



Member call no. 38: Renovations, fire doors, smoke alarms, and committee meetings
Publication Date: 30 March 2021

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Amanda Farmer: Roman, thank you very much for your excellent questions. The first question you have on the list here is about bathroom renovations and what are the requirements for proposing a new bathroom. Is this something that you want to do, or are you coming from the position of committee member or an owner wanting to do work?

Roman: Look, I'm an owner and I'm on the executive, and yes, I do want to do the work. I wanted to know what's required on my part so that I can get this through.

Amanda Farmer: Yes.

Roman: Also, this is something new for the strata plan, because no one's actually done... believe it or not, it's been here for 20 years, and no one's done a bathroom renovation.

Amanda Farmer: Wow. Okay. Unusual. How big is the building?

Roman: Oh, it's big, big, because it's got 20 units, it's got a commercial premises, and it's got a restaurant.

Amanda Farmer: Okay, and all under the one strata plan?

Roman: Yes.

Amanda Farmer: Okay. All right. Well, let's deal with your bathroom renovation. You're in New South Wales, I just want to clarify that for our listeners, because the short answer is that you do need approval by way of special resolution at a general meeting for a bathroom renovation, and I think you're also attuned to the fact that's very likely having to go hand in hand with a by-law, because you've put that in your question to me. That's because you're affecting waterproofing, and our legislation in New South Wales says that once you're affecting waterproofing, this is not cosmetic work, it is not minor work.

It doesn't define it as major work, it just says it doesn't fit into any of these two categories. So, as strata lawyers, we've sort of simplified the concept and said, "Well, anything that involves waterproofing we're going to call major work." That term is not used in the legislation, but it is left under the category of requiring approval by special resolution. The legislation also doesn't say that you need a by-law, but we say to buildings they should require a by-law, because when you're affecting waterproofing, it's a very good idea to be able to have a record of who's done the work, and the best record that you can have is a by-law registered on the title. Inside the membership, we have a template by-law. This is the template area of the membership. Where I've gone here is I'm logged into the membership, and if you click under Resources, then you can see member templates.

Roman: Yes.

Amanda Farmer: It takes you to this part here. You've already had a look at this?

Roman: Yes, I had a look at it, and I've actually printed out the one for... I think it was the last one on your list.

Amanda Farmer: Renovation works for lot owners?



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Roman: Yes, that's it.

Amanda Farmer: Perfect.

Roman: Is that the right one?

Amanda Farmer: That is exactly what I want you to do. I might even, in the description, I think I used bathrooms as an example, perhaps. Waterproofing, yes. I've mentioned waterproofing here. Excellent. Okay. That is the template by-law. Now, in terms of process, once you have completed that template, and my templates, you need to put in your strata plan number, your lot number, a description of the work, and if you've got some plans attached for exactly what you're doing or a scope that perhaps your builder or your plumber has given you, attach that. The more detail, the better.

You provide that by-law to your strata committee. If you have a strata manager, you send it to the strata manager and say, "I'd like to do a bathroom renovation. I understand a bylaw is required. This is the bylaw that I am proposing. Please put it on the agenda of the next general meeting." Now, that is the standard process. Some buildings may have other processes or other requirements that are already set out in their existing by-laws. Just for other listeners tuning in, the first step should be to check your existing by-laws. Does it already say something about what I should do if I want to do a major renovation project?

Roman: Yes. I did speak to the strata manager and I filled in a standard form of the works that I wanted to do, and she advised me that I needed a special by-law, and that she would get the executive together with a notice of motion and get it through that way.

Amanda Farmer: Yes. Well, you do have to have a general meeting to be able to approve a by-law. The committee can't make a by-law. They don't have that power. I assume that's what she's referring to, that she'd send a notice of general meeting out once she's got your by-law, and it is the owner's corporation then who meets in general meeting. Your by-law must be passed by special resolution. The definition of a special resolution is that it passes if not more than 25% of the unit entitlements vote against the motion, okay? A lot of people think of that like a 75% approval threshold. It's higher than an ordinary resolution. In actual fact, it's not quite that. It's about how many people vote against the motion. If you have more than 25% of the unit entitlements voting against, it will fail. If you have 25% voting against and nobody voting in favour, it will pass, which is kind of bizarre.

