a notice given pursuant to paragraph (a) and he has not agreed to be bound by that matter, he may avoid the contract, agreement or other document by notice in writing given to the original proprietor or his agent within 30 days of the date of receipt by him of the notice given by the original proprietor or his agent.”.

42. Amendment of s. 49A. Interpretation of awareness in s. 49 (5). Section 49A of the Principal Act is amended by omitting all words from and including the words “notice given to him” to the end thereof and substituting the words “notice given to him or to his agent, being a statement or notice required by the section to be given to him or his agent, at the time when—

(a) he received it;

or

(b) his agent received it,

whichever shall first occur.”.

43. Amendment of Division heading. The Principal Act is amended by omitting the heading “*Division 4—Managing Agents*” occurring immediately before section 50 and substituting the heading “*Division 4—Body Corporate Managers*”.

44. Amendment of s. 50. Managing agent. Section 50 of the Principal Act is amended by—

(a) omitting the note to the section and substituting the note “**Body corporate manager.**”;

(b) in subsection (1), omitting the words “managing agent” and substituting the words “body corporate manager”;

(c) in subsection (2), omitting the words “managing agent” and substituting the words “body corporate manager”;

(d) in subsection (6), omitting the words “managing agent” and substituting the words “body corporate manager”;

(e) in subsection (7), omitting the words “managing agent” and the word “council” and substituting the words “body corporate manager” and the word “committee” respectively;

(f) in subsection (8), omitting the words “managing agent” and substituting the words “body corporate manager”;

(g) in subsection (9), omitting the words “managing agent” where they occur four times and substituting the words “body corporate manager” in each case.

45. New s. 50A. The Principal Act is amended by inserting after section 50 the following section:—

“50A. Certain voting by proxy etc. restricted. (1) At any meeting of the body corporate, a person who has a financial interest in a prescribed arrangement or a proposed prescribed arrangement, is not entitled to vote as proxy for another person or as company nominee of a corporation upon a motion relating to that prescribed arrangement or proposed prescribed arrangement.

(2) For the purposes of subsection (1), if a person or his spouse—

(a) owns shares (whether beneficially or otherwise) in a company;

(b) is a member of a firm;

or

(c) is a director or employee of a company or of a firm, that stands to be benefited directly from the prescribed arrangement or proposed prescribed arrangement to which the motion relates he shall be taken to thereby have a financial interest in that prescribed arrangement or, as the case may be, proposed prescribed arrangement.”.

46. Amendment of s. 51. Duties of proprietors and other occupiers of lots. Section 51 of the Principal Act is amended by—

(a) designating the first paragraph commencing with the words “A proprietor, mortgagee” as subsection (1);

(b) designating the second paragraph commencing with the words “A proprietor or mortgagee” as subsection (2) and therein inserting after the word “lot” the words “(including any part of a pipe, pole, wire, cable or duct which is intended to be used solely for the servicing or enjoyment of the lot and is within the lot but not within a wall, floor or ceiling forming a boundary of that lot)”.

47. New s. 51A. The Principal Act is amended by inserting after section 51, the following section:—

“51A. Illegal use of lot prohibited. A proprietor, mortgagee in possession (whether by himself or any other person), lessee or occupier of a lot shall not use his lot for any purpose which may be illegal or injurious to the reputation of the parcel.”.

48. Amendment of s. 53. Notices to be given by proprietors and mortgagees. Section 53 of the Principal Act is amended by—

(a) in subsection (7)—

(i) omitting the words “the lessor may” and substituting the words “a lessor, to whom this subsection applies, shall”;

(ii) at the end thereof, inserting the following paragraph:—

“This subsection applies to a lessor who grants a lease or sub-lease of a lot or part of a lot for a period of not less than 6 months except where the body corporate by resolution without dissent determines, either generally or in a particular case, that this subsection shall not apply.”;

