

*This information is general in nature and should not be construed as legal advice.  
Independent professional advice should be sought for your personal circumstance.*

## General Information Guide - NSW Strata Scheme

### STRATA COMMITTEES

1	<i>What is meant by the Strata Committee?</i>	The Strata Committee (formerly Executive Committee before December 2015) is a small, elected representative group of the Owners Corporation whose role is to attend to the daily operations of the Owners Corporation – addressing such issues as correspondence, conduct meetings, strata searches, collecting levies, receipts, paying service provides, monitoring by-laws etc., repairs & maintenance.
2	<i>What is the size of a Strata Committee?</i>	Strata committees vary in size for each scheme and are determined each year by the O.C. at the AGM. The Act allows for up to a maximum of nine (9) members.
3	<i>How often are Strata Committee elections conducted?</i>	The SSMA 2015 requires elections for the Strata Committee to be conducted every year as an agenda item of the AGM. This is done in conjunction with determining the S.C. size each year.  The SSMA requires that all positions are declared vacant each year and new nominations are called. Every member is subject to re-election each year.
4	<i>What positions are identified on the Strata Committee?</i>	The Strata committee is made up of Four (4) different positions There are three (3) office bearers position and up to six (6) ordinary positions  The office bearer positions are: <ul style="list-style-type: none"> <li>• Secretary</li> <li>• Treasurer</li> <li>• Chairperson</li> </ul>
5	<i>What is the role of the various positions on the executive committee?</i>	<p><u>Secretary</u></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Convenes meetings</li> <li><input type="checkbox"/> Prepare/distribute meeting notices</li> <li><input type="checkbox"/> Prepare/distribute meeting agendas</li> <li><input type="checkbox"/> Record &amp; distribute minutes</li> <li><input type="checkbox"/> Attend to correspondence</li> <li><input type="checkbox"/> Maintain records &amp; files</li> <li><input type="checkbox"/> Maintain Strata Roll</li> </ul> <p><u>Treasurer</u></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Issue &amp; receipt levies</li> <li><input type="checkbox"/> Receive and bank monies</li> <li><input type="checkbox"/> Prepare/maintain financial records</li> <li><input type="checkbox"/> Maintain accounts</li> <li><input type="checkbox"/> Prepare section 184 certificates (Lot financial position for settlement)</li> <li><input type="checkbox"/> Advise of financial status of owners re meetings</li> </ul> <p><u>Chairperson</u></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Conduct &amp; preside at meetings</li> <li><input type="checkbox"/> Rule on voting &amp; proxy issues</li> <li><input type="checkbox"/> Rule on quorum</li> <li><input type="checkbox"/> Rule on procedures &amp; points of order</li> <li><input type="checkbox"/></li> </ul> <p><u>Committee Member</u></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Assist Executive Officers in their duties</li> <li><input type="checkbox"/> Undertake Treasurer delegation as resolved by Strata Committee</li> </ul>
6	<i>Can any office bearer make a decision for the Owners Corporation outside of either the OC or SC meeting?</i>	<b>NO.</b> Any decision in any NSW strata scheme must be as a consequence of a resolution of a motion at a legislative compliant meeting. The office bearer stated duties in the SSMA 2015 [sections 42, 43, 44] does not provide for any individual decision-making role as either an office bearer or committee member.