What happens in practice is people put their hand up to vote or they'll put their hand up to vote against, and the strata manager calculates the for and against and just makes sure there's not more than 25% of the unit entitlement voting against. But the key point to know is it's a different threshold to an ordinary resolution, and unit entitlements are what matter.

Roman: Right.

Amanda Farmer: Are you in the loop when I talk about unit entitlements?

Roman: Yes.

Amanda Farmer: You know what that terminology means? Great. Then if your by-law passes at the meeting, it must be registered with Land Registry Services, we call them in New South Wales.

Roman: Registrar General?





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Amanda Farmer: That's it, the Registrar General's Office. Usually, your strata manager will arrange that for you. The strata manager is the one who's holding the original common property certificate of title, and you need that to be lodged with the Registrar General's Office to register your by-law together with a form that the strata manager can fill in and affix the common seal, sign it, send it all off. They are likely to charge you a small fee for that. There is a \$140 registration fee at LRS, and then probably an admin fee for the strata manager.

Roman: Right. Does that happen before we commence the works, or have I got a time limit?

Amanda Farmer: Yes, it should happen before you commence the work, because technically, the by-law is not effective until it's registered. So, technically, you don't actually have permission and a binding approval until the by-law is registered. In practice, I see plenty of buildings allowing owners to go ahead and start their work once the by-law is passed. The by-law must be registered within 6 months of being passed at the meeting, otherwise it lapses, so there's an important time period there.

Roman: Okay.

Amanda Farmer: By-laws can take, even the most diligent strata managers and diligent lawyers who are also doing this registration work, it can still take a few weeks for a by-law to be registered, just depending on the backlog at LRS. Most buildings don't really like to keep owners waiting, especially if they've been hanging around waiting for a meeting already and they say, *"Look, go ahead. The registration is just a formality."*

Roman: Yes.

Amanda Farmer: That's the process. There is, Richelle can send you if you think it will be helpful, Roman, I do have a podcast episode, I might have to help you with this, Richelle, to dig back where it was, some time ago where I talked to a member, actually, about the registration process, because she was doing it herself.

Roman: Okay.

Amanda Farmer: So, you absolutely can do it yourself. It is administrative, fill in the form, get the right documents, put it all together, send in a check. It can absolutely be done yourself, and that [crosstalk 00:08:55].

Roman: Oh, well, yes, I'd like to see that, yes, because I can do it myself. Yeah.

Amanda Farmer: Perfect. Okay. We will make sure there's a link to that under this video, and that we send that to you, Roman.

Roman: Wonderful. Thank you.

Amanda Farmer: Does that answer your question in terms of the bathroom by-law process?

Roman: Yes, it does.

Amanda Farmer: Excellent. Okay. Just where I was going was back to your notes here. Fire doors, very good question.

Roman: Sorry about that.





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Amanda Farmer: Yes, that's okay.

Roman: The description of the works, is it all right if I say something along these lines, that the main bathroom and ensuite be renovated in that the old tiles, vanities, toilets, bathtub and shower screens be removed, that the walls and floors be waterproofed, re-tiled, and new fittings be installed? Is that [crosstalk 00:09:42]?

Amanda Farmer: Yes, yes. You're keeping everything in the same place?

Roman: Yes. I'm not moving plumbing.

Amanda Farmer: Yes, perfect. Yes, no, that sounds good to me. That's very common. You could simplify that even further by saying, removal and replacement of all tiles, fixtures and fittings.

Roman: Okay.

Amanda Farmer: Removal and replacement of all tiles, fixtures and fittings, including installation of new waterproofing.

Roman: Okay.

Amanda Farmer: Waterproofing is the key that the owners corporation will want to see. Then the bylaw standard terms, of course, say things like, must all be done in accordance with Australian standards, building code, all of that stuff.

Roman: Right, okay. Tell me, there's no requirement for me to lodge a by-law or even inform strata about changing my carpet to a wooden floor?

Amanda Farmer: That's a good question. If you are removing carpet and exposing original hard flooring, is that what's happening?

Roman: Remove carpet, and then it'll be, yes, it's a concrete floor.

