

Department of Justice

Office of the Commissioner for Body Corporate and Community Management

The BCCM Office

Nathan and Nikki



Queensland
Government

Our office

Information and Community Education Service



- website: Google BCCM QLD
- Information call-back service
- Written response to inquiries

Dispute Resolution Service



Two-stage resolution process:

- conciliation
- adjudication

We do not handle complaints, advocacy, or investigative / compliance matters.

CTS fast facts



Schemes
52,589



**ICEU Annual
phone calls**
17,500

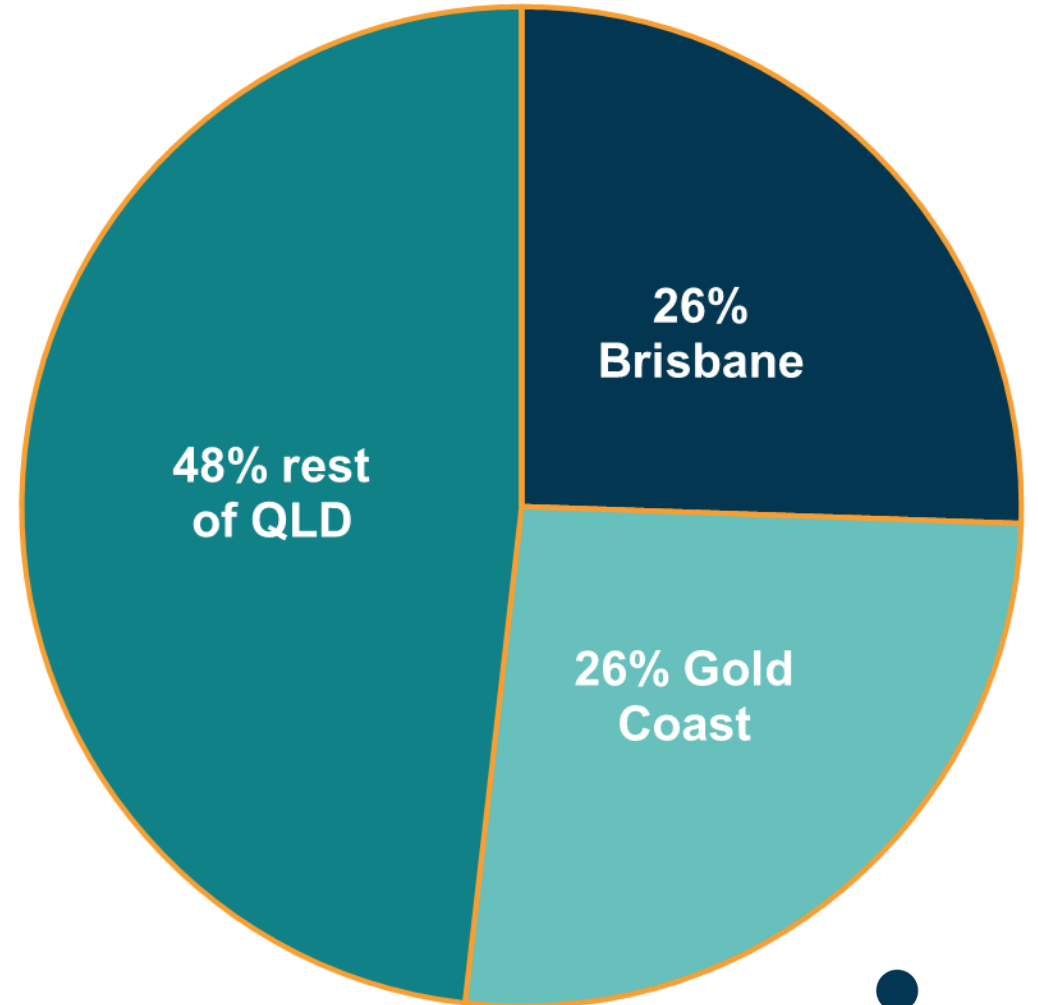


Individual lots
535,000

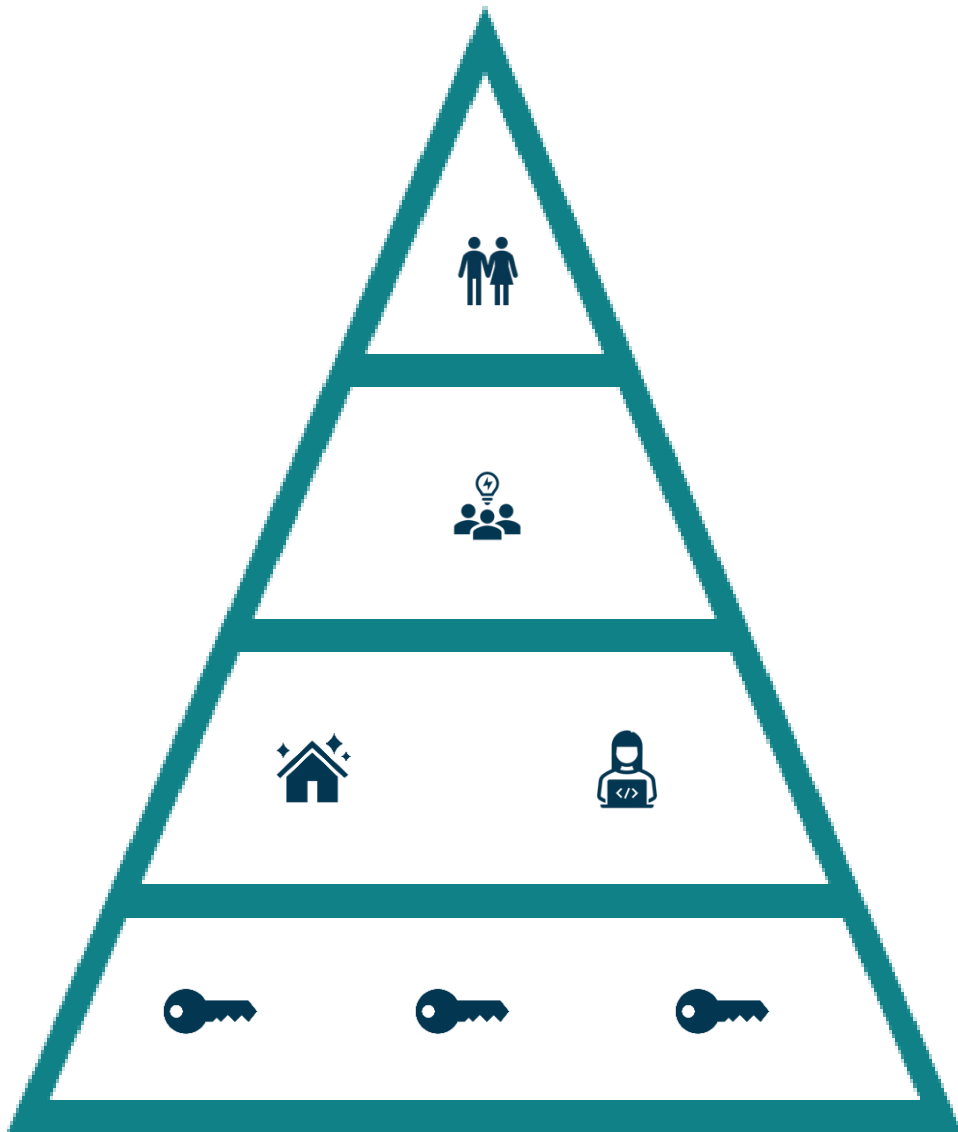


**Annual dispute
applications**
1,500

QLD CTS Locations



Who is a body corporate?



Body corporate (Owners)

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



Committee

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



Caretaker

Can be engaged to perform specific duties outlined within in agreement that help a body corporate meet its legal obligations.



