

The QLD STRATA MAGAZINE

DECEMBER 2024



**Demanding Ethics
An Owner's Path to a
Better Body Corporate**

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A call for fair procedures**

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by those who show up**

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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 Jovicic
Owner / Director

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.

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



Learn more here → <https://www.lookupstrata.com.au/about-us/>

You can contact us here → administration@lookupstrata.com.au

Disclaimer: The information contained in this magazine, including the response to submitted questions, is not legal advice and should not be relied upon as legal advice. You should seek independent advice before acting on the information contained in this magazine. Strata legislation is updated regularly. The information in this magazine is based on the legislation at the time of publishing.

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IN PERSON QUEENSLAND EVENT

SEQ Owners and Committee Members Unite to Shape the Future of Queensland Strata

LookUpStrata, in conjunction with the Owners Corporation Network, is hosting our first in-person event to empower and educate Queensland strata communities in 2025.



EVENT

**Demanding Ethics:
A Path to a Better Body
Corporate**

*For SEQ owners and committee
members*

**Friday, February 21st, 2025
8:00 AM - 12:30 PM AEST**



**SOUTHPORT SHARKS,
SOUTHPORT, AUSTRALIA**

Limited spots are available, so register now to secure your place.

LookUpStrata, a leading provider of online events and resources for strata owners and committee members, is excited to announce its first in-person event in 2025. The event, titled "Demanding Ethics: A Path to a Better Body Corporate," aims to bring together SEQ owners, committee members, and industry experts to empower strata communities to create thriving, transparent, and ethical living environments.

Nikki Jovicic, MD, LookUpStrata said, "our inaugural in-person event together with Owners Corporation Network will offer a unique opportunity to network with other owners, committee members and industry experts, share experiences, and learn from one another in a supportive and engaging face to face environment. I believe together we can all help to shape a better future for Queensland strata".

MEET THE EXPERT PRESENTERS

The event will feature a lineup of experienced industry professionals who will share their insights and expertise on various topics related to body corporate management.



Nathan Francey and Tim Goulding, Office of the Commissioner for Body Corporate and Community Management:

Tim and Nathan will discuss the role of the Office of the Commissioner for Body Corporate and Community Management and how conciliation helps resolve disputes. They will speak about conciliation vs mediation vs adjudication, the conciliation process (including case management) and cover some common disputes.



Will Marquand, Tower Body Corporate:

Will has plenty of practical tips on negotiating better deals and maximising the value of your management contract.



Shari Driver, Owners Corporation Network:

Shari will define what "good strata" looks like and emphasise the importance of advocacy.



Chris Irons, Strata Solve:

Chris will provide practical tips on how to resolve strata issues and take control of your strata destiny.



Tyrone Shandiman, Strata Insurance Solutions:

Tyrone will outline insights into best practices for strata insurance and potential pitfalls to avoid.

LIMITED SPOTS:

This event is a must-attend for any SEQ lot owner and committee member who want to make a positive impact on their community. By attending, you will gain the knowledge, skills, and connections needed to create a better future for your strata community.

Don't Miss the Opportunity to Register Now!

[CLICK HERE](#)

FOR MORE EVENT
INFORMATION
AND TO REGISTER

Compliant invoices: Verifying strata payments

Q

Our body corporate has used the same cleaner for many years. Given their lack of information, how can I ensure the cleaner's invoices are compliant?

I am the new treasurer on our committee. The body corporate has a weekly cleaner who provides a handwritten invoice made out to "xxx" (no CTS number), an ABN, the name of the business and a phone number. The cleaner hand delivers the invoice to the strata manager's office and gets paid on the spot. I queried this and asked if we had any other details on the cleaner. Should I be concerned about approving payments? I am told to just do it. The cleaner has been working for us for years.

A

You can authorise your body corporate managers to make these payments for you, but we recommend that all invoices are sent to the committee for approval before payment is made.

From the information provided, the invoice may be correct. It is not necessary for the invoice to list the CTS number. From what you say, it seems the building is clearly identified and there is no dispute the work is taking place. The ATO's website states that invoices under \$1000 – which I am assuming this is – must include the following:

1. document is intended to be a tax invoice
2. seller's identity
3. seller's Australian business number (ABN)
4. date the invoice was issued
5. brief description of the items sold, including the quantity (if applicable) and the price

6. GST amount (if any) payable – this can be shown separately or, if the GST amount is exactly one-eleventh of the total price, as a statement which says 'Total price includes GST'
7. extent to which each sale on the invoice is a taxable sale

Provided those conditions are met, the invoice is likely to be legitimate.