Amanda Farmer: Oh, okay, and then you're going to put a floating floor on top. That is considered to be minor work, and you do need an ordinary resolution at a general meeting.

Roman: Oh, wow.

Amanda Farmer: Unless your owners corporation has already decided at a general meeting that the strata committee has authority to approve minor work.

Roman: I think the strata committee does, because there's a number of units in this complex that have got wooden floors.

Amanda Farmer: Okay. Well, that's good news. Your strata manager will be the one who can tell you that. Let her know exactly what you want to do. Hard flooring is in Section 110 of our act in New South Wales defined as minor work, and that's where the ordinary resolution at a general meeting requirement comes from. You may already, a lot of buildings already have a specific by-law in place about hard flooring and about the process for hard flooring works approval. So, just check your current registered



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by-laws to be sure there's not already a process there telling you what to do, but checking in with your strata manager, it sounds like she's more than happy to point you in the right direction.

Roman: What about a false ceiling in the main living area to stick down lights?

Amanda Farmer: I don't believe that false ceilings are mentioned in the Act. Let me just do a quick check. I think they would be cosmetic work, which does not require approval.

Roman: Good.

Amanda Farmer: I will tell you why, because we have Section 109 in our Act, which talks about cosmetic work.

Roman: Yes.

Amanda Farmer: I do know that cosmetic work includes the installation of built in wardrobes, and the way I see it, a false ceiling is in the same nature, obviously completely different, but we're pretty much having the same impact on common property.

Roman: Okay.

Amanda Farmer: I'm looking at Section 109. Cosmetic works includes installing or replacing hooks, nails, and screws for hanging paintings, installing or replacing hand rails, painting, filling minor holes and cracks, laying carpet, installing or replacing built in wardrobes, installing or replacing internal blinds and curtains and any other work prescribed in the regulations. I don't think we have any other prescribed cosmetic work in the regulations. No, we don't. The question is, it's not structural, it's not waterproofing, it doesn't affect the external appearance of the building. It is not... I better just check, it is not listed in minor works. It is work that's wholly contained within the lot, really. You're not reconfiguring walls. You're installing new lighting, aren't you?

Roman: Yes.

Amanda Farmer: You're not changing recessed light fittings which are already there, because that is minor work. I'm just looking at the list of minor work in Regulation 28, and, no.

Roman: Okay.

Amanda Farmer: Yes. Not listed. I would say it's cosmetic. The only catch could be the electrical work.

Roman: Right.

Amanda Farmer: Because... I'm going back to 110, because installing or replacing wiring or cabling or power or access points is minor work.

Roman: Oh, is it?

Amanda Farmer: Yes. That's in 110. Richelle will send you the links to all these sections so you can have a read. I imagine technically you're installing wiring when you are putting in your new lights in your false ceiling.

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Roman: Correct.

Amanda Farmer: So, it's not the ceiling that's the minor work, it would be the lighting. That's what I'd be telling the strata manager.

Roman: Okay. So, yes, it's minor work. Good, okay. Thank you.

Amanda Farmer: Awesome. Okay. Now, I'm going back to your questions here. You were asking earlier about fire doors.

Roman: Yes.

Amanda Farmer: Are owners allowed to deal with the fire doors, by which you mean the entry doors to the apartment, or is approval required, and are repairs to these doors the responsibility of the owners corporation? Now, where the front door is the boundary wall or part of the boundary wall of the lot, which in most apartments it will be, but I have come across somewhere it isn't, and I'll talk about that, it's an interesting situation, then, yes, they are common property, they are part of the boundary wall, and the boundary wall is common property. Once you scratch the inner surface of the paint, the fire doors will be owners corporation responsibility, and good reason for that, being the building needs to ensure that it is fire safe in all respects, and to have the owners corporation as the overarching responsible entity for that is a good idea.

A situation where the entry door has not been common property that I have come across in the past is where the entry door was part of or access through the garage. These were more like townhouses in a strata title property, and the front access was through a garage. The boundary of the property was the wall of the garage, not the wall of the internal apartment, as shown on the strata plan. So, the front door, which was a fire door, was actually a lot property. The lesson is, always look at your strata plan, have a look at where the thick boundary lines are that define the edges of your lot, and if your front door correlates to one of those thick boundary lines, then it is common property.

