



FACT SHEET

BODY CORPORATE SEAL

Common Seals are mostly used for certifying legal documentation. They are usually mounted as traditional stamps. The two most commonly used Seals are Company Seals & Body Corporate Seals. Body Corporate Seals incorporate the name of the Body Corporate & the Community Titles Scheme Number (CTS).

The Seal of a Body Corporate must include the full name for the Body Corporate, for example: 'Body Corporate for _____ community titles scheme _____'.

The words 'community titles scheme' on the Seal may be abbreviated to 'CTS', for example: 'Body Corporate for _____ CTS _____'.

The Body Corporate must have a Seal to be kept and used in the way prescribed in the regulation module.

By ordinary resolution, a Body Corporate should decide who is to hold the Seal, the manner of affixing, and who may use the Seal (including any use by the Body Corporate Manager).

If the Body Corporate has not decided how the Seal is to be used, the Seal may:

- (a) If authorised by the committee – be attached to a document in the presence of at least 2 committee members, 1 of whom must be the chairperson or the secretary – other members present must sign as witnesses; or
- (b) If a Body Corporate Manager is appointed because there is no committee – be attached to a document in the presence of the Manager and 1 other person – the other persons present must sign as witnesses.

The Act states the following documents are to be Sealed:

- On an instrument lodged for registration concerning a dealing in common property;
- When filing a copy of the resolution about easements over common property;
- Certifying a 'Body Corporate information certificate'; and
- Issuing a by-law 'contravention notice.' (Richardson 2008, p 96)

The Body Corporate and Community Management Act (Standard Module) Regulation 2008 states the following regarding a motion for the use of the Body Corporate Seal in relation to the First Annual General Meeting:

77 First Annual General Meeting

(3) The agenda for the Meeting must include the following items:

- (d) Providing for the custody and use of the Body Corporate's Seal; (Standard Module 2011, p 75-76).

The BCCM Act states the following regarding the documents and materials to be handed over to the Body Corporate at the First Annual General Meeting:

79 Documents And Materials To Be Handed Over To Body Corporate At First Annual General Meeting

(1) At the first Annual General Meeting, the original owner must give the following to the Body Corporate:

- (f) The Body Corporate's Seal; (Standard Module 2011, p 78)

The BCCM Act states further information as outlined below regarding the Body Corporate Seal:

**Part 2 Body Corporate’s Seal—act, Section 34
192 Body Corporate’s Seal**

(1) The Body Corporate’s Seal must be kept in the custody directed by the Body Corporate by ordinary resolution.

(2) The Body Corporate’s Seal may be used only as directed or authorised by ordinary resolution.

(3) However, if the Body Corporate has not resolved how the Seal is to be used, the Seal may:

(a) If authorised by the committee—be attached to a document in the presence of at least 2 committee members, 1 of whom must be the chairperson or secretary; or

(b) If a Body Corporate Manager is acting under a chapter 3, part 5 engagement—be attached to a document in the presence of the Body Corporate Manager and 1 other person.

(4) If the Seal is attached under subsection (3) (a), the committee members present must sign the document as witnesses to the Sealing of the document.

(5) If the Seal is attached under subsection (3) (b), the Body Corporate Manager and the other person must sign the document as witnesses to the Sealing of the document. (Standard Module 2011, p 175-176)

SOURCES:

2011, *Body Corporate and Community Management (Standard Module) Regulation 2008*, Reprint 2 effective 30 September 2011

Richardson, A 2008, *A Layman’s Guide to the Body Corporate and Community Management Act 1997, as amended and Standard Module Regulation, in force 30th August 2008*, National Library of Australia Cataloguing-in-Publication data.

Department of Environment and Resource Management, Part 45–Body Corporate and Community Management Schemes Land Title Practice Manual (Queensland), viewed 18 June 2012, <http://www.derm.qld.gov.au/property/titles/pdf/part45.pdf>

