



## **Council of Owners of the Strata Company**

### **What does the Council do?**

The Council of Owners (COO) represent the interest of all of the owners within a Strata Company. They make decisions about work to be undertaken, setting a draft budget for the scheme and instruct the Strata Manager on how to proceed on implementing directions.

- The COO collectively makes decisions on the day to day running, which is often undertaken with guidance from the Strata Manager.
- Those living on premises are often a direct contact for owners to raise issues with, and can be there to witness events or circumstances that require addressing.
- Often contractors will need some guidance on where they are to conduct their work, and the COO (or building manager if applicable) may make themselves available to meet this need.
- Through the Strata Manager, correspondence with all or selected Owners can take place. Such examples include advisement of General Meetings, planned power outages or issuing of breach notices
- While there are often tenants in the building, contact with tenants should only be done via the Strata Manager to their Property Manager or in some circumstances, to the owner. The relationship with a tenant is not one directly with the Strata Company, and comes under completely separate legislation.

### **How to get on the Council.**

Every year at the Annual General Meeting a new COO is elected. Generally, owners will decide on how many positions to fill which is between the minimum of three and the maximum is seven.

Nominations can either be sent prior to the AGM on the pre-approved form, or verbally at the meeting. You cannot nominate another person at the meeting if that person is not present to accept the nomination.

- It is important to note that if you are a co-proprietor on the Certificate of Title, or if the property is in any other name than yours e.g. a company name, you will likely need to have a nomination form completed. Please speak to your Strata Manager about this prior to the meeting to avoid any confusion or disappointment at the meeting.

If more people nominate for Council positions than the agreed number, then a vote/ballot will need to be taken at the meeting to decide on who will be the elected Council members.

It is recommended that the first Council of Owners meeting be held immediately following the AGM to discuss the roles of the members. The positions of Chairperson, Treasurer and Secretary must be filled and recorded as such.

### **Council of Owners Meetings**

It is recommended that the COO have regular meetings to discuss the ongoing work for the scheme. All COO meetings should be recorded in the Minutes of the meeting and provided to



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the Strata Manager to be added to the strata scheme's records. The COO can hold their meetings 'as they see fit' so this can be done in person, via email, remote conferencing, or any other suitable & agreed means.

Generally, not less than seven days' notice of a proposed meeting is to be provided, however this can be reduced if all COO members agree. Usually this is done by providing an agenda with the invitation to attend.

Your Strata Manager can also attend these meetings if requested and may be able to offer assistance in the decision-making process, provide guidance in what is required under legislation, and what best practice is in certain situations. It is recommended that a meeting be held that includes the Strata Manager when preparing for the AGM. Please note that there may be a fee associated with this.

If you cannot attend the COO meeting, you can appoint another owner to attend on your behalf. You should advise the other Council members in writing (provide a proxy) prior to the meeting.

Matters decided by a COO are decided on by a simple majority vote and all members have equal voting rights. That is, the Chairperson does not have a 'deciding vote' any more than any other member.

### **Communication between the Council and the Strata Management Company**

Your Strata Manager can be tasked to undertake many of the duties of the COO and is subject to the agreement between the Strata Company and the Strata Management Company (who the Strata Manager works for).

To facilitate quick and responsive communication between the COO and the Strata Manager it is advisable to select one single point of contact on the Council. This person can relay the majority decisions of the COO to the Strata Manager, and the Strata Manager can send correspondence to this one point of contact. This makes the direction given to the Strata Manager clear and concise whilst minimizing the potential for confusion. It also keeps the strata records clear and succinct.

### **What are the roles of the Council?**

The elected Chairperson, Secretary and Treasurer of the Council of Owners, is also respectively the Chairperson, Secretary and Treasurer of the Strata Company.

A brief description of the roles is listed below. This is not an extensive position description but is aimed to provide a general overview of what the role involves.

#### **Chairperson**

The Chairperson will preside at all Council of Owner meetings where they are present, however can appoint another owner to fulfil this role if they are expected to be absent from the meeting. The Chairperson can authorize a non-proprietor to chair General Meetings on their behalf e.g. a Strata Manager to chair the Annual General Meeting (AGM).



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### **Secretary**

The Secretary will usually undertake standard secretarial duties on behalf of the Strata Company, however in practice most of these duties may be delegated to the Strata Manager depending on the agreement. Duties will often include preparation and distribution of Minutes of meetings, answering communications to the Strata Company and in some circumstances the provision of information about the Strata Company.

### **Treasurer**

These duties primarily relate to the financial management of the strata company, however some of these duties are likely to have been delegated to the Strata Manager depending on the agreement. Duties of the treasurer include notifying proprietors of contributions levied, receipting of banking, and budget preparation and monitoring.

### **All members**

All members of the COO are responsible for the decision-making process that the Council undertakes. They may volunteer to take on certain tasks, or to provide research into a topic, or to provide assistance to another Council member to fulfil a duty.

It is generally up to the COO themselves how work is divided and undertaken, and the frequency that this should be reported back to the Council.

It is important to remember that the COO represent all owners within the strata scheme and as such, should represent the majority of owners' best interest.

### **Conduct of the Council of Owners**

Council Members are expected to;

- Conduct themselves in a manner that will not bring the council into disrepute
- Act lawfully, honestly and exercise due care
- Treat others with respect and not to harass, discriminate or support others which do so
- Consider issues consistently, promptly and fairly
- Ensure development decisions are properly made, dealt with fairly and all parties are kept involved
- Disclose and appropriately manage conflicts of interest
- Use and secure information appropriately and not disclose confidential information
- Use council resources ethically, effectively and efficiently.

Should it ever become necessary, a COO member may be removed from their position at an Extraordinary general meeting.