7	<i>Can one person hold more than one office bearer position?</i>	<b>Yes.</b> Often in small plans one person takes on the role of all three (3) positions. Alternatively, some people wish to be an active part of the S.C. but do not have the time or experience to undertake an office bearer's role, however, wish to have an active role on the committee participating as an ordinary member.
8	<i>Does the person filling more than one office bearer position have multiple votes?</i>	<b>No.</b> Strata Committee voting is based on ' <b>one person one vote.</b> ' E.g. if a Strata Committee is made of up three (3) people, one of which holds all three office bearer positions, the total number of votes is three (3). The number of office bearer positions is not considered in the vote.  Each member's vote is of equal weight, i.e., an office bearer's vote is of no greater value than an ordinary member's vote.
9	<i>What role does Unit Entitlement have on strata committee voting?</i>	None. Unit Entitlement is not considered for any Strata Committee vote. Strata Committee voting is based on 'one person one vote'.
10	<i>Does the Chairperson have a casting vote?</i>	<b>No.</b> As stated above, voting is based on 'one person one vote'.  The only time a person has more than one vote at a Strata Committee meeting is if they have also been appointed as a substitute for another Strata Committee member.
11	<i>What is an Acting or substitute member?</i>	An Acting or substitute member is a person who has been nominated by an appointed Strata Committee member to represent them in their absence. A substitute must be either another owner or company nominee within that strata scheme. They may already be a Strata Committee member.  A substitution must first be approved by passing a resolution at a Strata Committee meeting. The resolution needs to have been included on the agenda.  If the nominated person does not meet this criteria the motion is lost. If they do meet this criterion the meeting is obliged to accept their nomination.
12	<i>If a member is appointed as a substitute, how many votes do they have?</i>	A Strata Committee member who has been appointed as an Acting Member for an absent member; they have their own vote plus one for each substitute they represent.  E.g. If the person has been appointed as substitute for one person, then they will carry two votes. If they have been appointed substitute for two people, they will carry three votes.  This does not mean that they will cast their votes on each motion in the same manner. This will be dependent on any direction the substituted member may have provided.
13	<i>Do you have to be an owner to be a Strata Committee member?</i>	No, any person over the age of 16 may be nominated and elected as a member to a Strata Committee. This is done by the owner(s) of a Lot that are not standing for election.
14	<i>How does a non-owner become a Strata Committee member?</i>	The person must be nominated by an owner who is not standing for election. Given that only owners are permitted to attend general meetings of a strata scheme, this needs to be done in writing prior to the meeting. Acceptance must be available at the time of the vote otherwise the nomination cannot be considered. A non-owner (or even an owner) acting as a proxy for an owner at a general meeting <b>cannot</b> nominate themselves. If the nominating owner loses confidence in the performance of the non-owner, that owner may withdraw their nomination by writing to the Secretary. Under this circumstance the non-owner ceases to be a Strata Committee member.

15	<i>Why would an owner nominate a non-owner to be an executive committee member?</i>	<p>There are many reasons. The person may have particular skills that would assist the Strata Committee, such as a qualified accountant, legal expert or engineering knowledge.</p> <p>The owner may live interstate or overseas and again wish to have their interest represented.</p>
16	<i>What requirements are there regarding notices of Strata Committee meetings?</i>	<p>Strata Committee meetings require a minimum of 72 hours clear notice in writing indentifying date, time and location of the meeting along with a copy of the agenda with proposed motions.</p> <p>This notice must be provided not only for Strata Committee members but all owners. It is important that owners receive notice of the Strata Committee agenda to enable them to know what is proposed for discussion and decision.</p> <p>The decisions of the Strata Committee are binding on the Owners Corporation, so it is essential that all owners are aware of the proposed decisions of the Strata Committee.</p>
17	<i>Can an owner stop the Strata Committee from making certain decisions?</i>	<p>Yes, is the short answer. There are two ways this can be done.</p> <p>If there is an item on the Strata Committee agenda that owners do not wish the Strata Committee to discuss or decide upon, they must lodge a written notice with the Secretary prior to the commencement of the meeting identifying the agenda item(s). This must be signed by owners whose Unit Entitlement is more than 1/3 of the aggregate U.E. A reason does not have to be provided.</p> <p>However, the notice must be handed to the Secretary in person and not left in a box or under a door.</p> <p>The alternative is to have those matters declared as restricted matters at either an AGM or an EGM so that the Strata Committee cannot consider them.</p>
18	<i>Is the Strata Committee required to meet a quorum for a meeting to commence?</i>	<p>All Strata Committee must meet a quorum.</p> <ul style="list-style-type: none"> <li>▪ If the Strata Committee is one person; the quorum is one.</li> <li>▪ If the committee consists of two or members, the quorum is two.</li> <li>▪ The quorum for Strata Committee of four to nine members is 50%</li> </ul>
19	<i>What happens if a quorum is not attained?</i>	<p>If a quorum is not present within 30 minutes of the prescribed starting time, that meeting is abandoned. A new meeting with a new agenda needs to be called. The same time frame of 'not less than 72 hours clear notice' still applies.</p>
20	<i>What happens if a quorum is not present at the proposed new meeting?</i>	<p>The same situation applies as above. The standard quorum requirements apply and there is no provision within the Act for a reduction.</p>
21	<i>Once a quorum has been attained to start a Strata Committee meeting, does it get ignored from then on through the meeting?</i>	<p>No. As for any other meeting of the Owners Corporation (FAGM.AGM, EGM) a quorum must be present for the whole of the meeting. A meeting cannot continue if a quorum is not present in the room or on video link to participate in the decision-making process. Any decisions made without a quorum present may not be enforceable by NCAT if an owners lodge an application for a ruling.</p> <p>A meeting usually lapses if the number falls below the quorum requirement.</p>
22	<i>Where a single person forms the Strata Committee, is there a need for notices and agenda to be sent out?</i>	<p><b>YES.</b> The legislation does not make any distinction related to size as to whether notices, agendas and minutes are distributed. Notices and agendas must be distributed.</p> <p>If the Strata Committee fails to apply the requirements of the Act, then any decisions can be challenged and deemed out of order.</p> <p>Although other owners may not be part of the Strata Committee, they have a</p>

