



Department of Justice and Attorney-General

Office of the Commissioner for Body
Corporate and Community Management

Community Legal Centres Queensland

All about the Office of the Commissioner for Body Corporate and Community
Management

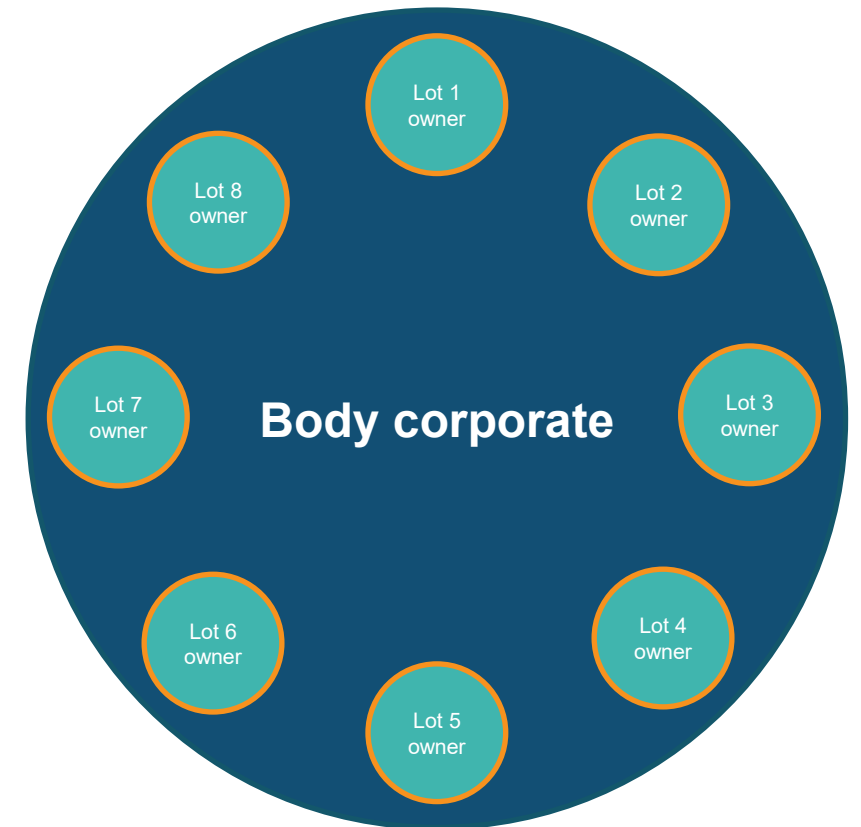


Queensland
Government



What is a body corporate?

- Different types of bodies corporate in Queensland
- Most are community titles schemes (CTS)
- They are subdivided into:
 - Building format plan – BFP (previously BUP)
 - Standard format plan – SFP (previously GTP)
- Are a legal entity – can sue, get sued and enter into contracts
- Makes decisions by members voting





