



FACT SHEET

HOW TO NOMINATE FOR THE COMMITTEE

Bodies Corporate must choose a committee at each Annual General meeting. Once elected the Committee is tasked with the day to day administrative duties of the body corporate. A body corporate may engage a body corporate manager to assist them with these administrative tasks. The Committee consists of:

- executive members (chairperson, secretary and treasurer)
- ordinary members
- non-voting members.

The committee must be made up of a minimum of three members, but no more than seven members and all executive positions must be filled. This differs if your scheme is registered under the Small Schemes Module, the Committee exists of a Secretary and Treasurer only, one person can hold both of these positions.

The chairperson, secretary, treasurer and ordinary members are voting members. Body corporate managers and caretaking service contractors are automatically non-voting members of the committee.

How to Nominate

Prior to your schemes Annual General Meeting the secretary must issue a written invitation to nominate for the committee. This invitation must be provided to each lot and issued at least three weeks before, but no earlier than six weeks before the end of financial year for the scheme.

In order for a nomination to be valid it must be received back by the secretary prior to the end of the body corporates financial year. When the secretary receives a nomination they must 'as soon as is practicable' let the lot owner know. There is no requirement under the Small Schemes Module or the Commercial Module for the secretary to invite owners to make committee membership nominations.

Each lot owner can nominate one person only for a position on the committee, this person can be nominated for more than one position. If a lot has more than one lot owner, only one of those owners can nominate for the committee.

If an owner owns multiple lots they can nominate as follows:

- 2 lots can nominate 2 people
- more than 2 lots can nominate 2 people, if there are less than 7 lots in the scheme
- more than 2 lots can nominate 3 people, if there are more than 7 lots in the scheme.

Who can be nominated

To be nominated for the committee a lot owner can not owe a debt to the body corporate. A lot owner can nominate any of the following:

- themselves
- another lot owner
- a person they have appointed as their power of attorney
- a member of their family.

The Body Corporate and Community Management Act (1997) defines family as:

- the lot owner's spouse, including 'de facto' spouse
- children of the lot owner or their spouse who are over 18 (including a stepchild or adopted child)
- the lot owner's parents or step parents
- the lot owner's brother or sister.

If a lot owner is a company they may nominate any of the following:

- another lot owner
- a director of the corporation
- the secretary of the corporation
- another nominee of the corporation.

The following are not eligible to be voting members of the committee if they:

- are a body corporate manager
- are a service contractor
- are a letting agent conduct a letting business for a number of lots in the scheme
- are an associate of a body corporate manager, service contractor or letting agent
- are a lot owner who owes money to the body corporate at the time when the committee is chosen
- have been nominated by a lot owner who owes money to the body corporate at the time when the committee is chosen.

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For more information on committee's please refer to our Fact Sheets titled Committee Roles and Body Corporate Manager Committee Powers – Part 5.

SOURCES:

- BCCM Office: <https://www.qld.gov.au/law/housing-and-neighbours/body-corporate>
- Act: <https://www.legislation.qld.gov.au/view/pdf/inforce/current/act-1997-028>
- Standard Module: <https://www.legislation.qld.gov.au/view/pdf/asmade/si-2020-0233>
- Accommodation Module: <https://www.legislation.qld.gov.au/view/pdf/asmade/si-2020-0229>
- Commercial Module: <https://www.legislation.qld.gov.au/view/pdf/asmade/si-2020-0230>
- Small Schemes Module: <https://www.legislation.qld.gov.au/view/pdf/asmade/si-2020-0231>

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