(b) in subsection (8), omitting the words “, the lessor may” and substituting the words “notice of which lease or sub-lease has, pursuant to subsection (7), been given to the body corporate, the lessor shall”;

(c) in subsection (10)—

(i) in provision (a), omitting the words “may, under this section,” and substituting the words “, under this section, may or is required to”;

(ii) in provision (c), after the word “entitled” inserting the words “or required”;

(d) inserting in subsection (12) after the words “on behalf of” the words “a company nominee of”;

(e) inserting after subsection (13), the following subsection:—

“(14) A proprietor who appoints a real estate agent within the meaning of the *Auctioneers and Agents Act 1971-1988* as his agent for the purpose of letting (within the meaning of that Act) of the lot shall forthwith give notice in writing to the body corporate of the name and business address of the agent and, upon cessation of the appointment, shall give forthwith notice in writing to the body corporate.”.

49. Amendment of s. 54. Interpretation. Section 54 of the Principal Act is amended in subsection (1) by—

(a) omitting the definition “building” and substituting the following definition:—

““building”, in relation to a building units plan, means a building or buildings shown on the plan, but does not include a proprietor’s fixture;”;

(b) in the definition “damage policy” omitting the word “lightning” and substituting the words “storm, tempest”;

(c) omitting the definition “proprietor’s fixture” and substituting the following definition:—

““proprietor’s fixture” means a structure or fixture made after the registration of the building units plan forming part of a building, being a structure or fixture—

(a) which is exclusively for the use and enjoyment of a lot within or partly within that building but not being a floor, wall or ceiling;

and

(b) which—

(i) is not made for the necessary renewal or replacement of a structure or fixture made before the registration of the plan;

or

(ii) replaces a structure or fixture made before the registration of the plan and is of greater value than the necessary replacement of and of a like nature to the structure or fixture replaced.”.

50. Repeal of and new s. 55. Insurance of buildings and common property. The Principal Act is amended by omitting section 55 and substituting the following section:—

“**55. Insurance of buildings and common property.** The body corporate shall insure and keep insured—

(a) the common property including any improvements thereon;

and

(b) in the case of a building units plan, the building, under a damage policy to the reinstatement or replacement value thereof.”.

51. New s. 55A. The Principal Act is amended by inserting after section 55 the following section:—

“**55A. Original proprietor to pay for damage policy insurance in first year.** (1) In respect of a plan registered on or after the commencement of section 51 of the *Building Units and Group Titles Act Amendment Act 1988*, the premiums payable in respect of insurances effected by a body corporate pursuant to section 55 and covering the period of one year commencing on the date of registration of the plan shall be paid by the original proprietor.

(2) A body corporate that pays any premium payable by the original proprietor under subsection (1) may recover the amount of the premium from the original proprietor in any court of competent jurisdiction as a debt due and owing to it.

(3) Nothing in this section shall prevent an agreement for the sale of a lot by an original proprietor providing for the payment by the purchaser of an amount determined in respect

of an amount paid by the original proprietor under subsection (1) in accordance with the terms of the agreement.”.

52. Amendment of s. 56. Further insurance by body corporate. Section 56 of the Principal Act is amended in subsection (1) by—

- (a) inserting after the words “In addition to” the word “any”;
- (b) omitting the word “the” occurring after the words “to section 55” and substituting the word “a”;
- (c) inserting in provision (b) after the words “in respect of” the words “the liability of the body corporate for”.

53. New s. 57A. The Principal Act is amended by inserting after section 57 the following section:—

“57A. Insurance by proprietor in case of common walls on group title plan. Where a building upon a lot shown on a group titles plan has a common wall with a building on another lot or the common property shown on that plan, the proprietor of the firstmentioned building shall insure and keep insured that building under a damage policy to the reinstatement or replacement value thereof.”.

54. Amendment of s. 62. Valuation of parcel. Section 62 of the Principal Act is amended by—

- (a) in subsection (2), omitting the words “sections 64 and 65” and substituting the words “section 64 and of section 11B of the *Land Tax Act 1915-1985*”;
- (b) in subsection (3), inserting after the words “purposes of” the word “the”.