CTS facts



Schemes
52,589



**ICEU Annual
phone calls**
15,695

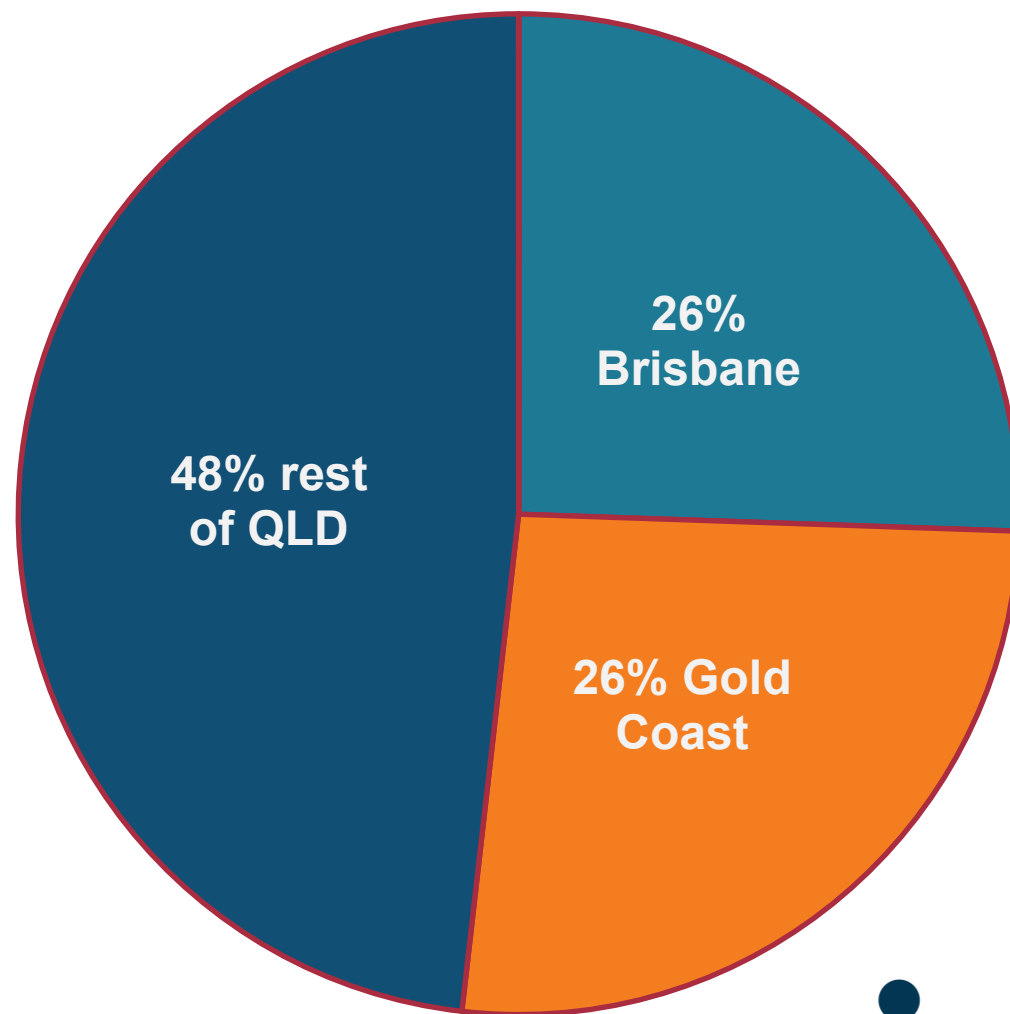


Individual lots
534,958



**Annual dispute
applications**
1,489

QLD CTS Locations





Legislative framework

CTS

Body Corporate and Community Management Act 1997 (the BCCM Act)

Five regulation modules:

- Standard
- Small Schemes
- Specified Two-lot Schemes
- Accommodation
- Commercial

BUP / GTP

Building Units and Group Titles Act 1980 (the BUGT Act or “BUGTA”)

