

Guide to completing the body corporate certificate (BCCM form 33)

This guide explains how to prepare a body corporate certificate (the certificate) under the *Body Corporate and Community Management Act 1997* (the BCCM Act).

The certificate is a legal document that must be provided when an owner sells their lot. It includes financial and administrative details about the lot, the body corporate, and the community titles scheme (CTS). The form requires several attachments, most of which should already be part of your body corporate's records. It is critical that all information provided is accurate.

Getting started

These steps will help you complete the certificate. The brackets in each heading indicate which pages of the certificate that step will help with (e.g. step 1 will help you complete pages 2, 3, 4 and 5 of the certificate).

1. Buy the community management statement (pages 2, 3, 4 and 5)

Each CTS has a community management statement (CMS) registered with Titles Queensland. If you don't have a current copy, you can purchase one from [Titles Queensland](#).

The requirement to have a CMS came into effect on 13 July 1997. If a body corporate did not record a CMS before 13 July 2000, it was given a *standard CMS*. If your body corporate has never registered a replacement, the standard CMS will still apply.

The CMS provides key details, including:

- the name and number of the CTS
- the plan type and number (e.g. BUP, GTP, SP)
- which regulation module applies (e.g. Standard, Accommodation, Small Schemes)
- whether the CTS is part of a layered arrangement
- both general and exclusive use by-laws*, and
- the lot entitlements.

Once you have your CMS, keep a copy for future use – it will only change if the body corporate lodges a new version with Titles Queensland after voting to do so.

*If your body corporate has a standard CMS the by-laws will not be included (see [step 3. Identify the applicable by-laws](#) for more information).

2. Find out the plan of subdivision (page 3)

If you do not already know your CTS's plan of subdivision you can purchase a copy of the survey plans from [Titles Queensland](#). The options are:

- standard format plan (previously group titles plan),
- building format plan (previously building units plan), or
- volumetric format plan.



3. Identify and attach the applicable by-laws (page 4)

A copy of the by-laws needs to be attached to the certificate. To find out [what by-laws apply](#), you first need to check your CMS.

- ❖ If your body corporate has registered a CMS at any time since 13 July 1997 it should list your by-laws, including any exclusive use by-laws.
- ❖ If your body corporate still has a standard CMS, the by-laws will not be listed in it. Instead, it will state that your by-laws are taken to be those in effect as of 13 July 2000. This statement has a different meaning depending on when your CTS was established. If you have a standard CMS and your CTS was established:
 - after 13 July 1997, the by-laws found in [Schedule 4 of the BCCM Act](#) will apply.
 - between 3 November 1980 and 13 July 1997, the by-laws will be:
 - those found in [Schedule 3 of the Building Units and Group Titles Act 1980](#), plus
 - any changes to the schedule 3 by-laws that the body corporate registered (as separate 'dealings') during this time. To find all the by-laws (including exclusive use by-laws) you can contact [Titles Queensland](#) and request a 'dealings search'.
 - before 3 November 1980, please see our ['what by-laws apply'](#) webpage for details about how to find the by-laws that apply.

Once you have compiled all your by-laws, keep a copy for future use. You only need to update this information if your body corporate registers a change to the by-laws with Titles Queensland (by lodging a new CMS).

4. Attach the statement of accounts (page 5)

A copy of the *statement of accounts* must be attached to the certificate.

The statement of accounts shows the body corporate's income and spending. It can be found in the annual general meeting (AGM) material and shows financial details for the last body corporate financial year.

If some time has passed since the AGM, a buyer may ask for an up-to-date statement before settlement.

5. Disclose contributions and outstanding amounts (pages 6 and 7)

Use the AGM minutes to see what levies the body corporate has set. If the body corporate has set any special levies, refer to the relevant EGM minutes as well.

Calculate the selling lot's contributions based on the lot entitlements found in schedule A of the CMS.

Check the body corporate bank statements for payment history to determine if the owner is paid up-to-date.

Include any other payments the lot is responsible for, such as:

- payments due under service agreements (e.g. maintenance services), or exclusive use by-laws
- penalties for late payment of contributions
- another amount associated with the ownership of the lot that are payable to the body corporate.

6. Disclose whether there is a sinking fund forecast (page 8)

State whether your body corporate has a sinking fund forecast. You are not required to attach the forecast, but buyers can request it separately for an additional [fee](#).

State the balance of the sinking fund. You can find this information by looking at the body corporate's financial records.

7. Attach required information about common property and assets (page 8)

Attach details of any authorised improvements to common property that the owner of the lot is responsible for (e.g. a pergola or air conditioner). This information can be found in the *register of authorisations affecting common property*.





Attach the *register of assets* which includes details of [body corporate assets](#) worth more than \$1000.00 (e.g. pool furniture or maintenance tools), or advise that the body corporate does not have any assets that it is required to keep in the register.

8. Attach and disclose insurance details (page 9)

You must attach details about each insurance policy held by the body corporate. The format in which you provide this information is at your discretion. You can find the insurance information from the AGM notice or the body corporate's insurance policy. The required information is the:

- type of policy
- insurer name
- sum insured
- premium amount, and
- excess payable.

You must also state whether the body corporate has an alternative insurance order from the BCCM office.

9. Disclose service agreements (page 10)

Complete this section of the form by stating:

- the name of the caretaking service contractor, or tick no if there isn't one
- the name of the authorised letting agent, or tick no if there isn't one, and
- whether there is an embedded electricity network.

Buyers can request more details if needed, for an additional [fee](#).

10. Finalise the form (page 11)

Signing

The certificate must be signed by someone authorised by the body corporate.

The committee should vote to decide who is authorised (e.g., secretary, treasurer or other individual).

Fees

The body corporate cannot charge the seller more than the prescribed [fee](#).

Tips for a smooth preparation

There are a few things you can do to streamline the certificate preparation process.

- ✓ Keep a template of the certificate ready, prefilled with the information that won't change.
- ✓ Store copies of the CMS and survey plans.
- ✓ Keep accurate records (minutes, registers, financial documents, insurance, etc). A buyer can ask to access the body corporate records for additional information to what is supplied in the certificate for an additional [fee](#).
- ✓ Discuss within your committee about approving ongoing authorisation to sign certificates.
- ✓ Contact us if you need more information in writing at www.qld.gov.au/bodycorporatequestion.
- ✓ COMPLETE THE CHECKLIST AT THE BOTTOM OF THE FORM 33 (PAGE 11).

