

FACT SHEET

THE ROLE OF THE COMMITTEE

This Fact Sheet has been prepared to provide owners with an understanding of the role of the body corporate committee, the requirements under the Body Corporate and Community Management Act 1997 (the Act) and the relevant Regulation Module that applies, and can be read in conjunction with our Fact Sheets – How to Nominate for The Committee, Forming a Body Corporate Committee & Committee Roles, which are available on our website – www.hlss.co

The Body Corporate must elect a committee at each annual general meeting (AGM). Once elected, the committee is tasked with:

- The administrative & day to day running of the body corporate
- Making decisions on behalf of the body corporate
- Putting the lawful decisions of the body corporate into place

However there are restrictions that apply to the committee and each voting member is required to abide by the Code of conduct for committee voting members (Schedule 1A under The Act)

Committee Meetings

There is no limit on the number of committee meetings that can be held. The meetings are usually called by the secretary by providing seven days written notice of the meeting to each of the committee members (but the timeframe can be reduced if all voting members have agreed either at the last meeting or in writing). Section 45 of the Body Corporate and Community Management (Standard Module) Regulation 2008 (Standard Module) also states that all lot owners receive a notice and meeting agenda unless requested otherwise.

The committee may decide where to hold a meeting, however it must not be held more than 15km away from the scheme if at least half of the committee members needed for a quorum object in writing to the secretary.

The notice for each committee meeting must include an agenda stating the issues to be considered and must also include a motion to confirm the minutes of the last committee meeting and any resolutions passed outside of a committee meeting (VOCM). Other items can be considered at this meeting, under general business.

The chairperson must chair all committee meetings, however if the chairperson is absent, the voting members may choose another member to chair the meeting.

For a committee meeting to proceed, a quorum must be achieved. A quorum for a committee meeting being at least half the voting members of the committee. E.g. if you have seven committee members, a quorum is 4.

Lot owners who are not committee members are able to attend committee meetings, however must give written advice to the secretary of their intention to attend at least 24 hours prior to the meeting – but their attendance can be limited and they can be asked to leave by a majority decision of the committee members.

The committee are able to vote on matters without holding a formal committee meeting (called either a Flying Minute or VOCM) and decisions may be made in this manner if all committee members are given written notice of the motion and a majority of committee gives written agreement to the motion.

Irrespective of whether a committee holds committee meetings or passes a resolution by VOCM, full and accurate minutes must be provided by the secretary within 21 days of the meeting to all committee members and lot owners.

Committee Restrictions

Committee spending is limited and it is important to note that money must be available in the budget before the committee can agree to spend any. If insufficient funds are available, the committee may need to consider calling a general meeting to either amend the budget or raise a special levy.

The relevant spending limit for the committee under the Dictionary in the Standard Module is defined as \$200 multiplied by the number of lots in the scheme e.g. if a scheme is comprised of 6 lots, the committee spending limit is $\$200 \times 6 = \1200 unless the body corporate has passed a resolution at a general meeting to change this amount. However, if the committee is considering work that totals more than the schemes major spending limit as defined in the Standard Module, the committee must obtain at least 2 quotes for consideration.

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Other restrictions that apply to the committee include:

- They are not able to fix or change a levy contribution. These decisions are reserved for the body corporate at a general meeting. An exception to this is that the committee may issue an interim levy to cover any shortfall in the budget between the end of the financial year and the time of the annual general meeting.
- Change the rights, privileges or obligations of owners e.g. altering the by-laws, or
- Make a decision that the body corporate must make either by ordinary resolution, special resolution, resolution without dissent or majority resolution.

SOURCES:

- BCCM Office: <https://www.qld.gov.au/law/housing-and-neighbours/body-corporate>
- Act: <https://www.legislation.qld.gov.au/view/pdf/inforce/current/act-1997-028>
- Standard Module: <https://www.legislation.qld.gov.au/view/pdf/asmade/si-2020-0233>
- Accommodation Module: <https://www.legislation.qld.gov.au/view/pdf/asmade/si-2020-0229>
- Commercial Module: <https://www.legislation.qld.gov.au/view/pdf/asmade/si-2020-0230>
- Small Schemes Module: <https://www.legislation.qld.gov.au/view/pdf/asmade/si-2020-0231>

