

The Aurora Tower – Management Responsibilities and the Role and Responsibilities of Committee Members

Management Responsibilities

The Aurora Tower comprises 472 apartments and accommodates approximately 1,200 residents. That is, the population of the building is similar to that of Queensland towns such as Esk or Blackall. Apartments in the building are occupied by owner/occupiers, long term tenants and overnight rentals.

Responsibility for management of the building and residents' amenity is shared between three entities:

- Building Manager - the Oaks Group, who currently hold the building management and letting rights for the building. The Building Manager is responsible for the day to day operation, maintenance and security of the building and its facilities, including cleaning of the common areas of the building, management of keys and compliance with by-laws. The Building Manager engages and supervises various contractors appointed by Committee to undertake maintenance, repairs and upgrades of common property and building equipment. As letting agent, Oaks staff also manage the letting of about 210 apartments for overnight rentals on behalf of investor Lot owners.
- Body Corporate Manager - Ernst Body Corporate Management is appointed by Lot owners at an Annual General Meeting to provide administrative and financial services for the Body Corporate and advice on legal and legislative matters. This includes issuing of levies, payment of accounts, management of bank accounts and the preparation of annual budgets and annual accounts. The Body Corporate Manager also calls and convenes Committee Meetings, Annual General Meetings, and Extraordinary General Meetings, takes Minutes of those meetings, maintains the Roll of Lot Owners, and is custodian of the Body Corporate's seal. The Body Corporate Manager also assists with correspondence, complaint resolution and insurance matters.
- Body Corporate Committee – consists of seven (7) Lot owners (or legal representatives of Lot owners) elected annually by the owners of Lots in the building. The Committee consists of a chairperson, secretary and treasurer (executive positions) and four ordinary committee members. Committee members are responsible for acting on behalf of all Lot owners, not just for themselves. They must go about their duties in a manner to ensure their decisions produce the most beneficial long-term outcomes for all owners of the community title scheme.

The Committee is responsible for the administrative and day-to-day running of the Body Corporate, making decisions on behalf of the Body Corporate and putting the lawful decisions of the Body Corporate into place. Committee members are subject to a Code of Conduct that requires members to:

- be committed to developing an understanding relevant law and the code;
- comply with the law and the code;
- act reasonably and in the best interests of the Body Corporate;
- act honestly, fairly and with confidentiality when performing Committee duties;
- not cause a nuisance; and
- disclose any conflicts of interest.

The Body Corporate Committee is given powers under the Body Corporate and Community Management Act 1997 and the Body Corporate and Community Management (Accommodation Module) Regulation 2008 to carry out its necessary duties.

<https://www.legislation.qld.gov.au/view/pdf/inforce/2019-07-01/act-1997-028>

<https://www.legislation.qld.gov.au/view/pdf/2017-07-01/sl-2008-0270>

However, the Aurora Tower Committee is analogous to a town council and is involved in a wide range of significant and complex policy, financial, engineering and communication matters that affect the building.

For the Aurora Tower, the responsibility and commitment required of Committee Members goes beyond that of unpaid volunteers and generally involves a time commitment of between 30 and 70 hours per month for the Executive Members (Chairperson, Secretary and Treasurer) and about 10 hours per month for Ordinary Committee Members (as well as extra time for members who may take responsibility for particular specialist matters). Generally, attendance at Committee Meetings represents only a small portion of the overall time commitment for Committee Members, as most matters involve review, comment and consideration via emails.

Role and Responsibilities of the Body Corporate Committee

1. Committee Chairperson

The Chairperson must chair all General Meetings and Committee Meetings they attend. If the Chairperson is not at a meeting, the voters who are there can choose another person to chair that meeting.

The Chairperson's statutory duties include:

- Calling meetings in the absence of the Secretary.
- Declaring whether or not a quorum is present, and can adjourn a meeting for lack of a quorum.
- Ensuring that Committee Meetings and General Meetings deal with the agenda items and consider other matters raised at the meetings for consideration.
- Ruling a motion out of order if
 - it is unlawful or unenforceable
 - it conflicts with a by-law
 - the substance of the motion was not included in the agenda for the meeting
- Declaring the results of votes on motions at the meeting
- Confirming that each ballot paper is the vote of a person who has the right to vote in the election (where a ballot for a committee position is needed)
- Declaring the result of an election for a committee position.

For the Aurora Tower, the Body Corporate's Manager assists the Chairperson with these matters.

