

BODY CORPORATE FACT SHEET

Enforcing By-laws

Contravention notices, step by step

By-laws are the rules a body corporate makes to control and manage the common property, body corporate assets, the services and facilities it provides, and the use of lots. Owners, occupiers and their invitees must all follow them.

Knowing a by-law is being breached is one thing. Getting it enforced is a defined statutory process with set forms and set timeframes — and if the steps are skipped, the enforcement fails. This sheet sets out the sequence.

1. Where the by-laws are, and what they cannot do

The by-laws for your scheme are contained in the community management statement (CMS) registered with Titles Queensland. If a body corporate changes its by-laws, it must register a new CMS. Exclusive use can only be granted through a by-law included in the CMS — it must be recorded on the CMS to have effect.

The legislation limits what a by-law can do. A by-law cannot:

- be inconsistent with the Act or any other legislation
- stop or restrict a sale, lease, transfer, mortgage or other dealing with a lot
- discriminate between types of occupiers
- be unreasonable, when the interests of all owners and occupiers in the scheme and the use of the common property are considered
- restrict the type of residential use of a residential lot
- impose a monetary liability on an owner or occupier — except in an exclusive use by-law
- stop an owner or occupier installing solar hot water or solar power on their lot because it affects the look
- stop a person with a disability having a guide, hearing or assistance dog
- restrict or prohibit smoking in an enclosed part of a lot.

An invalid by-law still blocks the committee

A by-law that offends these limits can be declared invalid by an adjudicator, who can require the body corporate to record a revised CMS removing it. But until that happens the body corporate must enforce its registered by-laws — so a committee cannot simply approve something a prohibitive by-law forbids. The remedy is dispute resolution or a change to the by-law, not a committee decision.

2. Who starts the process

The body corporate is responsible for enforcing the by-laws. It can act on its own initiative, or an owner or occupier can require it to act.

Step	What happens	Form
An owner or occupier of a lot in the scheme asks the body corporate to act	A written notice is given to the body corporate identifying the by-law and the contravention.	BCCM Form 1
The committee	The committee has 14 days to tell the owner or occupier that a	—

Step	What happens	Form
responds	contravention notice has been issued.	
If the committee refuses or does not respond	The applicant can apply for conciliation — either against the person breaching the by-law, or against the body corporate for failing to enforce. Where the application is against the other person, the applicant must first have attempted to resolve it with them directly.	—

The body corporate acts through its committee, so the decision to issue a contravention notice is a committee decision.

Urgent circumstances

Where there is a risk of injury, property damage, or a health, safety or serious nuisance risk, a party can skip the Form 1 request and the contravention notice and go straight to dispute resolution.

3. The two contravention notices

The body corporate issues one of two notices, depending on the nature of the breach.

Notice	When it is used	Example
Continuing contravention notice (BCCM Form 10)	The person is breaching a by-law, and it is likely that this will continue.	An unauthorised exterior modification that remains in place.
Future contravention notice (BCCM Form 11)	The person has breached a by-law and it is likely the contravention will be repeated.	Recurring noise or repeated misuse of visitor parking.

The notice must set out the alleged breach, identify the specific by-law, explain how it is being breached, state a compliance timeframe or instruction, and warn of court proceedings or conciliation.

Who the notice is served on

If the body corporate believes an occupier who is not the owner has breached the by-laws, the contravention notice must name the occupier and not the owner. The body corporate must also give a copy of the notice to the owner as soon as possible after giving it to the occupier.

For landlords and property managers

The owner receives a copy of a tenant's contravention notice, given as soon as possible after the notice goes to the occupier. It is then up to the owner whether to pursue any additional action against the tenant under the residential tenancies legislation. A body corporate by-law breach is also a breach of the tenancy agreement, and a notice to remedy breach can be issued separately by the lessor.

4. If the notice is ignored

If a person does not comply with a by-law contravention notice, the body corporate can either start proceedings in the Magistrates Court for the offence of failing to comply with the notice, or apply for conciliation.

The Magistrates Court can impose a fine of up to \$3,454 for failure to comply with a contravention notice. That is 20 penalty units at the penalty unit value current from 1 July 2026, and it moves each year with indexation.

Only the body corporate can go straight to court

An owner or occupier cannot start Magistrates Court proceedings unless they already hold an adjudicator's order in their favour. For an individual, the pathway is self-resolution, then conciliation, then adjudication —

and only then the court.

A body corporate cannot evict a resident, and it cannot fine an owner or occupier itself. Penalties are imposed by a court, not by the committee.

5. Nuisances and hazards

Separately from any specific by-law, an occupier must not use their lot or the common property in a way that causes a nuisance or hazard, or interferes unreasonably with another person's use or enjoyment of a lot or the common property. Occupiers are responsible for their invitees doing the same.

The examples given in the guidance include renovation noise, vibration and dust; excessive noise generally; obstructing access to shared facilities; antisocial behaviour; strong or unpleasant smells; and excessive light reflection. Smoke drift is expressly covered where an occupier regularly exposes neighbours to smoke.

A gap worth knowing about

The body corporate legislation does not deal with bullying or harassment between residents unless a specific by-law covers the conduct. Expecting the committee or an adjudicator to resolve it as such leads to disappointment.

6. Changing a by-law

Changing the by-laws is a restricted issue for the committee — it can only be done by the body corporate at a general meeting.

Type of change	Resolution required	Recording
An ordinary by-law	Special resolution	A new CMS must be recorded with Titles Queensland within 3 months of the resolution.
A new or amended exclusive use by-law	Resolution without dissent, plus the benefiting owner's written agreement or personal vote	A new CMS must be recorded within 3 months. The by-law only applies once the statement is recorded.

Where a scheme's community management statement was recorded after July 1997 and does not list by-laws, the default by-laws in schedule 4 of the Act apply.

7. Two-lot schemes

Schemes under the Specified Two-lot Schemes Module run a parallel process. The lot owner issues the contravention notice directly, using BCCM Form 27 for a continuing contravention or Form 28 for a likely future contravention, and copies go to the body corporate.

An occupier who wants a by-law enforced must first notify their own lot owner, using BCCM Form 25. The owner then has 14 days either to issue a notice or to tell the occupier that one has been issued. Only if the owner does neither can the occupier take the matter further.

Source and disclaimer

Source: Queensland Government body corporate guidance at www.qld.gov.au/housing/body-corporate, current at 2 September 2026.

Forms referred to: BCCM Form 1 (notice to body corporate of a by-law contravention), Form 10 (continuing contravention notice), Form 11 (likely future contravention notice), and Forms 25, 27 and 28 for two-lot schemes. Forms are available from the BCCM office.

The \$3,454 figure is 20 penalty units at the value current from 1 July 2026, and is indexed annually.

BCCM information line 1800 060 119 · www.qld.gov.au/bodycorporate

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Talk to us

If this raises a question about your scheme, we are happy to help.

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