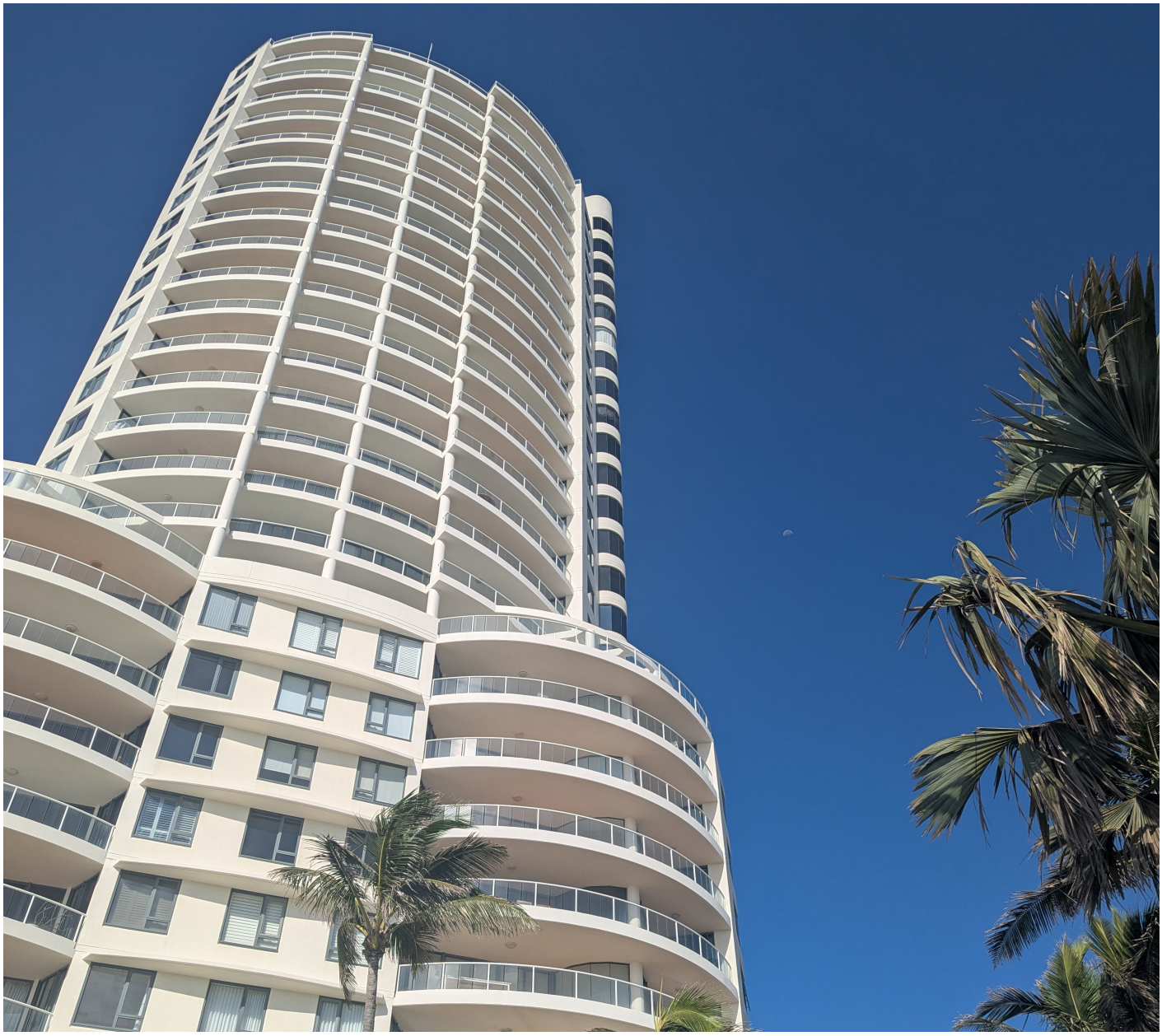
The QLD STRATA MAGAZINE

APRIL 2025



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LookUpStrata

About Us

LookUpStrata is Australia's Top Property Blog Dedicated to Strata Living. The site has been providing reliable strata information to lot owners, strata managers and other strata professionals since 2013.

As well as publishing legislative articles to keep their audience up to date with changes to strata, this family owned business is known for their national Q&A service that provides useful responses to lot owners and members of the strata industry. They have created a national network of leading strata specialists across Australia who assist with 100s of the LookUpStrata audiences' queries every month.

Strata information is distributed freely to their dedicated audience of readers via regular Webinars, Magazines and Newsletters. The LookUpStrata audience also has free access to The LookUpStrata Directory, showcasing 100s of strata service professionals from across Australia. To take a look at the LookUpStrata Directory, flip to the end of this magazine.

Meet the team

Nikki began building LookUpStrata back in 2012 and officially launched the company early 2013. With a background in Information Management, LookUpStrata has helped Nikki realise her mission of providing detailed, practical, and easy to understand strata information to all Australians.

Nikki shares her time between three companies, including Tower Body Corporate, a body corporate company in SEQ.

Nikki is also known for presenting regular strata webinars, where LookUpStrata hosts a strata expert to cover a specific topic and respond to audience questions.

Nikki Jovicic
Owner / Director

Liza came on board in early 2020 to bring structure to LookUpStrata. She has a passion for processes, growth and education. This quickly resulted in the creation of The Strata Magazine released monthly in New South Wales and Queensland, and bi-monthly in Western Australia and Victoria. As of 2021, LookUpStrata now produce 33 state based online magazines a year.

Among other daily tasks, Liza is involved in scheduling and liaising with upcoming webinar presenters, sourcing responses to audience questions and assisting strata service professionals who are interested in growing their business.

Liza Jovicic
Sales and Content Manager

LookUpStrata

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Contents

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Defect disclosure at insurance renewal time

Q **How can lot owners be certain the committee informed the insurer of all known structural damage before the renewal? Is the strata manager responsible for ensuring the insurer is fully informed?**

At insurance renewal time, how can lot owners be confident all information is disclosed? What are the committee's obligations on behalf of the body corporate to ensure the building insurer is informed of known structural defects?

The scheme has timber rot, water ingress and termite damage. These issues are outlined in various reports. The insurer also requested that maintenance, as described in a structural report, be completed before renewing the next policy. At a recent AGM, the body corporate passed motions to do some of the work. However, most of the needed repairs were not on the agenda. Lot owners were unable to put forward motions as the deadline had passed.

Will the insurance policy be renewed or will lot owners face a massive premium increase? As the body corporate manager receives an insurance commission, what is their role in ensuring the insurer is fully informed? What can lot owners do to ensure insurance policy requirements are adhered to?

A **The committee and manager undertake a duty of care to lot owners and they are bound by codes of conduct.**

All owners are entitled to **access body corporate records**. If you want to see the details of what has been presented to the insurer, ask for that. If the body corporate is not forthcoming in providing you with this information, you can arrange a search of the books and records and the information should be there. If necessary, you could contact the broker or insurer for your scheme and ask them what information has been provided.

The rest of your questions are more complicated as, essentially, you are asking what to do when you don't trust the body corporate committee or manager. That's hard because they are the delegated and appointed parties responsible for your scheme and will play a major role in resolving any issues at your site.

In undertaking those roles, the committee and manager also undertake a duty of care to lot owners. They are bound by codes of conduct. And, insurance policies require that accurate declarations be made. In theory, there are safety rails to ensure the right steps are taken, but in practice, these rails offer no guarantee this is happening.

There may be a reasonable plan in place. Maybe detailed communications are missing on how this works. You could write to the body corporate stating your concerns and asking for communication to all owners that details how the issues will be resolved. For what it is worth, the first step towards resolution would often be expert reports on what needs to be done, which it seems your scheme has undertaken.

However, you may need to escalate if you think the matter is not being taken seriously. You could issue the committee **with a motion** to force votes on the repairs. If you have enough concerned owners (25 %), you could requisition an EGM. You could seek legal assistance or maybe you could go to the commissioner's office to seek orders on the matter.

From the outside, we can't say the best options but you may need to start demanding or forcing some action to get others to show urgency.