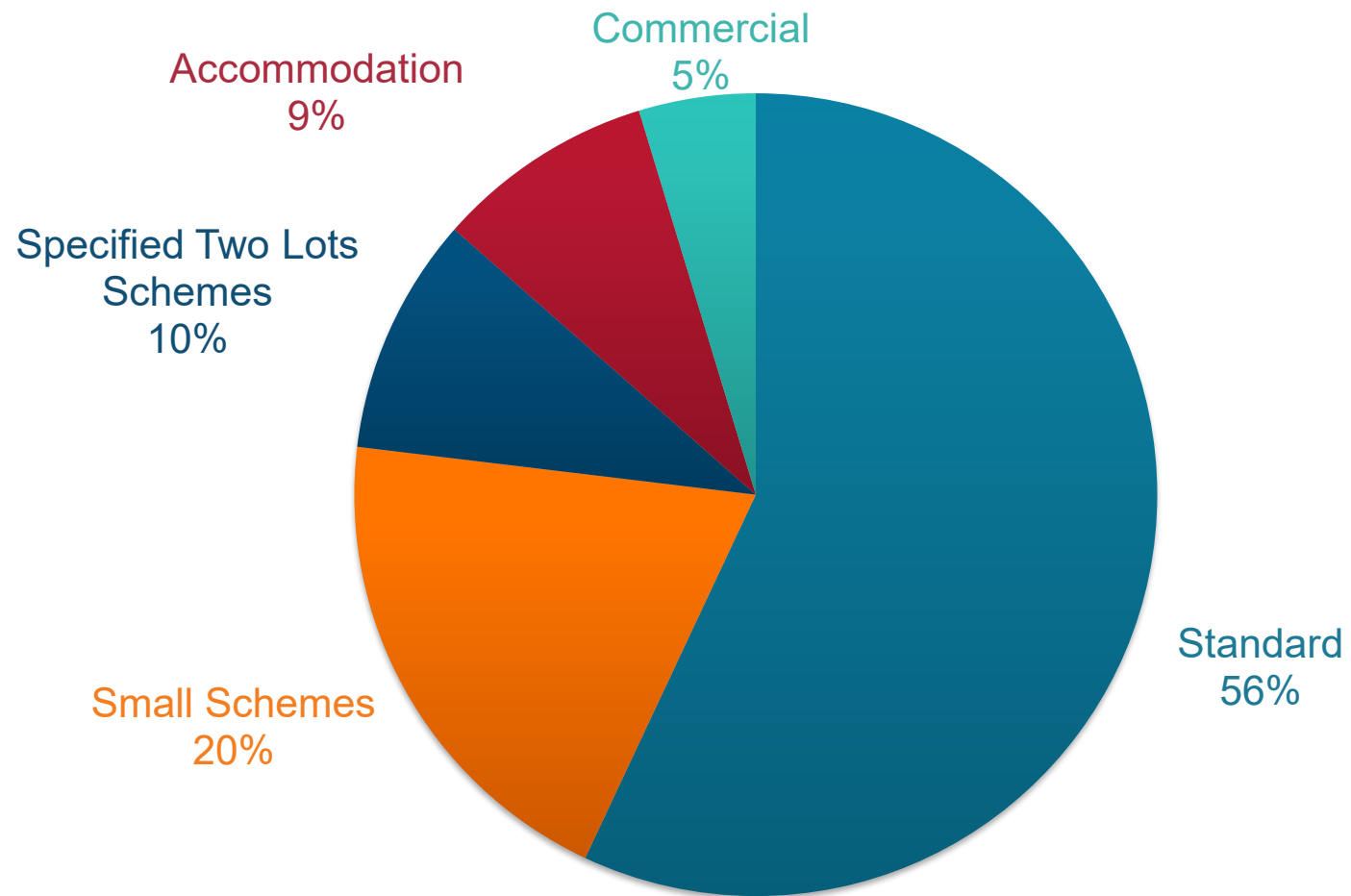
Specified Acts:

- Integrated Resort Development Act
- Mixed Use and Development Act
- Sanctuary Cove Act