The fact that it is hand delivered is unusual these days, but some small contractors still prefer to deal this way. Your body corporate managers should still create a digital record of the invoice.

The main question is whether you are happy with the approval and payment process.

I find it unusual that payment would be made on the spot. I don't think many companies would do this, but it is not necessarily incorrect.

More commonly, you would see invoices received being sent to an accounts team with some kind of online process in place for approval.

As a scheme, you can authorise your body corporate managers to make these payments for you, but we recommend that all invoices be sent to the committee for approval before payment is made.

Most companies should have access to an easy online system that facilitates this. A good example is the **StrataMax Online Invoice Hub**. If you haven't been offered something like this, you may want to ask why.

The risk for you is that if you change the system, your cleaner may not be happy. If you have a good cleaner at a decent rate, you might want to consider the value of upsetting the ecosystem in which they operate. Maybe have a chat with them and see what they think. You could also speak to your strata company to see how quickly they can process invoices if you adopt a new system.

William Marquand | Tower Body Corporate
willmarquand@towerbodycorporate.com.au

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Landlord insurance or strata insurance? Which one do I claim from?

Q My hot water system ruptured and caused damage to the kitchen cupboards. My landlord insurance says to contact the body corporate. My body corporate says it is a landlord insurance issue. Can you help?

I have an apartment in a Queensland body corporate. My hot water system, located in the kitchen cupboard, ruptured and leaked. I have landlord insurance, but the insurer says they are not responsible because the kitchen cupboards are part of the building, and they are not responsible for covering building issues. They suggested I refer the matter to the body corporate.

The body corporate says their insurance does not cover “kitchen, bathroom and bedroom cupboards”. I feel stuck. Can you help?

A Various regulations apply to body corporates depending on which regulation module your scheme is registered under.

The definition of a building under a strata policy is generally worded along the lines of: Building means buildings as defined in the strata legislation applying where your building is situated. Permanent fixtures such as built in cabinetry are considered part of the building and only insurable under a strata policy.

A strata insurance policy can't provide coverage for a building that does not meet the requirements of the applicable legislation. In Queensland, there are various regulations that apply to body corporates, depending on which regulation module your scheme is registered under. However, the intentions are all the same. I have referenced the *Body Corporate and Community Management (Standard Module) Regulation 2020* as an example.

Part 6 Insurance – Act Section 1898 (195)

Part 6 Insurance – Act Section 1898 (195) defines a building as:

building includes improvements and fixtures forming part of the building, but does not include—

1. temporary wall, floor and ceiling coverings; or
2. fixtures removable by a lessee or tenant at the end of a lease or tenancy; or
3. mobile or fixed air-conditioning units servicing a particular lot; or
4. curtains, blinds or other internal window coverings; or
5. carpet; or
6. mobile dishwashers, clothes dryers or other electrical or gas appliances not wired or plumbed in.

The above list of excluded items does not include built in cabinetry. Therefore, the act requires it to be insured as part of the building under the strata insurance.

Tyrone Shandiman | Strata Insurance Solutions
tshandiman@iaa.net.au

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Strata committee elections: A call for fair procedures



We have ongoing issues of bullying and negligence. How can we ensure fair and democratic elections for committee members?

Our AGM is in less than 48 hours, and we have not been told where it will be held.

As usual, there are no nominations for committee members but we always end up with the same six self-appointing members. Other owners never have a say or even know the outcome until incorrect minutes come out.

Occasionally, a well intending owner nominates and tries to make changes for the better by acting lawfully. They never last into the second year due to the bullying and obstructions by other members, with the support of the strata manager.

We seem to be heading towards another year of negligence, bullying and high levies.

You must drill down to specifics to get your desired answers.

It sounds as though there are myriad issues at play. The location of the AGM is an essential component.

On the topic of nomination for committee, if no one nominates before the AGM then nominations are called from the floor of the meeting on the day. This means that anyone who attends could feasibly end up on the committee. People absolutely can 'nominate themselves'.

Ultimately, the committee bear responsibility for governance, and it is important to note that the committee are only protected from liability for so long as they act in good faith. Perhaps this could be mentioned to the committee at some point to remind them there may well be a financial consequence to their actions (or lack thereof).

Otherwise, if the committee cannot or does not do its job, and the scheme is dysfunctional, an administrator may need to be sought. It is hard to tell if your scheme warrants that at this stage. It would be necessary to pick things apart, identify the issues, and start developing the solutions. While I appreciate that may not be the response you are after, I think you need to drill down to specifics to get the answers you want.

