

New QLD Strata Regulations – 1 March 2021

The Queensland Government has passed amendments to the Body Corporate and Community Management Regulation Modules with the aim to modernise body corporate regulations and improve protection for owners.

The new amendments came into effect on 1 March 2021 and are intended to reduce costs and formally accommodate common modern practices like online voting and electronic attendances at meetings.

Each of the five updated regulation modules can be accessed below:

- [Body Corporate and Community Management \(Standard Module\) Regulation 2020](#)
- [Body Corporate and Community Management \(Specified Two-lot Schemes Module\) Amendment Regulation 2020](#)
- [Body Corporate and Community Management \(Small Schemes Module\) Regulation 2020](#)
- [Body Corporate and Community Management \(Commercial Module\) Regulation 2020](#)
- [Body Corporate and Community Management \(Accommodation Module\) Regulation 2020](#)

Contents: This document details key changes to the body corporate regulations.

Please note that these are not all the changes.

- Electronic Attendance & Communication
- Insurance - No Longer Subject to the Committee Spending Limit
- VOCs or VOCMs (vote outside a committee meeting)
- Committee Member Financial Status:
- General Meeting Quorums
- Body Corporate Manager to Receive Documents
- Disclosure of Benefits
- Body Corporate Roll
- Owner-Submitted Motions
- Group of Same Issue Motions
- Summary Table

Key Changes

Key Terms:

Standard Module (SM) | Accommodation Module (AM) | Commercial Module (CM) | Small Scheme Module (SSM)

[ELECTRONIC ATTENDANCE & COMMUNICATION](#)

Previous legislation:

There was very little clarity or substance regarding the use of electronic voting and attendance at meetings.

After 1 March 2021:

The new laws will permit electronic voting (including those by secret ballot) and attendance at meetings. This includes the use of “live” electronic voting and remote personal attendance by teleconference or videoconference.

You can also have a representative attend to observe the meeting on an owner’s behalf, if 24 hours’ notice has been given to the Secretary.

What this means:

Approving electronic voting does not mean that all owners must vote electronically. This simply formalises and modernises the means of voting. Communicating and conducting meetings will be a more convenient and streamlined process.

Modules affected: SM, AM, CM, SSM

[INSURANCE - NO LONGER SUBJECT TO THE COMMITTEE SPENDING LIMIT](#)

Previous legislation:

Insurance payments were still subject to Committee Spending Limits so technically committees were acting outside their obligations if they approved a policy above the committee spending limit.

After 1 March 2021:

Committees can now select and approve an insurance policy for their scheme without having to defer the matter to a general meeting.

What this means:

Committees will now be able to select and approve an insurance policy for their scheme allowing for quicker decisions to be made by owners and more practical solutions to situations where policy renewals do not line up in an timely manner with body corporate meetings.

Modules affected: SM, AM, CM

[VOCS OR VOCMS \(VOTE OUTSIDE A COMMITTEE MEETING\)](#)**Previous legislation:**

Allowed for the VOC to be issued but no conclusion reached if voting lapsed.

After 1 March 2021:

VOCs will now provide a definitive answer within 21 days.

What this means:

Committees need to be aware that if they don't respond the motion may be defeated. While this may be appropriate, it also allows owners to challenge that decision.

Modules affected: SM, AM, CM

[COMMITTEE MEMBER FINANCIAL STATUS](#)**Previous legislation:**

Only applied to general meetings not Committee Meetings or VOC's

After 1 March 2021:

If a committee member has a debt to the body corporate they are unfinancial and cannot vote at a meeting or via a VOC.

What this means:

To be active, committee members need to stay up to date with their payments. Arrears will need to be checked before each meeting. Note that even if the member can't vote their presence at the meeting still counts towards the quorum.

Modules affected: SM, AM, CM

GENERAL MEETING QUORUMS

Previous legislation:

Required at least 25 per cent of voters to be present in one form or another at a general meeting before it can start.