Body Corporate Manager

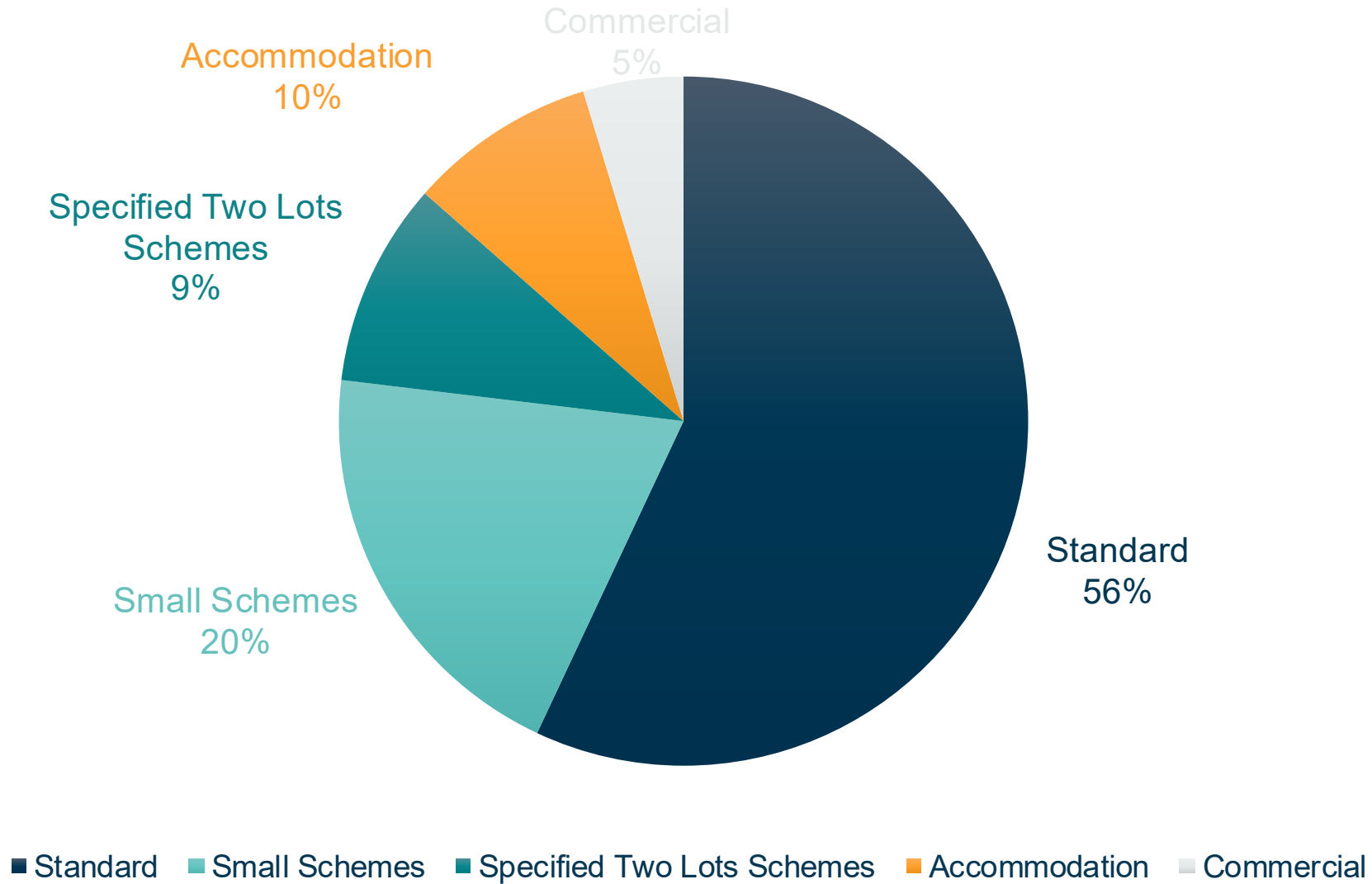
Can be engaged to supply administrative services to the body corporate to act on behalf of the committee.



Tenant

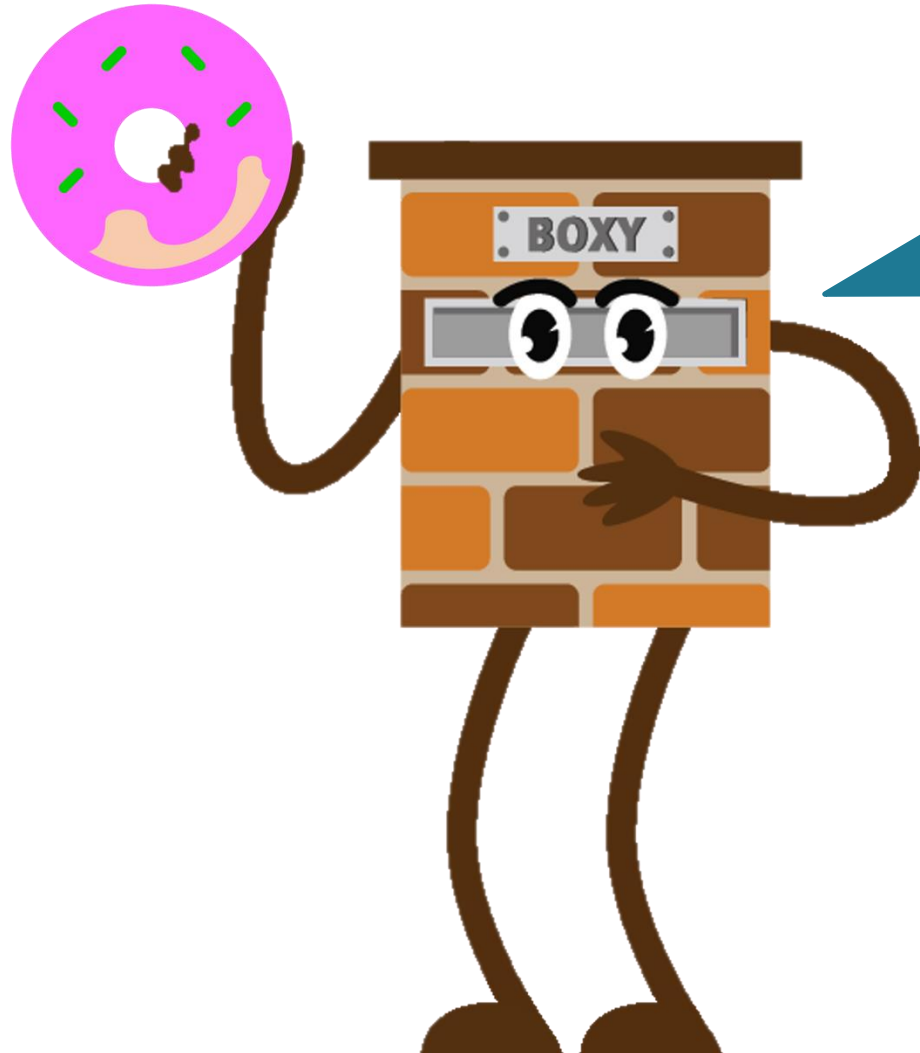
Is an occupier within the scheme.