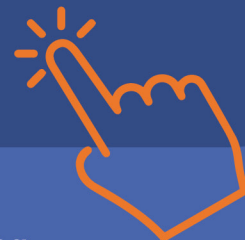
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Chris Irons | Strata Solve
chris@stratasolve.com.au

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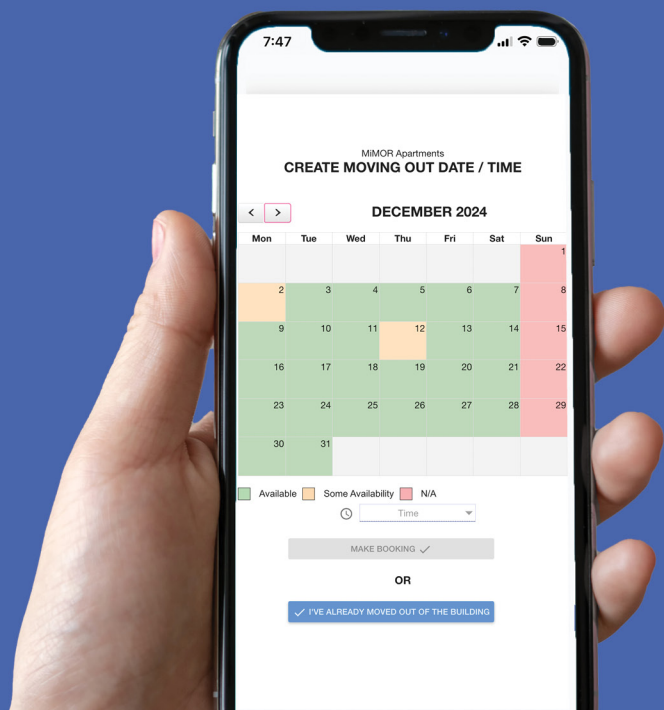
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Terminating a Management Rights agreement has risks

A body corporate seeking to terminate a management rights agreement risks significant compensation costs if the dispute goes against it, with one recent Queensland case costing a scheme more than \$300,000.

The legal step taken by aggrieved management rights holders of suing for repudiation of contract has had some success recently, which may give pause to any body corporate choosing to go down the termination path.

Apart from disputes with developers about building defects, terminating a management rights agreement is about the biggest fight you can have in a body corporate in Queensland.

Most terminations of management rights agreements result in the manager trying to keep the agreement on foot. In that instance, there was a well-worn path for a body corporate to follow if they wanted to end a management rights agreement.

First, the body corporate would issue a remedial action/breach notice. The manager would either then comply with the notice (meaning the breaches complained of were addressed) or argue the validity of the notice on some basis.

The body corporate would then either accept that the manager had done what was requested, or it would call an EGM to seek to terminate the agreement based on the breach notice not being complied with.

If the manager wanted to contest the body corporate's right to terminate the agreement, it would lodge an application in the Queensland Civil and Administrative Tribunal (QCAT) before the EGM date. That application would seek an order to prevent the body corporate from acting on that termination if it was approved at the EGM until the validity of the notice itself had been argued in front of a member of the tribunal.

Those applications are usually granted. The dispute then takes the course of many before it. The body corporate argues the manager was in breach of the agreement and that it has the right to terminate it; the manager contests that by arguing the body corporate's interpretation of the duties was wrong, or that they were complied with. There are dozens of decisions along these lines.

Occasionally, the manager doesn't want to continue with the agreement and elects to terminate for repudiation, seeking damages for the lost profit under the agreement instead.

Specific circumstances must apply for repudiation to be an option, but effectively the manager is arguing that the body corporate has terminated the agreement in circumstances where it is not entitled to do so. Therefore, the agreement has been repudiated, and the manager is entitled to compensation for that breach of contract on the part of the body corporate.

This scenario has occurred twice in recent years, under varying circumstances.

In the first case, the body corporate won. The termination was ruled to be valid and the manager's claim for damages was dismissed.

But in the second case, the manager won the dispute (although the decision is still open to appeal at the time of writing). And that exposed the body corporate to damages of more than \$300,000 because that was the value of the business that was lost when the repudiation (or unlawful termination) took place.

This approach highlights a risk for a body corporate that seeks to terminate a management rights agreement. The downside for a body corporate if a manager follows the traditional response is, generally, simply costs – the body corporate pays its costs and, if it loses, it might pay some of the manager's costs, but the agreement remains on foot.

However, under the repudiation approach, the body corporate must pay its own costs, some of the manager's costs, and if it is found the agreement has been terminated unlawfully, the body corporate must pay damages equivalent to the value of that agreement.