Roman: Yes, okay.

Amanda Farmer: In terms of people doing things to fire doors, changing them or installing different locks or safety devices, you probably will find that you've got a by-law about that, because it's in the model by-laws and I think always has been, well, for many years. I'm looking at the model by-laws that are now in schedule three of the strata schemes management regulation 2006, and that model about fire safety, model by-law 10, says, "The owner or occupier of a lot must not do anything or permit any invitees to do anything on the lot or the common property that is likely to affect the operation of fire safety devices in the parcel, or to reduce the level of fire safety in the lots or the common property."

That is the by-law that prevents anyone from doing anything that would affect the operation of fire doors. There is another one here about, yes, you might have that standard by-law, you might also have a bylaw that says owners can install locking or safety devices, however, that does not apply to installing anything that is likely to affect the operation of fire safety devices. They're the two places where fire safety is referred to in the model, so probably already referred to in your by-laws.

Roman: Okay. Good. Thank you.

Amanda Farmer: You've asked as well about smoke alarms. Whose responsibility are smoke alarms? This has actually come up in our forum a little while ago. What I might do just for ease, I'm not sure, Roman, if you've made your way to the forum yet, but I

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will share my screen once again. I will take you over to the forum. Let's see. I have not prepared this earlier, but let's see what happens. If I go to search the term smoke alarms in the forum, we might find the post where I answered this question for a member with reference to the relevant legislation. Okay, I think this is it here. That's a little demonstration of how we can search in the forum.

Roman: Okay.

Amanda Farmer: A question here from member DB Strata, "Looking at the environmental planning and assessment regulation, I noticed this part refers to the owner of a dwelling and not the owner of the building. Is the owner of the dwelling the lot owner or the owners corporation?" The relevance of that is because the owner of a dwelling in a class two building, and a class two building is an apartment, is a multi-storey apartment building, must ensure the dwelling is equipped with smoke alarms that are located on or near the ceiling.

Now, I had a look at that Section 186 A4 of the EP&A regulation, and I have said that it would be the owner of the lot, as it is the owner of a dwelling within the building. However, my understanding is that in practice, owners corporations ensure the proper installation of smoke alarms, as they are the ones who have to certify that fact for the purpose of the annual fire safety statement.

Roman: Yes.

Amanda Farmer: So, on my research and anybody listening in who knows more than me on this topic can let me know, on my research, it is the responsibility of the lot owner to have the smoke alarms installed, but in practice, owners corporations go around and employ their fire safety professional to do the annual inspection, and then if a smoke alarm is broken or needs replacing, the owners corporation... look, some strata managers might tell me otherwise, but in my experience, the owners corporation just pays for that to happen, because it's a small price to pay to make sure an entire building is fire safe.

Roman: Yes, okay, and owners corporation is responsible. Yes, because there's been a bit of discussion in our executive about this issue, and they've even come up with the idea that the owners actually replace their batteries themselves. I just sort of think that, well, I know it's an extra in cost to have a fire safety company do it all, but when they come and do their annual fire inspection, they should test the batteries or replace them yearly anyway, because it's in the best interest of the corporation. What are your thoughts on that, Amanda?

Amanda Farmer: Yes. Look, I agree. I think the owners corporation, we're talking about safety here, and I live in strata and I wouldn't be comfortable leaving it up to owners to look after their own smoke alarms. At the end of the day, we have to lodge the annual fire safety statement. We have to pass. We have to tick all those boxes that say we're doing everything right. If an inspection of the smoke alarms happens and 4 out of 20 lots need new alarms or new batteries, then I wouldn't be saying to the owner... I mean, imagine the administrative exercise it is in trying to get the owner to do it, then prove that they've done it.

By that stage, your deadline to submit your fire safety statement has passed and you're paying a fine to the council because of the late submission. The practicalities of forcing the owner to do it, while the owner may technically legally responsible for doing it, waiting for the owner to do it, forcing the owner to do it, checking that the owner has done it, no. Commercially, it's just not worth it. The owners corporation should just instruct the fire safety professional doing the inspection to just replace it and bill the owners corporation.