55. Amendment of s. 68. Sufficient compliance with certain provisions of Local Government Act. Section 68 of the Principal Act is amended by omitting the words “Local Government Act” and substituting the words “*Local Government Act 1936-1979*”.

56. Amendment of s. 71. Referee may inspect certain records. Section 71 of the Principal Act is amended by—

- (a) in subsection (1)—
 - (i) inserting after the word “referee” the words “and his delegate”;
 - (ii) inserting after the word “proprietor” the words “:
Provided that the body corporate shall not be entitled to payment of any fee prescribed under that section”;
- (b) inserting in subsection (2) after the word “referee” the words “or his delegate”.

57. Amendment of s. 73. Procedure after referee receives application. Section 73 of the Principal Act is amended in subsection (1) by—

(a) inserting after the word “Part” the words “, other than an application that pursuant to section 106 (8) accompanied a notice of appeal made pursuant to section 106,”;

(b) inserting in provision (c) after the words “of the application” the words “(setting out the grounds specified therein)”.

58. Amendment of s. 75. Orders under this Division. Section 75 of the Principal Act is amended in subsection (3), by omitting the words “managing agent” and substituting the words “body corporate manager”.

59. Amendment of s. 77. General powers of referee to make orders. Section 77 of the Principal Act is amended by—

(a) in subsection (1)—

(i) omitting the words “managing agent” and substituting the words “body corporate manager”;

(ii) omitting all words from and including the words “on any person” to and including the word “corporate”;

(iii) inserting after the words “an order” the words “on any person entitled to make an application under this subsection or on the chairman, secretary or treasurer of the body corporate”;

(b) omitting subsection (3) and renumbering subsections (4) and (5) as subsections (3) and (4) respectively.

60. Amendment of s. 79. Order with respect to certain consents affecting common property. Section 79 of the Principal Act is amended by inserting in provision (a) after the word “effect” the words “improvements on or”.

61. Amendment of s. 83. Order varying certain contributions. Section 83 of the Principal Act is amended by omitting the expression “38 (2)” and substituting the expression “38A (4)”.

62. Amendment of s. 84. Order to supply information or documents. Section 84 of the Principal Act is amended by omitting the words “managing agent” where they twice occur and substituting the words “body corporate manager” in each case.

63. Amendment of s. 87. Order confirming information for roll. Section 87 of the Principal Act is amended in subsection (1) by omitting the words “managing agent” and substituting the words “body corporate manager”.

64. Amendment of s. 91. Order for variation of contributions or manner of payment thereof. Section 91 of the Principal Act is amended by omitting the expression “38” and substituting the expression “38A”.

65. Amendment of s. 92. Order where voting rights denied or due notice of item of business not given. Section 92 of the Principal Act is amended by omitting subsection (2) and substituting the following subsection:—

“(2) An application for an order under subsection (1) shall be made within the period of 30 days (or such longer period as the referee, in the particular case, allows) after the date of the meeting at which the resolution was passed.”.

66. Amendment of s. 94. Order appointing managing agent to exercise or perform certain powers, etc. Section 94 of the Principal Act is amended by—

(a) omitting from the note to the section the words “**managing agent**” and substituting the words “**body corporate manager**”;

(b) in subsection (1)—

(i) omitting from provision (c) the words “council of a body corporate” and substituting the words “committee of a body corporate or on that committee”;

(ii) omitting the words “managing agent” and substituting the words “body corporate manager”;

(c) in subsection (2), omitting the words “managing agent” where they twice occur and substituting the words “body corporate manager” in each case;

(d) in subsection (3), omitting the words “managing agent” where they thrice occur and substituting the words “body corporate manager” in each case;

(e) in subsection (4), omitting the words “managing agent” and substituting the words “body corporate manager”.