For some management rights agreements in large schemes, that total could easily run into seven figures.

This again proves how important it is for a body corporate to understand the risks involved before going down the path of seeking to terminate a management rights agreement.

Get the right advice and get it early.

Article by Hynes Legal

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Strata complex struggles with ageing caretaker's performance

Q How can we address the declining performance of our aging caretaking service contractor and mitigate the negative impact on our strata complex?

Our caretaking service contractor (CSC) in our 50+ complex has been performing their duties poorly for a few years. As the CSC is close to 80, they show signs of dementia. They forget things and angry easily if questioned. This results in poor compliance issues, contractors not wanting to work at our building, and angry discussions with owners if they want a new access card, etc. Basically, the caretaker has become a recalcitrant volcano who only does what they please.

We have taken over some of the CSC's duties like WHS actions and tried to manage as best we can. We ensure the caretaker does not manage major repair jobs. The caretaker finds this offensive and some uninformed owners think we are being unreasonable.

This is a full-time job. The committee is an older cohort that hasn't the stamina or the will to manage this situation. What can we do?

A Any issue that arises about the alleged non-performance of duties by the CSC has essentially two roads to follow.

This is a tricky, sensitive issue and I sympathise with you in dealing with it.

Approaching this firstly from a non-strata perspective, does the CSC have family or people close to him that could be discreetly spoken to about the situation? That may be one way to do things. If not and there is a suggestion that the CSC may not have capacity, then it may be the Office of the Public Guardian could be contacted for general information about the situation.

Otherwise, putting the purely-strata hat back on, any issue that arises about the alleged non-performance of duties by the CSC has essentially two roads to follow. Road one sees the committee engaging in negotiation, mediation, communication and generally, a process of working with the CSC to resolve performance issues or map out an appropriate exit strategy. Many of these things are, at the risk of being seen to be overly self-promoting, what Strata Solve does.

Road two sees the committee embark upon **formal proceedings** to remedy the situation with the CSC. Road two is a long, very costly

and often very stressful one to follow, so you and the committee need to be sure you want to see it out. It will require legal advice.

As you quite rightly point out, it becomes a full-time job and you probably have reached a point where 'do nothing' is no longer a viable option. So you will need to reflect upon the above and make a decision. This will not be an easy thing, although the sooner you opt to do something, the better. In other words, you need to start the process.

This is general information only and not legal advice.

Chris Irons | Strata Solve
chris@stratasolve.com.au

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UNTANGLING STRATA PROBLEMS

Strata Solve helps people untangle and resolve their strata issues. Sounds simple when you put it like that, doesn't it?

Director Chris Irons (pictured, with his strata-approved greyhound Ernest) has an unrivalled strata perspective. As Queensland's former Body Corporate Commissioner, Chris has seen and heard virtually every strata situation and nuance. He knows that while legislation provides a framework, there are many ambiguities to navigate through and in which pragmatism, common-sense and effective communication are vital.

As an independent strata consultant, Chris provides services which are all about empowering owners, committees, managers, caretakers, and others, to protect their strata interests. With a high-profile media and online presence, and as an accredited mediator, Chris is also able to carefully 'read the room' and craft the right narratives in even the most complex strata situation. Strata Solve is not a law firm. Chris instead thinks of steps you can take before you embark on lengthy, costly, and stressful legal proceedings. Regardless of the client, all people in strata have one thing in common: their substantial investment in the strata scheme. Strata Solve prioritises that investment in each tailored solution we provide.

Get in touch to find out more.



email: chris@stratasolve.com.au
web: stratasolve.com.au





Bodies corporate are run by those who show up

Q Is a quorum fairly determined when a small group of owners effectively control decision-making?

I'm own in an accommodation module complex and am curious how a quorum is considered with 160 houses. Lots do not have equal entitlements. Twenty-five percent are owner-occupied, and seventy-five percent are short-term rentals. At the last general meeting, the committee members, who owned seven houses and held three proxies, were considered a quorum, which meant the committee could pass any motion. If owners don't want to take the time to vote, then we deserve what we get.

A Bodies corporate are run by those who show up.

A quorum relates to the number of voters – not lots. For example, if your 160 townhouses were owned equally by two people, there would be only two voters, but they represent 80 lots each. The legislative position to start a general meeting is that 25% of voters have cast a vote and two people present is a quorum, but that can be changed by the body corporate to 10% having cast a vote and 1 person present. But that's only to have the meeting on the day.

If there isn't a quorum, it holds over to the same time and place the week following, and whatever is there is counted – it being taken that those who wanted to participate have then had their chance.