Regulation Modules





Commission disclosures



Commissions and benefits can
come in many forms.

When in doubt, disclose.



Disclosure of commissions and benefits



If a body corporate is considering entering a contract, or already party to a contract, and you will receive a commission, payment or other benefit, you must disclose this to the body corporate in writing.

Section 156 of the Standard Module





Disclosure of associations



If a body corporate is considering entering a contract, or already party to a contract, and you are an associate of the provider, you must disclose this to the body corporate in writing.

Section 154 & 155 of the Standard Module



Disclosure of commissions and benefits



You **MUST** disclose what commissions and/or benefits you receive



Form 35 – new disclosure form to assist with these obligations



20 penalty units for failure to disclose



Non-disclosure can damage your reputation in the sector



Cost your business if the body corporate decides to end your contract



If in doubt, disclose it





Commission disclosure resources



**Disclosures
webpage**



**ICEU call back
1800 060 119**



**Common Ground
Issue 46**



**Sections 153-156,
196 of the SM**





Voting

General meetings (AGM/EGM)

- Ordinary resolution
 - More “yes” than “no” votes
 - Abstentions not counted
- Special resolution
 - At least two-thirds of the votes cast are in favour of the motion
 - The number of votes against the motion is not more than 25% of the total number of lots
 - The total contribution schedule lot entitlements of the votes against the motion is not more than 25% of the total contribution schedule lot entitlements for all lots in the scheme
 - Abstentions not counted
- Resolution without dissent
 - No votes against the motion (zero “no” votes)
 - Abstentions not counted
- Abstentions must be recorded in the minutes for all three types





Voting

Committee meetings

- Voting at committee meetings
 - A motion is decided by a majority of votes of the voting members present and entitled to vote on the motion who are voting.
 - Adjudicators have previously ruled that abstaining is not voting.
- Voting outside committee meetings
 - The motion is decided if:
 - the majority of all members of the committee entitled to vote on the motion agree to the motion
 - one-half or more of all members of the committee entitled to vote on the motion do not agree to the motion.
 - An Abstention is not counted as a vote, but the person abstaining is still counted for majority purposes.





Body corporate certificate

- Effective from 1 August 2025
- Section 206 (BCCM Act) disclosure replaced by **Property Law Act seller disclosure statement**
- Body corporate information certificate replaced by **body corporate certificate (Form 33)**
- Body corporate certificate obtained from body corporate for a fee
- Only applies to sales of existing lots, not sales of proposed ('off the plan') lots





Pet Applications



So, a tenant or an occupier wants to bring their animal onto scheme land?

Completing the approval process is not always straight forward... follow these steps!





Changes to the Act - Section 169B

169B By-laws about keeping animals (other than guide, hearing and assistance dogs)

- (1) This section does not apply in relation to an animal that is a guide, hearing or assistance dog.
- (2) A by-law must not—
 - (a) prohibit the keeping or bringing of an animal on a lot or the common property of the community titles scheme; or
 - (b) restrict the number, type or size of an animal that an occupier of the lot may keep or bring on the lot or common property for the scheme.
- (3) However, a by-law may provide that an occupier must not, without the written approval of the body corporate for the scheme, or the committee for the body corporate—
 - (a) keep or bring an animal on the lot or the common property; or
 - (b) permit an invitee to keep or bring an animal on the lot or the common property.
- (4) If a by-law requires the written approval of the body corporate for the scheme, or the committee for the body corporate, to keep or bring an animal on the lot or the common property, the body corporate, or the committee—
 - (a) must, after receiving a request for approval, within the period prescribed by the regulation module applying to the scheme decide whether to grant the approval; and
 - (b) may, in writing, grant the approval subject to conditions that are, in the circumstances, reasonable and appropriate; and
 - Examples of conditions that may in particular circumstances be reasonable—*
 - 1 The animal must be in a carry cage, in a pet pram or on a leash in order to limit the animal's movement when in a lift in the scheme.
 - 2 The animal's waste must be disposed of in a way that does not unreasonably expose another occupier or the other occupier's invitee to the odour or sight of the waste.
 - (c) must not unreasonably withhold approval.
- (5) To remove any doubt, it is declared that the body corporate's or the committee's refusal to approve an owner's or occupier's request to keep or bring an animal on the lot or the common property on the grounds that no pets are allowed is unreasonable.
- (6) The body corporate, or the committee, may refuse to grant approval under subsection (4) only if the body corporate, or the committee, is satisfied, on reasonable grounds, of any of the following matters—
 - (a) keeping the animal would pose an unacceptable risk to the health and safety of an owner or occupier of a lot because—
 - (i) the owner or occupier is unwilling or unable to keep the animal in accordance with reasonable conditions that address the risk; or
 - (ii) the risk could not reasonably be managed by conditions imposed on the keeping of the animal;
 - Example—*

