



Strata Insight

by **Stansure Strata**

As some owners may be aware the Qld Government introduced amendments to the Body Corporate and Community Management Act (BCCM) which came into effect from 1st May 2024.

We would like to take this opportunity to provide some general advice on these changes, how they affect your body corporate and how we can facilitate meeting these new requirements.

Owner's Motions for the Committee

With the release of the revised Regulations in 2020, new provisions for dealing with owner's submissions (motions) for the committee were introduced. These included the introduction of a limit on the number of submissions an owner can make in a twelve month period and introduction of time frames for committees to make decisions i.e. consider owner's motions.

A formal committee resolution is a committee motion that is considered at a formal committee meeting, where the required written notice has been issued to all owners and committee members, or via a Vote Outside Committee Meeting, also known as a VOCM.

In the instance where the body corporate committee does not have a scheduled committee meeting in this time frame, it must decide to call a formal committee meeting or to decide the motion via a VOCM.

The Regulations provide that a reasonable timeframe for the committee to decide a motion is six weeks. If the committee does not decide on an owner's motion within the timeframe of twelve weeks, the owner's motion is considered defeated.

If the committee does not decide on an owner's motion within the timeframe of six weeks, it is required to provide the owner who submitted the motion a written notice stating the reason why the motion was not decided.

To help facilitate our committee's complying with the requirements of the Regulations, owner's motions, including applications to make improvements to a Lot and/or common property etc., will be circulated to the committee for their consideration and voting via a VOCM.

With the introduction of Vote Now, committee members can respond to and cast their votes by a few clicks of their mouse or on their mobile device. If you are a committee member and haven't opted to receive electronic voting papers, please let our friendly team know and we can assist in registering you for future electronic voting.

Pet By-laws, Applications and Approvals

With the introduction of the new amendments to the BCCM Act, bodies corporate are now prevented from making by-laws banning pets. By-laws that are prohibitive i.e. prohibit animals of a particular breed or weight, are not allowed.



The amendments in the BCCM legislation aim to bring pet approval time frames in line with the amendments to the Residential Tenancies and Rooming Accommodations Act 2008, which is fourteen days for owner approval.

The new provisions of the BCCM Act provide that a committee must decide, by formal resolution, on a motion to approve a pet application within twenty-one days of receipt. This is applicable for bodies corporate, whose by-laws require a Lot owner or occupier to have written approval from the body corporate to keep a pet within a Lot or brought onto common property.

What is very important to note is that the amendments also set out two new provisions, namely the grounds for refusing permission to keep an animal within a Lot and that a committee must decide on a motion for pet approval within twenty-one days. If the committee does not decide the matter via a majority resolution, within twenty-one days then the motion for a pet is considered approved. It is important to note that this is the only resolution, where if no vote is cast within twenty-one days, the motion is carried and the application to keep a pet approved.

The grounds for refusal include the animal being a risk to the health and safety of residents which is required to be supported written documentation i.e. letter from health practitioner or the like. Other grounds for refusal include the approval contravening a local ordinance by-law on the number of pets allowed in a dwelling, if the animal could cause unreasonable interference to native fauna or the occupier does not agree to the reasonable conditions.

How Stansure Strata will be helping our committee's achieve compliance with the new provisions

The time frames imposed by the Regulations commence on receipt of an owner's submission. In order to allow our committees as much time as necessary to consider an owner's submission, and in the circumstances where a committee meeting is not scheduled to be held within the next six weeks or earlier in the case of a pet application motion, we will draft and circulate a VOCM for the committee to consider the submitted motions.

A notice of the VOCM is required to be circulated to all owners, to inform owners that the committee will be deciding on a particular motion. To meet this requirement, we circulate the VOCM voting paper to the elected committee member and circulate a VOCM notice to all other owners.

We then tabulate the submitted committee members voting paper and in the circumstance that we haven't received enough votes to determine the outcome of the motion, follow up committee members for their vote.

It is important to note that a VOCM resolution must be decided by a majority resolution. This means that more than half of the elected committee members must agree to the motion. If one-half or more of the elected committee members do not agree to the motion, the motion is defeated. Further if no agreement can be reached within twenty-one days, the motion is defeated, except in the case of a motion to approve a pet application.



Towing vehicles

Previously, a body corporate could only tow a motor vehicle after receiving an adjudicator's order permitting the body corporate to tow an owner or occupier's vehicle from the common property.

The amendments to the BCCM Act clarify and engage the ability for a body corporate to tow vehicles. The body corporate is no longer required to follow the by-law dispute resolution process under legislation to tow a vehicle.

We stress though that the body corporate should carefully consider its legal obligations under other towing laws administered by the Department of Transport and Main Road. These include the body corporate entering into a contract with a licensed tow truck operator, the erection of appropriate signage etc. We note that the engagement of a service contractor such as a licensed tow truck operator for a period of twelve months or more must be approved by the body corporate at a general meeting.

Next Edition

In our next edition we will be covering the following topics:

- BCCM Act amendments – Smoking
- BCCM Act amendments – Alternative Insurance
- How to write an owner's motion
- Should the committee review their by-laws

**Do you have a topic of interest you would like Stansure Strata to discuss?
Please send your submissions to theteam@stansurestrata.com.au**

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