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Roman: Yes, fair enough. Okay. Thank you.

Amanda Farmer: Just thinking of anything else on that point. There was, actually, while we're here, I'll just go back to the forum, because there was, just out of interest, yes, along those same lines, that discussion about smoke alarms and fire safety... one sec. This one here about landlords and this requirement to replace smoke alarms, there is a requirement in investment properties. So, where a property is tenanted, there is a requirement to replace smoke alarms every 10 years. The same requirement doesn't exist for owner occupied premises, which is interesting. This was a question posted by a member, KBH.

Oh, no, actually, that one was back in 2017, and then I think it got picked up here again. "Hi, Amanda, we had our fire inspection recently, and now strata manager has organised another. Given 12 hours notice, no reason for a second one. Committee members just seem to go along with this unnecessary expense. Do you know if it's mandatory in New South Wales to replace hardwired fire alarms," I imagine smoke alarms, "After 10 years, even if they've been tested and working." I found Regulation 20 of our Residential Tenancies Regulation requires landlords to replace smoke alarms within 10 years of the date of manufacture. This is not limited to battery operated alarms, and my reading includes hardwired. I couldn't find the same requirement for dwellings generally, whether or not they're tenanted, but I've suggested that bearing in mind a property could be tenanted one year and owner occupied the next, then the 10 year rule is probably a sensible one.

Roman: Okay. Fair enough.

Amanda Farmer: So, we've sent you the link to that chat so you can have a closer look at that as well, but just in case that comes up in your building as well, Roman, that might be helpful knowledge there for you.

Roman: Yes.

Amanda Farmer: Okay. Now, I'm heading back over to your questions. You've asked, what are the requirements to change over to different strata companies? Strata managers, I imagine. Are you looking to change, or is your contract coming up for renewal?

Roman: A few people in the executive aren't happy with the current strata manager. I'm one of them. I'm not happy. I've been trying to get people to get on my side and explore the path of getting another agency. That's a question I just don't know what to do. I really don't know what to do.

Amanda Farmer: Okay. When is your current agreement, when does it expire? Do you know?

Roman: I can't be sure of that. I don't know.

Amanda Farmer: How long have you had your current strata manager?

Roman: This strata manager's been in place, they've been in place for at least 4 years as far as I'm aware, maybe longer.

Amanda Farmer: Okay. We do have maximum 3 year terms in New South Wales, so you might find you've had 2 different agreements during that period. Go back through the minutes of AGMs the last few years and see if you can find the resolution that appointed the strata manager. It may refer to the term, or at least refer to an agreement that should have been attached to the

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notice, or just ask your strata manager, "Can you send me a current copy of your agency agreement?" And it will have the expiry date on the front of the agency agreement.

Roman: Okay.

Amanda Farmer: That's really the first point, because you don't know whether you've got 2 more years, you don't know whether you've got 6 more months. The closer you get to the end, then the more important it is you start thinking about what you want to do. Do you want to start talking to that strata manager about proposing a new agreement? Do you want to tender for new management? Now, I have a podcast episode about that, and I won't share with you because I'll just look it up now and give you the episode number, and Richelle will send you the link. It's one of the early ones with strata manager, Helen Wells, who I know at that time was helping quite a few buildings with that tender process. It's episode number 6, Why Communities Should Consider Tendering Strata Management Contracts.

Have a listen to that. Helen goes through that process if you are as a building looking to see what the market is out there, see what other managers are charging, what kind of work they're doing, whether they might be a better fit for your building. They construct a tender process around that, and you might have a couple of committee members, a building your size, there might be 2 committee members who put their hands up to lead that process.

Roman: Okay.

Amanda Farmer: It really starts with sitting down and thinking about, "Okay, well, what are our needs for the next few years? Are we a brand new building and we have a building defects process to get through? Do we have major remedial work? 25 years, the roof membrane's up for replacement, we've got to get through that. Do we have litigation going on at the moment?" So, working out where you're at, what you need, and then explaining that to potential new strata managers and saying, "Look, how do you think you're best placed to be our partner in this project for the next couple of years?" You'll find most strata managers, of course, will want a 3 year contract. Some will not do less than 2 years, and some will agree on a 1 year term just to see how you guys like each other. That's always an option as well, if you're not sure, if you're dipping your toes into new waters and you're not sure a one year contract. It's a good idea not to be changing strata managers too often, I think, because the longevity can be very valuable for knowledge.