An owner or occupier of a lot has a severe allergy to a particular type of animal and it is not possible to impose a condition that would manage the person's risk of exposure to the allergen.
 - (b) keeping the animal would contravene a law;
 - Example—*

a local law that prohibits certain types of animals being kept at a lot or restricts the number of animals that may be kept at a lot
 - (c) the animal is a regulated dog under the *Animal Management (Cats and Dogs) Act 2008*;
 - (d) keeping the animal would unreasonably interfere with an occupier of another lot's use and enjoyment of the lot or common property and the interference could not reasonably be managed by conditions imposed on the keeping of the animal;
 - (e) keeping the animal would unreasonably interfere with native fauna that live on, or visit, the scheme land and the interference could not reasonably be managed by conditions imposed on the keeping of the animal;
 - (f) the occupier does not agree to reasonable conditions proposed by the body corporate for keeping the animal;
 - (g) another matter prescribed under the regulation module applying to the scheme.
- (7) Also, the body corporate's approval may be withdrawn if the occupier does not comply with the conditions stated in the written notice given under subsection (4)(b).

s 169B ins 2023 No. 29 s 11



181 Guide, hearing and assistance dogs

- (1) A person with a disability under the *Guide, Hearing and Assistance Dogs Act 2009* who relies on a guide, hearing or assistance dog and who has the right to be on a lot included in a community titles scheme, or on the common property, has the right to be accompanied by a guide, hearing or assistance dog while on the lot or common property.
- (2) A person mentioned in subsection (1) who is the owner or occupier of a lot included in a community titles scheme has the right to keep a guide, hearing or assistance dog on the lot.
- (3) A by-law can not exclude or restrict a right given by this section.

s 181 amd 2009 No. 4 s 124 (2) sch 3





Animal approvals - the four steps



1. Review your by-laws



2. Check if reserved issue



**3. Written request and
written notice is required**



**4. Making a decision -
Approvals process – yes,
deemed approvals,
refusals**



Step 1 – Review your by-laws

Permissive by-laws



Prohibitive by-laws



Changing the by-laws



Wording of by-laws (reserved issue,
conditions)





Step 1 – Review your by-laws

Changes to the Act 169B part 1



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- (3) However, a by-law may provide that an occupier must not, without the written approval of the body corporate for the scheme, or the committee for the body corporate—
 - (a) keep or bring an animal on the lot or the common property; or
 - (b) permit an invitee to keep or bring an animal on the lot or the common property.



