



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, any other member of the committee authorised by enough committee members to form a quorum can call the meeting ([SM s54](#)).

Note: The secretary does not have the power or authority unilaterally to declare when meetings of the committee are to be held. Adjudicators have stated that consensus of the committee is needed ([Sani Villa \[2000\] QBCCMCmr 491](#), [Gazelle Villas \[2003\] QBCCMCmr 513](#), [Gold Coast Summer Waters Resort \[2014\] QBCCMCmr 342](#)).

Notice

The body corporate must give 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 they do not want to receive a meeting notice.
- ([SM s55](#))

Notice of meetings must be sent to an owner or the relevant person:

- personally, or
 - to the owner or relevant person's address for service, or
 - in another way agreed on between the owner, or relevant person (eg an online file sharing website).
- ([SM s218](#))

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 s56](#)).

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 s57](#)).

Submitting motions to a committee meeting

An owner may submit a motion to the committee:

- personally or
- by post or
- by facsimile or
- by electronic communication in accordance with any requirement under the [Electronic Transactions \(Queensland\) Act 2001](#) about how a document must be signed or sent electronically.

The committee must decide the motion within 6 weeks from the date the motion is submitted. If the committee needs more time to make the decision, they must give the owner a written notice stating:

- the committee needs more time
- the reasons for needing more time and
- advise the owner of a reasonable time the decision will be made that is not more than 6 weeks after the original 6-week decision period.

The committee does not have to decide on a motion if

- the owner has already submitted a motion within the last 12 months about the same issue, or
- 6 or more motions about the same or different issues.

If this situation applies, the committee must give a written notice to the owner to advise why the motion was not decided.

The committee cannot make a decision on a motion if the decision:

- is a restricted issue for the committee or
- if the motion would conflict with the Act, the regulation module or the by-laws, or a motion already voted on at the meeting or would be unlawful or unenforceable for another reason.

The motion is taken to have not passed if the committee does not decide on the motion within the 6-week decision period. If the committee gave notice of the further 6-week decision period but has not made the decision, the motion is taken not to have passed ([SM s58](#)).

Chairing a meeting

The chairperson must chair all committee meetings. If the chairperson is absent, another committee member may be chosen by the voting members present to chair the meeting ([SM s59](#)).

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.

A debtor member (committee member or nominated representative who owes a body corporate debt) is still counted for deciding whether a quorum is present.

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 s60](#)).

Attendance

Voting committee members may attend and vote at a meeting in person, by proxy (if the use is not prohibited) or by any electronic means authorised by the committee ([SM s61](#)).

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.

A representative of an owner of a lot may attend a committee meeting. The representative must give 24 hours written notice and advise:

- the representative's residential or business address
- the category the representative falls under
- the name of the lot owner they are representing, and
- evidence the representative's name is on the body corporate roll or the owner has asked the representative to attend on their behalf.

A lot owner or representative must not be present for certain items if the committee decides they must not be. 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. A lot owner or their representative is present as an observer. They cannot speak at the meeting without being invited to by the committee and this invitation can be revoked at any time. The lot owner or their representative can be asked to leave by a majority decision of the committee members ([SM s63](#)).

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 times when the committee 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. A non-voting member may need to be prepared to 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 s62](#)).

Voting at meetings

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 (personally or by proxy) and are entitled to vote on the motion, are in favour of the motion ([SM s65](#)).

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

Voting outside a meeting

The committee may make decisions by voting outside a meeting. The secretary, or another member of the committee who is authorised by a majority of voting members, must give notice of the vote in writing which can include email. Voting outside a meeting can sometimes referred to as a "flying minute" or VOCM.

In an emergency, the notice and committee members' agreement may be given orally or by another appropriate form of communication.

The secretary must send advice of the motion being voted on to all owners at the same time as to the committee, or in an emergency, as soon as practicable. They do not have to send advice to owners who have instructed the secretary that the owner does not want to receive notices of committee voting.

The committee must vote within 21 days of the notice being given. The motion being voted on will pass if a majority of all of the voting committee members entitled to vote on the motion agrees to the motion within the 21 days. The motion will not pass if one-half or more of the committee members entitled to vote on the motion do not agree to the motion within 21 days.

If not enough votes are received to decide the motion, the motion is taken to have not passed after the 21 days.

Debtor member

A debtor member is a committee member who is an owner or a nominated representative of an owner who owes a body corporate debt.

A debtor member is not eligible to vote:

- themselves or to exercise a proxy at a committee meeting ([SM s64](#)).
- on a motion being voted on outside a committee meeting ([SM s67](#)).

Conflict of interest

A committee member who has a direct or indirect interest in a motion must disclose the conflict of interest and cannot vote on the motion.

A committee member holding a proxy for another committee member must also disclose any conflicts of interest and cannot vote using the proxy on the motion ([SM s66](#)).

Conflicts of interest only apply to committee voting. They do not apply to general meeting voting.

Minutes and other records of committee decisions

Full and accurate minutes of meetings and motions voted on outside meetings must be kept. There is no requirement to record discussion in the minutes. The words of the motions voted on must be in the minutes.

Minutes of committee meetings must be sent within 21 days of the meeting. Minutes of a committee vote outside a meeting must be sent to owners within 21 days of the deciding of the motion, or the day the motion is taken to not be agreed to ([SM s71](#)).

Notice of meetings must be sent to an owner or the relevant person:

- personally, or
- to the owner or relevant person's address for service, or
- in another way agreed on between the owner, or relevant person (e.g. an online file sharing website). ([SM s218](#))

Carrying out decisions - notice of opposition

The notice of opposition only applies to schemes under the Standard Module regulation ([SM s72](#)).

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 resolution voted on 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.

The committee can act on a motion only if the notice of opposition period has ended or it is necessary to deal with an emergency within the committee's spending limit or authorised by an adjudicator ([SM s73](#)).