Roman: Okay, that was going to be my next question, because I was just wondering, how long should we hang onto a particular strata management group? I mean... yes.

Amanda Farmer: Well, look, there's no need to change if you're happy. I don't believe you should change just because you've had a long relationship. I think buildings should only change if they feel that they are not getting the service, the attention that they need or expect or believe that they're entitled to. That probably starts with a conversation with your current strata manager, saying, "*Look, these are the places where we haven't felt that you've met our expectations or lived up to your promises,*" or maybe even as serious as, "*You haven't performed your contractual duties,*" talking to them about that and seeing what the response to that is. I've seen all kinds of responses from management companies, anywhere from silence and actually just ignoring the problem, which is terrible, to coming back and bending over backwards to say, "*We had no idea. We'll do better. We really want to keep your business.*"

You don't know until you have that conversation. Some problems are solvable, others aren't. Some are personality conflicts. With a big strata management company, the person who has the day to day responsibility for managing your building maybe is not a good

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fit, and somebody else can be appointed from within the same company to manage you, and then works a little bit better. Because you've got books and records, inevitably when there's a handover to a new management company, records get lost. It's just how it goes. You don't get everything transferred to the new strata manager. So, it's a headache. It's a headache changing. You lose that knowledge of the building, and you go through all new systems and processes, everybody's levy notices look different, and the log in portal is different, and owners are saying, "*When did this happen? Who's this person?*" But they're also not reasons to stay if you really can be served better elsewhere by someone who's more suited to your building.

Roman: Yes, yes. That's interesting. All right.

Amanda Farmer: I think talking to other buildings maybe in your area, if you can, even if it's a door knock approach, that you think look great, well managed, maybe you've just see them go through a big refurb project, they've all got nice new balconies or paint job, chatting to them and saying, "Who manages you and how did you feel about their management?" Talking to friends. Everybody knows somebody living in strata, and listening to people who have been in my podcast. There's all sorts of ways to find out more about who the good strata management companies are and who you think might suit your particular building.

Roman: All right. Okay. Thank you.

Amanda Farmer: Pleasure. I think we've got one more question on your list. Apart from keeping and managing the accounts, what are the basic functions of a strata company? Do you mean of a strata manager?

Roman: Yes.

Amanda Farmer: What do they actually do?

Roman: What are they supposed to be doing for us and how quickly are they supposed to do things for us? How uncomplicated should they make it?

Amanda Farmer: Yes. Well, as uncomplicated as possible, from my point of view. You're hiring them to make your lives easier, and to the extent that it is possible, to avoid having problems at all. So, to be able to have the foresight to keep you out of difficult situations. I actually talked about this in detail with a member a few weeks ago, and you might find that their member call gets published just shortly before yours, where we talked about where they felt their strata manager was falling down and what the extent of their responsibilities were.

The agency agreement, so your contract with your strata manager is the place to start. They will have a schedule, the standard form agreements have a schedule attached that list all the things that your strata manager is supposed to be doing for you. You're right that the bulk of it is managing records and correspondence and accounts, and sending levy notices. Basically, being what I call a post office for your building, the central repository of information, where information comes in and information goes out. That's your stock standard strata management company. Your good, experienced, professional, successful, in demand strata managers are actually being a lot more proactive and are doing things like sharing with you, "*There's been a change in the legislation.*"

For example, a lot of this was happening a few years ago when our 2015 legislation came into effect in New South Wales, change to the legislation, now you can pass a resolution at a general meeting and delegate to your strata committee the authority to

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approve minor works. "That's probably a good idea. I recommend you do that. Here's a standard form motion. Would you like me to put this on your agenda?" That is proactive, that is not going to be in a strata manager's agency agreement, but as a committee, as a building, you're going to be very grateful for that kind of guidance, and I think good strata managers should be doing things like that.

