

Office of the Commissioner for Body Corporate and Community Management

Online Training

Unit 1 – The committee

Topic 02 – Body corporate committee meetings

There is no minimum or maximum number of committee meetings to be held. The committee may meet as frequently as it needs.

Calling a meeting

The secretary usually calls a committee meeting, however if the secretary is absent the chairperson can call the meeting. If the secretary or the chairperson receives a written request by enough committee members to form a quorum, the meeting must be held within 21 days. If the meeting is not held or both the secretary and the chairperson are absent then any other member of the committee authorised by enough committee members to form a quorum can call the meeting (SM s44).

Note: The secretary does not have the power or authority unilaterally to declare when meetings of the committee are to be held (Order 0179-2000).

Notice

7 days written notice must be given to each committee member. However, the committee may reduce the period of notice to at least 2 days if all voting members have agreed, either at the last meeting or in writing.

At the same time notice is sent to committee members, advice of the meeting must be:

- placed on the notice board (if the body corporate maintains one); and
- given to each lot owner, including a copy of the agenda for the meeting, unless the owner has instructed the secretary that he or she does not want to receive a meeting notice (SM s45).

Place of meetings

The committee may decide where to have meetings however, a meeting must not be held more than 15km from the scheme land if half the number of committee members needed for a quorum object in writing to the secretary (SM. s46).

Agenda

The notice of the meeting must include an agenda stating the substance of the issues to be considered. The committee may also consider other issues not included on the agenda at the time of the meeting. The agenda must also include a motion to confirm the minutes of the last meeting as well as a motion to confirm any resolutions passed outside of a committee meeting (SM s47).

Chairing a meeting

The chairperson must chair all committee meetings. If the chairperson is absent, another member may be chosen by the voting members present to chair the meeting (SM. s48).

Quorum

A quorum is the minimum number of members that must be present in order to conduct a meeting. For a committee meeting, a quorum is at least half the voting members of the committee.

Example:

- If there are 6 voting members of the committee, a quorum is 3.
- If there are 7 voting members of the committee, a quorum is 4.

A voting member is counted as 1. If the voting member also holds a [proxy](#) for another member, the voting member is counted as 2.

To avoid doubt, non-voting members are not counted for deciding if there is a quorum (SM. s49).

Attendance

Lot owners who are not committee members have the right to attend a committee meeting. The lot owner must give the secretary at least 24 hours written notice of their intention to attend and there are limitations on the items for which they can be present. For example, the committee may decide a lot owner cannot be present when there is discussion on, and a decision about, a breach of by-laws, or when there is a dispute between the body corporate and the owner. When a lot owner is present, it must be remembered the person is there only as an observer, and can be asked to leave by a majority decision of the committee members (SM. s51).

Non-voting members (body corporate managers and caretaking service contractors) have a right to attend committee meetings. For example, the caretaking service contractor would be expected to and should have a thorough knowledge of the maintenance requirements and relevant issues of the scheme. For this reason, it is advantageous to the body corporate for the caretaking service contractor to be involved in discussions concerning the scheme at committee meetings. However, there are particular occasions when the committee should have the power to decide whether the non-voting member is present at the committee discussions or the vote. They are automatically excluded while the committee decides whether or not to exercise the power. Notwithstanding these provisions, a non-voting member should, as a matter of course, advise the committee where there is an issue in which the person has an interest, and leave the meeting before any discussion takes place and a vote is taken (SM. s50).

Voting

Each voting member is entitled to 1 vote on any matter to be decided. A voting member who is an executive member has only 1 vote regardless of whether the person holds more than 1 of the executive positions.

A motion is passed at a meeting of the committee if a majority of voting members present, either personally or by proxy and entitled to vote, are in favour of the motion (SM. s52).

A non-voting member is not entitled to vote at a committee meeting (SM s12).

Voting outside a meeting

The committee may resolve matters without formally holding a meeting. Often referred to as a "flying minute", decisions may be made in this manner if all committee members are given written notice of the motion and a majority of the voting members gives written agreement to the motion.

Carrying out decisions - notice of opposition

The notice of opposition only applies to schemes under the Standard Module regulation.

A notice of opposition is a document, signed by or for the owners of at least half the lots in the scheme opposing a resolution of the committee.

The notice of opposition must be given to the secretary within 7 days after receiving a copy of the minutes of the meeting or a copy of the result of a vote outside a committee meeting at which the resolution was passed.

However, a notice of opposition cannot be given if:

- it involves spending of not more than either \$200 or \$5 multiplied by the number of lots in the scheme (whichever is greater)
and
- it involves a decision of a routine, administrative nature.