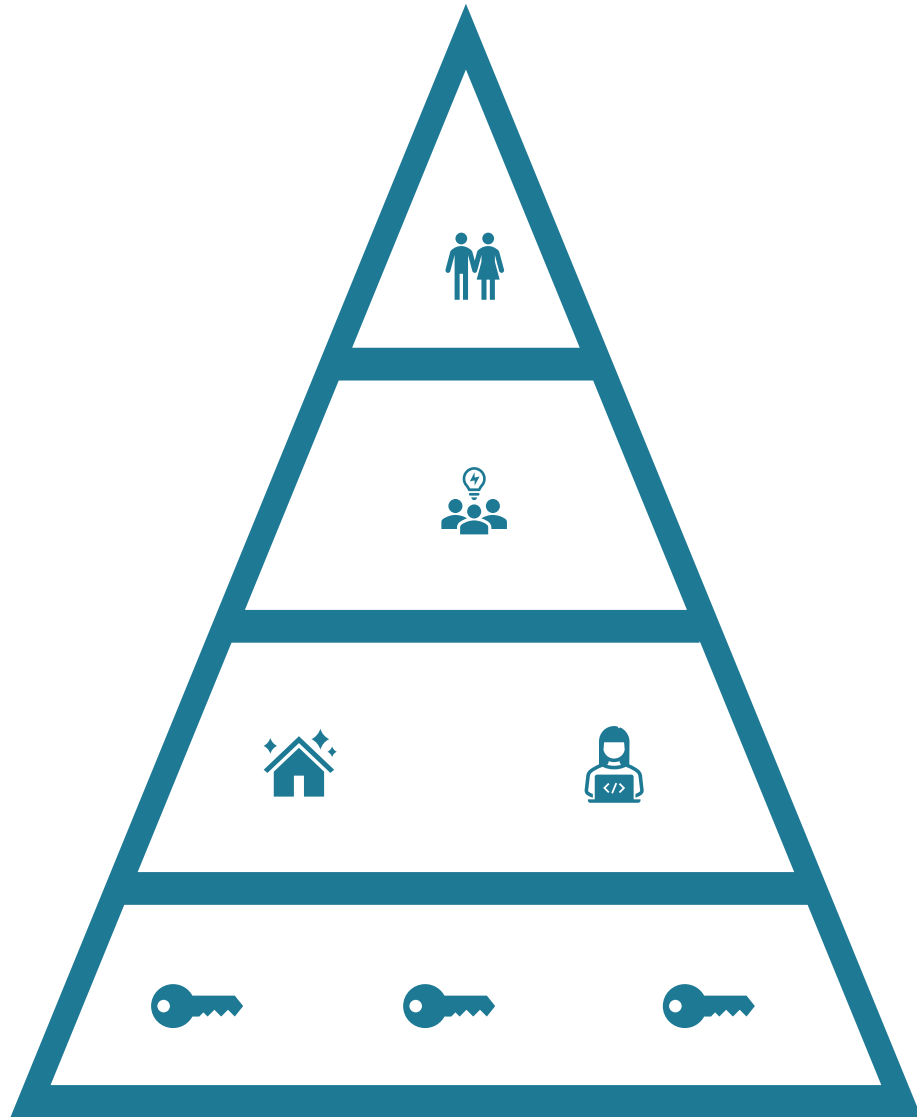
CTS statistics



■ Standard ■ Small Schemes ■ Specified Two Lots Schemes ■ Accommodation ■ Commercial



Who is who in a body corporate?



Body corporate (owners)

Each owner automatically becomes a member of the body corporate upon purchasing a lot. They cannot opt out.



Committee

Required to be elected annually and is usually made up of lot owners. The committee makes decisions on behalf of the body corporate.



Caretaker

Engaged to perform specific duties outlined in an agreement that help a body corporate meet its legal obligations.



Body corporate manager

Can be engaged to supply administrative services to the body corporate to act on behalf of the committee.



Tenant

Is an occupier within the scheme.





Key legislative objectives (BCCM Act)

- Self-management as an inherent aspect of community titles schemes – **section 4(a) BCCM Act**
- Provide bodies corporate with the flexibility they need in their operations – **section 4(f) BCCM Act**
- Ensure accessibility to information – **section 4(h) BCCM Act**
- Encourage the tourism potential of community title schemes without diminishing rights and responsibilities of owners – **section 4(c) BCCM Act**





Commissioner's office

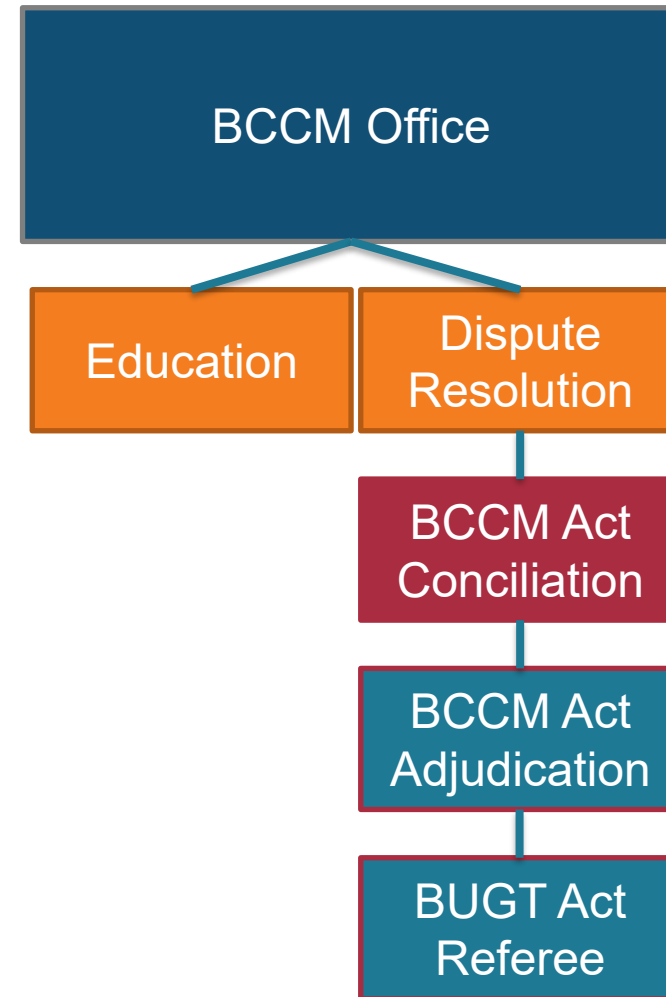
Appointment of a Commissioner – section 231, BCCM Act

