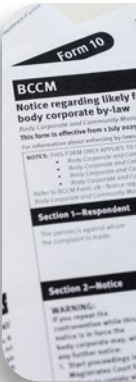


# Queensland Community Living: A Body Corporate Guide



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# Welcome to community living

Body corporate law in Queensland is wide-ranging and made up of several pieces of legislation.

## In this guide, you'll find helpful information about:

- What a body corporate is and how it works.
- Your rights and obligations as an owner or tenant.
- The rights and obligations of a body corporate.
- Where to go when you need more information or help.

You can find out more information on our website:

[www.qld.gov.au/bodycorporate](http://www.qld.gov.au/bodycorporate)

### OPEN LINK

If you are considering using your lot for short-term accommodation, such as holiday or short-stay letting, you will also need to consider any applicable local council planning and regulatory requirements.

## Acknowledgement of Traditional Custodians

The Department of Justice recognises and acknowledges Aboriginal and Torres Strait Islander peoples as the First Peoples of Queensland and as the Traditional Custodians of Queensland's precious land and waters. We pay our respects to their Elders past, present and emerging.

We recognise and celebrate the unique and continuing position of Aboriginal and Torres Strait Islander peoples in Australia's history, culture and future, and acknowledge their ongoing strength, resilience and wisdom. We are working to translate this recognition into fair, safe and inclusive practices, policies and services for Aboriginal and Torres Strait Islander peoples.



# A message from the Commissioner

Community living is an important and growing part of life in Queensland, whether you live in Coolangatta, the Torres Strait or Mount Isa. With more people choosing to live and invest in apartments, townhouses and other properties governed by a body corporate, it's important that people understand how this form of shared ownership works in practice.

A body corporate enables people living in a community titles scheme to manage shared spaces and make decisions together. While it offers the convenience of shared living, it also involves responsibilities that differ from traditional home ownership.

I trust this guide will provide practical information to support fair, informed, and harmonious community living. It has been developed to help current and prospective owners and tenants understand their rights and

obligations within a community titles scheme.

*(see [community titles schemes explained](#)).*

**GO TO COMMUNITY TITLES SCHEMES EXPLAINED**

If you need more information or assistance in resolving an issue, we are here to help. Together, we can help Queensland communities live safely and respectfully.

*Jane Wilson*  
**Commissioner for Body Corporate and Community Management.**





# About us

The Office of the Commissioner for Body Corporate and Community Management (BCCM Office) supports people who live, own, or work in community titles schemes across Queensland. This includes owners, tenants, committee members, body corporate managers and caretakers.

## The BCCM Office provides:

- Clear information about body corporate laws.
- Education to help people understand their rights and responsibilities.
- A dispute resolution service when problems cannot be resolved within the community.

Our role is to support well-managed and peaceful community living across Queensland.

We also publish a range of information and resources online. To learn more about topics covered in this guide, visit the [BCCM website](#).

### OPEN LINK

You can also explore the regulation modules and how they apply to your scheme:

[BCCM legislation and modules](#).

### OPEN LINK



# Community titles schemes explained

A community titles scheme ("a scheme") is land that has been subdivided so that part of the property ownership is shared.

## In a scheme:

- You own your individual lot (such as a unit, townhouse, or shop), and
- All owners share ownership of common areas, like gardens, driveways, lifts, pools, and hallways.

Schemes can range from small (such as two lots sharing a driveway) to very large, with multiple buildings and shared facilities.

## Common types include:

- Apartment buildings and townhouses.
- Duplexes.
- Resorts and retirement villages.
- Shopping centres and business parks.

Some schemes also share property or services with other schemes through formal agreements, layered arrangements or building management statements.

## How community titles schemes work in Queensland

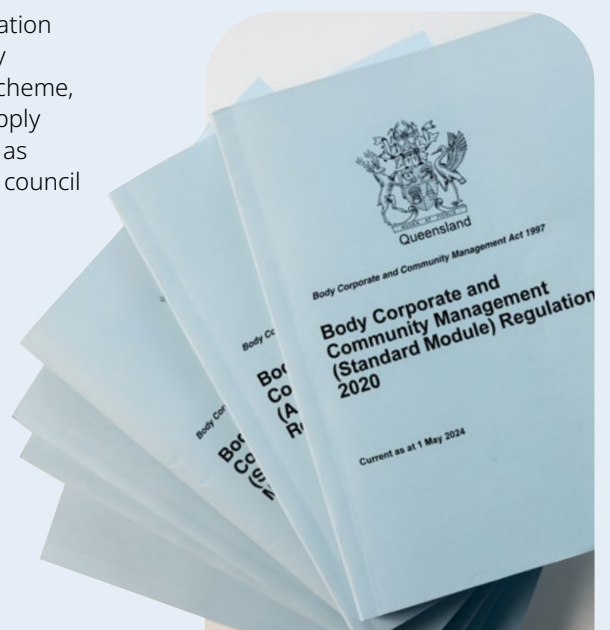
All community titles schemes in Queensland are governed by the **Body Corporate and Community Management Act 1997** (the Act).