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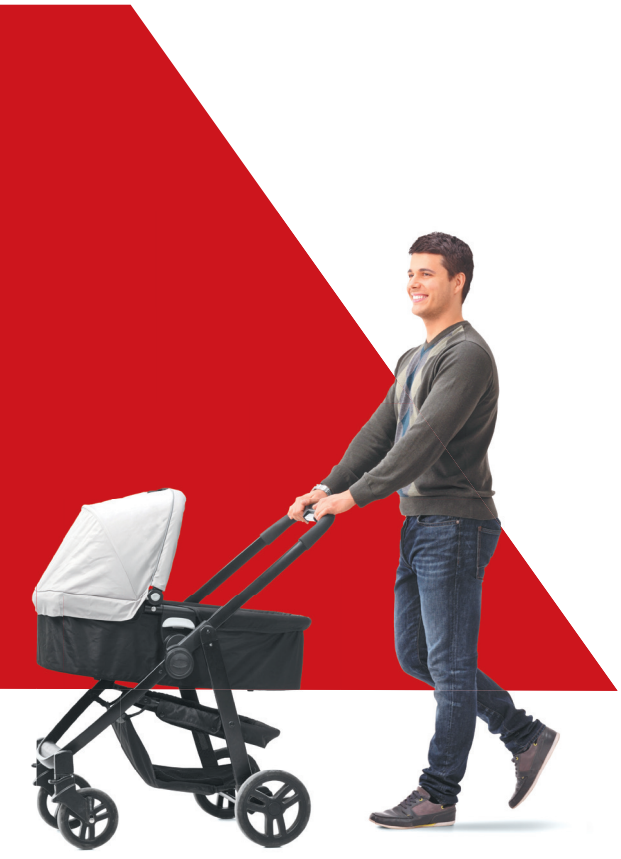

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Identifying insurable cyclone damage vs. pre-existing water damage in strata buildings

Q **If a building experiences water ingress, how can owners and committees differentiate between damage covered by their strata insurance (e.g., cyclone damage) and damage that exist or due to lack of maintenance?**

A **If your building has existing problems like concrete spalling or timber rot, these are not ordinarily accepted as cyclone damage because it's fairly obvious they are pre-existing.**

Most committees, body corporate managers and building managers are reasonably aware of the existing maintenance issues and problems in the building, e.g., dark stains or the efflorescence you see coming out of balconies, concrete spalling, timber rot, and steel corrosion. They're all visible signs of water damage, but none occur within a week or two after the cyclone. They're signs of long-term maintenance problems and would not typically be covered by insurance. However, they may very well impact how an insurer will respond to a claim. Long standing defect issues can result in a claim being denied in full, a partial response or the requirement of defects to be repaired before any resultant damage from an insurable event will be paid.

As a building consultant, when we attend the building for an assessment or project manage a site, we look for damage that happened during the cyclone. Also, our duty of care is to identify other things that could have contributed to damage, like water ingress.

Mould is always tricky. Mould can develop within days in Queensland, so it can be complicated to determine the difference between existing mould and new mould as a result of water inundation.

Experts can determine that to help get a clear picture of what sits in that maintenance area and what may have contributed to further damage because it wasn't repaired.

If your building has existing problems such as steel corrosion, rust, or timber rot, these are not ordinarily accepted as cyclone damage because it's fairly obvious they are pre-existing.

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Who organises quotes for internal damage caused by common property?

Q Who is responsible for organising trades to quote on the internal damage to my unit, considering the damage results from a common property issue (the roof)?

My unit, located in a Building Format Plan (BFP), has experienced roof water ingress twice this year due to storm damage and lack of roof maintenance. The strata committee has approved fixing the roof leak. They asked me to arrange quotes for the internal damage within my unit and submit them for their consideration regarding payment or an insurance claim. Who is responsible for organising quotes for damage in my lot?

A Lot owners are responsible for organising and managing repairs within their own unit, including obtaining quotes for any internal damage.

In most cases, lot owners are responsible for organising and managing repairs within their own unit, including obtaining quotes for any internal damage. This remains the case even when the cause of the damage, in this instance roof water ingress, is related to a body corporate responsibility under a Building Format Plan (BFP), such as roof maintenance.

Where internal damage is not part of an insurance claim, and the damage is attributable to a failure of the body corporate to maintain common property, it is reasonable for the lot owner to request that the body corporate contribute to or reimburse repair costs.

However, it is not a requirement under the Body Corporate and Community Management Act for the body corporate to arrange these repairs on the lot owner's behalf. The committee may choose to do so, but that would be at their discretion.

If the damage is being handled as part of an insurance claim, the insurer may appoint trades to undertake the repairs, and you can request that the insurer manage the process.

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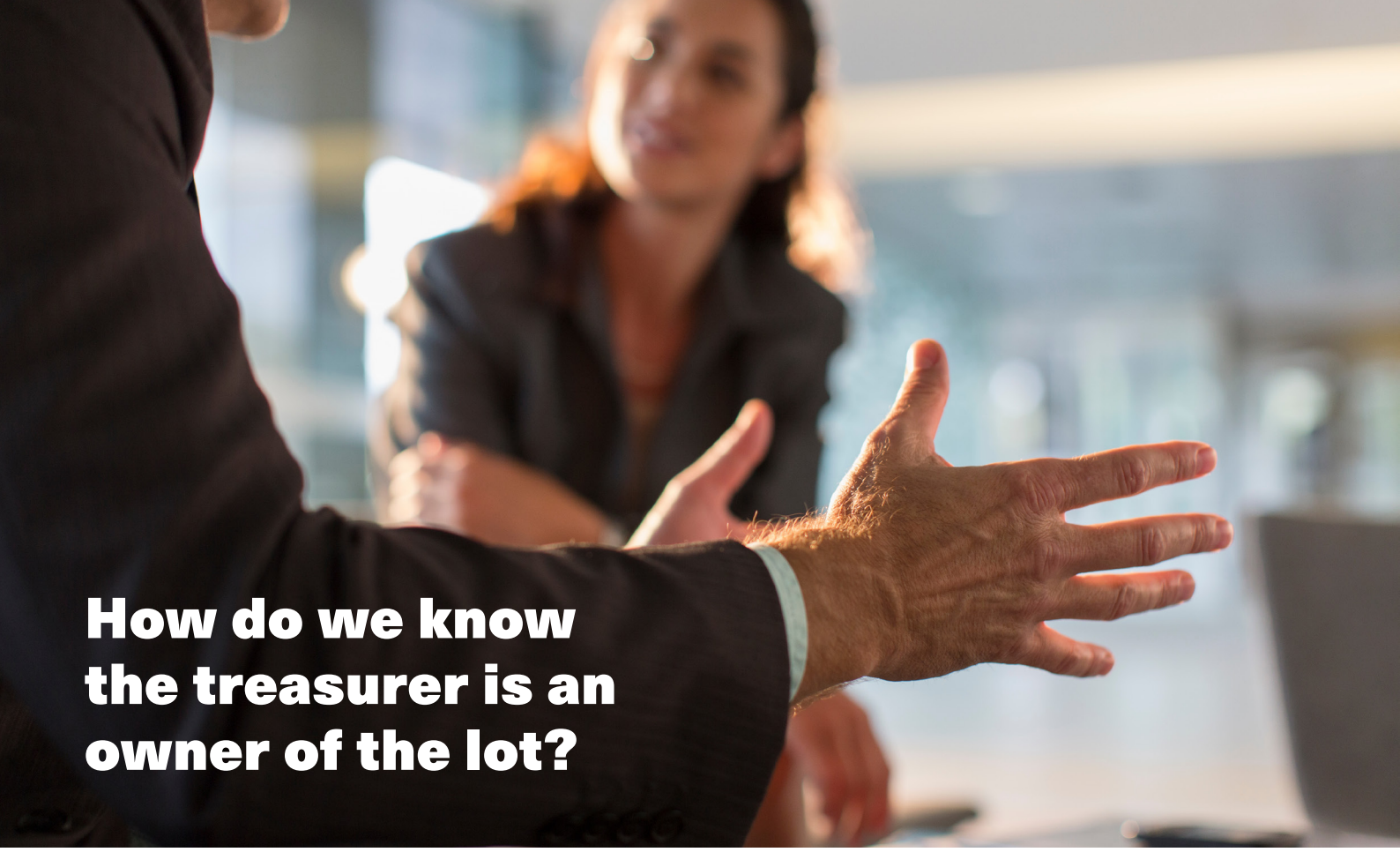

How do we know the treasurer is an owner of the lot?

Q One lot in our small scheme is owned by an ATO Regulated Self-Managed Superannuation Fund for a family partnership business. Can we check that the individual acting as the owner and treasurer is an owner of the lot?

