

Question: What do we need to do to change our bylaws and how much will this cost?

We live in a community titles scheme in QLD of 13 townhouses and maybe looking to upgrade and change our By-laws.

1. Who actually changes the Bylaws for us and what do we have to do?
2. Is there a set cost or an average cost that can be explained to owners?

Answer: Changes to the by-laws requires a motion to be approved by a special resolution at a general meeting. The cost to register a new CMS is approximately \$100.

The current by-laws for the scheme are contained within the last community management statement registered for the scheme ('CMS'). Changes to the by-laws requires a motion to be approved by a special resolution at a general meeting. If a proposed change relates to exclusive use, then a resolution without dissent is required. If the required resolution is passed, the new by-laws must be registered within three months from the date that the change to the by-laws is approved.

The cost to register a new CMS is approximately \$100. Once the new by-laws are registered:

1. DNRM will provide you with a registration confirmation statement; and
2. the new by-laws will take effect.

Recording new by-laws does not mean that they are valid. Therefore, a body corporate should consider engaging a lawyer that specialises in body corporate law to prepare the new by-laws with consideration to:

1. any concerns of the body corporate regarding their current by-laws; and
2. changes to the legislation.

The cost of obtaining legal advice in respect of proposed new by-laws will vary on many factors, including how many changes are required and the size of the current CMS.

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Question: Can an Adjudicator order that a by-law be amended and a new CMS lodged without either the approval of the Committee or the Body Corporate?

Answer: Yes. An adjudicator can order that a by-law be amended or removed and that a new CMS is registered to record the change.

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Question: Our Committee offered a new CMS with the new by-laws that the Body Corporate approved at last year's AGM, but they did not provide a copy of the old by-laws for comparison with the new one they wanted registered. Is this usual?

Answer: There is no obligation for the committee to include the currently registered by-laws with an AGM agenda when proposing changes to the by-laws.

Although it may be preferable to do so, there is no obligation for the committee to include the currently registered by-laws with an AGM agenda when proposing changes to the by-laws.

A copy of the currently registered by-laws can be obtained from the body corporate, via the body corporate manager if the scheme has one.

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Question: Our Body Corporate signed, sealed and executed a new Community Management Statement

without consultation with Owners. Shouldn't a new CMS be approved at a Special Meeting?

At the beginning of the year, our Body Corporate signed, sealed and executed a new Community Management Statement without consultation with Owners. I am not aware that a resolution was made to that effect.

We were not advised of this happening at the time, either before or since the event. A couple of owners only happened to see the CMS document on the portal of the body corporate some months later.

In my research I thought I had seen that a new CMS had to be approved at a Special Meeting and then acted on within 3 months of the meeting.

Answer: The resolution type required depends on the reason for the new CMS, see section 62 of the Act.

"A new community management statement ('CMS') requires the approval of the Committee or the Body Corporate. The resolution type required depends on the reason for the new CMS, see [section 62 of the Act](#).

I note that you are not aware of a resolution authorising the registration of the new CMS. The first place to start in respect of this issue will be to request a copy of the relevant minutes which approved the registration of the new CMS. If the minutes exist, they must be provided to you within 7 days, if you comply with [section 205 of the Act](#).

If there are no minutes authorising the registration, or the record is not provided to you within 7 days, and you are unable to obtain a satisfactory answer from the Body Corporate Manager and/or Committee, I recommend that you proceed to conciliation in the Commissioner's Office.

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If you have a question about unapproved community management statements or something to add to the article, please leave a comment below.