Each scheme also operates under one of the following regulation modules:

- Standard Module.
- Accommodation Module.
- Commercial Module.
- Small Schemes Module.
- Specified Two-lot Schemes Module.

Both the Act and the regulation modules set rules for every person involved with the scheme, including tenants. These apply alongside other laws, such as tenancy legislation or local council regulations.

Because each module has different rules and procedures, it is important to know which one applies to your scheme. You can find out which module applies by looking at the scheme's community management statement.



# Community management statement

Every scheme has a community management statement (CMS).

It includes:

- The scheme name and community titles scheme number (CTS number).
- The regulation module that applies to the scheme.
- The scheme's by-laws.
- Lot entitlement schedules.

When buying a lot, you should receive a copy of the CMS from the

seller. If you do not have a copy, you can purchase one from *Titles Queensland*.

[OPEN LINK](#)

**Before signing a contract to buy a lot, you should also receive a body corporate certificate. This document gives additional information about the scheme including finances, insurance, and whether a layered arrangement or building management statement applies.**

# Understanding the body corporate

The body corporate is made up of all the lot owners in your scheme.

The body corporate is responsible for the management of the property and must:

- Maintain and insure common property.
- Make and enforce by-laws.
- Make decisions about the operation of the scheme.
- Collect levies from owners.

A committee of owners (or their representatives) is elected to

make day-to-day decisions on behalf of the body corporate. Bigger decisions are made by inviting all owners to vote at general meetings.

When you buy a lot:

- You automatically become a member of the body corporate.
- You cannot opt out.
- Your rights and responsibilities start straight away.

You can think of the body corporate as all owners working together to manage the property and community.

# What you own

Understanding what is owned by the body corporate and what you own as an individual lot owner is an important part of community living.

In general, you own everything inside the lot registered on your title and are responsible for maintaining your lot at your own expense.

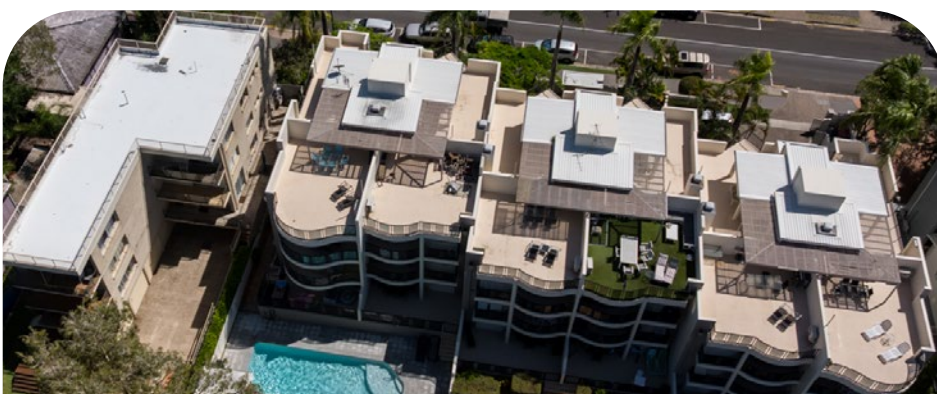
Areas of the land or buildings outside of your lot boundaries are owned collectively by the body corporate and are called 'common property'. The body corporate is responsible for maintaining common property, and all owners contribute to these costs through levies.

Lot boundaries – and therefore what you own – are determined by the plans of subdivision (format plans) that were lodged with Titles Queensland when the property was subdivided.

There are three types of format plans used in community titles schemes:

- Building format plans.
- Standard format plans.
- Volumetric format plans.

The most common are the building and standard formats plans.



# The people of the **body corporate**

## The committee

The committee is a group of owners, or their representatives, elected every year at the annual general meeting (AGM) of the body corporate.

Committee membership is voluntary and comes with extra responsibility but allows interested owners to participate more actively in the management of the scheme.

The regulation module that applies to your scheme could impact the size and membership of the committee.

## The committee:

- Looks after day-to-day matters.
- Organises maintenance.
- Enforces by-laws, and.
- Manages finances.

There are restrictions on the decisions the committee can make, and no single member has more voting power than another.

The committee must work together to effectively manage the body corporate and will sometimes need to call extraordinary general meetings for all owners to participate in some decisions.

## Joining the committee

To join the committee, you must nominate and meet eligibility requirements. This includes being up to date with levy payments.

You can be appointed to a committee position if one becomes vacant during the year. For example, if a committee member sells their lot. Otherwise, you will have to wait until nominations are invited and the election is held at the AGM.

Body corporate managers and caretaking service contractors are automatically non-voting committee members.

“ Tenants usually cannot be on the committee unless they represent an owner. ”



## The body corporate manager

**A body corporate manager may be engaged to help the body corporate with administrative tasks.**

**This includes:**

- Sending meeting notices.
- Keeping records.
- Issuing levy notices.
- Organising insurance and maintenance.