67. New s. 94A. The Principal Act is amended by inserting after section 94 the following section:—

“**94A. Order varying anniversary of first annual general meeting of body corporate.** Where, pursuant to an application by a body corporate for an order under this section, the referee considers that it is reasonable so to do, he may order that a date specified in the order and occurring after the order is made shall, for the purposes of this Act, be taken to be the anniversary of the first annual general meeting of the body corporate whereupon each subsequent anniversary of that date shall for the purposes of this Act be taken to be an anniversary of the first annual general meeting of the body corporate in place of the anniversary of the date on which the first annual general meeting was in fact held.”.

68. New s. 94B. The Principal Act is amended by inserting after section 94A the following section:—

“**94B. Order revoking resolution dispensing with audit.** Where a body corporate has resolved that the accounts of the body

corporate relating to any financial period should not be audited, a referee may, pursuant to an application by a proprietor for an order under this section, if he considers that the accounts of the body corporate should be subjected to such an audit, order the body corporate to appoint a person registered as a public accountant under the *Public Accountants Registration Act 1946-1975* who consents to the appointment to audit the accounts of the body corporate for the relevant period.”.

69. Amendment of s. 95. Copy of order to be served. Section 95 of the Principal Act is amended, in subsection (1), by omitting provision (c) and substituting the following provision:—

“(c) any person to whom notice of the application has been given pursuant to section 73 (1);”.

70. Amendment of s. 98. General provisions relating to orders on appeal. Section 98 of the Principal Act is amended in subsection (2) by omitting the words “council, a managing agent” and substituting the words “committee, a body corporate manager”.

71. Amendment of s. 106. Appeal against order of referee. Section 106 of the Principal Act is amended by—

(a) in subsection (6), after provision (b), inserting the following provision:—

“(ba) each person (other than a person referred to in provision (a) or (b)) on whom pursuant to section 95 a true copy of the order against which the appeal has been lodged has been served by the referee;”;

(b) in subsection (8), after the words “where he”, inserting the words “or it”.

72. Repeal of and new s. 112. Recording on plan of effect of certain orders. The Principal Act is amended by repealing section 112 and substituting the following section:—

“**112. Recording on plan of effect of certain orders.** (1) Where an order is made under section 88, 89 or 90 or under section 92 (being an order referred to in section 92 (3) (a)), the body corporate shall—

(a) lodge in the office of the Registrar of Titles—

(i) if no appeal is lodged against the order or, if an appeal is lodged but the order is not revoked, a copy of the order, certified by the referee as a true copy;

and

(ii) if upon appeal the order is varied by the tribunal, a copy of the order of the tribunal, certified by the referee as a true copy;

and

(b) pay the prescribed fee,

and the Registrar of Titles shall record the order on the registered plan to which the order relates.

(2) The body corporate shall lodge a copy of the relevant order as provided in subsection (1) forthwith—

(a) upon the expiration of the time allowed for an appeal against the referee's order;

or

(b) if an appeal is lodged upon the determination of that appeal,

whichever is the later.”.

73. Amendment of s. 113. Penalty for contravention of certain orders. Section 113 of the Principal Act is amended in subsection (1) by omitting the expression “\$100” and the expression “\$10” and substituting the words “Four penalty units” and the words “One penalty unit” respectively.

74. Amendment of s. 117. Inquiries. Section 117 of the Principal Act is amended by inserting in paragraph (a) (ii) after the word “Act” the words “within the period of six years prior to the inquiry”.

75. New s. 121A. the Principal Act is amended by inserting after section 121 the following section:—

“**121A. Limited right of action by body corporate.** A body corporate shall not institute proceedings against any person other than a proprietor without first obtaining the approval therefor of the body corporate by special resolution.”.

76. Amendment of s. 127. Service of documents on body corporate, proprietors and others. Section 127 of the Principal Act is amended in subsection (2) by—

(a) omitting from provision (a) the expression “38 (1) (d)” and substituting the expression “37 (1) (d)”;

(b) inserting in provision (b) after the word “plan” the words “or at the address of the parcel”.