After 1 March 2021:

A body corporate can reduce this percentage, by a special resolution, to an amount that is no less than 10 per cent of voters. Bodies corporate will also be able to decide, by a special resolution, that only one voter must be present personally, instead of the current requirement for two voters to be present.

What this means:

For those schemes which struggle to attract a quorum- this will make it easier to conduct successful meeting and limit adjournments.

Modules affected: SM, AM, CM, SSM

BODY CORPORATE MANAGER TO RECEIVE DOCUMENTS

Previous legislation:

Previously, documents like voting papers technically could only be received by the Committee Secretary although it was common practice to have a body corporate manager undertake these duties.

After 1 March 2021:

This practice has been clarified to expressly permit body corporate managers to receive documents on behalf of the Committee Secretary.

What this means:

Claims that voting papers may be challenged as they were sent to the BCM rather than the secretary are no longer valid.

Modules affected: SM, AM, CM, SSM

DISCLOSURE OF BENEFITS

Previous legislation:

Previously when disclosing any benefits received there was very little clarity regarding what information actually had to be provided.

After 1 March 2021:

Body corporate contractors now have to declare any commission they receive and the amount of that commission.

Before a body corporate decides to enter into a contract (including insurance), the body corporate manager and the caretaking service contractor for the scheme will need to disclose any associated:

- commission
- payment
- other benefit, including the amount of the benefit if is monetary.

What this means:

This is a welcome transparency change for the industry that allows owners to clearly see the value of commissions received by agents while working on owners' behalf.

Modules affected: SM, AM, CM, SSM

BODY CORPORATE ROLL

Previous legislation:

You were required to update your Body Corporate with any change of your contact information, or the contact information of your tenant (where the lease or sublease is six months or more) within 2 month from the change occurring e.g. your new tenants moving in.

After 1 March 2021:

You are now required to update your Body Corporate with any change of your contact information, or the contact information of your tenant (where the lease or sublease is six months or more) within 1 month from the change occurring e.g. your new tenants moving in.

What this means:

This is important for new purchasers and owners with tenants. New buyers who don't update their details can't complain if they are charged late fees for unpaid levies if they haven't

provided their contact details. Owners and agents need to keep tenant details up to date. If tenants need to be contacted and details aren't available owners could be to blame.

Modules affected: SM, AM, CM, SSM

OWNER-SUBMITTED MOTIONS

Previous legislation:

Owner submitted motion did not extend to Committee Meetings – just the AGM.

After 1 March 2021:

Owners can now submit a maximum of 6 motions to be decided by the Committee within a 12 month period. If they have reached this maximum, the Committee must give written notice to the owner of that.

The Committee then has 6 weeks to make a decision. If a reasonable reason can be given then the Committee can be afforded a further 6 weeks to make a decision. If a resolution is not made (either via VOCM or at a meeting) then the decision is deemed to be defeated.

Modules affected: SM, AM, CM, SSM

POWER OF ATTORNEY

Previous legislation:

Anyone could hold a power of attorney and there were no restrictions on numbers.

After 1 March 2021:

The use of a power of attorney at a general meeting has been restricted so that the same attorney cannot be appointed for different owners (other than family members).

A person will only be able to vote on motions at a general meeting, under the authority of a power of attorney for one lot owner.

What this means:

Should limit instances of “proxy farming” where individuals or minority groups collect votes from fellow owners who can't or won't attend their buildings' annual general meetings, giving them a majority over those who actually turn up at the meetings.

Modules affected: SM, AM, CM, SSM

GROUP OF SAME ISSUE MOTIONS

Previous legislation:

For motions dealing with the same issue, a body corporate's meeting agenda and voting papers required that the motion be submitted by the body corporate committee that firstly, identifies the issue to be dealt with, and secondly, a list of the alternative motions received by the body corporate proposing alternative action on the issues. If one of the alternatives required a special resolution to pass under the regulations, all alternatives had to meet that higher threshold.