A body corporate manager reports to the committee and body corporate. The manager supports the committee but is not able to make decisions on their behalf. They take their direction from the committee.

In some situations where there is no committee a body corporate may engage a body corporate manager in place of the committee. In this case, the body corporate manager can make

decisions in the same way a committee can. This type of engagement requires a special contract.

Not all schemes have a body corporate manager as this is not required by law. Schemes without a manager are often referred to as 'self-managed' and the committee will generally handle administrative tasks themselves.

The duties of a body corporate manager and the services they provide are determined by their contract with the body corporate and may vary based on the circumstances of your body corporate.

A body corporate manager is required to disclose any commissions or benefits they might receive in administering the scheme. The cost of services provided by a body corporate manager will be determined by their contract.

## The caretaking service contractor/letting agent

**The body corporate may engage a caretaking service contractor to:**

- Maintain gardens and pools.
- Clean common areas.
- Report by-law breaches to the committee, and
- Arrange repairs.

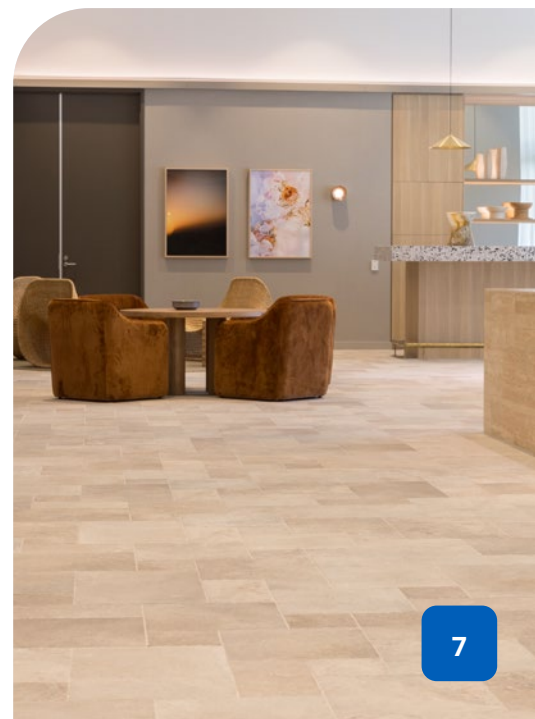
This is common in larger schemes, with the caretaker's job title often being 'resident unit manager', 'onsite manager' or 'building manager'.

The caretaker usually owns a lot in the scheme and is responsible for maintaining their lot like all other owners.

The role of a caretaker and services they provide to a body corporate are contained in their contract with the body corporate. The caretaker will generally report to the committee, like the body corporate manager.

Caretaking service contractors are also authorised to run a letting agent business for the scheme.

Owners do not have to use the onsite letting agent if they prefer another provider.



# By-laws

“Tenants should receive a copy of the by-laws with their tenancy agreement.”

## The body corporate can make by-laws which are rules about:

- The use of common property.
- Behaviour of owners and occupiers (including visitors and tenants).
- Use of individual lots.

All owners and occupiers are required to follow the by-laws. The committee and body corporate have the power to take action to enforce

the by-laws, and they must do so if breaches occur.

The by-laws for a scheme are decided by its body corporate, meaning by-laws are unique from scheme to scheme.

The by-laws are usually found on your CMS. You will receive a copy before you purchase your property.

Owners and tenants can both ask the body corporate to enforce the by-laws.

## Keeping animals in a scheme

Most community titles schemes require approval before you can keep an animal. Animal by-laws apply alongside other laws, such as tenancy legislation and local council requirements.

The body corporate cannot unreasonably refuse permission to keep an animal.

After receiving your written request, the committee must either make a decision within 21 days or call a general meeting to consider the request.

## There are two ways approval may occur:

- Explicit approval – you receive notice that your animal has been approved:
  - by the committee, or
  - at a general meeting.
- Deemed approval – your animal is automatically approved if, within 21 days, the committee does not:
  - make a decision, or
  - call a general meeting to consider your request.

The committee must give written notice of the decision or deemed approval.

If you receive approval (including deemed approval), you may bring your animal onto scheme land.

If your request is refused, you cannot bring your animal onto scheme land. You should first try to resolve the issue with the body corporate. If you cannot resolve the matter, you may contact the BCCM office to discuss dispute resolution options.

You can use [BCCM Form 31 – Request to bring an animal onto scheme land](#) to request approval.

[OPEN LINK](#)

“Tenants must also ask their landlord for approval.”





## Other common by-laws

### By-laws usually also cover:

- Smoking.
- Parking.
- Noise and nuisance.
- Appearance of lots.
- Flooring and air-conditioning.

Always check the by-laws before buying or renting to make sure the scheme suits your lifestyle.