I have seen a meeting where there was only one vote out of more than 100 lots at an adjourned meeting. These bodies corporate are truly run by those who show up.

Frank Higginson | Hynes Legal
frank.higginson@hyneslegal.com.au

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Can the BC charge owners for contacting the manager directly?



Q If owners contact the BCM directly and the body corporate is charged, can the fee be charged to the owner?

Our committee assists where possible in reducing fees. However, some owners continually contact the body corporate manager (BCM) directly instead of first contacting the committee. If the committee can assist, this would avoid additional BCM service fees.

If owners contact the BCM directly and the body corporate is charged, can the fee be charged to the owner? It is unfair for owners who do not contact the BCM to pay these fees.

A You can't transfer these costs without seeking a court order.

Many owners ask this question, and the default response is that you can't transfer these costs without seeking a court order – from the Commissioner's office or QCAT. As the time and expense of achieving that is usually higher than any fees applied, most people don't do this – or if they seek a costs order, they aren't always successful.

Thinking a bit more proactively, I believe the body corporate is within its rights to send an invoice to the owner requesting they pay unreasonable costs incurred by the body corporate. This would be a request only, though, and if the owner didn't pay, I don't think you could follow this up as a debt. However, sending an invoice like this from time to time may be sufficient to make your point.

Some consideration also needs to be given to the circumstances and why people are contacting the body corporate manager.

The appointment of the manager was a decision of the body corporate, and it is not surprising that owners will contact the manager in the first instance – having such a person available is one of the reasons owners will have voted to appoint a manager. Owners may not feel comfortable contacting the committee or want to speak to the manager as they can offer independent advice. In turn, that manager is probably helping those owners navigate the body corporate system by providing them with information and assistance about their scheme. This doesn't seem bad, and body corporate should be budgeting for expenses like this. The committee could instruct the body corporate manager not to respond and only to forward comments to the committee, but this approach seems counterproductive.

On the other hand, you may have a situation where one or two owners are constantly causing problems or contacting the body corporate manager. If unnecessary fees take up a substantial amount of time, it may be reasonable to look at how to limit this. Strategies to do this should be discussed with the manager and that could include looking to transfer the costs if that was thought to be an effective strategy.

William Marquand | Tower Body Corporate
willmarquand@towerbodycorporate.com.au

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Short-term rentals and strata insurance

How can we compel the strata committee to enforce council regulations regarding short-term accommodation (STA) usage, given the potential impact on our building insurance policy?

Several units in our scheme have applied to Brisbane City Council for their unit's DA to be changed to short-term accommodation.

The council granted the DA change, stipulating that the units must now be used for STA only. However, not all units that changed their DA are being used for STA. Some rent long-term and some are owner-occupied, which breaches council DA regulations.

An inquiry with our Building Insurance Brokers advised the body corporate is responsible for strictly adhering to all local council regulations, and failure could potentially prejudice our building insurance policy.

As owners are not complying with council regulations and Development Approval rights, could this impact our Building Insurance Policy?

We have tried to get the committee to enforce compliance with council regulations, but they aren't interested.

How do we get the committee to enforce the council regulations?

A **It is for the council to enforce its requirements, not the committee.**

It is for the council to enforce the council's requirements – not the committee. However, the committee should take action to resolve the issue to ensure the building's insurance policy is not compromised.

The issue here is that by having the council take enforcement action, there is a risk that it is misdirected at the body corporate rather than the specific owners.

I would suggest that a careful approach is made to the council concerning the non-compliance with the development approval. The approach should be carefully considered to ensure that any enforcement action by the council is directed at the owners and not the body corporate. It may also be worthwhile considering if there are any by-laws that are being indirectly breached that can then be

raised with the committee through a BCCM Form 1. That would enable the committee (or concerned lot owners) to progress by-law enforcement action separately.

Todd Garsden | Mahoneys

tgarsden@mahoneys.com.au

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9 THINGS YOU SHOULD DO TO READY YOUR STRATA BUSINESSES FOR SALE

You've decided to sell your strata management business – that's a big move! To make sure you get the best price and a smooth handover, you need to be prepared.

This checklist sets out nine vital steps to get your business ready for sale.

From checking your contracts to making sure your finances are in order, each point is key to a successful sale.

Checklist to Get Ready for Your Strata Business Sale:

1. Check all Strata Management Agreements / Contracts of Appointments

The basis and foundation for the sale of any owners corporation business or portfolio is the management agreements. Business owners should ensure they have a copy of all the management agreements with all their owners corporation clients.

Sometimes your frontline strata staff might forget or are just not very good with the sales part of getting contracts signed. Or sometimes rightly so they're busy putting out fires and signed contracts aren't high on their priority lists.

