

## *NEWSLETTER ISSUE 22 JANUARY 2017*

### **THE NEXT CHAPTER IN STRATA LIVING BEGINS**

There are huge changes for those who work and live in strata to get used to with the new legislation. We begin to provide this information in bite size chunks for you to absorb.

At the end of November – just before the commencement of the new Act - we emailed information to those we had an email address for on the strata roll – so as to keep costs to a minimum - an outline of some of the most noticeable changes to your AGM. If you didn't receive it – you can view it on our website – under the Newsletters icon – it's called "A few major changes to your AGM" November 2016.

If you are not already receiving levies and meeting information via email – we encourage you to ask us for a S22 form to request this change – and save your scheme significant funds – not to mention trees with the bonus of receiving information quicker.

### **CHANGES AFFECTING THE COMMITTEE**

Here is important information every owner should know – even if you never stand for election.

No longer called the Executive Committee – the Strata Committee has significant changes in its make up – and how it will function from this time forward.

i) if your scheme has 50% or more tenants noted on the strata roll – then the tenants are entitled to appoint a representative – who stands on the Strata Committee but who does not count towards a quorum for a meeting nor do they have a vote.

ii) nominations for the Committee can be received in writing from persons happy to stand – forwarding this to the current Secretary or Strata Manager before the meeting. Nominations will also be called from the floor at the relevant time of the meeting.

The maximum number remains at 9 – the tenant representative if there is one based on the criteria in (i) above - is **not** one of the 9.

iii) please also note the following extract of the legislation

*(3) A sole owner of a lot in a strata scheme may not nominate more than one person for election as a member of the strata committee, except as provided by subsection (5).*

*(4) Only one co-owner (including a company nominee of a co-owner) of the same lot may be a member of a strata committee at the same time, except as provided by subsection (5).*

*(5) A person who is an owner of more than one lot in the strata scheme may nominate one person for election as a member of the strata committee for each lot for which the person is an owner.*

Additionally there is a requirement for a committee member to be financial to vote at a Strata Committee meeting. This means levies owed at the time the agenda was sent out, must be paid for their vote to count at the time of the meeting.

We already make it possible to ascertain this information via our portal – so be sure to access the financial statement before the commencement of your Committee meetings, the arrears list is at the end.

Notices of a Committee meeting must be given to every member of the committee 3 days before the meeting. Email is acceptable.

The agenda must detail the motions the Committee intends to consider.

A decision of a Strata Committee has no force or effect **if, before the decision is made**, notice is given to the secretary that owners - the sum of whose unit entitlements exceeds one-third of the aggregate unit entitlement, indicate that they do not want the motion passed. This is normally done in the form of a notice in writing signed by those against the motion and indicating their unit entitlement – stating they are opposed to a particular motion on the Committee’s agenda – and given to the Secretary or managing agent before the meeting. This is why a detailed agenda is critical and must be on the notice board for the required time before the meeting is to start. Failure to meet these requirements may see not just a decision of the Strata Committee challenged at NCAT – but the whole meeting - which would cost significant monies to defend the case - and waste a lot of time.

When the Chairman is present – the Chairman must chair the meeting. If they are absent – then the members of the strata committee present at that meeting may elect one of their number to preside at that meeting, and the person elected is, while so presiding, taken to be the Chairperson.

Presently all voting must be done in person – or via a meeting by written vote as has been done for many years – however in the future it will be possible to attend meetings (whether an AGM or EGM and Strata Committee) virtually or via electronic means and cast your vote. The legislation provides as follows:

- (1) A vote at a meeting by a person entitled to vote or by a proxy must be cast in person unless the owners corporation, by resolution passed at a general meeting, determines that a vote may be cast by some other specified means.*
- (2) The regulations may make provision for or with respect to the following:*
  - (a) the means of voting (other than in person) that may be adopted by an owners corporation,*
  - (b) without limiting paragraph (a), procedures for voting by those means,*
  - (c) prohibiting or requiring the use of specified means of voting.*

So soon you will have the option of attending meetings without having to physically go to a venue to participate. We are currently working with our IT team to set things up so when your scheme decides it would like to take up this opportunity we can make it happen.

As has been the case under the 1996 legislation – any owner can attend a committee meeting – however they may only speak if the meeting resolves that they may do so. If they are not on the Committee they do not have a vote.

**On adjournments – For Annual General and Extra-Ordinary Meetings - the legislation states:**

- (1) A meeting may be adjourned for any reason if a motion is passed at the meeting for the adjournment.
- (2) The time and place at which a meeting adjourned under this Part is to be resumed must be fixed by the person who was presiding at the meeting.
- (3) The secretary of the owners corporation must give to the members of the owners corporation, at least 1 day before the resumed meeting, a notice specifying the time and place of the meeting.
- (4) Notice is to be given by displaying the notice on the notice board maintained by the owners corporation or, if there is no notice board, in writing (including by email or other electronic means).

We will cover more of these changes in the year ahead.

In the interest of a more sustainable planet – did you know

**How long it takes for garbage to decompose in the environment:**

Glass Bottle .....	1 million years
Plastic Beverage Bottles.....	450 years
Disposable Diapers .....	450 years
Aluminium Can .....	80-200 years
Foamed Plastic Cups .....	50 years
Rubber-Boot Sole .....	50-80 years
Tin Can .....	50 years
Plastic Bag.....	10-20 years
Cigarette Butt.....	1-5 years
Wool Sock.....	1-5 years
Plywood .....	1-3 years
Waxed Milk Carton .....	3 months

So where possible – please recycle