Two functions under Chapter 6 of the BCCM Act:

- ✓ Information and community education
- ✓ Dispute resolution

Is not:

- ✗ A complaints body
- ✗ Advocacy service
- ✗ Investigative agency





Information and community education unit

CAN

Provide general information on:

- BCCM Act & regulation modules
- BUGT Act and some of the Specified Acts
- Processes and forms

CANNOT

Provide:

- Legal advice
- Directions or rulings





Dispute resolution

Reasonable steps taken to resolve the issue internally

Average time from referral to order made is 22 weeks



Average of 4 to 6 weeks

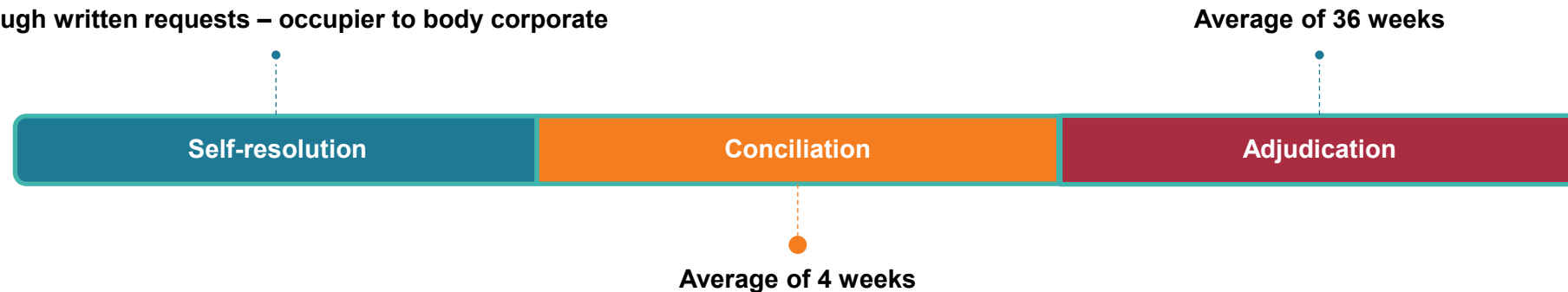




Dispute resolution involving tenants

- Occupiers can lodge against the body corporate. The body corporate can also lodge against occupiers – **section 227 Act**
- Occupiers can lodge against an owner or occupier of another lot, and vice versa – **section 227 Act**

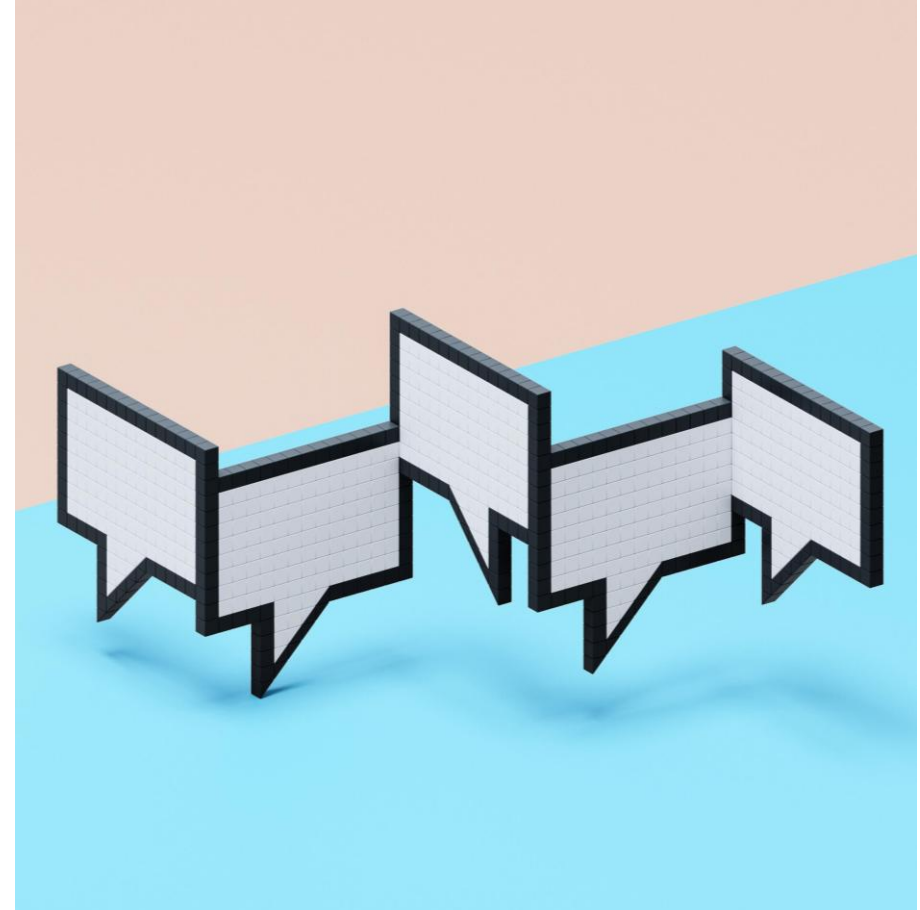
In writing (email or letter) – occupier/owner to occupier/owner
Through written requests – occupier to body corporate