I am a lot owner in a small complex of six units. One owner is an ATO Regulated Self-Managed Superannuation Fund for a family partnership business. Four trustees are listed. However, how do we know whether the person who participates in body corporate meetings, votes as "the owner" and, as of a recent EGM, is now the treasurer of the two-person committee is an owner? How can I verify they are entitled to occupy this position?

A The Small Schemes Module provides who is the "voter" for a lot at the general meeting.

Section 49 of the Small Schemes Module provides who is the "voter" for the purposes of a lot at the general meeting.

If four trustees are listed on the roll as the owner – any of those trustees would be entitled to vote on behalf of the lot. If one of the trustees was a company, there would be additional requirements to meet (such as completing a company nominee form). If the person is one of the trustees or was nominated by one of the trustees, they are eligible to be the treasurer or secretary pursuant to **Section 11** of the Small Schemes Module.

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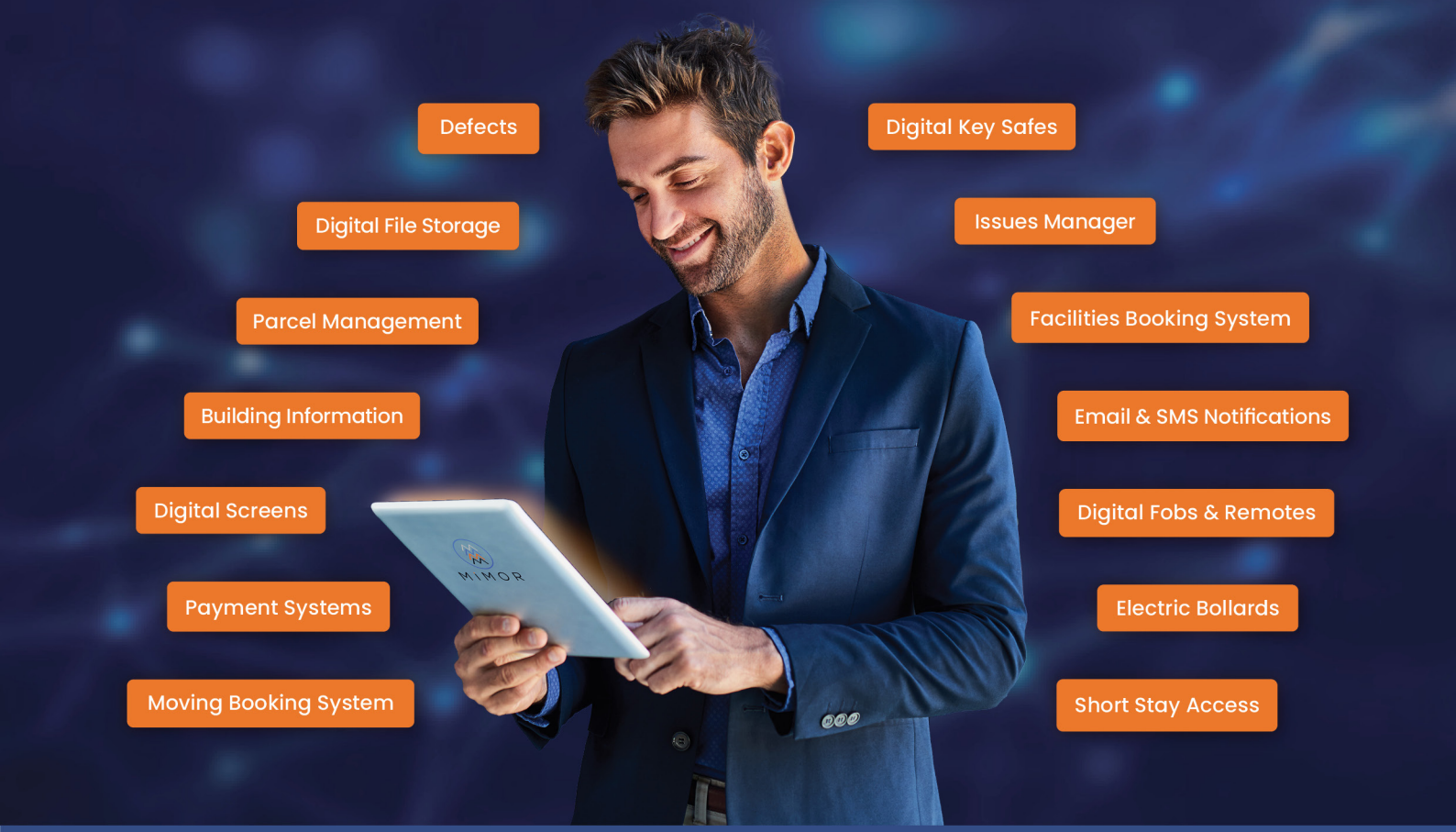

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Owner access to common property not so clearcut

Danielle Goltz, Hynes Legal

Strata schemes have changed massively in recent years – the humble six-pack three-storey walk-up has been overtaken by resort-standard high-rises with resident indulgences such as yoga lawns, dog washing facilities and wellness centres.

So, what happens when an owner who has leased their lot to a tenant still has the urge to take a dip in the five-star pool or work out in the beautifully appointed gym?

As with so many cases in law, these are murky waters – particularly where a scheme's by-laws seem inconsistent with the governing Act. This was the premise of a case recently brought before the Commissioner's Office.

The body corporate for Enclave (River) had a by-law (1.6) which provided that *"if the occupier of a lot is not the lot's owner, a right the owner has under the by-laws to the use or occupation of the common property is* ***displaced and granted to*** *the occupier."*

However, a non-resident owner was keen to still use facilities such as the pool, gym and barbecue area.

The owner challenged the validity of the by-law, claiming it was "inconsistent with the Act" by virtue of an interpretation of section 35(4) which specifically states that: *"If the occupier of a lot is not the lot's owner, a right the owner has under this Act to the occupation or use of common property is* ***enjoyed by*** *the occupier."*

This could in time become known as the "having your cake" argument. Can an owner who has leased their lot to a tenant, along with all the associated benefits of residency, in exchange for a payment of rent that almost certainly exceeds the body corporate levies, still retain some of those benefits themselves?

The Adjudicator in the case pondered the question of whether a tenant occupying a lot and enjoying access to the common property as part of their occupancy extinguished the owner's right of access to that common property.

To date, precedent appears to favour the argument that an owner's rights to use of the common property are extinguished (or heavily limited) by the presence of a separate occupier. This is also typically how things function practically.

However, as the Adjudicator correctly noted in the Enclave (River) case, none of these decisions consider the implications of section 35(4) in detail.

It therefore remains open that – in some circumstances – an owner may be able to retain certain rights to the use of common property facilities.

The Adjudicator ultimately denied the owner's application, stating: "*it remains to be seen whether section 35(4) necessarily displaces an owner's right to use common property. However, given my view that by-law 1.6 is limited in its application to those rights an owner has to common property under the by-laws, I do not consider it to be inconsistent with section 35(4).*"

Until the Act is specifically tested on this point, the queue at the rowing machine may be a little longer for some time to come.