2. The Assignment Clause in your Owners Corporation Management Contracts

We were brokering a strata business last year – where just before the due diligence process was about to get underway the vendor informed us about a few skeletons in the closet...

Crossed-out clauses provide great flexibility and optionality for OC clients but it's terrible for any business owner when the day comes to sell.

3. CPI increases and contract renewals

Check that CPI increases have been captured as we have seen many strata businesses where effectively the business was undercharging to its detriment.

Sometimes it's due to admin or accounts not updating when they should or sometimes it is due to system limitations.

4. Collate your pipeline and touch base with contacts

Do you have a pipeline of owners corporation business and contracts that are coming online and into your business? Do you have a clear and detailed pipeline ready for any prospective purchaser when they ask this question?

We've helped strata business owners significantly increase their sales value by understanding and capturing their strata management pipeline.

9 THINGS YOU SHOULD DO TO READY YOUR STRATA BUSINESSES FOR SALE

5. Consider any other liabilities and obligations

A clean balance sheet aids the process versus raising many questions or creating work down the track.

6. Get your financials and documents prepared and ready!

Strata business owners in a good week are often inundated with OC issues and all sorts of matters that require their input. Sometimes keeping their own house in order is left to last.

7. Speak to your accountant!

What is your street-facing entity? Strata management businesses in Australia operate as sole traders, partnerships, trusts, or companies (or through a hybrid holding structure).

It might have been many years ago when you sat in your accountant's office and spoke about setting up your strata management business. The consideration and conversation should now be about whether your structure is a good structure when it comes to your business sale.

8. Keeping Things Confidential with Staff, Clients, and Competitors

Business owners – remember the sale and the deal are never done until the day the funds clear into your bank account. Up until that point you should be adopting the mantra that “loose lips sink ships”.

9. Speak with Us

David has worked in the strata industry for the past 12 years, along with a background in external audit and banking. David's true passion and drive is in understanding the financial details and working through the issues.

No one else is better placed to broker your strata management business. You spend years (or decades) building your strata business – get the sale process **done right**.

David Lin



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Fire safety for class 1A buildings



Q Can a body corporate for a class 1A building estate face legal liability for implementing fire safety measures?

Community title schemes that consist of only class 1A buildings are excluded from having formal fire evacuation procedures. This places the responsibility on the individual lot owners.

If a body corporate committee for an estate consisting of only class 1A housing puts in place its own procedures or purchases fire fighting equipment when they are not required by law, can this create a potential litigation risk to the body corporate in the event someone is hurt or killed following these procedures or using equipment?

A The maintenance is up to the occupier.

In class 1 & 1A buildings, the level of fire safety preparedness is up to the occupier. Each occupier can adopt a level of preparedness as they see fit. This includes establishing an emergency plan and obtaining fire extinguishers, fire blankets and pan fire sachets.

The maintenance is up to the occupier, as these items are not prescribed for class 1 & 1A buildings under the fire safety legislation. It is, of course, recommended that a regular maintenance regime be adopted.

The same applies to extinguishers installed in the common area of a class 1A complex. There is no breach under the fire safety legislation if they are not maintained. Other parts of Queensland legislation may apply, but that is a question for a lawyer.

Stefan Bauer | Fire Matters
sbauer@firematters.com.au

[READ MORE HERE](#)



Fire Door Compliance

How can I ensure my building's fire doors are compliant?

Fire doors are vital safety measures in multi-occupancy buildings. They are designed to slow the spread of fire and smoke, creating a barrier that prevents flames from moving freely through hallways and escape routes.

In Queensland, strict regulations govern fire doors, and compliance with these standards is critical to ensuring the safety of everyone in the building.

Key Fire Door Compliance Requirements

Correct fire door rating: Fire resistance rating requirements range from 30-120 minutes depending on the needs of the building. The more occupants or floors in the building, the higher the required rating.

- **Professional installation:** Fire doors must be installed by qualified professionals.
- **Self-closing mechanisms:** All fire doors must be equipped with a functional self-closing mechanism.
- **Correct exit hardware:** Main doors must have lever handles or panic bars for easy exit.
- **Annual inspections:** Queensland law requires annual inspections of all fire safety measures, including fire doors. All inspections and maintenance activities must be documented.

Common Compliance Failures

Fire doors that are locked, blocked or propped open are among the most common compliance failures, along with damaged doors and faulty self-closing mechanisms.

How to Avoid Compliance Failures

Annual fire audits are invaluable for identifying compliance gaps and ensuring all fire doors meet Queensland's standards.