After 1 March 2021:

Two or more motions that propose alternative ways of dealing with the same issue will now be categorised – on the agenda and in the voting papers – as a 'group of same-issue motions'.

Under the new provisions, owners will now be able to vote for or against any or all motions in the group, or abstain from voting on any or all of the motions

What this means:

The aim of the "group of same-issue motions" provisions in the new regulations is to facilitate – as far as practicably possible – the success of the most popular motion in the group.

Modules affected: SM, AM, CM, SSM

See below for a flow chart dealing the process for deciding on a "group of same issue motions"



STRATACARE

PROCEDURE FLOW-CHART FOR "GROUP OF SAME ISSUE MOTIONS"



STRATACARE

GROUP OF SAME ISSUE MOTIONS

FLOW-CHART

2 OR MORE MOTIONS THAT PROPOSE ALTERNATIVE WAYS OF DEALING WITH THE SAME ISSUE ARE LISTED ON THE GENERAL MEETING AGENDA UNDER THE TITLE OF " GROUP OF SAME ISSUE MOTIONS"

A VOTER CASTS A VOTE FOR OR AGAINST ONE OR MORE OF THE ORIGINAL MOTIONS

THE VOTES ARE COUNTED TO SEE IF THE ORIGINAL MOTION PASSES

IF THERE IS ONLY 1 QUALIFYING MOTION - THIS MOTION BECOMES THE BODY CORPORATE'S DECISION

IF THERE IS MORE THAN 1 QUALIFYING MOTION - COUNT THE VOTES IN FAVOUR OF EACH MOTION

IF A MOTION RECEIVES THE HIGHEST NUMBER OF VOTES IN FAVOUR - IT BECOMES THE BODY CORPORATE'S DECISION

IF 2 OR MORE MOTIONS HAVE THE EQUAL HIGHEST NUMBER OF VOTES - COUNT THE VOTES IN FAVOUR OF EACH MOTION

IF A MOTION RECEIVED THE FEWEST NUMBER OF VOTES AGAINST THE MOTION - IT BECOMES THE BODY CORPORATE'S DECISION

IF MORE THAN 1 MOTION HAS THE EQUAL HIGHEST NUMBER OF VOTES IN FAVOUR AND AGAINST - THE DECISION IS MADE BY CHANCE E.G COIN TOSS

[NEW LEGISLATION SUMMARY TABLE](#)

Heading	Summary of Previous Legislation	Summary of New Legislation – 1 March 2021
Voting Member of Committee	Co-owners could only be appointed to bring the number of Committee Members to the required amount	Allows Co-Owners of Lots to both be voting members of the Committee for each Lot they own
Electing Committee	Committee Members must be chosen at each AGM	Minor Committee can be created for schemes of three Lots or more but with no more than 3 Owners at any time
Conduct of Elections - secret ballot	Committee elections conducted by secret ballot subsections (1) - (9)	Allows conduct of Committee elections via secret ballot to be carried out by electronic voting if approved to do so by ordinary resolution.
Conduct of Elections - open ballot	Committee elections conducted by open ballot subsections (1) - (9)	Allows conduct of Committee elections via open ballot to be carried out by electronic voting if approved to do so by ordinary resolution.
Conduct of Ballots - general	Conduct of ballots subsections (1) -(6)	Allows for greater control over how ballots are processed to ensure contentious elections are handled in the correct manner
Choosing of Ordinary Committee members	Election of Ordinary Members subsections (1) -(13)	Despite vast reform, very little will change in that if the required number of voting positions are not filled, the Chair must call for nominations from the floor of the meeting
Removing Committee Members	Removal of Committee Members required either by Ordinary Resolution or by breach of Code of Conduct	Changes are inconsequential as removals via a breach of the Code of Conduct will likely remain unused