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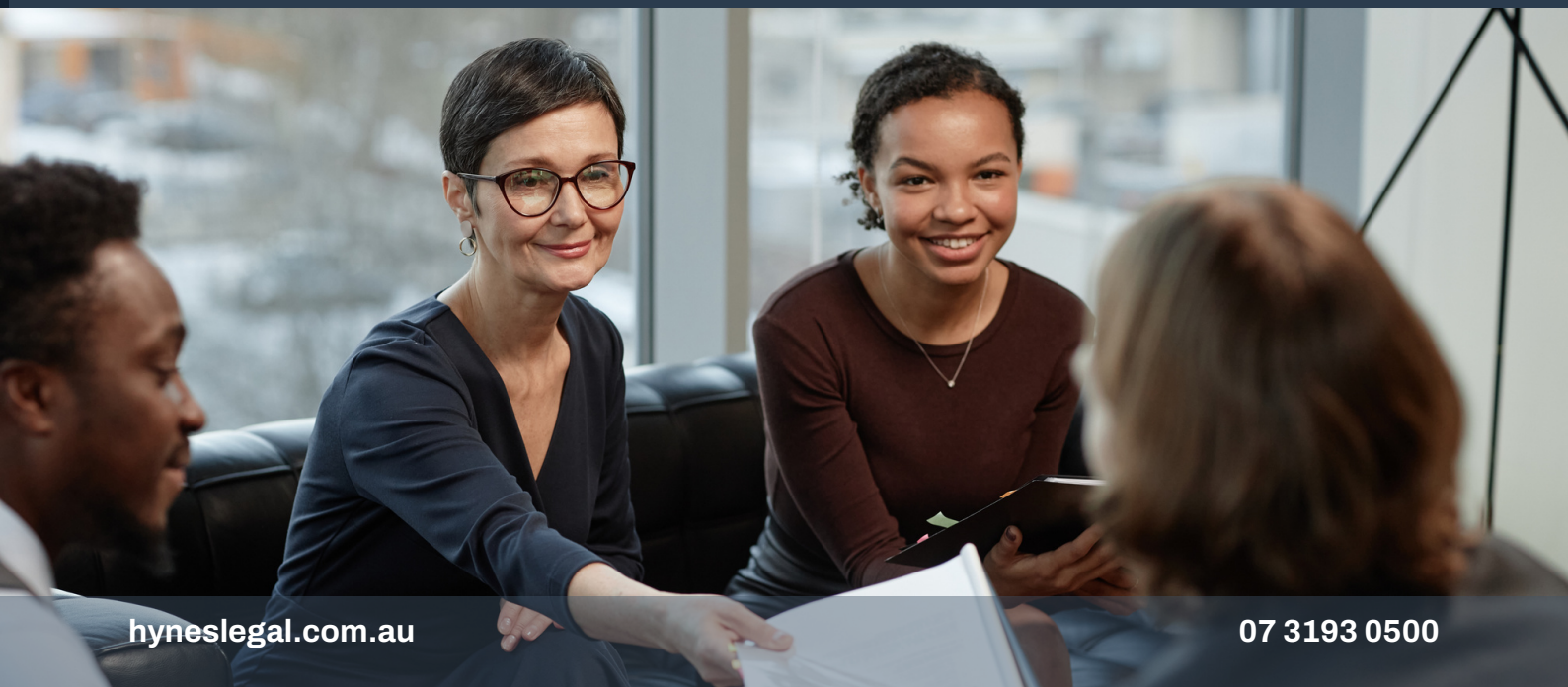

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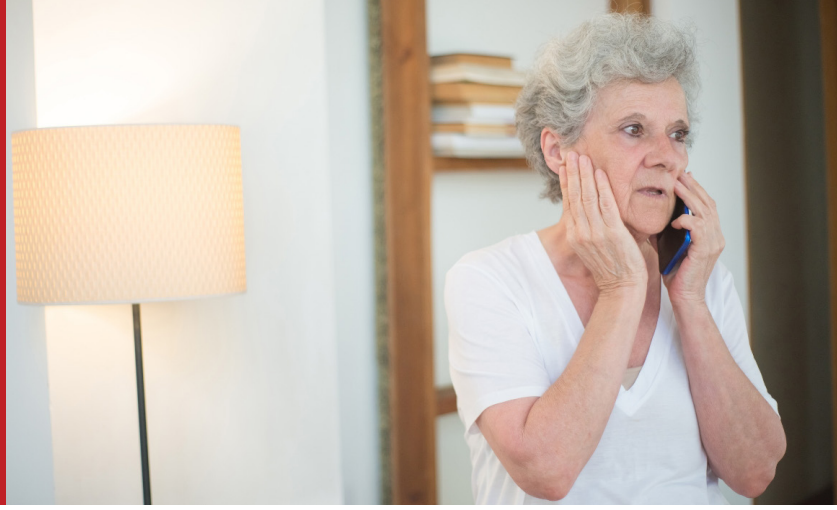
Can an owner lodge a complaint with the Commissioner's office if the PBC breaches the legislation?



Q **Can an individual owner lodge a complaint with the Commissioner's office if the PBC breaches the legislation?**

We live in a retirement village with 170 lots comprising four stages. It is a layered scheme with four body corporate committees (one for each stage) and a principal body corporate (PBC). The PBC is one member (chairperson) from each stage. The stage committees seem rather irrelevant, as the PBC makes all the decisions. Until I brought it up, the PBC wasn't distributing minutes to the stage committees. I find it strange that the PBC (4 people) makes all decisions involving a large sum of owners' levies. Can you confirm that an individual owner does not have the right to lodge a complaint with the Commissioner's office if the PBC is breaching the legislation? If my understanding is correct, only a stage committee can do this.

A **Only recently, individuals (occupiers) in subsidiaries have the option to pursue dispute resolution under certain circumstances.**

As you probably know, different pieces of legislation regulate both retirement villages and bodies corporate. While we cannot comment on how the retirement villages legislation may (or may not) apply to your situation, you may like to contact the relevant section of the Department of Housing – more information is at this link: **Getting help in retirement villages**.

With your specific strata issues, your understanding of things was correct until recently. **From 1 May 2024, strata legislation changed** in relation to layered scheme matters. Now, individuals (occupiers) in the subsidiaries do indeed have the option to pursue dispute resolution under certain circumstances. For example, they can do so in relation to records searches, while occupiers in the subsidiaries can also be subject to by-law enforcement from the principal. You might like to contact the Commissioner's Office on 1800 060 119, in the first instance, for further information.

For what it is worth, we agree the arrangements for layered schemes are indeed rather odd. We wonder if there is also some confusion about the overlap with retirement villages legislation contributing to the issue you are facing: it certainly would not be the first time we have heard of that happening. That said, it's worth remembering that each subsidiary still has its own obligations to comply with strata legislation, including provisions for setting budgets.

This is general information only and not legal advice.

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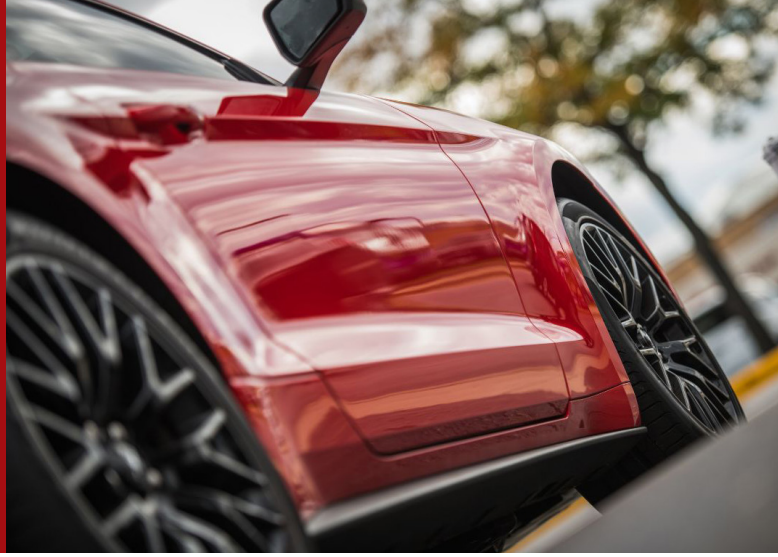
Car stacker approval: Understanding the process and cost implications



Q **What is the approval process for an owner to install a car stacker? Does the $3,000 limit also include engineering reports, any required council approval, and updates to the title or Community Management Statement (CMS)?**

A resident in our building has **approval from the body corporate** to install a car stacker in one of their car spaces in the underground garage. The body corporate states that, because the total cost is less than $3000, it does not need to go to an EGM.

What does the total cost include? Does it include the engineering report, the cost to purchase and the cost to install?

Does the owner need to register the additional car space with the title? Does it need council approval? Does the CMS need to reflect this? If yes, are these expenses included in the "total cost"?

A **A prudent owner applying for body corporate approval would include the engineering certification referring to the 'as built' plans and specifications of the building.**

The purpose of a car stacker is to enable two vehicles to be parked in a spot previously earmarked for only one vehicle.

In a worst-case scenario, that means double the height and double the weight (plus the weight of the stacker).

A prudent owner, applying for body corporate approval, would include engineering certification, including which refers to the 'as built' plans and specifications of the building.

If the owner does not provide that information, a responsible body corporate would not grant approval until that information was to hand along with any other relevant materials and/or approvals. For example, will the stacker installation require heavy duty fixings in the concrete slab, which could penetrate the waterproof membrane associated with the slab?

As to the issue of 'value' versus 'cost', the 'value' of an improvement will include the cost to purchase and install the improvement, along with any materials required in the installation process; see for example *Milton Gardens [2023]* QBCCMCmr 470 and *Siena Apartments [2023]* QBCCMCmr 210.

