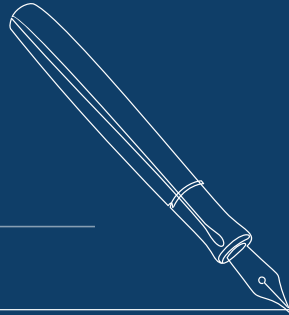


Best Practice Guide

Minute Keeping Policy



PURPOSE

Minutes are a record as to who was present when a decision was made, including who was financial at the time, and who is going to perform what was agreed to be done, where required.

TYPES OF MEETINGS

Scheme's have three types of meetings for which minutes must be prepared and records kept. Strata Committee (SC), Annual General Meetings (AGM) and Extra-ordinary General Meetings (EGM).

LEGISLATION

For meetings of all owners (AGM and EGM), Schedule 1 of the Strata Scheme's Management Act 2015 provides

SECTION 22 - MINUTES

1. Records to be kept

The owners corporation must keep full and accurate minutes of its meetings that include minutes of all motions passed at its meetings.

2. Distribution of minutes and records of motions

Within 14 days after a meeting, the owners corporation must provide copies of the minutes of the meeting in the following manner-

- a. by giving each member of the strata

committee a copy,

- b. by giving each owner a copy, if the strata scheme is not a large strata scheme,
- c. by giving an owner a copy, if the strata scheme is a large strata scheme and the owner requests a copy within the period of 14 days.

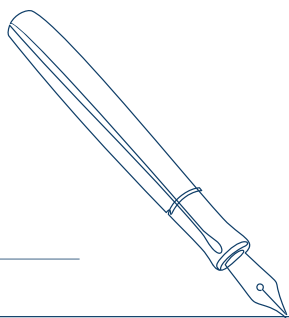
Minutes for a strata committee meeting is provided for in Schedule 2 of the Strata Scheme's Management Act

17 MINUTES AND OTHER RECORDS

1. Records to be kept. A strata committee must cause to be kept a record of its decisions, any notices given under this schedule and full and accurate minutes of its meetings.
2. The minutes must include minutes of all resolutions passed in accordance with this schedule.
3. Distribution of minutes and records of motions. Within 7 days after a meeting a strata committee or the passing of a resolution by the strata committee; the strata committee must provide copies of the minutes of the meeting or of the resolution in the following manner--
 - a. by giving each member of the strata

BEST PRACTICE GUIDE

Minute Keeping Policy



- committee a copy,
- b. by giving each owner a copy, if the strata committee is not a large strata scheme,
- c. by giving an owner a copy, if the strata scheme is a large strata scheme and the owner requests a copy within the period of 7 days.

RECORD KEEPING

As the chairman takes those present through the agenda, the secretary is the record keeper. Starting with who was present, even if someone is not an owner. They may be a proxy holder. Include guests such as lawyers or engineers advising those present at the meeting.

What time did the meeting start and finish. If someone left during the meeting, at what point in which motion on the agenda did they depart. Before, during or after the vote on that item.

Recording who was financial to vote and thus determined the outcome of a motion must also be clear.

Note proxies – who gave a proxy to whom.

If a vote was taken based on unit entitlement, e.g. a by-law, then if any votes were against,

the unit entitlement as to those for and those against should be recorded separately after that motion in the minutes.

There is no requirement to record any conversations, and how a scheme came to make the decision. Only the outcome of the vote.

The meeting must follow the agenda and only can make decisions on matters that were on the agenda and that owners had notification would be dealt with as the scheme's business at that meeting. Properly worded motions are critical, as the outcome cannot vary from the intent of the original motion that owners were advised would be determined at that meeting.

S180 of the Strata Schemes Management Act requires minutes to be kept for at least 7 years.

CONCLUSION

As these are the only formal record kept as to the scheme's decisions, they are read by a wide range of people from searchers to incoming and existing owners. All need to understand what has been agreed, particularly what is going to be done and by whom on a wide range of matters, therefore, clarity is key.

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Strata Community Association (NSW) is the peak industry body for Strata and Community Title Management in New South Wales. Membership includes strata managers, support staff, committee members and suppliers of products and services to the industry. SCA (NSW) has in excess of 3,000 members who represent over 75% of strata lots in NSW by way of helping to oversee, advise or manage a combined property portfolio with an estimated replacement value of over \$400 Billion. SCA (NSW) proudly fulfils the dual roles of a professional institute and consumer advocate.

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