Stefan Bauer
Fire Matters

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DON'T RISK IT!

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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An abandoned vehicle and the caretaker's role in tenant information disclosure

Q

Can a building caretaker legally withhold contact information for a former tenant, especially when it's necessary to enforce body corporate bylaws regarding abandoned vehicles?



The building caretaker refuses to provide the phone number and email address of a previous tenant who left their car on the body corporate premises. The bylaws clearly state that the car can be towed. The committee wants to contact the car owner to allow them to remove the vehicle before it's towed. Can the building caretaker refuse to provide the information?

A

How did the caretaker come into the knowledge of the contact details?

I think it starts with how the caretaker came into the knowledge of the contact details. If it was acting as an agent for the owner with respect to the letting of the property, it probably is private information. If this was the case, the committee should ask the owner to direct the caretaker (as an agent) to provide it.

If the caretaker did not manage the lot, it is more likely the information came into the caretaker's possession as caretaker for the body corporate, and it is more likely to be capable of being handed over. Still, it would depend on the factual background. A visit to the local police station to ask for the information might also assist.

Frank Higginson | Hynes Legal
frank.higginson@hyneslegal.com.au

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Risk assessment and removal of the developer's palm trees

Q

Who is responsible for deciding whether palm trees planted by the developer on common property should be removed due to perceived risk, and who pays for the removal?

A lot owner has a grassed courtyard designated common property for the lot owner's exclusive use. The development's original landscaping involved planting specific palm trees. Some residents in our complex view the palms as a 'risk'. Who is liable for:

1. assessing the risk/deciding that the palms must be removed, and
2. the costs associated with the removal if deemed a risk?

A

It is best to refer to the CMS and consult with a solicitor to determine who is responsible.

Some of the risks posed by palm trees include:

- palm tree fronds encroaching on the building structure which can block gutters
- palm tree fronds could serve as a fuel source in the event of a fire emergency

- palm trees with fruits that fall to the ground may become a slip hazard and attract fruit bats
- large dying fronds falling to the ground could result in head impacts and injury.

Maintaining exclusive use courtyards is generally the responsibility of the owner/tenants. Still, it is best to refer to the CMS and consult with a solicitor to determine who is responsible. In some cases, trees may be protected and require council approval to undertake any work. In the past, where risks were evident, some body corporates paid the cost, sometimes the cost was shared, and sometimes, the owner paid.

Dean Potgieter | Seymour Consultants
dean@seymourconsultants.com.au

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Strata manager charges for a VOCM



Q Is it justified for a strata manager to charge a body corporate for a VOCM to announce a committee member vacancy and the proposed replacement?

Recently, a committee member resigned from the committee. Our strata manager issued a VOCM flying minute and charged the body corporate \$165. The VOCM simply advised all owners that the committee members would be voting to select one of three owners they had put forward to fill the vacancy on the committee.

The Accommodation Module provides for the committee to appoint a person eligible to be on the committee to fill the vacancy. I can find no reference to a VOCM flying minute being necessary or justification for the charge of \$165.

A Ask your manager and see what they say. They should be able to justify their costs and be able to provide you with a clear invoice for the work they did.

When a committee member resigns, the remaining committee members have a 30 day period to appoint a replacement.

That person can be any valid nominee for the committee, and that appointment would normally be made via a VOC. It could also be done at a committee meeting.

If no one is appointed within that period, an EGM should be called to make an appointment.

So, from your description, it seems that the correct process has taken place and that, as an owner, you have been duly informed. Presumably, you will receive the minutes of the VOC at some stage and confirm an appointment.

As to whether the cost of \$165 for a VOC is reasonable, the answer is that it depends. It could be that the fee is listed in your contract, in which case that is what you have agreed to as a body corporate. If the fee is time based, it may reflect the time it took the company not just to issue the VOC and collate the votes but perhaps too for the advice the manager gave to the committee to get them to the point that they were ready to vote. That could have been extensive.

Ask your manager and see what they say. They should be able to justify their costs and be able to provide you with a clear invoice for the work they did.

William Marquand | Tower Body Corporate
willmarquand@towerbodycorporate.com.au

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Professional strata manager is not a term regulated or protected by Government. The only professional strata managers who are endorsed or accredited in any meaningful way are those who have been through the SCAQ accreditation and training.

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The SCAQ pathway for accreditation and ongoing professional development is recognised nationally and internationally. When you choose a professional strata manager you entrust them with your money and compliance with your obligations, it is important to have someone you know can be trusted.

SCAQ members, unlike other strata managers having rigorous external standards put upon them, and they are answerable to best practice standards across industry.

