

Body Corporate and Community Management (Body Corporate Certificate Fees) and Other Legislation Amendment Regulation 2025

Explanatory notes for SL 2025 No. 50

Made under the

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

General Outline

Short Title

*Body Corporate and Community Management (Body Corporate Certificate Fees) and
Other Legislation Amendment Regulation 2025*

Authorising law

Sections 205, 319 and 322 of the *Body Corporate and Community Management Act 1997*
Sections 40AA and 134 of the *Building Units and Group Titles Act 1980*

Policy objectives and the reasons for them

The policy objective of the *Body Corporate and Community Management (Body Corporate Certificate Fees) and Other Legislation Amendment Regulation 2025* (Amendment Regulation) is to prescribe fees relating to a request for a new body corporate certificate under section 205 of the *Body Corporate and Community Management Act 1997* (BCCM Act) and section 40AA of the *Building Units and Group Titles Act 1980* (BUGT Act) and remove the fees relating to existing certificates under the BCCM Act and BUGT Act.

The body corporate certificate forms part of the seller disclosure scheme for the sale of existing lots in Queensland to be introduced by the *Property Law Act 2023* (Property Law Act), which will commence on 1 August 2025. The seller disclosure scheme will simplify and consolidate the disclosure process for sales of existing lots and empower prospective buyers to make informed decisions to purchase.

The seller disclosure scheme will require that, before a contract for the sale of a lot is signed by the buyer, the seller must give the buyer a disclosure statement and each prescribed certificate applicable to the lot. A body corporate certificate will be a prescribed certificate for the sale of an existing lot in a community titles scheme under the BCCM Act, or in a plan under the BUGT Act (a BUGTA scheme).

The body corporate certificate will contain general information about owning a lot in a community titles scheme or a BUGTA scheme, including financial obligations, and will also include specific information about the lot and scheme that are relevant to the buyer's purchasing decision.

As part of establishing the supporting framework for the seller disclosure reforms, the Property Law Act will amend the BCCM Act and BUGT Act to replace various existing disclosure statements and information certificates under those Acts with the new body corporate certificate.

The BCCM Act and the BUGT Act, as amended by the Property Law Act, will provide that an interested person may ask the body corporate for a body corporate certificate, and the body corporate must give the person a body corporate certificate for the lot in the approved form within five business days after receiving a request. A request made under the BCCM Act must be accompanied by the fee prescribed by the regulation module applying to the community titles scheme and a request made under the BUGT Act must be accompanied by the fee prescribed by regulation.

In most cases, a person seeking a body corporate certificate will be the owner of a lot included in the scheme who is selling their lot, and is requesting the certificate to meet their disclosure obligations under the seller disclosure scheme. However, other interested persons who may request a certificate include the buyer of a lot, the mortgagee of a lot, another person who establishes a proper interest in the information being sought, and the agent of a person who may request a certificate.

The prescribed fees relating to the body corporate certificate are designed to compensate the body corporate for preparing the body corporate certificate, while also capping the amount a body corporate can charge an interested person for a body corporate certificate so that the amounts charged are reasonable and appropriate.

Achievement of policy objectives

The Amendment Regulation will achieve the policy objectives by omitting the fees relating to the existing certificate under the BCCM Act and inserting fees relating to the body corporate certificate in the following regulation modules under the BCCM Act:

- *Body Corporate and Community Management (Accommodation Module) Regulation 2020;*
- *Body Corporate and Community Management (Commercial Module) Regulation 2020;*
- *Body Corporate and Community Management (Small Schemes Module) Regulation 2020;*
- *Body Corporate and Community Management (Specified Two-lot Schemes Module) Regulation 2011;* and
- *Body Corporate and Community Management (Standard Module) Regulation 2020.*

The Amendment Regulation will also achieve the policy objective by omitting the fees relating to the existing certificate under the BUGT Act and inserting fees relating to the body corporate certificate in the *Building Units and Group Titles Regulation 2008*.

These amendments will commence on 1 August 2025, concurrently with the commencement of the Property Law Act.

The Amendment Regulation also makes supporting amendments to the *Body Corporate and Community Management (Body Corporate Certificates) and Other Legislation Amendment Regulation 2024*, relating to the omission of fees for existing certificates. These amendments will commence on notification.

The same fee will be prescribed for the new body corporate certificate under the BCCM Act and the body corporate certificate under the BUGT Act because comparable information must be included in both certificates, with only minor differences due to the differing management arrangements under the Acts.

The Amendment Regulation will prescribe that the fee of 76.75 fee units must accompany a request for a body corporate certificate. However, if the person requesting the certificate has requested a certificate for the same lot within the previous 3 months, the fee of 65.24 fee units must accompany the request.

The Amendment Regulation will also provide that a fee of 27.35 fee units is payable for a request for a certificate to be given within 24 hours. The body corporate must refund this fee if the certificate is not given within 24 hours.

The fee for the body corporate certificate is close to the fee for existing certificates under the BCCM Act and BUGT Act, given the costs for a body corporate associated with preparing the new body corporate certificate will be broadly comparable to preparing the existing certificates. While increased information must be included in the body corporate certificate compared to existing certificates, it is considered that there should only be limited increases in time taken for a body corporate to prepare the body corporate certificate. This is on the basis that the information to be included should be readily available from the body corporate records and, as much of the additional information relates to the scheme as a whole, will not vary between certificates and can be re-used.

Consistency with policy objectives of authorising law

The Amendment Regulation is consistent with the main objects of the BCCM Act and the BUGT Act.

Inconsistency with policy objectives of other legislation

The Amendment Regulation is not inconsistent with the policy objectives of other legislation.

Benefits and costs of implementation

The prescribed fee seeks to achieve a balance between the body corporate being able to recoup costs associated with preparation of the body corporate certificate, while also capping the amounts that a body corporate may charge an interested person to ensure the amounts charged are reasonable and appropriate.

It is likely that interested persons will only seek to obtain a body corporate certificate infrequently (for example, when they are selling a property), meaning that the prescribed fee for the certificate will not be frequently paid by an individual interested person. The fee amounts are not considered to impose a significant adverse impact on an interested person.

There are no significant costs for Government associated with the implementation of the prescribed fees.

Consistency with fundamental legislative principles

The Amendment Regulation is considered to be consistent with fundamental legislative principles.

Consultation

In 2024, a Property Law Working Group (PLWG) was formed, comprised of key property, legal, and community titles sector stakeholders, to support implementation of the Property Law Act. Members of the PLWG were invited to provide comment on an appropriate fee for the certificate.

Most stakeholders who responded to the consultation considered the costs for a body corporate associated with preparing the new body corporate certificate would be broadly comparable to preparing the existing certificates under the BCCM Act and BUGT Act and supported the prescribed fees for the new body corporate certificate being similar to the prescribed fees for the existing certificates. One stakeholder advocated for the fee for the body corporate certificate to be significantly increased from the fee for existing certificates.

The Office of Best Practice Regulation was notified of the proposal to be implemented by the Amendment Regulation. A Summary Impact Analysis Statement (IAS) has been prepared for the Amendment Regulation. The Summary IAS assessed the fees would have some (but not significant) impacts.