Using the same logic, it could be argued that if a council approval or engineering certification was required as part of the installation, arguably, that cost should be added to the 'value' of the improvement, provided the improvement could not be made without the approval or certification. This does not appear to have been decided, so adopting the precautionary principle, let's exclude engineering certification and council approval costs from the $3,000 monetary limit.

As to whether council approval is required, that could be triggered in a number of ways. For example, if there was a departure from a still operative condition of a development approval for the building, which dealt with car parking. Likewise, the installation might trigger a compliance requirement in respect of **fire safety**. The 'go to' expert in these matters is usually a building certifier, who may be able to deal with all the issues. If not, the certifier will usually bring in a town planner or other expert (e.g. fire engineer) as required.

As to whether the owner needs to notify Title Queensland, it would be very unlikely. That is on the basis that the car stacker is being installed into the lot owner's **exclusive use area**, and the exclusive use by-law does not already authorise the improvement to be made. That's the only scenario that 'fits' given that (a) the value of a car stacker is (almost always) irrelevant when the car parking space is on the owner's title and (b) if the car stacker is going on to common property that the lot owner does not have exclusive use of, then a general meeting would still be required because the low owner would need a resolution without dissent to gain exclusive use and enjoyment of that common property.

A final consideration – while the car park in question is within an underground car park, checking the horizontal and vertical boundaries of the exclusive use area is worthwhile. If the car stacker is installed, when it is being used, will the car on the stacker stay within the exclusive use area, or will it be lifted up beyond the limits of the exclusive use area?

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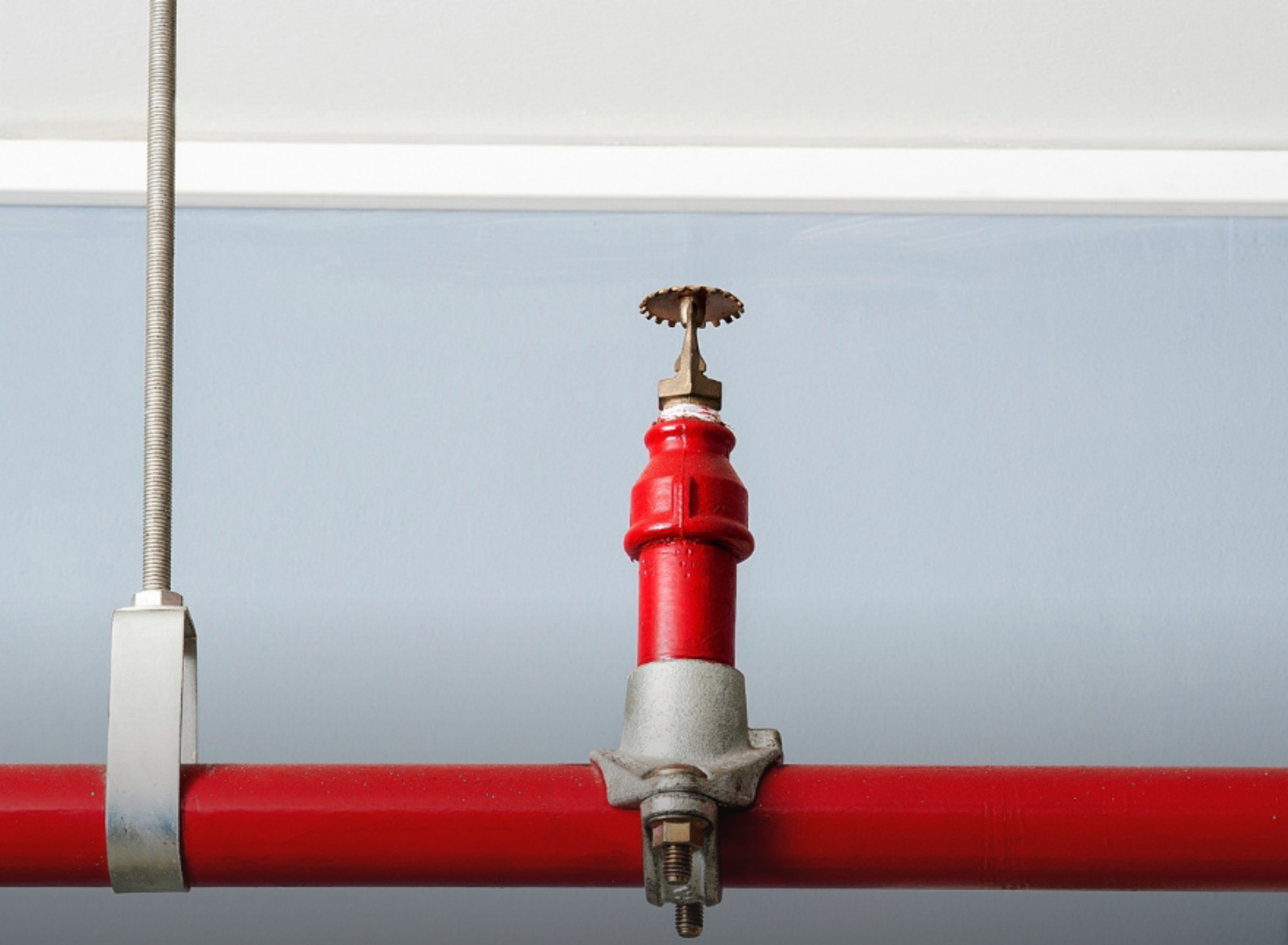
The Importance of Asbestos Testing in Strata Properties

Asbestos remains a critical concern in Strata Management, particularly in buildings constructed before the 1980s. Asbestos-containing materials (ACMs) were widely used in construction, posing significant health risks such as lung cancer and mesothelioma if disturbed. Body Corporates are responsible for ensuring these risks are identified and mitigated, particularly in shared spaces such as stairwells, basements, and external building facades, where asbestos-containing materials are often present. Proactive asbestos testing and management are essential to keeping both residents and workers safe while maintaining compliance with health and safety regulations.

At QIA Group, we specialise in providing thorough asbestos testing and reporting services to strata schemes across Australia. Our detailed reports help Body Corporates manage potential risks whilst prioritising actions. Strata properties that have comprehensive asbestos management plans in place are more attractive to potential buyers and tenants, making it a sound investment for the future. QIA Group's expertise in asbestos testing ensures that Strata Managers can offer both peace of mind and long-term value protection for their clients. Contact QIA Group today to schedule your comprehensive asbestos testing and reporting.



Who should fix a defective sprinkler system in our 2-year-old high-rise?

Q The sprinkler system in our 2-year-old high-rise is defective. Who is responsible for the repairs?

We live in a 2-year-old high-rise apartment building. During the build, a sprinkler system was installed in the common areas and lots. A sprinkler in one of the common area walkways is leaking and needs to be repaired or replaced.

The company that installed the system will not repair the leak as the work is outside their 2-year warranty period. Our building manager is organising quotes. Would this be covered by the builder's guarantee period? Is the body corporate responsible for repairing the sprinkler? If the sprinkler unit needs replacing, who is responsible?

The body corporate should be writing to the original builder of the building and demanding that they fix the sprinkler system.

The body corporate has the same rights that the original owner of the scheme land had under the original owner's contract(s) to have work carried out on scheme land that is common property.

Presumably, the original builder of the building engaged the company that installed the sprinkler system as one of their subcontractors.

That being the case, the body corporate might have a claim for damages for breach of contract against the original builder of the building.

The limitation period to sue for damages for breach of a contract expires six years from the date the contract was breached, not when damage was first suffered.

Accordingly, the body corporate should be writing to the original builder of the building and demanding that they fix the sprinkler system.

Irrespective of any right the body corporate may have about the defect, it is still responsible for arranging the repairs under the BCCM legislation.