Agenda for Committee Meetings	None	Lot Owner can submit motions to be included on the agenda of a Committee Meeting or VOC. The Committee must make its decision within 6 weeks. An Owner is restricted to six motions per year and cannot have the same motion considered twice in the same year. this only relates to decisions that can be made by a Committee and failure to vote on a matter means that the motion is defeated
Attendance at Committee Meetings	Attendance of non voting members and non members of the Committee	Committee Meetings can be conducted electronically. An Owner can have a representative attend a Committee Meeting in their stead.
Voting at Committee Meetings	Committee Members Owing a debt were not restricted on voting at Committee Meetings or VOC's	A Committee Member owing a debt to the Body Corporate can be counted to towards the quorum of a Committee Meeting or a VOC, but cannot have their votes recorded.
Voting Outside of Committee Meetings	No time frame was associated with returning of VOC's	VOC's have a 21 days expiry period and failure to vote on a matter means that the motion is defeated
Part 5 Engagements	Part 5's were appointed by Special Resolution via Secret Ballot	Allowed to be conducted via open ballot if supported via ordinary resolution
Receipt of Benefits	None	Only approved benefits can be accepted from a caretaking service contractor unless authorised by the Committee
Submitting Agenda Motions	No provision for Owners to submit motions at the First AGM	Allows owners to submit motions to the First Annual General Meeting
Notice of General Meeting & Conducting Secret Ballots	Secret ballots were conducted by hard copy	Process has been clarified to allow electronic voting for secret ballots
Group of same issue motions	Motions with alternatives	Group of same issue motions - refer to attached flow chart

Document and material to be handed over to the Body Corporate	Original Owner supplied only plans, asset register, insurance COC, IV, SFF, any current Body Corporate records, including agreements, the Body Corporate Seal, improvement registers and Building COC*.	Developer is required to hand over further documents including the approved DA, CMS, Insurance claims in first 12 months , Evac Plans, supply of service agreements, warranties for all BC assets, any proxies, hard copy and electronic
Quorum for General Meetings	Quorum is 25% of voters in a scheme plus two in attendance	Body Corporate can reduce the requirements of a quorum to 10% with one in physical attendance if approved by Special Resolution.
Meaning of Voter for General Meeting	Little restrictions on use of POA.	Amendments to use of POA. POA can only be used by family members and Original Owner
Minutes of general meeting	Full and accurate minutes	Requires explanation for ruling a motion out of order
Disclosure of commission and other benefit	Commission to be disclosed	Commission amount to be disclosed
Committee Spending	No provision for spending over the Committee Spending Limit	Committee Spending limit does not apply to the renewal of insurance
Utility Infrastructure providing a utility service	With regards to utility infrastructure, Section 159 referenced hot water systems, washing machines, clothes driers and another device providing a service to a lot	Additional devices have been added to the Owner's responsibility with regards to the supply of service to a single Lot, including solar, AC and TV antenna
Defect Assessment	None	Defect Assessment motion must be added to first AGM after First AGM.
Giving documents to Lot owners or relevant persons	AGM Notices were posted	Allows AGM Notices to be issued electronically.

Time to give Notice	Notice of change of details were required to be submitted to the Body Corporate within 2 months	Notice to must be given the Body Corporate within 1 month
Update the roll	None	Roll must be updated within 14 days or receipt of information.
Service of documents or information on secretary - general	All documents pertain to the Body Corporate were to be submitted care of the Secretary	BCM can accept correspondence and voting papers on behalf of the Secretary.

Glossary	
AGM	Annual General Meeting
VOC	Voting Outside of Committee Meeting - also called a flying minute
IV	Insurance Valuation
SFF	Sinking Fund Forecast
DA	Development Approval
CMS	Community Management Statement
COC	Certificate of Currency
COC*	Certificate of Classification
POA	Power of Attorney

[FURTHER RESOURCES](#)

Use these links to find out more information on the updates to Queensland's body corporate legislation.

- [Office of the Commissioner for Body Corporate and Community Management](#)
- [Standard Module Regulation Changes – General Meetings](#)
- [Group of same issue motions](#)
- [Strata Community Association \(QLD\) – 2020 Amendments to the BCCM Regulations Information sheet](#)