Communicating with the body corporate - tenants

- Tenants **can communicate directly** with the body corporate (either the committee or a body corporate manager)
- Your letting agent does not need to act as an intermediary
- You can try asking your lot owner or letting agent for the body corporate's contact details





Submitting written requests - tenants

- Although the legislation says an *owner* can submit a motion to the committee, this does not stop a tenant asking the committee for a decision
- It is best to submit a **clearly written request** to the committee
- There is no legislated timeframe for deciding a tenant's written request (unless it is an animal request)
- The 'decision period' of 6 weeks for an owner's motion can be a guideline
- If a tenant's written request is declined or there is no decision after a reasonable period, a conciliation application may be lodged





Accessing body corporate records

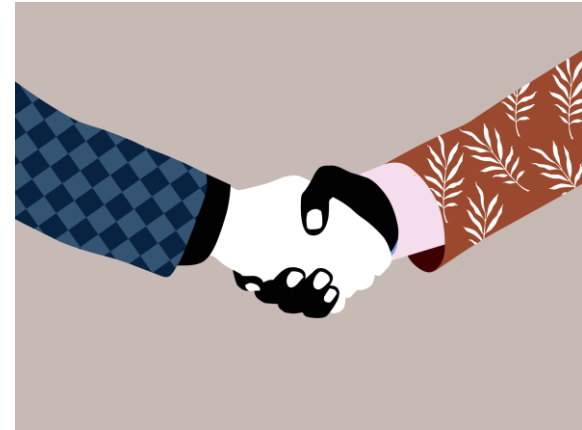
- An ‘interested person’ can inspect or copy body corporate records if they:
 - give a written request to the body corporate;
and
 - pay the prescribed fee – **section 205 Act**
- A tenant is **not** automatically an interested person
- An interested person can be **another person who satisfies the body corporate of a proper interest in the information sought**





Conciliation for body corporate disputes

- A more informal process than adjudication
- Mostly by teleconference
- Conciliators play a facilitative role
- Conciliators give information about the BCCM legislation
- No rulings, decisions or legal advice
- **Written agreements**
- **Conciliation outcomes may become consent orders**





Adjudication for body corporate disputes

- Quasi-judicial
- Independent
- Court-enforceable and appealable orders
- No rules of evidence, but
 - civil standard of proof
 - procedural fairness
- Hybrid adversarial / inquisitorial





Adjudication process

- Application:
 - body corporate
 - parties
 - outcome
 - grounds
 - self-resolution
- Procedural fairness (except interim or emergency application)
- Determined 'on the papers'
- Obligated to investigate, broad powers
- Determination:
 - orders
 - detailed written reasons