## Exclusive use by-laws

Some owners have special rights over parts of common property.

### These are called exclusive use areas and can include:

- Courtyards.
- Gardens.
- Balconies.
- Car parks.

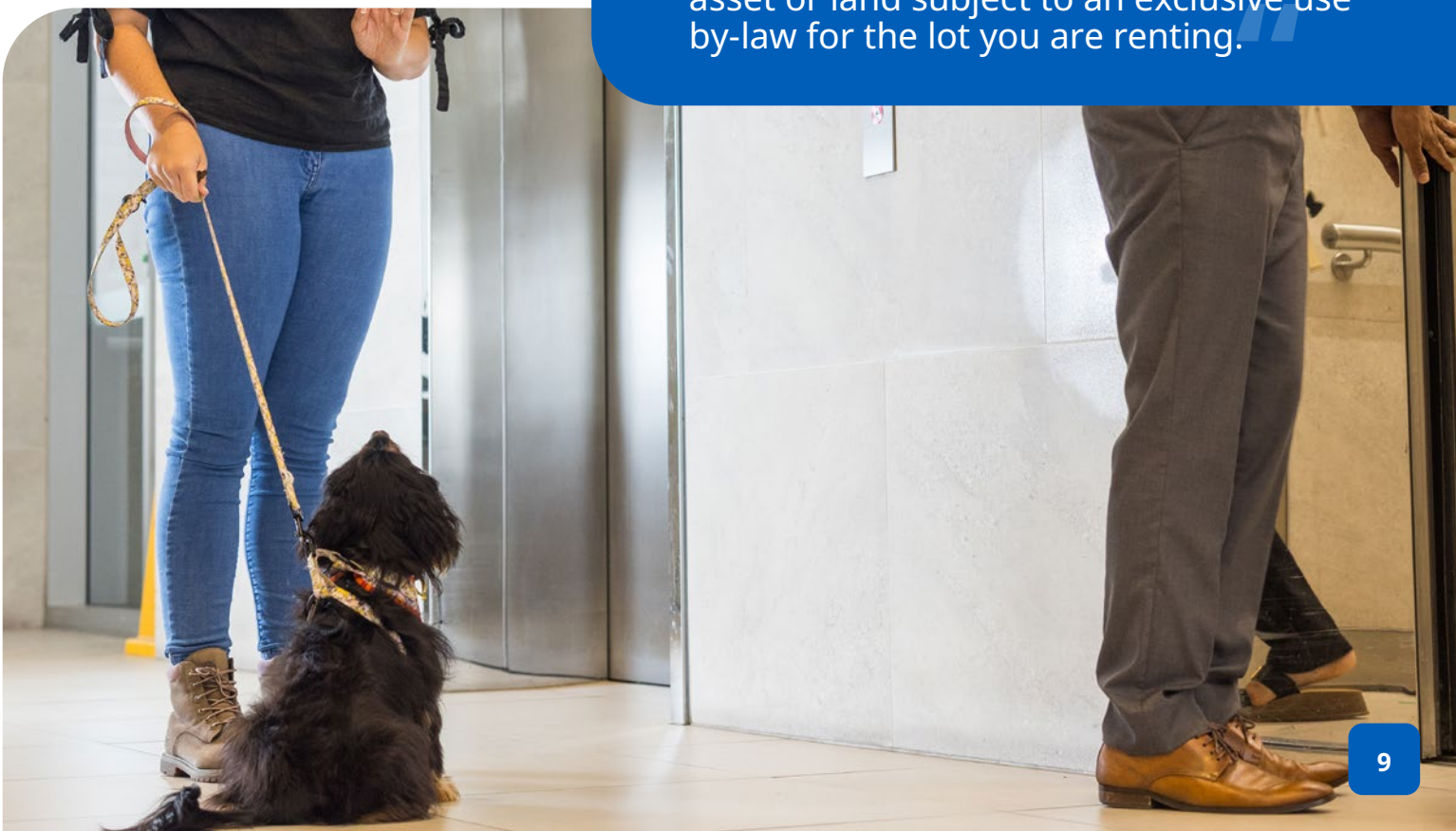
These by-laws are usually listed in the CMS or you can buy a copy from Titles Queensland.

Owners usually maintain these areas at their own cost unless the by-law states otherwise.

An owner must comply with conditions stated in the by-law.

The body corporate can take action to enforce breaches of exclusive use by-laws like any other by-law.

“As a tenant you will be able to use any asset or land subject to an exclusive use by-law for the lot you are renting.”



# Body corporate finances and levies

## Contributions and budgets

Owners must pay levies (also known as fees or contributions) to cover the costs of the day-to-day operation of the body corporate and to save for significant maintenance works when the need arises.

**Budgets are voted on and adopted each year at the AGM:**

- Administrative fund (regular and day-to-day expenses), and
- Sinking fund (big or future repairs).

Schemes that are registered under the Commercial Module may also adopt and contribute towards a promotional fund.