If an owner is complaining about a leaking roof, I think a good strata manager says, "Well, strata committee, you have a legal duty to fix this leak, and if you don't do it and don't do it promptly, then this owner has a right to go to the Tribunal and get an order forcing you to do it, and may even have a right to claim damages from you for their damaged property or their lost rent or whatever their situation is." I think good strata managers should be telling committees things like that so that the committee can go, "Oh, this is serious, actually. We can't ignore it." So, going that little step further to use their practical experience, their knowledge, what they've learned from working with buildings in difficult situations like litigation, or nice situations like upgrade projects and big remedial works projects to give committees ideas, to protect committees from trouble down the track, and just be your partner in the management of your building.

Roman: Yes. Yes, that sounds really good.

Amanda Farmer: Is any of that sounding like your current strata manager?

Roman: Look, no. In a nutshell, I'd have to say no, because I find that all the communications that we have with our strata manager are quite often quite confusing, because the email trails, they're just so difficult to follow. The various issues just seem to be piled onto existing issues. It just does my head in, it really does. I just think now, why can't we just make this, okay, the subject line is roof leak?

Amanda Farmer: Well, even better than that, roof leak in lot 26, for example.

Roman: That's it. That's it. Then that's the other issue, sometimes when we get quotes for some works to be done, now, I don't know if there's a legislative requirement, and that's one question I didn't ask, is how many quotes are we supposed to get? I mean-

Amanda Farmer: The only legislative requirement for more than one quote is if you are a large scheme, and that is more than 100 lots, and the work or the item is going to cost more than \$30,000. Then you must get 2 quotes. Otherwise, there's no legislative requirement in New South Wales to get 2 quotes.

Roman: So, only if they're-

Amanda Farmer: It's a good idea though.

Roman: Look, anyway. We've had one contractor dealing with our problem roof, and each time he's come, he's quite happily taken our money, but he hasn't fixed the problem. He still keeps coming here. I'm just beside myself, thinking, "*Well, why have we still got this knucklehead if...*"

Amanda Farmer: Well, who sends this person? Who instructs this person? Who arranges for them to come?

Roman: I guess the executive says we're going to use these people.



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Amanda Farmer: But you're on the committee, aren't you?

Roman: I am. Yes.

Amanda Farmer: Are you at a meeting where this is decided, or are you on an email where this is arranged?

Roman: Email, email.

Amanda Farmer: Yes, okay. I really want you to tune into the call that's going to be published just shortly before yours, because this is something we cover in that call as well, the strata manager, what we have to remember at the end of the day is the strata manager is an agent. At law, we have a concept of principal and agent. The agent follows the instructions of the principal. The principal is the owners corporation. Okay?

Roman: Yes.

Amanda Farmer: So, the strata manager is going to only do what they are instructed to do. If they are told, "*Send Joe Blogs out to fix the roof,*" strata manager's going to send Joe Blogs out to fix the roof. If Joe Blog has a dodgy job and committee says, "*Get Joe Blogs back,*" strata manager's going to get Joe Blogs back. At some point, the committee says, "*Actually, we think Joe Blogs is the problem. We want somebody else to be involved,*" you as a committee are entitled to say, "*Strata manager, please now instruct Jim Jones and not Joe Blogs,*" or, "*Strata manager, please can you recommend somebody else to us.*"

I know in my building, we've had great success with seeking recommendations from our strata manager. After using a contractor who wasn't working out for us, we said, "Strata manager, do you know anyone else?" She recommended someone, and they've been fantastic. But we had to be on top of the situation, and we had to ask for that recommendation, and we had to instruct the strata manager to send somebody else out. The strata manager only knows what they know, and they're not necessarily aware that you're unhappy. Maybe even your committee's not aware that you're unhappy. Maybe it's something that you're thinking, Roman, that, "*This guy's not working out,*" and if the majority of the committee's not of that view, then that's a problem, and it's going to be a hard one to fix. Do you have regular committee meetings, and I mean formal committee meetings with a notice of meeting and minutes of meeting?

Roman: We actually had one about 3 or 4 months ago, because there was just a number of issues that we really had to sit down and look into and resolve. It went very well, and we all sort of sat down and went, "Yes, we should do this more often."