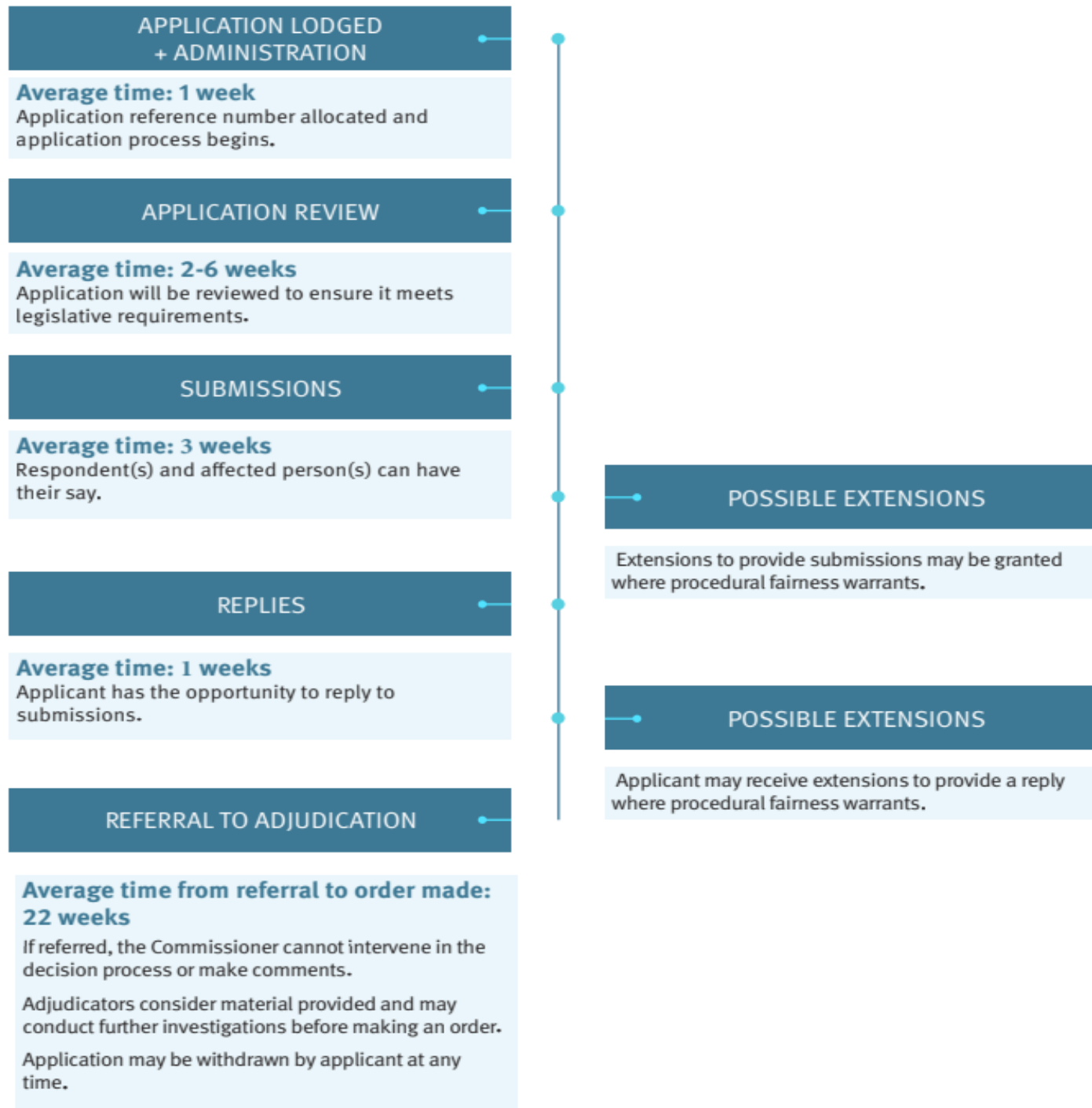




Dispute resolution through the BCCM office for tenants

- As an occupier, you can lodge a dispute application against:
 - the body corporate
 - the occupier of another lot
 - the owner of another lot - **section 227 Act**
- You must have evidence of **self-resolution** before lodging an application
- To enforce the by-laws, you must also follow the **preliminary procedure** in the Act (as outlined in the previous slide)







Practice directions and guides

Practice directions for body corporate disputes

Practice directions are guides written by the Commissioner for Body Corporate and Community Management to help explain the rules for body corporate disputes and the steps you must follow.

Practice directions give more information about the [Body Corporate and Community Management Act 1997](#). They do not replace the Act or the Commissioner's ability to decide what is required for a particular dispute.

You can now download [all BCCM Practice directions](#) (PDs) in one document.

You can also download the practice directions individually:

- [Internal dispute resolution](#) (PD 1)
- [Conciliation applications](#) (PD 2)
- [Adjudication applications](#) (PD 3)
- [Interim orders](#) (PD 4)
- [Administrator appointments](#) (PD 5)
- [Emergency applications](#) (PD 6)
- [Consent orders](#) (PD 7)
- [Alternative insurance orders](#) (PD 8)
- [Representation](#) (PD 9)
- [Application fees and costs orders](#) (PD 10)
- [Communication and correspondence](#) (PD 11)
- [Specialist adjudication](#) (PD 12)

A guide to completing the application form



This guide will support you to fill out an application form for an order by an adjudicator.