Sometimes tenants of commercial lots need to pay levies on behalf of the lot owner, check your tenancy agreement for more details.

Levies are based on the budgets adopted.

The budgets will give you an idea about what the body corporate expects to spend.

The proportion of your contribution to the levies is based on the lot entitlements for your lot. Lot entitlements can be found on your CMS.

**There are two types of lot entitlements which serve different purposes.**

- Contribution schedule – is based on how much each lot is expected to use and benefit from shared areas and services. It is used to calculate your share of the body corporate levies and to determine some voting rights.
- Interest schedule – is based on the market value of your lot. They are used to calculate insurance premiums in some schemes and determine how proceeds are shared if the scheme is terminated.

Special levies are raised if there is not enough money for unexpected expenses. A special levy must be approved by owners at a general meeting.

Information about any levies due and outstanding, including any special levies raised, will be detailed in the body corporate certificate. The sinking fund balance will also be provided. You should also search the body corporate records for the most up-to-date financial information prior to settlement.

## Not paying your levies

**If you don't pay your levies on time, you may face:**

- Penalties and/or loss of discounts.
- Debt recovery and legal action.
- Loss of voting rights.

Always check levy balances for the lot you are buying before settlement. You can do this by asking the body corporate for an up-to-date body corporate certificate or by accessing the body corporate records. There are usually fees associated with inspecting or receiving copies of body corporate records.



# Insurance

**The body corporate must hold insurance policies for the common property, body corporate assets, and in most cases buildings for full replacement value.**

The format plan that applies to your scheme determines what buildings the body corporate must insure and what you as an owner must insure, similar to how it informs your maintenance responsibilities.

Maintenance and insurance responsibilities do not always go hand-in-hand. Sometimes the body corporate has to insure something that an owner is responsible for maintaining. For example, an owner is responsible for the maintenance of tiling inside the boundary of their lot; however, it is usually covered under the body corporate building insurance.

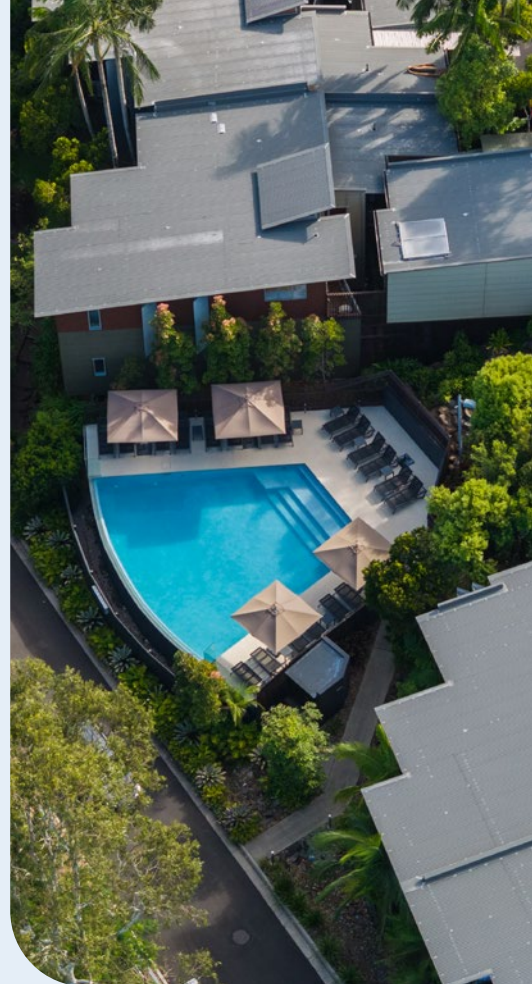
## You will need to get your own:

- Contents insurance, and
- Building insurance, if your lot is a stand-alone building, on a standard format plan.

Your body corporate must disclose information on insurance coverage with the AGM documents every year and the body corporate certificate when you purchase.

Many details of body corporate insurances, such as the excess or claims process, will be specific to your scheme and based on the policy in place.

Your portion of the insurance premium is included on your levy notice. How the premium is calculated is determined by the format plan your lot is registered under and the kind of insurance policy held by the body corporate.





# Maintenance obligations

## The responsibility for maintenance depends on:

- The type of property needing maintenance.
- Where it is located.
- The format plan that applies to your lot.

### Building format plan

#### The boundaries are determined by the floor, walls and ceiling (usually apartments but can also be townhouses):

- Owners maintain most of what is inside their lot.
- The body corporate maintains most of the outside of the building and building structures, common property and some utility infrastructure.

### Standard format plan

#### The boundaries are determined by survey pegs in the ground (usually townhouses or houses):

- Owners maintain inside their lot which includes both the inside and outside of their building.
- The body corporate maintains common property and some shared utility infrastructure such as guttering.

It is important to know the format plan so that you can determine the boundaries of your lot and understand your maintenance responsibilities.