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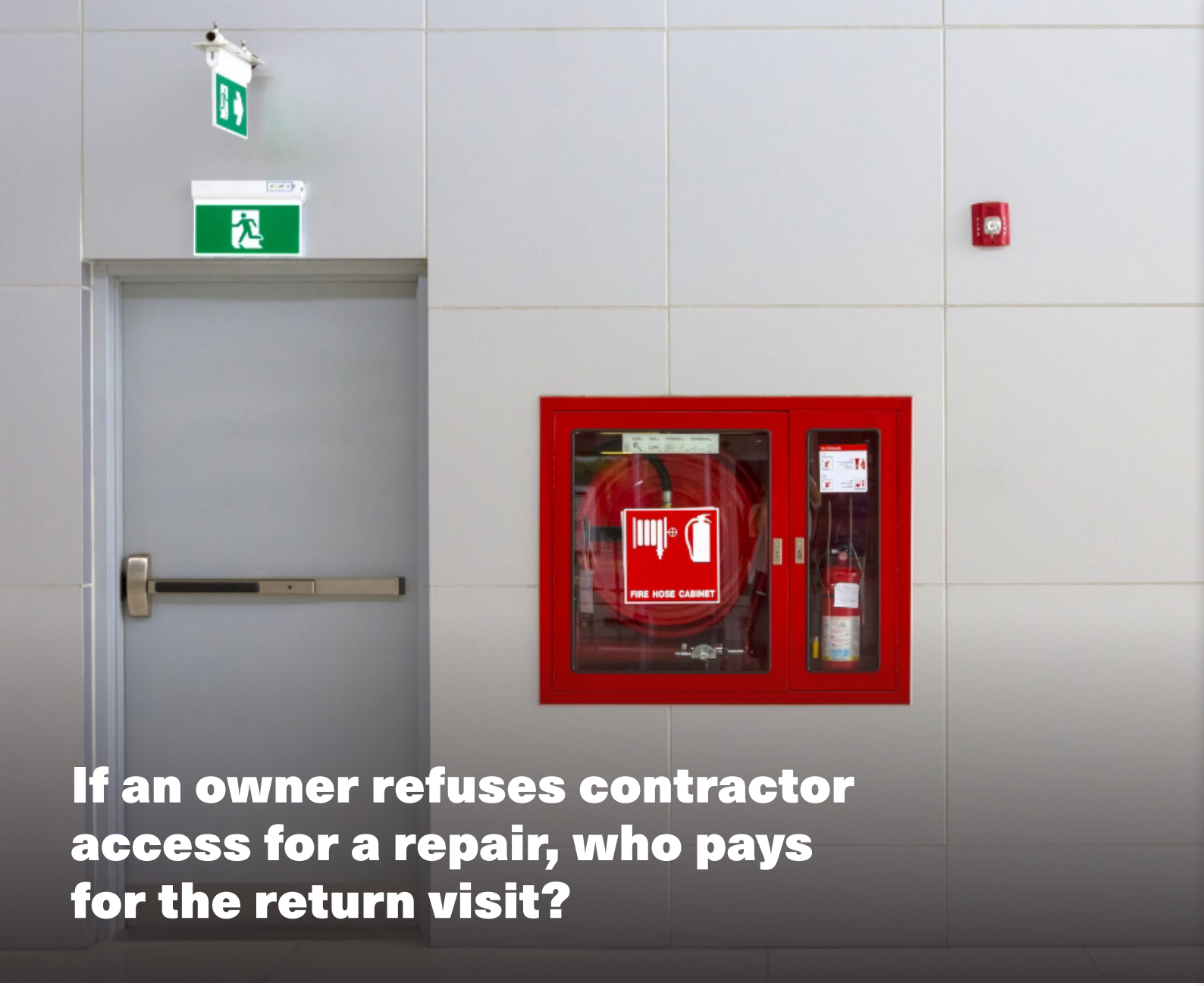

If an owner refuses contractor access for a repair, who pays for the return visit?

Q **An owner refused access to have his fire door/front door fixed. Who bears the cost of the contractor coming back to complete the work? The owner or the body corporate?**

A **The body corporate could pursue the owner to recover the costs if the owner refused access.**

The body corporate would have to pay the initial cost for the contractor to attend. It would probably look to pursue the owner to recover the costs if the reason for not providing access was simple refusal of access. Technically, you might need to do this through QCAT, but you can issue the owner an invoice and ask them to pay. If they refuse, the body corporate could engage a lawyer to recover the outstanding costs and the lawyer's fees. Advising the owner of this may bring the issue into focus.

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Choosing a fire safety auditor

How do you compare fire safety audit providers effectively?

Body corporates have a legal and moral responsibility to ensure their buildings comply with fire safety regulations. Engaging a fire safety audit company is a critical step in assessing risks and verifying adherence to safety codes. However, not all audit providers offer the same service. Opting for the cheapest quote can lead to gaps in compliance, putting residents at risk and exposing body corporates to legal consequences.

When comparing fire safety audit providers, you should consider the following:

1. Certifications and Qualifications
Fire safety auditing is a specialised field requiring up-to-date certifications. A cheaper quote might mean they are cutting corners on expertise.

2. Experience and Track Record
The length of time a company has been in business matters. Experience brings knowledge of common compliance pitfalls and the ability to provide practical recommendations.

3. Quality and completeness of service
Do they provide detailed, easy-to-follow reports that help your body corporate take action? Or additional services such as online training or evacuation drills?

4. Scope of the Audit
Review what is included. Some companies offer a lower price by leaving out essential elements. Ensure the quote covers everything required to meet your legal obligations—not just a basic checklist.

5. Ongoing Support and Advice
A good fire safety auditor doesn't just complete an assessment then disappear. They will provide ongoing guidance. Look for a provider who is accessible and willing to answer questions beyond the audit itself.

Stefan Bauer
Fire Matters

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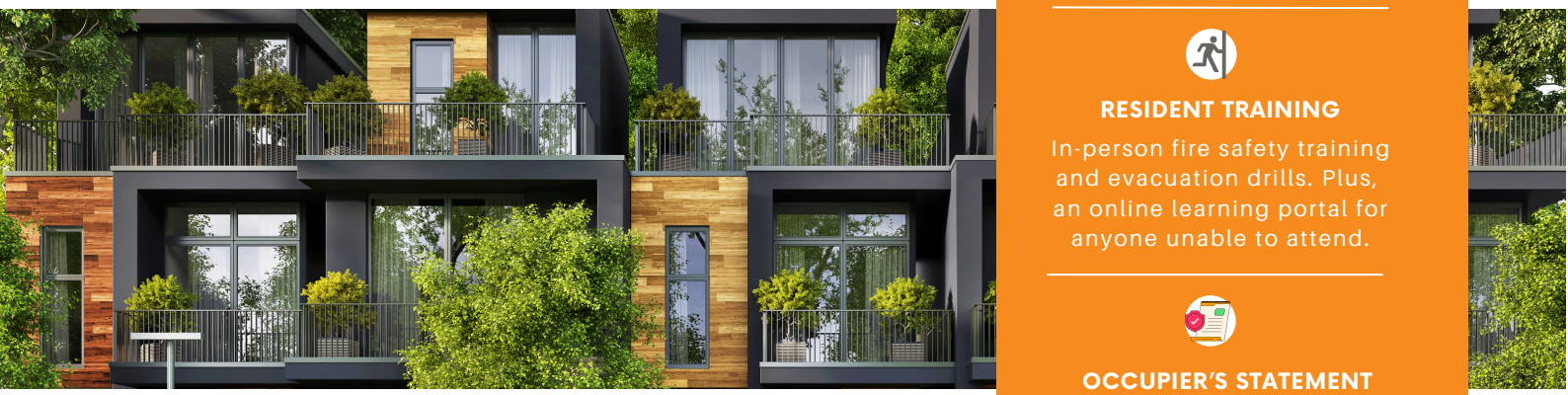
If a retrospective investigation finds any aspect of your fire safety non-compliant, you risk voided insurance, hefty fines and even jail. That's why it's crucial to get an independent third-party consultant to audit your building.