Please read this guide carefully before filling out the form.

Each numbered section of this guide matches the same section in the form.

You can find the application for an order by an adjudicator form on the Queensland Government website.

www.publications.qld.gov.au/dataset/adjudication-application/resource/5708f3c3-e09b-479f-a11b-e61a4d14235a



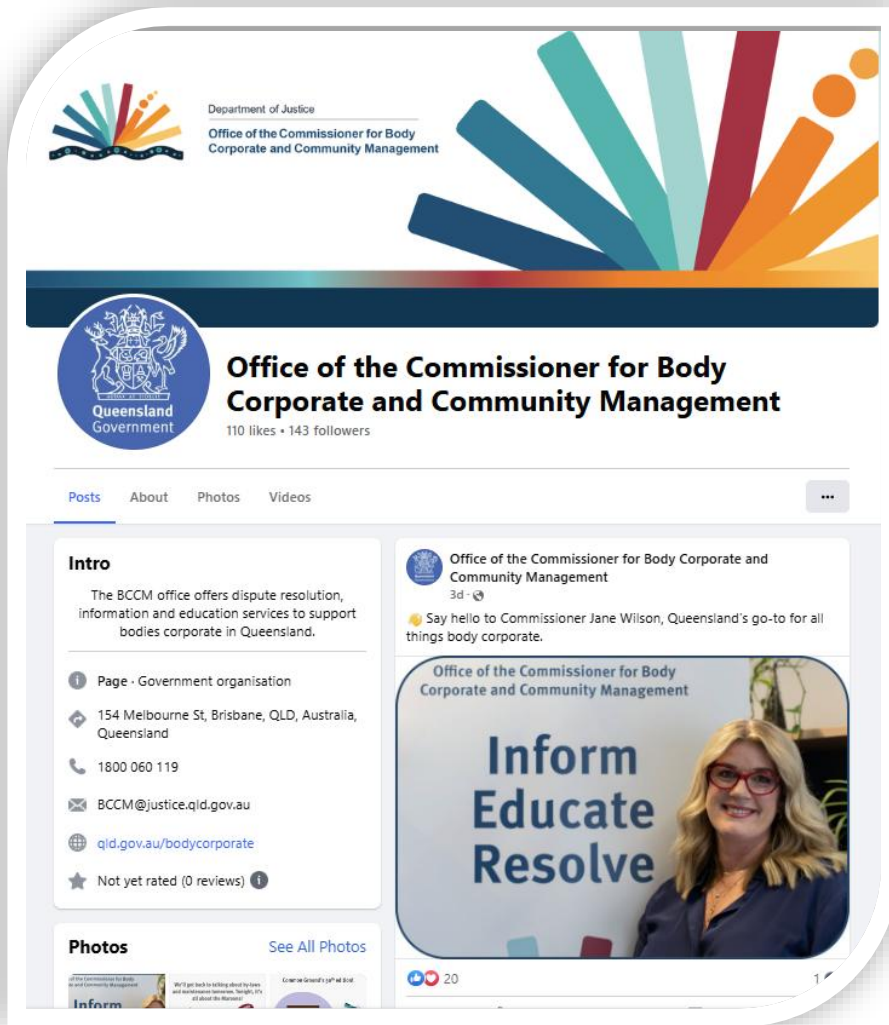


Social media

We're on social media!

You can follow our office and stay up to date on all things body corporate through Facebook with our brand-new official account.

www.facebook.com/theBCCMOffice





Online training

- Training: Google - BCCM training

Learn more about disputes

Learn what bodies corporate do

Learn more about our services

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Stay up to date with body corporate news, events and issues by [subscribing to our newsletter](#), or [view past editions](#).

Common Ground

Body Corporate and Community Management

Upcoming events

- [Body corporate seminars](#)
- [Online body corporate training](#)

Contact us

[Ask a body corporate question](#) or call the Information and Community Education Unit on [1800 060 119 \(freecall\)](#).

Bottom of our
webpage





Additional resources



Quarterly body corporate newsletter

Common Ground

Stay up to date with body corporate news, events and issues by subscribing to our newsletter, or view past editions.





Contact us

Information service

We provide a **FREE** information service for those who live, work or invest in Queensland body corporate properties.

Have a question?

Telephone information service: 1800 060 119

Online enquiry form: Google - BCCM enquiry