Step 2 – Check if reserved issue



**THE COMMITTEE MAY NOT
BE ABLE TO MAKE THE
DECISION**



**IN WHICH CASE CALLS
GENERAL MEETING**



**CONSIDERABLE TIME AND
EXPENSE OFTEN INVOLVED
IN GENERAL MEETING**

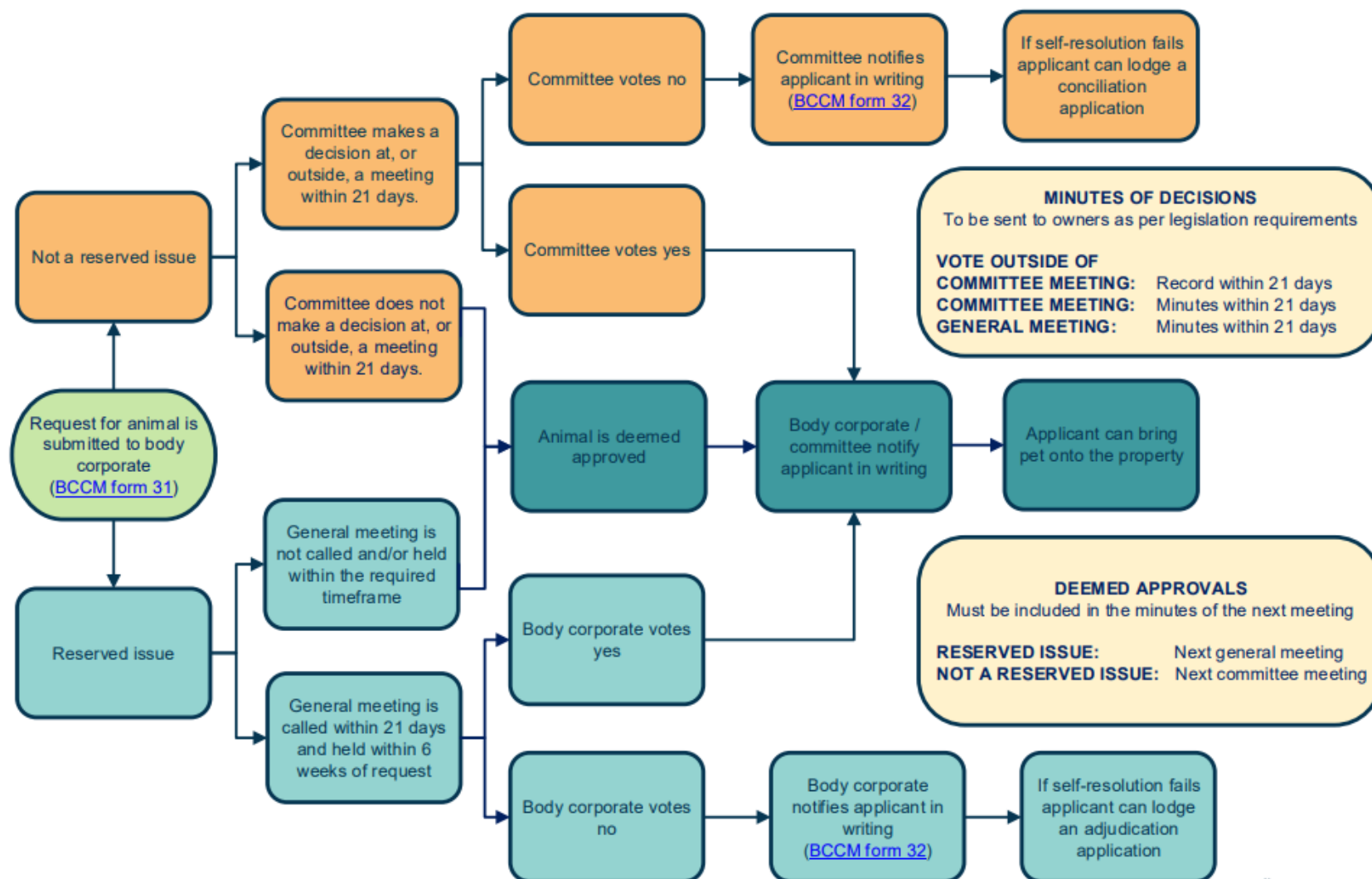




Process for requesting and approving animals within a body corporate

Department of Justice

Office of the Commissioner for Body
Corporate and Community Management





Step 3 – Written requests is required



Secretary, chairperson in the secretary's absence, or body corporate manager



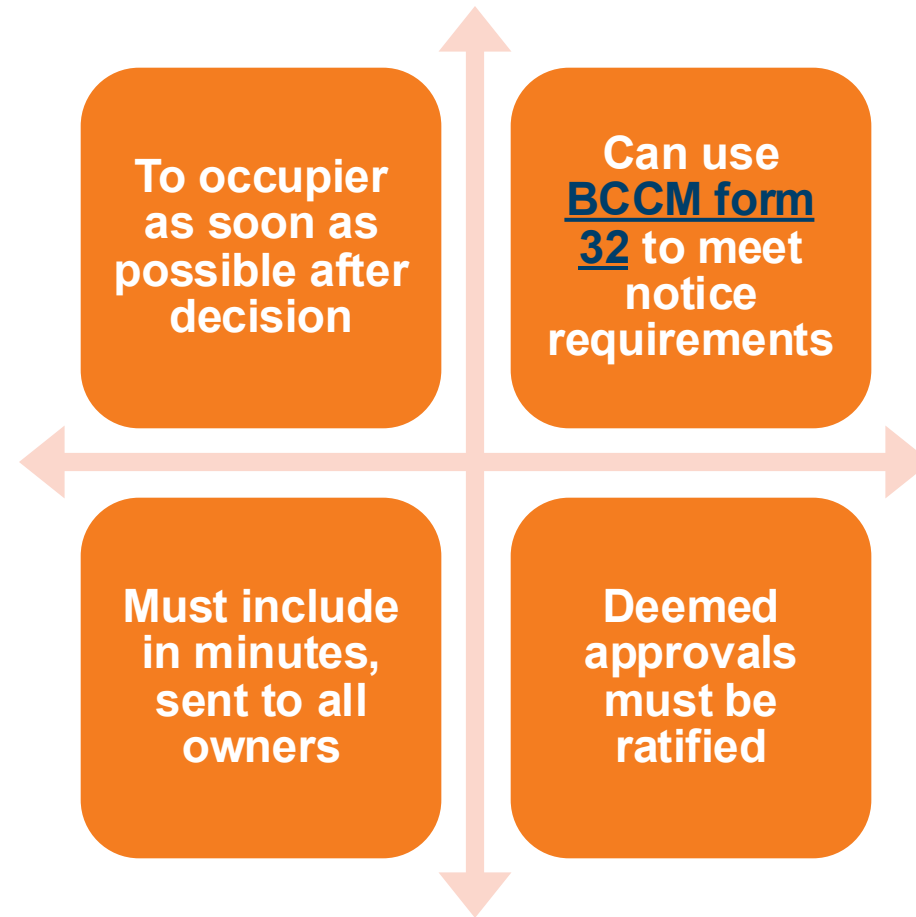
'Request to keep or bring an animal on scheme land' ([BCCM form 31](#)) or BC may have preferred form