77. Amendment of s. 129. Powers of entry of referee in certain cases. Section 129 of the Principal Act is amended, in subsection (2), in provision (b), by omitting the words “managing agent” and substituting the words “body corporate manager”.

78. Repeal of and new s. 131. Voting rights of mortgagees. The Principal Act is amended by repealing section 131 and substituting the following section:—

“**131. Voting rights of first mortgagees.** Where a proprietor's interest is subject to a registered first mortgage notice of which

has been given pursuant to section 53 to the body corporate, the power of voting conferred upon a proprietor by or under this Act—

- (a) where a unanimous resolution is required, shall be exercised by the mortgagee and shall not be exercised by the proprietor;
- (b) in other cases, may be exercised by the proprietor unless the mortgagee, or where a mortgagee is a corporation, the company nominee of the corporation, is present personally or by proxy whereupon the mortgagee, or as the case may be, the company nominee may exercise the power of voting personally or by proxy and, if the mortgagee or company nominee does so, the proprietor shall not exercise that power.”.

79. Amendment of s. 134. Regulations. Section 134 of the Principal Act is amended by—

(a) in subsection (1) omitting from provision (g) the word “councils” and substituting the word “committees”;

(b) adding at the end thereof the following subsection:—

“(4) Regulations prescribing forms to be used for the purposes of this Act may also prescribe—

- (a) the size, type and quality of paper upon which a form may be printed;
- (b) the size and nature of the type to be used in the printing and completion of a form;
and
- (c) the ink or other substance with which a form shall or may be printed or completed.”.

80. Amendment of Second Schedule, Part 1. The Principal Act is amended in the Second Schedule, in Part 1, by—

(a) in clause 3—

(i) in subclause (1), omitting provision (a) and substituting the following provision:—

“(a) set forth the date and time when and the place where the meeting is to be held and set forth as the agenda of the meeting the items referred to in section 29 (2) and, if an item referred to in section 29 (2A) is to be moved, that item and any other appropriate items;”;

(ii) in subclause (3), omitting the words “and the place where the meeting is to be held”;

(iii) after subclause (3), inserting the following subclause:—

“(4) A meeting shall not be held at any place outside a radius of 15 kilometres from the parcel if, prior to the commencement

of the meeting, 25 per centum of the persons entitled to vote at the meeting object to that place by notice in writing to the secretary of the committee.”;

(b) in clause 5 omitting from subclause (6) all words from and including the words “dissent unless” to the end of the subclause and substituting the words “dissent unless—

(a) all contributions levied and due and payable at least 30 days before the meeting in respect of the lot in respect of which he is entitled to vote;

and

(b) any other moneys recoverable under this Act by the body corporate from him at the date of the notice given under clause 3 (1),

have been duly paid before the commencement of the meeting.”;

(c) omitting from the note to clause 11 the word “council” and substituting the word “committee”.

81. Amendment of Second Schedule, Part 2. The Principal Act is amended in the Second Schedule, in Part 2, by—

(a) in clause 1—

(i) omitting subclause (1);

(ii) in subclause (4) (a)—

(A) after provision (i), inserting the following provision:—

“(ia) set forth the date and time when and the place where the meeting is to be held;”;

(B) in provision (ii), omitting the words “and the place where the meeting is to be held” and substituting the following expression and words:—

“;

(iia) set forth the business of the meeting and therein, in respect of each motion to be considered by the meeting, specify whether the motion to be carried requires a resolution, special resolution, resolution without dissent or unanimous resolution”;

(iii) after subclause (4), inserting the following subclause:—

“(4A) A general meeting of a body corporate shall not be held at any place outside a radius of 15 kilometres from the parcel if, prior to the commencement of the meeting, 25 per centum of the persons entitled to vote at the meeting object to that place by notice in writing to the secretary of the committee.”;