Members of SCAQ are required to:

- Undergoing Mandatory Training and Continuing Professional Development to maintain their membership with SCAQ
- Maintain professional indemnity insurance
- Meet ethical requirements and conform to a code of conduct overseen by a professional standards committee

Why use an accredited Strata Professional?

The SCAQ accreditation pathway is rigorous and industry leading. It is underpinned by a staged approach to work in the industry, with stages of accreditation taking years to achieve. This supervisory approach helps ensure appropriate mentoring by senior members of industry, as well as bringing participants up to speed on the latest theory and practice in the industry.

This pathway takes years to achieve full competence and certification in it should serve as peace of mind for lot owners that their asset is being managed with professional skill, care and years of experience.



My strata manager is with SCAQ, is yours?

nce

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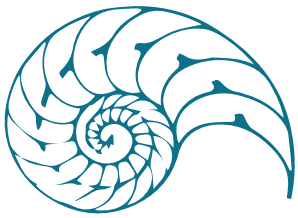
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SCAQ members are the best in their field, with professional, educational and ethical obligations on them which are second to none in the industry. If your Strata Manager is not an SCAQ member, we encourage you to make the switch to ensure that your home is protected by the guarantee of quality that comes with SCAQ membership.

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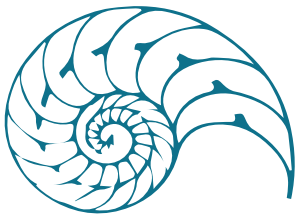
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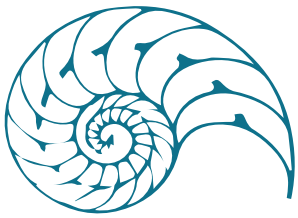
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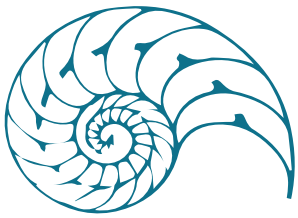
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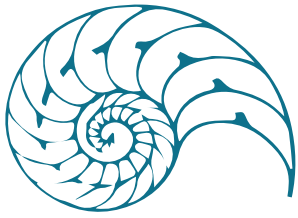
Chartered Accountant & Strata Auditors
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E: caren.chen@tinworth.com



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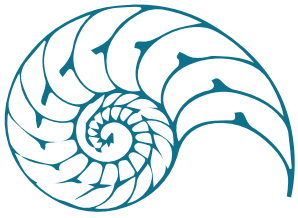
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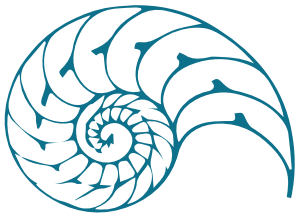
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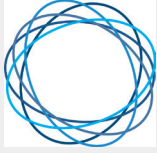
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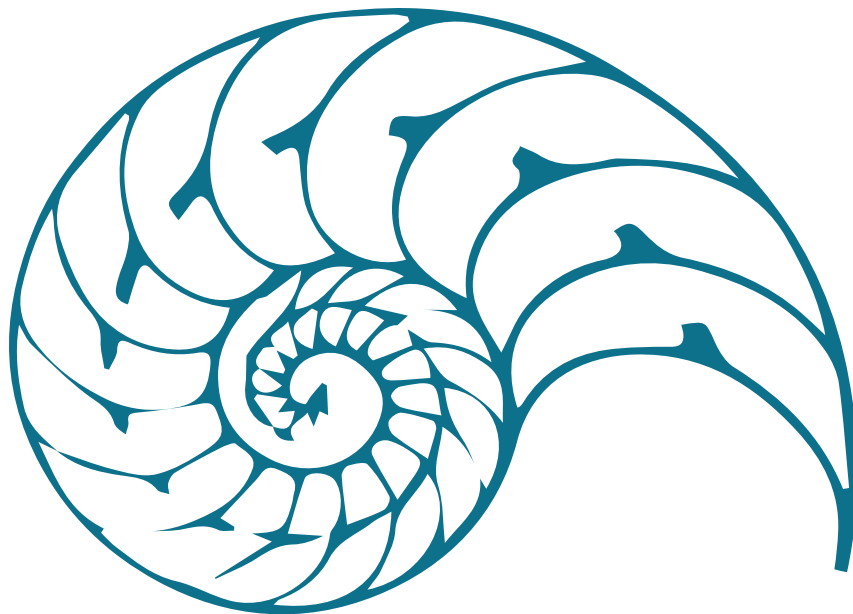
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