Note: The Chairperson does not have a casting vote at a Committee Meeting and does not have more authority than anyone else on the Committee.

The Chairperson provides overall leadership for the Committee and usually takes a lead role in reviewing and negotiating major contracts associated with the building. The Chairperson signs contracts and other legal documents relating to the Body Corporate business.

The Body Corporate Manager holds the Body Corporate seal and seals documents such as contracts in accordance with Committee/General Meeting decisions, after they have been signed by the Chairperson.

The Chairperson acts as a contact point for Committee matters and communicates with Committee Members on all matters requiring a formal decision.

Committee Executive:

For the Aurora Tower, the Chairperson, together with the Secretary and Treasurer, (Executive) act collectively on all matters such as:

- Development and oversight of policies concerning the common property in the building.
- Development and enforcement of rules (By-laws) which inform owners and others about things that they can and cannot do in the building.

- Identification and selection of service providers and contractors to undertake repairs, maintenance, replacement and upgrading of common area and building assets.
- Identification and selection of an Insurance Broker and the insurance company for the building.
- Review and evaluation of potential electricity and gas providers for the building.
- Liaison with the Building Manager and Facilities Manager on a weekly basis to discuss building matters and agree on planned action in relation to matters raised.
- Reviewing and making recommendations on issues raised by residents and other parties and decide if and how they should be addressed – by the Building Manager, the Body Corporate Manager, or for decision by the Committee.

2. Body Corporate Committee Secretary

The secretary's statutory duties include:

- Sending out notices for meetings.
- Asking for and receiving nominations for committee positions before an annual general meeting. If a notice inviting nominations is forwarded to lot owners, the secretary must also invite owners to submit motions for the meeting.
- Making the ballot papers for the committee election, and sending them and the other material with the meeting notices.
- Having all of the following available for viewing by voters at a general meeting:
 - the roll
 - a list of the persons who have the right to vote at the meeting; and
 - all proxy forms and voting papers.
- Receiving the completed voting papers for a general meeting.
- Receiving the completed proxy forms for general and committee meetings.
- Taking Minutes of formal meetings.

For the Aurora Tower, these matters are attended to by our Body Corporate Manager. However, the Secretary takes Minutes of the weekly meetings with Building Management.

As noted above, the Secretary participates as an active member of the Executive.

The Secretary undertakes monitoring of compliance with By-Laws and actively monitors building noise complaints and reporting of building security issues.

The Secretary communicates on matters relevant to lot owners through occasional newsletters and other means where necessary. The Secretary may take responsibility for maintaining the website for the building.

The Secretary also focuses attention on legal matters.

3. Body Corporate Committee Treasurer

The Treasurer's statutory duties include:

- Preparing annual budgets for the Administrative and Sinking Funds.
- Calculating the contributions to be levied for the Administrative and Sinking Funds and any other special or interim contributions.
- Preparing and distributing levy notices to Lot owners.
- Undertaking recovery action for unpaid contributions.
- Keeping the accounting records for the Administrative and Sinking Funds, and reconciling the bank account/s.
- Preparing statements of accounts, and arranging to have them audited if required.
- Pays/approves invoices.

For the Aurora Tower, these matters are attended to by our Body Corporate Manager, although the Treasurer is actively involved in the preparation of the annual budgets for the Administrative and Sinking Funds.

The Treasurer (or the Chairman or Secretary) is responsible for approving all invoices for payment. This is usually a weekly process in collaboration with the Building Manager.

As noted above, the Treasurer participates as an active member of the Executive.

The Treasurer reviews and makes recommendations in relation to the management of Body Corporate finances and investment of term deposits.

The Treasurer also reviews and analyses Body Corporate expenditures with a view to identifying options for improving financial efficiency. This includes monitoring and reviewing utility contracts and expenditures.

The current Treasurer has had the responsibility for maintaining the website for the building.

4. Body Corporate Committee Members

Committee Members are required to review, comment on and make decisions on a wide range of matters relating to the management and operation of the building. In particular, they include:

- Attending formal and informal Body Corporate meetings.
- Contributing to discussion on all matters on the agenda for the above meetings.
- Reading and responding in a timely manner to emails and other communications from the Committee Executive;
- Playing an active role in reviewing proposals and making decisions on specific matters relevant to the building.
- Identifying and commenting on issues relevant to the Body Corporate.

Committee Members may be involved in specific projects/activities relevant to the Body Corporate.