(iv) in subclause (5)—

(A) in provision (a), omitting the expression “38 (1) (h)” and substituting the words “38D (1) (c) and, where the accounts of the body

corporate for that period are required by this Act to be audited a copy of a certificate by the auditor certifying whether the statement of accounts—

(i) is in agreement with the accounts;
and

(ii) in his opinion fairly sets out the financial transactions for the period to which it relates and shows a true and fair view of the state of affairs at the close of that period”;

(B) after provision (b), inserting the following provision:—

“(ba) include a form of motion for the appointment of a person registered as a public accountant under the *Public Accountants Registration Act 1946-1975* to audit the accounts of the body corporate for the next ensuing financial year;”;

(v) after subclause (5), inserting the following subclause:—

“(5A) The notice for an annual general meeting may include a motion that the accounts of the body corporate relating to the next ensuing financial year shall not be audited:

Provided that such a motion shall not be carried except by a special resolution.

If the motion is so carried the motion referred to in subclause (5) (ba) shall not be proceeded with.

Nothing in this subclause shall prevent a body corporate resolving by ordinary resolution that the accounts of the body corporate relating to any period specified in the resolution shall be audited.”;

(vi) in subclause (6)—

(A) omitting from provision (c) the words “and, where the notice is for an annual general meeting, each person to whom a ballot-paper is given in accordance with subclause (5) (c),”;

(B) omitting from provision (c) (ii) the words “and payable on the lot” and substituting the words “in respect of the lot and due and payable at least 30 days before the meeting”;

(C) omitting provision (c) (iii) and substituting the following provision:—

“(iii) either—

(A) in person at the meeting;

(B) by a person appointed by writing given to the secretary of the body corporate before a time specified in the notice (being a time not later than the time for the holding of the meeting) as a proxy;

(C) in respect of some or all of the motions set out in the notice by casting his vote on the voting-paper referred to in paragraph (b) accompanying the notice;

or

(D) in respect of the election of the chairman, secretary or treasurer of the body corporate and other members of the committee, by furnishing to the secretary of the body corporate the ballot-paper given to him in accordance with subclause (5) (c) indicating his vote thereon.”;

(vii) after subclause (6), inserting the following subclause:—

“(6A) (a) A person is not entitled to submit a motion for inclusion in the agenda of a meeting, to move a motion at the meeting or to nominate a person for election as the chairman, secretary or treasurer of the body corporate or a member of the committee unless he is entitled to vote on that motion or in that election.

(b) For the purposes of paragraph (a), a proprietor who but for the existence of a mortgage over his lot or his failure to pay any contribution levied or other amount recoverable by the body corporate, would be entitled to vote on a motion or in an election or a company nominee of any such proprietor that is a corporation shall be deemed to be entitled to vote on that motion or in that election.”;

(viii) after subclause (9), inserting the following subclause:—

“(10) No business shall be raised at a meeting unless that business is set forth in the notice of the meeting.”;

(b) in clause 2—

(i) inserting in subclause (3) after the words “or co-mortgagees” the words “including, where a co-proprietor or co-mortgagee is a corporation, the company nominee of that corporation as shown on the roll”;

(ii) inserting in subclause (4) after the words “in a lot” the words “or, where that proprietor is a corporation, the company nominee of that corporation as shown on the roll”;

(iii) inserting in subclause (5) after the words “of a lot” the words “or, where that proprietor is a corporation, the company nominee of that corporation as shown on the roll”;

(iv) in subclause (6)—

(A) omitting from provision (c) the word “payable” and substituting the words “due and payable at least 30 days before the meeting”;

(B) omitting the words “at the date of the notice given under clause 1 (4)”;

(C) inserting in provision (d) after the word “him” the words “or the proprietor of the lot at the date of the notice given under clause (1) (4)”;

(c) omitting from clause 7 the words “one of their number” and substituting the words “a person present at the meeting”;

(d) omitting from the note to clause 10 the word “council” and substituting the word “committee”;

(e) inserting after clause 11 (3) the following subclause:—

“(3A) In addition to the provisions of subclauses (2) and (3), a motion which if it is to be effective, is required by this Act to be carried by a special resolution, is not passed if the proprietors of at least 25 per centum of the total number of persons who are proprietors vote against the motion.”;

(f) inserting in clause 13 (2) after the words “his lot” the words “or his failure to pay any contribution levied or other amount recoverable by the body corporate”;

(g) omitting from clause 16 (1) the word “secretary” and substituting the words “original proprietor”.