		right to be notified of proposed decisions. Therefore, a single person Strata Committee must apply the same standard as to a nine person Strata Committee.
23	<i>Are other people entitled to be involved in Strata Committee meetings?</i>	<p>Other owners and company nominees are entitled to observe the Strata Committee meeting discussions and deliberation. They can observe but are not entitled to participate unless invited to by the Strata Committee.</p> <p>The Act requires the members to take a procedural vote on inviting a non-member to participate in discussion. Non-members attending do not have any voting rights if invited to speak.</p>
24	<i>Can an original owner be a member of the Strata Committee?</i>	Yes, if they are still an owner, they can nominate themselves to stand for election. It is also possible for another owner to nominate them.
25	<i>Who is provided with a copy of Strata Committee meeting minutes?</i>	<p>All owners are entitled to be provided with a copy of Strata Committee minutes. The decisions made by the strata committee are binding on the Owners Corporation and all owners are responsible. It is therefore essential that every owner is aware of the decisions.</p> <p>A copy of the minutes must also be included in the OC minute book.</p>
26	<i>Can a Strata Committee consider and make decisions without actually meeting?</i>	<p>Yes, but there are requirements that must be followed, otherwise any decision will be unenforceable. It is referred to as an electronic vote or paper meeting.</p> <ul style="list-style-type: none"> <li>▪ An agenda &amp; notice must be provided as per standard procedure.</li> <li>▪ There must be precisely worded motions for each item which require a Yes/No or For/Against response for each motion.</li> <li>▪ All Strata Committee members are required to respond.</li> <li>▪ There must be a physical record of how each member voted -i.e. minutes of the meeting.</li> </ul> <p>This option is recommended for minor issues only. Major issues require debate &amp; discussion. A copy of documentation must still be provided to all lot owners.</p> <p>The SSMA 2015 has identified options for remote participation in Strata Committee meetings via electronic means such as Video Link (<i>Zoom, Go To, Teams, etc.</i>) Telephone, Skype, Facetime. These alternative methods need to have been adopted previously by the OC.</p>
27	<i>How often are Strata Committees required to meet?</i>	There are no requirements regarding the frequency and timing of Strata Committee meetings. Each strata committee will determine its own needs. Influencing factors include the size of the plan, requirements set by the Owners Corporation and issues confronting the strata scheme at a particular time.
28	<i>Can any owner request a Strata Committee be held?</i>	<p>No. There are five ways a Strata Committee meeting can be called.</p> <ul style="list-style-type: none"> <li>▪ Secretary determination</li> <li>▪ Strata Committee Resolution</li> <li>▪ Owners Corporation Resolution</li> <li>▪ A request by 1/3 of the Strata Committee members</li> <li>▪ An order from the Tribunal (NCAT)</li> </ul> <p>Generally, meetings are called by the consensus of members. If an owner(s) believes there is a need for a Strata Committee meeting they need to convince the Secretary or 1/3 of members of their concerns.</p> <p>Note: The secretary cannot decline arranging a meeting if one-third of more of the members request a meeting in writing. The request must include the motion(s) for consideration.</p>