

## The effect of a change in the regulation module applying to a scheme

*Body Corporate and Community Management Act 1997*

This form is effective from 28 February 2012

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This explanatory note outlines some of the implications of a change to the regulation module applying to a community titles scheme. This note must accompany the voting paper for a general meeting where that voting paper proposes a change to the existing module identified in the community management statement. You should carefully consider the differences between the regulation modules before voting on the motion. **NOTE:** The **bold text** indicates a departure from the 'standard position' as represented by the *Body Corporate and Community Management (Standard Module) Regulation 2008*.

Subject	Standard Module	Accommodation Module	Small Schemes Module	Commercial Module	Specified Two-Lot Schemes Module
<b>Committee</b>	If the body corporate elects a committee, it must consist of a chairperson, secretary, treasurer, and it may also include ordinary committee members.	The same requirement as the Standard Module.	<b>If the body corporate elects a committee, it must consist of a secretary and a treasurer.</b>	<b>The committee consists of a chairperson, secretary, treasurer, and it may also include ordinary committee members.</b>	<b>A scheme under this module is not required to elect a committee.</b>
	An individual lot owner can only nominate themselves, another lot owner or a member of the owner's family for election as a committee voting member.	The same requirement as the Standard Module.	<b>A lot owner or a person nominated by a lot owner is eligible to be the secretary or treasurer of the body corporate.</b>	<b>A lot owner or a person nominated by a lot owner is eligible to be a voting member of the committee.</b>	
	The relevant limit for committee spending can be set by the body corporate. If no amount is set it is an amount determined by multiplying the number of lots in the scheme by \$200.	The same requirement as the Standard Module.	The same requirement as the Standard Module.	<b>There is no limit for committee spending.</b>	
<b>General meetings</b>	The notice of a general meeting must include a voting paper that states each motion to be considered at that meeting.	The same requirement as the Standard Module.	<b>There is no requirement for voting papers to be included in the notice of a general meeting.</b>	The same requirement as the Standard Module.	<b>A scheme under this module is not required to hold general meetings. Body corporate decisions are made by written agreements (lot owner agreements) between the owners of both lots included in the scheme.</b>
	A person must not hold: <ul style="list-style-type: none"> <li>If there are 20 or more lots in the scheme, proxies greater in number than 5% of the lots.</li> <li>If there are less than 20 lots in the scheme, more than 1 proxy.</li> </ul>	<b>A person must not hold:</b> <ul style="list-style-type: none"> <li><b>If there are 20 or more lots in the scheme, proxies greater in number than 10% of the lots.</b></li> <li>If there are less than 20 lots in the scheme, more than 1 proxy</li> </ul>	<b>No restriction on the number of proxies a person may hold at a general meeting.</b>	<b>No restriction on the number of proxies a person may hold at a general meeting.</b>	
	A proxy vote cannot be used for electing or appointing a member of the committee.	The same requirement as the Standard Module.	<b>No equivalent provision.</b>	<b>No equivalent provision.</b>	

Subject	Standard Module	Accommodation Module	Small Schemes Module	Commercial Module	Specified Two-Lot Schemes Module
<b>Body corporate managers, service contractors and letting agents</b>	Not eligible to be a voting member of the committee.	The same requirement as the Standard Module.	<b>Body corporate managers and service contractors are not eligible to be secretary or treasurer.</b>	<b>Body corporate managers only are ineligible to be a voting member of the committee.</b>	<b>A body corporate manager or service contractor engaged by a body corporate for a scheme under this module is not eligible to be a representative of an owner of a lot included in the scheme.</b>
	The term of engagement of a body corporate manager must not be longer than three years, including options.	The same requirement as the Standard Module.	<b>The term of engagement of a body corporate manager must not be longer than one year, including options.</b>	The same requirement as the Standard Module.	<b>The term of engagement of a body corporate manager must not be longer than one year, including options.</b>
	The term of engagement of a service contractor must not be longer than ten years.	<b>The term of engagement of a service contractor must not be longer than 25 years.</b>	<b>The term of engagement of a service contractor must not be longer than one year.</b>	<b>The term of engagement of a service contractor must not be longer than 25 years.</b>	<b>The term of engagement of a service contractor must not be longer than one year.</b>
	The term of authorisation of a letting agent must not be longer than ten years.	<b>The term of authorisation of a letting agent must not be longer than 25 years.</b>	<b>There cannot be a letting agent for a scheme under this module.</b>	<b>The term of authorisation of a letting agent must not be longer than 25 years.</b>	<b>There cannot be a letting agent for a scheme under this module.</b>
<b>Financial matters</b>	The body corporate must be authorised by a resolution without dissent before it can borrow an amount exceeding the number of lots multiplied by \$250.	<b>The body corporate must be authorised by a special resolution before it can borrow an amount exceeding the number of lots multiplied by \$250.</b>	<b>The body corporate must be authorised by a resolution without dissent before it can borrow more than \$3000.</b>	<b>The body corporate must be authorised by special resolution before it can borrow an amount exceeding the number of lots multiplied by \$250.</b>	<b>A body corporate for a scheme under this module may fund body corporate expenses in a way agreed between the owners of the lots included in the scheme. There is no requirement for the body corporate to decide annual budgets, levy contributions, establish administrative and sinking funds or prepare annual statements of accounts.</b>
	The body corporate must establish and maintain an administrative fund and a sinking fund.	The same requirement as the Standard Module.	The same requirement as the Standard Module.	<b>The body corporate may also keep and maintain a promotion fund.</b>	
<b>Property matters</b>	The body corporate may, by special resolution, grant or amend a lease for three years or less over part of the common property.	<b>The body corporate may, by special resolution, grant or amend a lease for ten years or less over part of the common property.</b>	The same requirement as the Standard Module.	<b>The body corporate may, by special resolution, grant or amend a lease for ten years or less over part of the common property.</b>	<b>The body corporate may, by lot owner agreement, grant or amend a lease over part of the common property. There is no maximum time limit for the lease.</b>
<b>Records</b>	The body corporate must allow all committee members reasonable access (without payment of a fee) to the body corporate records. Members of the body corporate who are not committee members are entitled to access after payment of a fee prescribed under the module.	The same requirements as the Standard Module.	The body corporate must allow the secretary and treasurer reasonable access (without payment of a fee) to the body corporate records. Members of the body corporate who are not committee members are entitled to access after payment of a fee prescribed under the module.	The same requirements as the Standard Module.	<b>The body corporate must allow the owners of each lot included in the scheme reasonable access (without payment of a fee) to the body corporate records. The body corporate must also appoint a person prescribed in the regulation to keep the body corporate records.</b>