

Strata committee

Of the owners corporation

The strata committee of the owners corporation represents owners or owners' nominees.

It is responsible for the day-to-day running of the strata scheme and is elected at each annual general meeting (AGM).

The owners corporation decides the number of strata committee members for the coming year at each AGM. It can have from 1-9 members, but in a two-lot scheme both owners must be members. A large scheme (more than 100 lots) must have at least 3 members on its committee.

Once the strata committee is elected, the members of the committee decide who is to hold the office-bearer positions. The office-bearer positions are Chairperson, Secretary and Treasurer.

The owners corporation can dismiss some or all of its strata committee. An owners corporation may also employ a strata managing agent and/or building manager to carry out some, or all, of the responsibilities of the strata committee.

Members of the strata committee

The following are eligible for election to the strata committee:

- an owner

- a company nominee of a corporation that is an owner
- a person who is not an owner but who is nominated by an owner who is not standing for election.

If a vacancy occurs during the term of the strata committee, the owners corporation may appoint a person to fill the vacancy until the next AGM.

Co-owners can only be nominated by:

- an owner who is not a co-owner of that lot, or
- a co-owner of that lot who is not a candidate for the election.

Disclosure requirements

A person nominated for election to a strata committee must disclose any financial, business or family connections they have with the developer or building manager. The disclosure must be made at the meeting at which the strata committee is to be elected and before the election is conducted. The disclosure must be recorded in the minutes of the meeting.

Once elected, members of the strata committee must disclose any direct or indirect pecuniary interest in a matter being considered (or about to be considered) at a meeting if the interest may raise a conflict of

interest with the member's duties in relation to the matter being considered. The member must disclose the nature of this interest as soon as possible at a strata committee meeting.

The member will be taken to have disclosed the interest if they inform the strata committee meeting that they are:

- a member or in the employment of a specified corporation or other body, or
- is a partner, or in the employment of a specified person, or has some other specified interest relating to a specified corporation or other body or to a specified person.

Details of any disclosure must be recorded by the strata committee in a book kept for that purpose. The book must be available at all reasonable hours for inspection by any person who has paid the fee determined by the strata committee.

After making a disclosure, the person making the disclosure cannot, unless the strata committee decides otherwise be present during deliberations with respect to the matter, or take part in any decision-making in relation to the matter.

Meetings

There is no legal requirement for how often strata committee meetings must be held. The Secretary may convene a meeting of the strata committee at any time.

One-third of the strata committee members may ask the Secretary to call a strata committee meeting and set a time for the meeting to be held.

If the Secretary is away, any other strata committee member may be asked.

For more information about meetings visit the Meetings of the strata committee page of the Fair Trading website.

Effect of decisions

Any decision made by the committee is treated as a decision of the owners corporation although there are some matters that the committee deal with (for example, levying contributions). No individual committee member can make a decision for the owners corporation. In the event of a dispute between the owners corporation and its committee, the decision of the owners corporation prevails.

Restrictions

An owners corporation can limit the powers of its committee if it so chooses. Even if the owners corporation delegates a power to the committee, it can still exercise that power.

Restrictions of decisions

A decision of the owners corporation is required before the strata committee may obtain legal services on behalf of the owners corporation, except if it is of the opinion that urgent action is necessary to protect the

interests of the owners corporation, and the cost of the legal services does not exceed \$10,000.

Powers and duties of the Secretary

The powers and duties of the Secretary of an owners corporation include:

- preparing and giving minutes of meetings and putting a motion to confirm the previous minutes
- giving notices for the owners corporation and its strata committee
- keeping the strata roll
- giving information to a person for the owners corporation under section 184
- answering correspondence addressed to the owners corporation
- convening meetings of the owners corporation and its strata committee (apart from its first AGM)
- doing all administrative and secretarial duties for the owners corporation and the strata committee.

- prepare any certificates under section 184
- keep all accounting records and prepare the financial statements.

Powers and duties of the Treasurer

The Treasurer must:

- give owners notice of any levies
- give receipts, do the banking and account for any money paid to the owners corporation