82. Amendment of Third Schedule. The Principal Act is amended in the Third Schedule by—

(a) omitting by-laws 1 to 9 both inclusive and omitting by-laws 20 and 21;

(b) omitting from by-law 11 the word “A” and substituting the words “Save where a by-law made pursuant to section 30 (7) authorizes him so to do, a”;

(c) inserting in by-law 14, in provision (b), after the word “lot” the following expression and words:—

“:

Provided that the locking or other safety device or, as the case may be, screen or other device is constructed in a workman-like manner, is maintained in a state of good and serviceable repair by the proprietor and does not detract from the amenity of the building”;

(d) renumbering by-laws 10 to 19 both inclusive as by-laws 1 to 10;

(e) adding at the end thereof the following by-law:—

“**11. Keeping of animals.** Subject to section 30 (12), a proprietor or occupier of a lot shall not, without the approval in writing of the body corporate, keep any animal upon his lot or the common property.”.

83. New Fourth Schedule. The Principal Act is amended by inserting, after the Third Schedule, the following schedule:—

“FOURTH SCHEDULE

Section 48B

PROVISIONS APPLYING TO COMMITTEES AND OFFICE BEARERS

1. Committee’s power to employ agents and servants. Subject to sections 46, 48 and 50, a committee may employ for and on

behalf of the body corporate such agents and servants as it thinks fit in connexion with the exercise and performance of the powers, authorities, duties and functions of the body corporate.

2. Notice-board. A committee shall cause a notice-board to be affixed to some part of the common property.

3. Meetings and delegation of powers and duties. The committee may—

- (a) subject to clauses 4 and 5, meet together for the conduct of business, adjourn and otherwise regulate its meetings as it thinks fit;
- (b) subject to any restriction imposed or direction given at a general meeting, delegate to one or more of its members such of its powers and duties as it thinks fit and at any time revoke such delegation.

4. Meeting at request of members. The secretary of the body corporate or in his absence, any member of the committee, at the request of not less than one-third of the members of the committee, shall convene a meeting of the committee within the period of time, if any, specified in the request or, if not so specified, within 7 days of the making of the request.

5. Place of meeting. A meeting of the committee shall not be held at any place outside a radius of 15 kilometres from the parcel if, prior to the commencement of the meeting, any person entitled to vote at that meeting objects to that place by notice in writing to the secretary of the committee.

6. Notice of committee meetings. For not less than 24 hours ending immediately before a committee holds a meeting the secretary or member of the committee convening the meeting shall cause a notice of intention to hold the meeting, containing the agenda for the meeting, to be displayed on the notice-board.

7. Voting in writing by members of committee. Where—

- (a) clause 6 has been complied with in relation to any meeting;
- (b) the committee has caused to be served on each member of the committee a copy of any motion for a proposed resolution to be submitted at that meeting; and
- (c) any such resolution has been approved in writing by a majority of the members of the committee,

the resolution shall, subject to section 45 (3), be as valid as if it had been duly passed at a duly convened meeting of the committee, notwithstanding that the meeting was not held.

8. Minute of certain resolutions to be included in committee's minutes. The committee shall cause to be included in its minutes a minute of all resolutions passed pursuant to clause 7.

9. Acts etc., of committee valid notwithstanding vacancies. Any act or proceeding of a committee done in good faith is,

notwithstanding that at the time when the act or proceeding was done, taken or commenced there was—

- (a) a vacancy in the office of a member of the committee;
or
- (b) a defect in the appointment, or a disqualification of a member,

as valid as if the vacancy, defect or disqualification did not exist and the committee were fully and properly constituted.

