

#	Area One
4	<p><b>Should the planning and development aspects of strata be dealt with in legislation separate from legislation dealing with strata scheme management?</b></p> <p>YES If legislation dealing with strata scheme management was dealt with separately to legislation dealing with the planning and development aspects of strata, it would be more user friendly to Body Corporate Members. The Act is normally consulted for specific information. The Act contains a lot of information about planning and development. A shorter Act specific to the matters of the Management would make it easier for Body Corporate members to locate the information they want.</p> <p>NO The Strata Plan which delineates common property and lots is necessarily in the planning and development aspects of strata. In the Victorian Act the explanation the median line is clearly defined in this section Definitions of Common Property are in Section of the Act that covers development aspects of strata. This is important for Body Corporate members to know and have easy access to. If it were in a separate Act it would make finding this information more difficult that it should be.</p>
#	AREA EIGHT – Meeting Procedures
1	<p><b>Should the Act specifically permit the use of technology to facilitate meetings.</b></p> <p>YES At present the Act does not say it can or it can't. Electronic voting is being used in some states already. If the Act said electronic voting could be used any decision to introduce it would be easier to implement. A more cautions approach that would involve members, and promote discussion, would be to require it to be implemented by ordinary resolution at a General Meeting.</p> <p><b>Another area about voting at General Meetings.</b> The Act states: <i>Voting may be by show of hands but, if a poll is demanded, voting is –</i> <i>(a) in the case of a strata scheme, proportionate to the unit entitlement of the member's lot; or</i> <i>(b) in any other case, in accordance with the constituent documents of the body corporate</i></p> <p>The word wording is not clear to non-lawyers. "May" in plain English, could be taken to mean not have to. If (even if the body corporate does not have any constituent documents) it is taken to mean voting may be made by assent there is a problem. There is no way of determining how many members voted. Voting by show of hands is necessary to determine the number of votes (because where there are two owners of a lot only one can vote). In some States cards are required to be used so that votes can be counted accurately. Perhaps it would be easier to understand if it were phrased differently? e.g. Voting must be by a show of hands except if a poll is demanded, voting is - <i>(a) in the case of a strata scheme, proportionate to the unit entitlement of the member's lot; or</i> <i>(b) in any other case, in accordance with the constituent documents of the body corporate.</i></p>
#	AREA SIX – Common Property
2	<p><b>Should the strata plan and associated management of disclosure statements include further definition and/or information regarding common property (i.e. describing further what it includes and excludes)</b> These three components might provide a clarity</p>

	<ul style="list-style-type: none"> <li>• The definition of common property as defined as meaning land shown as common property on strata plan.</li> <li>• The description of boundaries as described in regard to strata plans in the Victorian Act.</li> <li>• The description of infrastructure in the Tas Act covers what is common property.</li> </ul> <p>Further explanation may be needed regarding fixtures (eg stoves that are wired in) are covered by body corporate insurance.</p>
#	AREA NINE – Quorum
1	<p><b>Should the quorum requirement be contained in the body of the Act rather than in the Model by-laws?</b></p> <p>YES</p> <p>Since by-laws can be changed the quorum requirement should be contained in the body of the Act rather than in the Model by-laws.</p>
2	<p><b>Should the Act include alternatives for when a quorum is not present at the commencement of a meeting as other jurisdictions have?</b></p> <p>YES</p>
#	AREA ELEVEN – Roll or register for the body corporate
1	<p><b>Should a body corporate be required to create and maintain a roll or register</b></p> <ul style="list-style-type: none"> <li>• It is needed, at a minimum, for recording attendance and recording of proxies at General Meetings and for issuing and receiving accounts. A record of unit (or lot) entitlements is needed for voting by a poll.</li> <li>• A roll could ensure details concerning the manager are recorded and easily sourced.</li> <li>• Recording of details of the Body Corporate, by-laws details, of any legal notices served, details of contracts, leases and licenses entered into and insurance taken out by the Body Corporate.</li> </ul> <p>An advantage of having this information in one place is that it can be easily accessed. The need to search for the information is removed.</p> <p>Information about the Body Corporate is important for prospective buyers of a lot. Having it on a roll makes providing this simple. It also ensures that the same information is provided to everyone who makes a request.</p>
2	<p><b>If so, what information should be included in the roll or register.</b></p> <p>The categories of information described above. The Victorian Act details well what should be included.</p>
3	<p><b>Who should have access to the roll or register?</b></p> <p>An owner, mortgagee or covenant charge or a lot in a strata scheme, or a person authorised by the owner mortgagee or covenant charge. (As in the Victorian ACT)</p>
4	<p><b>Should a penalty be included for non-compliance?</b></p> <p>Given that the information may be requested in the process of buying or selling a lot, time would be important. Non compliance may negatively affect the process and should incur a penalty.</p>
5	<p><b>How does this proposal to create or maintain a roll or register relate to principles and legislation regulating privacy and personal safety?</b></p> <ul style="list-style-type: none"> <li>• Personal information about Body Corporate members (name, address, lot number) should not be made accessible.</li> <li>• All other information should be accessible.</li> </ul> <p>Perhaps it is possible to have a roll for the lot owners and a register for the rest of the information.</p>

#	Area Fourteen – Strata Manager
1	<p><b>Should strata managers be regulated and/or licensed in Tasmania and if so how and in what way?</b></p> <p>YES</p> <p>All powers a Committee of Management holds can be delegated to a Manager. All body corporate members are responsible for the decisions of the Manager.</p> <p>Managers have been operating in states where strata schemes have been employed for many years. In Tasmania strata managers been employed comparatively recently.</p> <p>If the states that have Strata Managers for longer have found the need to require them to be licensed it would be logical to follow this example, to achieve the goal of bullet proofing the Act. Regulations and a code of conduct would provide members with an accepted set of expectations of Managers.</p> <p>In recent years some professionals managing finances of customers (e.g. banks and financial advisors) have, under scrutiny, been shown to be less than transparent and honest in their dealings. It would seem prudent to build in all possible clarity and safeguards in regard to appointment of strata managers.</p> <p>As to how and in what way, perhaps choosing from methods in other States (particularly WA and Vic)</p> <p><b>Additional Comment re: Appointment of Managers</b></p> <p>Could consideration be given to adopting the practice in other states (in various forms) of the body corporate as a whole appointing a manager and approving the functions delegated to the manager by ordinary resolution at a general meeting.</p> <p>Such involvement of the body corporate in the decision would promote transparency and participation of members. It also ensures that body corporate members have a knowledge of the Manager’s qualifications etc. and of what functions the manager has been delegated to perform.</p>