### Utility infrastructure

The plumbing, wiring and other installations which provide utility services to lots in a scheme have special rules to determine maintenance responsibility.

As an owner, you are responsible to maintain any utility infrastructure that meets **all three** of the following conditions:

#### The utility infrastructure must:

- Supply a service only to your lot, and
- Be within the boundaries of your lot, and
- **Not** be within a boundary structure (for example, in a wall separating your lot from someone else's lot).

# Renovations and **improvements**

**If you want the body corporate to make an improvement to common property, you must make a written request (submit a motion). You can also ask the body corporate for permission to make your own improvement to common property for your benefit.**

The committee or the body corporate at a general meeting may approve or decline your requests by voting.

If you want to make an improvement to your own lot, make sure you check the by-laws. The by-laws will tell you when you need to get approval.

By-laws may have rules for improvements and renovations inside your lot as well as exclusive use areas.

The body corporate may impose reasonable conditions on your requests.

## **Before renovating, make sure you:**

- Read the by-laws.
- Get approval first, where required.
- Comply with any conditions to avoid disputes.

Even if you do not need approval under the by-laws, you should consider other owners when making your decision as there may be other by-laws unrelated to your improvements which you could risk breaching. For example, laying hard flooring or installing an air-conditioner may breach an appearance, noise or nuisance by-law.

Owners are responsible for maintaining any improvements they make to common property. The body corporate certificate tells you whether a previous owner made improvements that you are now responsible for maintaining.



# Body corporate records

**Owners and tenants can request access to certain body corporate records, such as:**

- Meeting minutes.
- Insurance policies.
- Financial information.
- The body corporate roll (owner contact details).

Requests must be made in writing and the prescribed fee must be paid.

The body corporate must maintain a document called the body corporate roll, which lists the contact details of every owner.

When you become a lot owner, you must update your contact details on the body corporate roll. This is very important to ensure you receive

notices and can be contacted by the body corporate. Your contact details must be updated within one month of purchasing your lot.

If you are renting in a scheme, you are also entitled to request access to or copies of body corporate records if you can show the secretary that you have a proper interest in the record you are seeking.

If you sign a lease for 6 months or longer, the lot owner or property manager must provide some of your contact information for the body corporate roll.

## Contacting the committee or body corporate manager

Your body corporate's contact details are included on the body corporate certificate you receive when you purchase a lot.

Meeting minutes and levy notices will also usually contain contact information.

If your scheme has a body corporate manager, they are typically authorised to receive correspondence on behalf of the committee.

You may wish to ask for a copy of the body corporate roll if you need to contact other owners in your scheme or committee members.

Tenants can also contact the body corporate directly and do not need to go through their landlord. Contact details can be obtained from your landlord, property manager or another owner or occupier in the scheme.



# Asking the body corporate for something

Most requests to a body corporate or committee are made by submitting a motion. A motion is a written request or proposal that can be voted on at a meeting.

## If you need permission or action from the body corporate, you should:

- Submit a motion (*BCCM Form 36*) [OPEN LINK](#)
- Clearly explain what you want the body corporate to do or approve.
- Include quotes or supporting information, if required.

All owners have the right to submit motions to the committee, or for consideration at the next general meeting, at any time.

You will be asked whether you wish to submit any AGM motions 3-6 weeks before your body corporate's end of financial year. This will usually

happen at the same time you are invited to nominate for committee membership.

Motions can cover a wide range of matters, including approval for lot improvements, changes to by-laws or requests for works to be carried out.

Tenants can also ask the body corporate for permission to do something by writing to them. They do not need to go through their landlord.



## Body corporate decisions and meetings

The body corporate makes decisions on behalf of all owners about how the scheme and common property are managed. Decisions can either be made by the committee or at general meetings.

### Committee decisions

The committee is responsible for the day-to-day running of the body corporate. However, there are some restrictions on what the committee can decide, including restrictions on spending.

Committee decisions can be made either at a committee meeting or by voting outside a committee meeting (often called a 'flying minute' or 'VOCM').

If you submit a motion to the committee, they must make a decision within 6 weeks of receiving your request. This timeframe may be extended by up to a further 6 weeks if there is a valid reason. Different timeframes apply to decisions about keeping animals.

### General meetings

General meetings give all lot owners the opportunity to vote and decide on the motions presented.

#### There are two types of general meetings:

- **Annual general meeting (AGM):** Held once a year, the AGM is where the committee is elected, budgets are adopted, and insurance is reviewed. Owners can also submit motions. Most major decisions for the year are made at the AGM.

- **Extraordinary general meeting (EGM):**

An EGM can be called by the committee at any time. The committee must call an EGM within 14 days if at least 25% of owners request one in writing, along with the motions they want considered.

Reading general meeting documents and voting on motions is your opportunity to find out what the body corporate is doing and to have a say.

Owners are provided with minutes or records of all body corporate decisions within 21 days of the decision being made.



# Living in a **specified two-lot scheme**

Schemes that are regulated under the Specified Two-lot Scheme Module are run very differently to other schemes.