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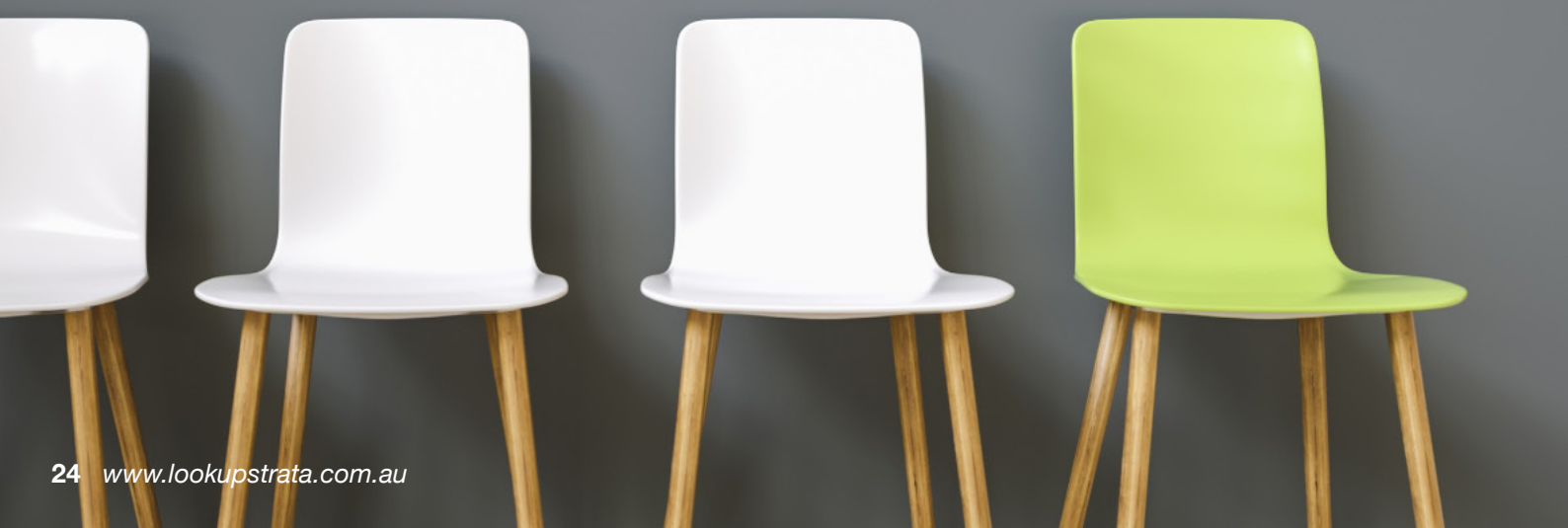
If the chair is vacant, are committee decisions valid?



Q Our chair resigned, and we have a casual vacancy. Until a new chair is elected, the committee is incomplete. Can the committee vote on disputes, expenditure and owners' requests until the chair is replaced?

A There is a strict obligation to fill the vacancy.

Under legislation, the obligation to fill a casual vacancy is framed as 'must' rather than 'may' (refer to sections 46-51 of the **Standard Module** and equivalent provisions of other Regulation Modules for more detail). In other words, it is a strict obligation to fill the vacancy and it could be argued that in not doing so, the remaining members of the committee do not constitute a compliant committee. This may, in turn, mean that any decisions the group makes would be invalid.

Given there is no compliance activity conducted in relation to strata schemes, it is, of course, feasible that a committee under the conditions you describe could continue on and make decisions and no one may care too much. Then again, is that a risk worth taking?

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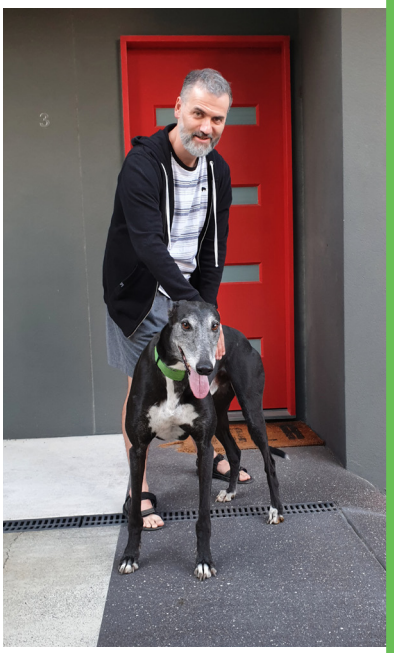

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Tips to help the committee encourage lot plumbing maintenance and water damage prevention

Q Who is responsible for lot plumbing maintenance for items like flexi-hoses, and what can the committee do to encourage it?

To ensure we are proactively preventing water damage in our building, who is accountable for the routine inspection and upkeep of plumbing components like taps and hoses within each lot? What further action could the committee consider?

If a failed hose in a lot causes damage, who is responsible for the insurance claim? If it results in water damage to common areas, would that be covered by our strata insurance? Given that inadequate maintenance by some owners can contribute to such failures, how can we ensure that responsible owners are not unfairly burdened with financial consequences?

Can we submit a motion to the AGM stating that the unit responsible for the lack of maintenance contributes to part or all of the excess?

A If there is a claim, it's hard for people to say they shouldn't pay the excess if they haven't reduced the risk.

Plumbing items like taps and flexi-hoses within the boundaries of a lot are almost always the lot owner's responsibility. For confirmation, you should refer to the specific responsibility rules for your module or **perhaps the by-laws**, but it would be unusual if this wasn't the case.

If plumbing failed and caused damage to personal property in the lot, owners must make a claim through their contents insurer. The owner is entitled to make a claim against the body corporate insurance if the building or the fixtures are damaged. Sometimes schemes debate whether owners can make these claims, but the owners have paid into the body corporate insurance, so they are entitled to access it if applicable. However, the owner is likely liable to pay the excess if the claim affects only one lot or the body corporate determines that the owner pays the excess, which may be the case if the cause was due to lack of maintenance by the lot owner.

In recent years we have seen excesses for water damage commonly rise to $5,000, $10,000 or higher. Owners who do not keep their plumbing up to date are finding themselves responsible for rectifying their unit if the repair works are below the excess or having to pay the high pay the excess if repair costs exceed it. It's a risk many owners aren't aware of and, given the cost, can cause a lot of stress if they only find out when making a claim.

I'm not sure you need to pass motions on this. The matter is already legislated and what would happen if owners rejected a proposal? However, I think it is a good idea to send a communication to owners outlining the excess and the responsibility. You can advise them that they should have their pipes, hot water tanks, taps, etc., checked by a licensed plumber regularly. Point out the risks they face from paying the excess costs if they don't. Your insurer or broker should be able to provide some information about preventing water claims. It makes sense to send out this communication after a new policy has been agreed upon, along with a copy of the certificate of currency, but if you are mid year in your policy, now is as good a time as any.

Advising people of the risk doesn't mean every owner will check their plumbing systems, but it provides the body corporate with good coverage to show that it has advised owners clearly of the risks and their role in mitigating them. If there is a claim, it's hard for people to say they shouldn't pay the excess if they haven't reduced the risk. Equally, if an owner engaged a plumber and still suffered a leak, it might reinforce their case that they shouldn't pay an excess.

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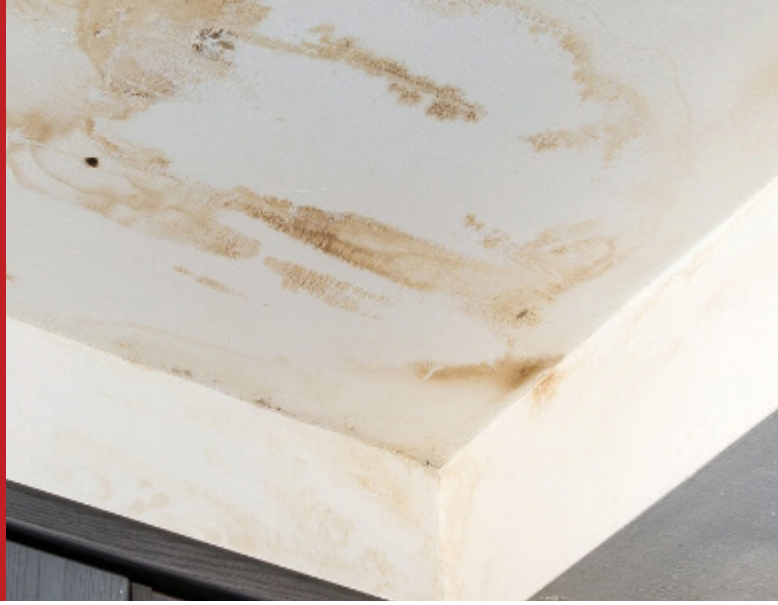
Three months of leaks: Who pays the price?



Q **We had repeated water ingress for three months. The caretaker and committee neglected to take corrective action despite instructions. Can we take any action regarding the failures of the caretaker and committee?**

We have had a repeated water ingress issue through a fire exit door from the basement. The caretaker failed to address the issues for the past three months despite being given the correct actions.

After Cyclone Alfred caused a third ingress and damage to resident's goods in the nearby storage cage, the advice was finally actioned.

The body corporate committee was aware of these issues but did not ensure that the caretaker acted to address the problem before the third ingress and damage. What can we do about the failure of both parties to ensure due diligence?