Amanda Farmer: Yes. Exactly what I'm going to say. What that does, when you have regular committee meetings, your agenda, what you'll find, and when I say regular, I mean at least once every 2 months I would say is regular, what you'll find is your agenda becomes your list of action items. You just keep following it. Each meeting is essentially the same agenda with a couple of new things added and a couple of old things now resolved taken off. So, you're constantly aware of what the big ticket items are that are going on in the building. Instead of having a mish mash of emails all reporting to you 5 different problems, one email reporting to you 5 different problems, you use your committee agenda and your committee meeting minutes as subject matters.

It is, "*On the agenda, we have the leak from lot 26, we have the new building management contract, we have the landscaping, we have the bathroom renovation in lot 4. These are our four different things.*" Then between committee meetings, there are 4 different email chains with four different subject lines dealing with these four different things that are recorded in our agenda and in our

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minutes. The paper trail, it's all very transparent. The paper trail is easy to follow. You can in 2 years time go back and cross reference everything and say, "Oh, yes, that's right, we talked about that every 2 months at the meeting, and these are the emails that happened in between meetings."

It starts to flow. That's not something that's going to happen at your first meeting, but after 12 months and 6 meetings, you'll understand what I'm talking about, and say, "This is what Amanda was talking about." Now these issues are being dealt with, revised, updated regularly, we feel much more in control, and if your strata manager is present at those committee meetings, which I do recommend, it's worth the extra money that it costs, then your strata manager is more intimately aware of these items and knows how you're feeling about them and knows that you're not happy with the contractor who's doing the roof leak at 26, can then suggest, "Oh, by the way, I just used someone and he's down the road. Would you like me to contact him?" "Yes, we would." Add those in the minutes. It just starts to have a structure and a system about it that makes your life much easier.

Roman: Yes, yes. It certainly does. I certainly agree with you. It's just getting all the people together to do it, that's all. But anyway.

Amanda Farmer: Yes. How many have you got on your committee?

Roman: I think we've got 6.

Amanda Farmer: Okay. All right. Well, look, yes, I mean, you only need 3 to hold a committee meeting, so if not everybody's available all the time, that's okay. 3 to hold a committee meeting and 2 voting at that meeting to pass motions, that works.

Roman: Okay.

Amanda Farmer: So, people saying, "I'm not available," is what I'm getting at, if they're saying, "I'm not available," or, "I can't go to meetings every couple of months," well, you only need half the committee for a quorum, and that's fine. Not everyone can make every meeting.

Roman: Okay. Very good. Okay. All right.

Amanda Farmer: They were all the questions that I had on my list, Roman. I've tried, as I do, to talk fast and fit in as much as I can, understanding that you can go back and have a listen to this, and feel free to ask any follow up questions, of course, in the forum as well, in the member forum. That's always a good place to get more.

Roman: Okay.

Amanda Farmer: But is that pretty much what you wanted to cover today?

Roman: Yes. Yes, that's good. I didn't expect it to go this long. No, that's very good. I'll probably get off this meeting and think, "Oh, damn it, I should have asked that."

Amanda Farmer: No, exactly, and that's why I say you have access to me and this information in the forum as well, so feel free to go and post there. Have a listen to that podcast episode number 6. Have a search around in the forum. I've just shown you in this video how to search the forum. If you use that same process and search strata management agreement or new strata manager or



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replacing strata manager, you'll see a lot of discussion in the forum about replacing strata managers. Have a poke around there. In the members only area under podcasts and videos, there is a section called members only videos. Then you can click through and have a listen to a watch and a listen to previous member calls. Oh, actually, what we'll do, Richelle, we'll give Roman the link to member call number 15, which was helping Carol to painlessly tender for new strata management, so there you go.

Roman: Okay.

Amanda Farmer: That's that one is right up your alley. I think that's going to be the most relevant. Yes.

Roman: All right. Well, thank you so much for spending the time with me, Amanda. It's been awesome.

Amanda Farmer: Pleasure. Thank you for your great questions. Those answers will be a big help for many people. All the best.

Roman: All right.

Amanda Farmer: Let us know how you get on.

Roman: Thank you very much and have a great afternoon.

Amanda Farmer: You too. Thanks, Roman.

Roman: Bye.

Amanda Farmer: Bye.