10. Powers and duties of secretary. The powers and duties of a secretary of a body corporate include—

- (a) the preparation and distribution of minutes of meetings of the body corporate and the submission of a motion for confirmation of the minutes of any meeting of the body corporate at the next such meeting;
- (b) the giving on behalf of the body corporate and of the committee of the notices required to be given under this Act;
- (c) the maintenance of the roll;
- (d) the supply of information on behalf of the body corporate in accordance with section 40 (1) (a) and (b);
- (e) the answering of communications addressed to the body corporate;
- (f) the calling of nominations of candidates for election as chairman, secretary and treasurer of the body corporate and other members of the committee;
and
- (g) subject to sections 5 (7) (b), 29 (1) and (6) and 43 (2) (b) and clause 3 (b), the convening of meetings of the body corporate and of the committee.

11. Powers and duties of treasurer. The powers and duties of a treasurer of a body corporate include—

- (a) the notifying of proprietors of any contributions levied pursuant to this Act;
- (b) the receipt, acknowledgement and banking of and the accounting for any money paid to the body corporate;
- (c) the preparation of any certificate applied for under section 40 (1) (c);
and
- (d) the keeping of the books of account referred to in section 38D (1) (b) and the preparation of the statement of accounts referred to in section 38D (1) (c).”.

84. Amendment relating to change of title of councils to committees.
 The Principal Act is amended by omitting from the provisions indicated in the following table the word “council” and substituting the word “committee” in each case:

TABLE

<i>Enactment to be amended</i>	<i>Where the word “council” occurs</i>
Section 28. Seal of body corporate.	Subsection (1) (b) in 2 places Subsection (2) (b) in 2 places
Section 29. Meetings of body corporate.	Subsection (2) (c) and (d)
Section 40. Supply of information, certificates and copies by body corporate.	Subsections (1) (a) and (1) (b) (iv)
Section 42. Constitution of councils.	Subsections (1), (2) and (3) (a), subsection (3) (b) in 2 places, subsection (6) in 4 places, subsection (7) in 5 places, subsection (8), subsection (9) in 2 places, subsection (10), subsection (11) in 3 places, subsections (12) and (13), subsection (14) in 2 places
Section 43. Vacation of office of member of council.	Subsections (1) and (1) (b) (ii), proviso to subsection (1) (b), subsection (1) (d), (e) and (f)
Section 44. Chairman, secretary and treasurer of council.	Subsection (1) in 2 places, subsection (2) (c), subsection (3) in 2 places, subsection (4), subsection (5) in 2 places
Section 45. Meetings of councils.	Subsection (2), subsection (3) in 2 places, subsection (4)
Section 46. Council’s decisions to be decisions of body corporate.	Subsections (2) and (3)
Section 47. Statutory restrictions on powers of councils.	Subsection (1), subsection (2) in 2 places

TABLE—*continued*

<i>Enactment to be amended</i>	<i>Where the word "council" occurs</i>
Section 94. Order appointing managing agent to exercise or perform certain powers, etc.	Subsection (2) (a)
Section 127. Service of documents on body corporate, proprietors and others.	Subsections (1) and (3) in 2 places
Section 129. Powers of entry of referee in certain cases.	Subsection (2) (a)
Part 1 of Second Schedule. First Annual General Meeting.	Clause 4 (2), clause 11
Part 2 of Second Schedule. Meetings Other Than First Annual General Meeting.	Clause 1 (2) (a), (2) (b), (3), (3) (a) in 2 places, (3) (b) in 2 places, (4) (a) (iii), (5) (c), (6) (a) (ii) in 2 places, and (6) (c), clause 2 (1), (2), (4), (5) and (6) (b), clause 3 (2) and (3), clauses 5, 6, 9, 10 and 13.