## The most notable differences are:

- There is no committee.
- There are no meetings - decisions are made by written lot owner agreement.

- There is no requirement for a bank account – owners pay costs as they arise.

The two lot owners are the body corporate.

For more information about specified two lot schemes read our [website](#).

[OPEN LINK](#)

# Resolving **disputes in your body corporate**

There are three steps to resolving disputes in a body corporate.

## Self-resolution

Before lodging a formal dispute application with us, you must first try to resolve the issue directly with the other owner, occupier, or the body corporate.

### This may involve asking:

- Another owner or occupier to do something or to stop doing something if you believe they are in breach of the legislation. You can use [BCCM Form 37a](#) or write your own letter.

[OPEN LINK](#)

- The body corporate for approval or action by submitting a motion. You can use [BCCM Form 36](#).

[OPEN LINK](#)

- The body corporate to reconsider a previous decision. You can use [BCCM Form 37b](#).

[OPEN LINK](#)

If you later lodge an application for dispute resolution, you will be asked to provide evidence of your attempts to resolve the issue.

If the issue cannot be resolved, you may consider lodging an application for conciliation or adjudication.

## Conciliation

If self-resolution is unsuccessful, the first formal step is usually conciliation. Conciliation is an up-to-3-hour meeting facilitated by a conciliator, where all parties are encouraged to reach an agreement based on the legislation.

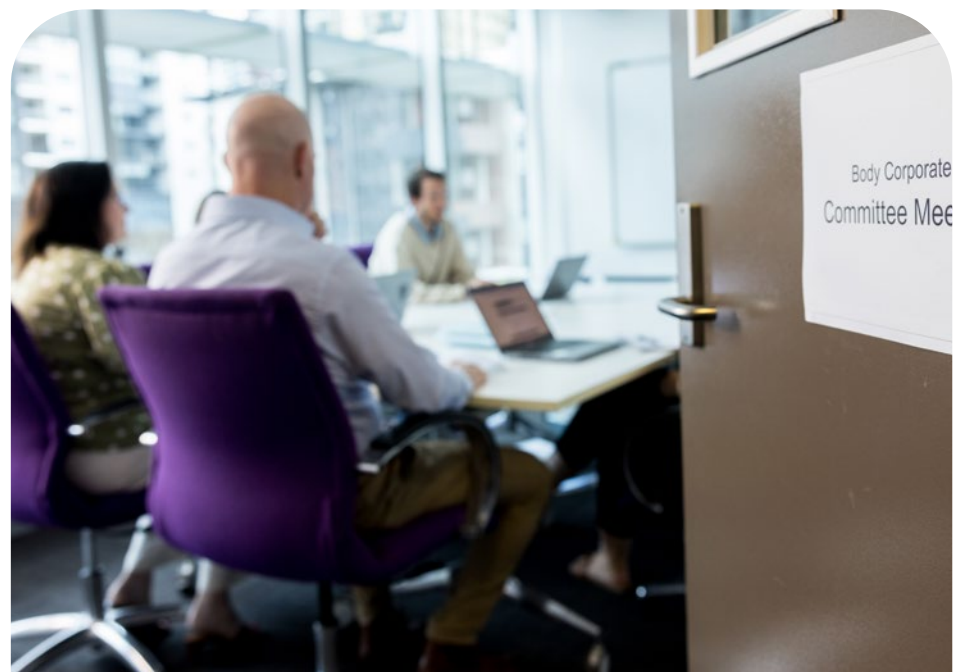
Most body corporate disputes are suitable for conciliation.

## Adjudication

If conciliation is unsuitable, unsuccessful, or the agreement is

not complied with, you may apply for adjudication. An adjudicator makes a decision based on the information provided in the application and any submission received from the respondent.

Adjudicator's orders are legally binding and can be enforced through the Magistrate's Court.



# Checklist before you buy

- Read your body corporate certificate (BCCM Form 33 or BCCM Form 34) and ask questions about anything you do not understand.
- Check the body corporate records for previous minutes of meetings and up-to-date financial information.
- Check that the by-laws align with your lifestyle and how you intend to use the property.
- Confirm the levies payable are affordable for your financial circumstances.
- *Search previous adjudicators' orders* to see whether there have been disputes in the scheme.
- Review the format plan of subdivision to understand what you will be responsible for, what the body corporate is responsible for, and whether any exclusive use by-laws apply to the lot.
- Check which regulation module applies to the scheme to understand how decisions are made and how the committee is formed.
- Once you have settled the contract of sale remember to prepare and submit BCCM Form 8 – Information for body corporate roll, to provide your details to the body corporate.

[OPEN LINK](#)

# Checklist before you rent

- Review the by-laws to ensure they align with how you want to use the property, including whether approval is required for keeping an animal.
- Find out whether there are any exclusive use areas you will be responsible for keeping clean in addition to the lot.
- Find out who to contact if you need to make a request, and whether a caretaking service contractor or body corporate manager is authorised to act on behalf of the body corporate.