A **This is the land of the volunteer, and the best way to get stuff sorted is to volunteer yourself and sort it out.**

The first and easiest step to resolving issues like this is to get on the committee and become involved in **making decisions** at the pointy end of the conversation.

Liability wise, we would need to do a lot of checking before confirming who is liable for what. Why is there water ingress? How long has it been going on for? Is there a need for any expert report to identify the causes and potential solutions? Are the proposed solutions temporary or permanent? Is there a need for two quotes / general meeting **approval for the spending**? Is there an allowance set aside in the sinking fund for this work? What do the **management rights agreements** actually oblige the caretaker to do? What were the instructions from the committee and were those reasonable/sensible

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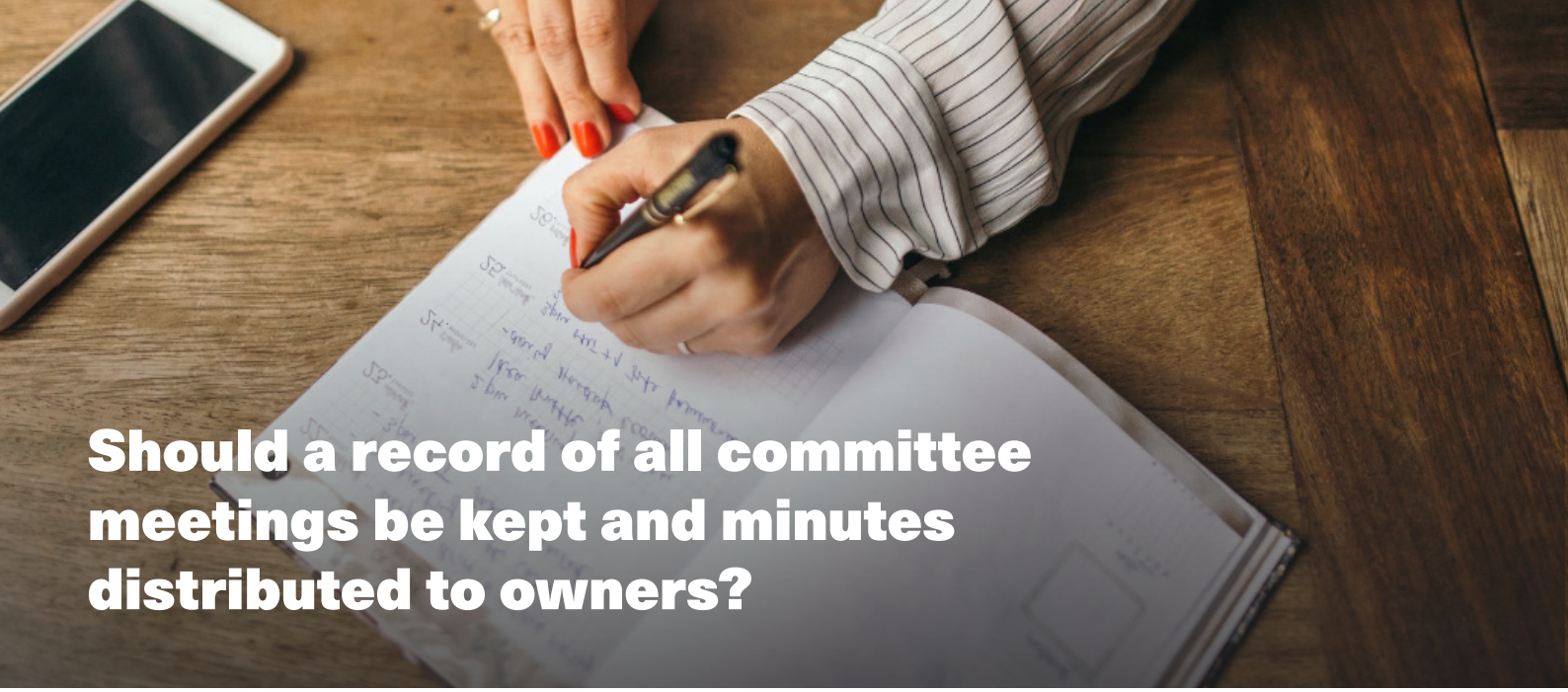

Should a record of all committee meetings be kept and minutes distributed to owners?

Q

Our committee members have informal meetings or workshops, even though decisions are made that impact owners. Should a record of all committee meetings be kept and minutes distributed to owners?

Our committee members have informal meetings or workshops, even though **decisions are made** that impact owners. No minutes are taken. There is nothing in the Act or CMS that mentions meetings like these. Should a record of the meetings be kept and minutes distributed to owners?

Can a meeting be called informal if there are observers and a detailed agenda requiring the committee to make decisions (votes) and discuss items affecting owners?

Owners are kept in the dark. We usually become aware of issues after committee decisions are implemented. Here is a recent exchange with the committee:

Owner – Could you advise if any minutes were taken at the informal committee meeting on XXXXXXX and if so, will these minutes be circulated to owners?

Secretary – No minutes were required to be taken in the informal meeting on XXXXXX. The next formal meeting will be on YYYYYYY.

A

Unless the meeting has been properly called, with the opportunity for non-committee members to attend if they choose (and if they qualify to attend), it is highly unlikely that any purported 'decisions' reached would be valid.

You have touched upon a very good – and common – topic here. I have lost count of the number of queries and complaints I have heard about committee 'meetings', 'informal' committee discussions and related.

Let's put it this way: it's perfectly fine for the committee, or some committee members, to get together and yak. Heck, they can talk until their throat is hoarse if they want. They can throw ideas around, have 'workshops', and be as 'informal' as they want. The fact remains that unless the meeting has been properly called, with the opportunity for non-committee members to attend if they choose (and if they qualify to attend), it is highly unlikely that any purported 'decisions' reached would be valid. In your scenario, it is correct that there is no requirement for minutes to be taken of a so-called 'informal' meeting, although that, in turn, means no decisions should have been made or implemented arising out of it.

It is also open to a committee to make decisions outside of a committee meeting – known as a 'VOC' – although any such decisions should be confirmed at the next meeting. Note the distinction here between 'decision' and 'meeting'.

I note from your query that the Secretary says there will be a 'formal' meeting coming up, suggesting some regulated committee meeting system is happening. Perhaps in your scheme, lines are blurring amongst committee meetings, VOCs, and discussions. That happens a lot more than you might expect. I will give your committee the benefit of the doubt (for now) and say that perhaps this is an honest mistake based on good intentions. Even so, the governance here sounds lacking and needs tightening up. Failing that, the committee might need replacing – assuming, of course, you have replacements ready willing and able to do the job.

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W: https://stratasolve.com.au/
E: chris@stratasolve.com.au

Tender Advisory
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E: info@tenderadvisory.com.au

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W: https://www.luna.management/
E: info@luna.management

BME Group
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E: lachlan.hunt@bmegroup.com.au

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E: sb@sharonbennie.com.au

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E: andrew@abnlift.com

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E: sidb@theliftc.com

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E: info@arenaenergyconsulting.com.au

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E: sales@clearedgeglass.com.au

Total Entrance Solutions
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E: jason@totalentrancesolutions.com

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W: https://www.strataval.com.au/
E: valuations@strataval.com.au

Delphi Consultants & Valuers
Building Insurance Valuation Services
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W: https://www.delphiproperty.com.au/insurance-valuation
E: info@delphiproperty.com.au

Ensure Group – Property Valuers
Insurance Valuation Experts
P: 03 9088 2032
W: https://www.ensuregroup.com.au/
E: valuations@ensuregroup.com.au

Sovereign Valuations
Valuation Experts for Strata Insurance & Disputes
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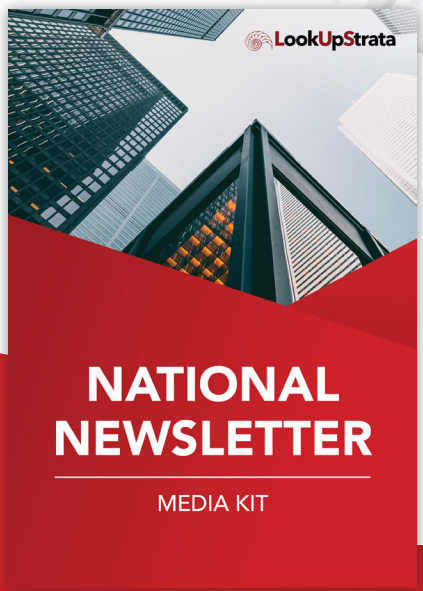

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