Include as much information as possible to avoid unnecessary delays or disputes, reasonable decisions



Step 3 – Written notice of decision is required





Step 4 - Approvals process – saying yes

Changes to the Act 169B part 2

- (4) If a by-law requires the written approval of the body corporate for the scheme, or the committee for the body corporate, to keep or bring an animal on the lot or the common property, the body corporate, or the committee—
- (a) must, after receiving a request for approval, within the period prescribed by the regulation module applying to the scheme decide whether to grant the approval; and
 - (b) may, in writing, grant the approval subject to conditions that are, in the circumstances, reasonable and appropriate; and

Examples of conditions that may in particular circumstances be reasonable—

- 1 The animal must be in a carry cage, in a pet pram or on a leash in order to limit the animal's movement when in a lift in the scheme.
 - 2 The animal's waste must be disposed of in a way that does not unreasonably expose another occupier or the other occupier's invitee to the odour or sight of the waste.
- (c) must not unreasonably withhold approval.





Step 4 – Deemed approvals – saying yes

The magic number is 21 days



Committee meeting or VOCM timeframe decided within 21 days



General meeting called within 21 days and decided within 6 weeks



If not decided, then a ‘deemed approval’ with no conditions



Step 4 – Approvals process – refusals

Changes to the Act 169B part 3

- (5) To remove any doubt, it is declared that the body corporate's or the committee's refusal to approve an owner's or occupier's request to keep or bring an animal on the lot or the common property on the grounds that no pets are allowed is unreasonable.
- (6) The body corporate, or the committee, may refuse to grant approval under subsection (4) only if the body corporate, or the committee, is satisfied, on reasonable grounds, of any of the following matters—
 - (a) keeping the animal would pose an unacceptable risk to the health and safety of an owner or occupier of a lot because—
 - (i) the owner or occupier is unwilling or unable to keep the animal in accordance with reasonable conditions that address the risk; or
 - (ii) the risk could not reasonably be managed by conditions imposed on the keeping of the animal;

Example—

An owner or occupier of a lot has a severe allergy to a particular type of animal and it is not possible to impose a condition that would manage the person's risk of exposure to the allergen.

- (b) keeping the animal would contravene a law;

Example—

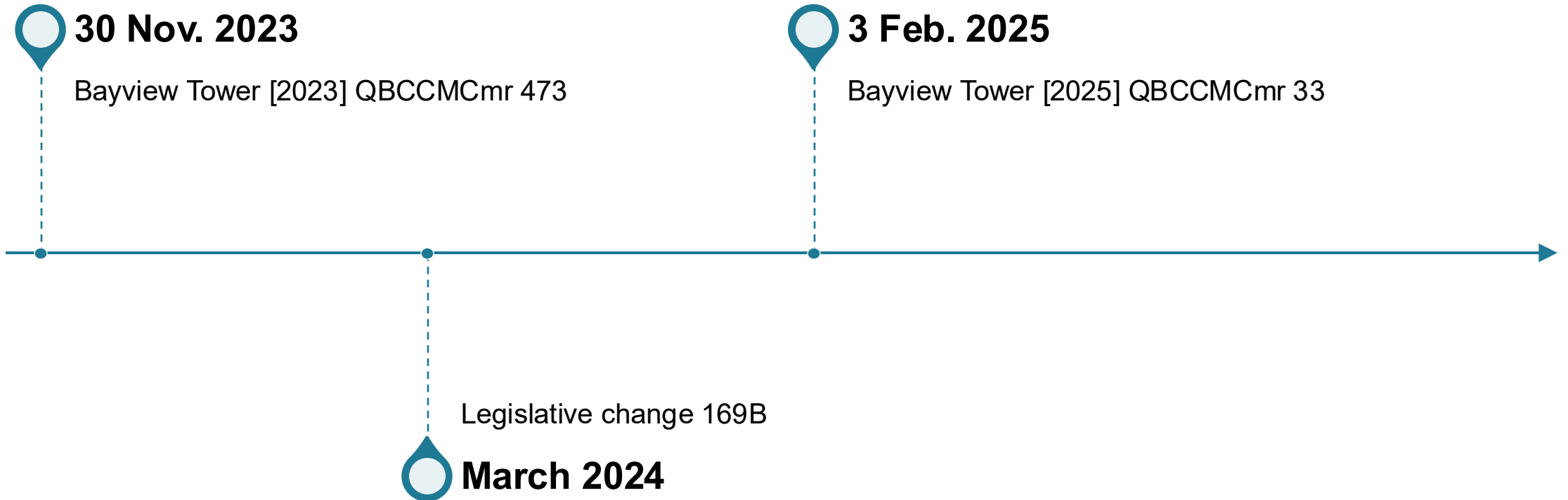
a local law that prohibits certain types of animals being kept at a lot or restricts the number of animals that may be kept at a lot