# Where to find more information

## Website

Visit our website for practical guidance and resources about body corporate living: [www.qld.gov.au/bodycorporate](http://www.qld.gov.au/bodycorporate).

**OPEN LINK**

## Online training

If you are looking for more detailed information or are considering nominating for the committee, you may wish to complete our free online training course. You can register on our website: [www.qld.gov.au/bodycorporatetraining](http://www.qld.gov.au/bodycorporatetraining).

**OPEN LINK**

## Online enquiry

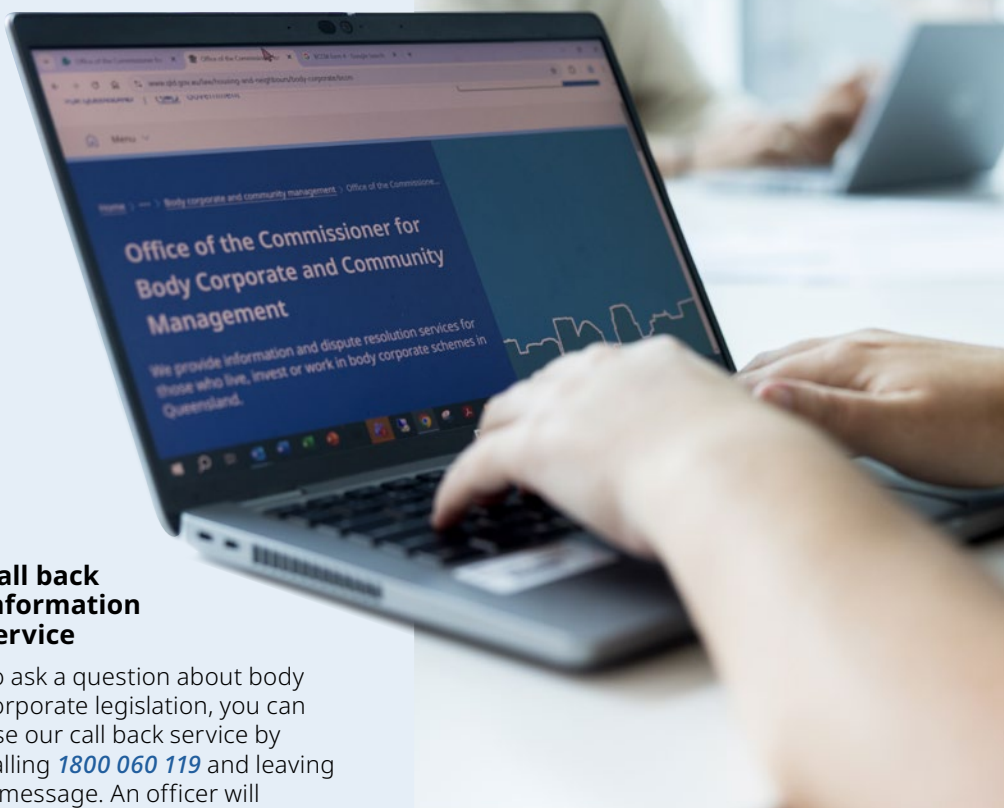
You can submit an online enquiry to receive a written response from one of our Community Education Officers at: [www.qld.gov.au/bodycorporatequestion](http://www.qld.gov.au/bodycorporatequestion).

**OPEN LINK**

## Call back information service

To ask a question about body corporate legislation, you can use our call back service by calling **1800 060 119** and leaving a message. An officer will return your call.

**CALL NOW**



## Acronyms

- AGM – Annual general meeting.
- BC – Body Corporate.
- BCCMA or BCCM Act – Body Corporate and Community Management Act 1997.
- BCCM or OBCCM – Office of the Commissioner for Body Corporate and Community Management.
- BCM – Body corporate manager.
- BFP or BUP – Building format plan.
- BMS – Building management statement.
- CMS – Community management statement.
- CSC – Caretaking service contractor (Some contractors will have a separate job title such as 'Building Manager' or 'Resident Unit Manager').
- CTS – Community titles scheme.
- EGM – Extraordinary general meeting.
- EUA – Exclusive use area (Granted by an exclusive use by-law).
- RAN – Remedial Action Notice.
- SFP or GTP – Standard format plan.
- VFP – Volumetric format plan.
- VOC or VOCCM – Vote outside a committee meeting (Sometimes called a 'flying minute').

## Common terms

- Body corporate – The legal entity all owners in a community titles scheme join when purchasing a lot.
- Levies – The contributions an owner pays towards the body corporate budgets.
- Motion – A written request for action from a body corporate or committee.
- Nomination – A written submission from an owner putting forward a nominee to become a member of the body corporate committee for that financial year.
- Strata – A term for a body corporate used in legislation in other Australian states (Queensland legislation calls it community titles scheme).