

Meetings of the strata committee

The owners corporation must elect a strata committee, and may delegate some of its functions to the committee.

The strata committee's role enables quicker decision making on many of the day-to-day issues concerning the running of the scheme. Any decision made by the strata committee is treated as a decision of the owners corporation. However, the owners corporation can vote to overrule its strata committee's decisions or put limits on what they can make decisions about.

Strata committee members are responsible for electing office bearers (ie. Chairperson, Secretary and Treasurer). This usually takes place at the first committee meeting after the annual general meeting.

Strata committee meetings can be held as often as the members like during the financial year. The Secretary can convene a strata committee meeting at any time. Alternately, one third of the strata committee members may ask the secretary, or any other committee member, to call a strata committee meeting.

Giving notice

Each member of the strata committee, and every lot owner, must be given a notice of an intended strata committee meeting at least 3 days before the meeting is due to be held. The notice of the meeting must include a detailed agenda for the meeting.

In a large strata scheme (schemes comprising more than 100 lots) the Secretary or meeting organiser must put the notice of the meeting on any noticeboard used in the scheme and also deliver the notice to each owner. In other strata schemes, the notice may either be put on the notice board or delivered to each owner.

To deliver the notice to a person who has an address for the service of notices recorded in the strata roll, it should be sent to the postal or email address. If a residential or business address is recorded then the notice can be left with someone over the age of 16 years at that address.

If no address is recorded in the strata roll then the legislation requires that the notice is to be delivered to an owner by:

- delivering it personally
- sending it to their postal or email address
- placing it in their letterbox, or
- leaving it on a part of their lot that is their residence, but not in a garage or storeroom.

Are owners permitted to attend if not a member of the committee?

An owner or, where the owner is a corporation, the company nominee of the corporation can attend strata committee meetings but they cannot speak at the meeting unless the committee passes a resolution allowing them to do so.

Chairing meetings

If the chairperson is present they must preside at all meetings of the strata committee. If the chairperson is away, the strata committee must appoint another committee member to chair that meeting only.

When does a quorum exist for a meeting?

The quorum for a strata committee meeting exists when at least half of the appointed members are present.

Voting

Each strata committee member, other than any tenant member, has one vote. The Chairperson does not have a deciding vote under any circumstances. A decision on any motion at a strata committee meeting is made by a majority vote.

A member of the strata committee is not entitled to vote if they are an unfinancial owner of a lot in the strata scheme when the notice of meeting was given and the amounts owed by them were not paid before the meeting.

Addressing conflicts of interest

If a strata committee member has a pecuniary or other interest that could raise a conflict of interest in relation to matter to be considered by the committee, this interest must be disclosed at a meeting of the committee. After a member has made this disclosure they must not be present when the particular matter is discussed, nor may they vote on the matter, unless the committee resolves otherwise. Details about the potential conflict of interest must be recorded in a record kept by the committee and made available for inspection on request and on payment of a fee if required.

Adjourning meetings

A strata committee meeting can be adjourned for any reason if a motion is passed at the meeting for the adjournment. Notice of when and where the adjourned meeting is to take place must be put on the noticeboard. If there is no noticeboard, written notice must be given to each owner at least one day before the meeting and this may be sent by email.

Voting in writing

Unlike general meetings, the strata committee can vote on a motion even though a meeting was not held, if the committee votes in writing. For this to be a valid vote, the correct procedure for giving notice of the meeting must have been followed and a copy of the motion to be voted on should be given to each committee member.

The motion is approved if the majority of strata committee members, other than any tenant member, approve the passing of the motion in writing.

Voting by email, teleconference or other technologies

A strata committee may pass a resolution to adopt any of the following means of voting by the committee:

- voting by teleconference, video-conferencing, email or other electronic means by a member while participating in a meeting from a remote location, or
- voting by email or other technological means before the meeting at which the matter is to be determined by the committee. This can include accessing a voting website or even a Facebook page. This form of voting cannot be used for the election of officers of the strata committee.

Objecting to motions on the agenda

Owners holding more than one-third of the total unit entitlements for the strata scheme can oppose any motion appearing on the agenda for a strata committee meeting. Written notice of the objection must be given to the secretary before a decision on the motion is made.

Any decision made by the strata committee on that matter will have no force or effect.

Minutes of meetings

A strata committee must keep full and accurate minutes of its meetings. The minutes must include details of all resolutions passed, including those considered without holding a meeting.

Within 7 days after a meeting of a strata committee or the passing of a resolution by the strata committee, copies of the minutes must be given to each member of the committee.

In a large strata scheme a copy of the minutes must be given to each owner who requests a copy within 7 days.

In other strata schemes a copy of the minutes must be given to each owner within 7 days.

There is no requirement to provide a copy of minutes to tenants, or the tenant's representative.

The Tenants representative

In schemes where tenants make up more than 50 per cent of occupants, a tenants representative may have been nominated by the tenants to be their representative (member) on the strata committee. Whilst the tenant representative is free to speak at meetings, they cannot contribute to the numbers required for a quorum for the committee, and do not have a vote on motions put before the committee. The tenant representative can also be excluded from a meeting whilst the following matters are being discussed or determined:

- financial statements and auditor's reports
- levying of contributions
- recovery of unpaid contributions
- a strata renewal proposal under Part 10 of the *Strata Schemes Development Act 2015* or any related matter.

For information on the appointment of a tenants representative, read the tenant participation page on the Fair Trading website.