- (c) the animal is a regulated dog under the *Animal Management (Cats and Dogs) Act 2008*;
 - (d) keeping the animal would unreasonably interfere with an occupier of another lot's use and enjoyment of the lot or common property and the interference could not reasonably be managed by conditions imposed on the keeping of the animal;
 - (e) keeping the animal would unreasonably interfere with native fauna that live on, or visit, the scheme land and the interference could not reasonably be managed by conditions imposed on the keeping of the animal;
 - (f) the occupier does not agree to reasonable conditions proposed by the body corporate for keeping the animal;
 - (g) another matter prescribed under the regulation module applying to the scheme.
- (7) Also, the body corporate's approval may be withdrawn if the occupier does not comply with the conditions stated in the written notice given under subsection (4)(b).

s 169B ins 2023 No. 29 s 11



Example scheme: Bayview Tower





Bayview Tower [2023] QBCCMCmr 473 (30 November 2023)

- Owner v Body corporate
- Dismissed
- Seeking approval for dog, and presented lots of information (commended by adjudicator).
- The applicant did not discharge the burden of proof that committee acted unreasonably in denying approval.
- Committee has substantial evidence of several residence having health complications that could be aggravated by dogs, “zero risk”
- The applicant’s proposed conditions had no guarantee of managing the risk
- However, that does not mean the committee’s decision is correct.
- The adjudicator notes that the committee could have also reasonably approved the dog, with conditions to mitigate risk.





Bayview Tower [2025] QBCCMCmr 33 (3 February 2025)

- Body corporate v Owner
- Had been through conciliation over similar issue to 2023 order, seeking approvals for dog with reasonable conditions.
- In that circumstance, the adjudicator notes, based on legislative changes (169B), a “zero risk” approach could be unreasonable, and it appears no reasonable conditions have been considered by the committee.
- However, owners revoked request for approval and relied on s181 of the Act ‘Guide Hearing and Assistance dogs’
- The owners failed to provide evidence that owner has disability, and Daisy was trained to perform tasks to assist.
- A declaratory adjudicator’s order - That the Animal Registration Notice by Gold Coast City Council that ‘Daisy’ is registered as assistance dog is insufficient to establish that Daisy meets definition Guide, Hearing and Assistance Dogs Act 2009 sufficient to automatic right to be on scheme land per s181.



Online training

Training: Google - BCCM training

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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](#).



Upcoming events

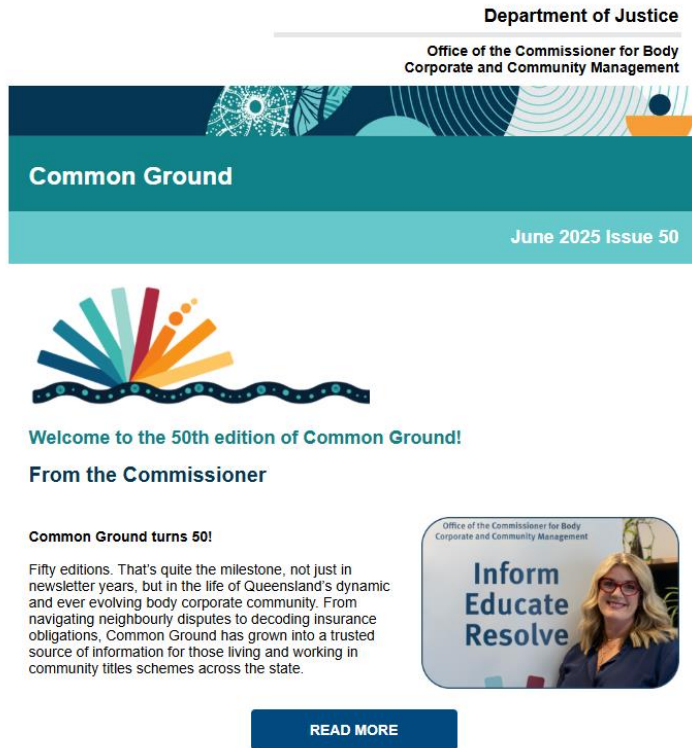
- [Body corporate seminars](#)
- [Online body corporate training](#)

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



Any questions?