

Publication Date: 12 October 2022

YSP Podcast Transcript: Episode 333. How detailed should the minutes of strata meetings be?

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Intro: Welcome to Your Strata Property, the podcast for property owners looking for reliable, accurate, and bite-sized information from an experienced and authoritative source.

Amanda Farmer: Hello and welcome. I'm Amanda Farmer and I have with me this week Reena Van Aalst from Strata Central. Hey Reena.

Reena Van Aalst: Hi Amanda. How are you?

Amanda Farmer: I am doing well. I'm looking forward to diving right on into our wins and our challenges. I know you've had a lot going on that we're going to be sharing with our listeners today, so I'm looking forward to it. Hit me with your challenge this week, Reena.

Reena Van Aalst: Yes, so my first challenge this week is one that deals with ... I think many owners corporations experience is engaging a lawyer when an owner perhaps takes the owners corporation to the Tribunal or takes action against the owners corporation. And this is actually an owner in one of my schemes who actually bought into another building.

And what happened was, she arranged for a professional strata search to be undertaken and nothing sort of came back out of the ordinary, and then she realised that there were some legal fees that had not been paid for quite some time. When she did the search there was nothing in the creditors to show that there was money owing to the lawyers, nothing in the financials, nothing in the actual agendas or minutes. Now, one thing that she did tell me since she has dug further into this matter is that the committee were holding meetings, but the strata manager was never there.

Apparently, also she said that she was told by one of the owners who attended a committee meeting as an observer that this lawyer, who is quite a well-known lawyer in the world of strata, said that you don't actually need to get approval for legal fees, which I'm not sure that's true or not, but I was just told that by the person that she spoke to at the meeting. And now there's a huge special levy, Amanda, for each of the owners to pay for these legal fees that have accumulated.

And this owner is very unhappy because she bought in, not realising that all this trouble was going on, nothing in the minutes. And unfortunately, now she's stuck with a huge special levy to pay legal fees that she was not even aware of. And I'm not sure if you've come across that a lot when people come to you, Amanda, as clients, or in particular owners, where this sort of thing is happening in schemes where there seems to be a pattern. And it used to happen before, I remember, with some legal firms that I used to deal with where everything was just under the threshold so they didn't really need approval.

And also another thing that happens, I find, historically, is that some legal firms like to break up the matter into parts, which is not an issue, but it's like each part is a separate matter and it's not because sometimes if you go ahead with section 1 of a cost agreement, then you need to go ahead with section 2 because they're interdependent. And therefore I think if people knew at the time that the whole matter would cost X, they would then perhaps be more mindful of whether or not to actually approve the legal fees that are being proposed, or perhaps in some cases maybe settle the matter.

Sometimes it may be cheaper to settle the matter and do the work rather than spend legal fees when especially with items to do with the repair and maintaining common property. I mean usually, those matters are pretty straightforward in terms of the obligation the owners corporation to undertake that statutory obligation.

Amanda Farmer: Yes, so what Reena is talking about there, for any of our listeners who are unsure about this restriction on incurring legal fees, in New South Wales we do need a resolution of the general meeting to engage a lawyer to commence legal action. However, that resolution can be avoided, is not necessary, if the legal fees are estimated to be less than \$3,000 or in the case of urgent legal work, less than \$15,000. Those are the current exemption caps under our regulation in New South Wales.

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So what Reena's saying, and to answer your question, Reena, yes, I do see there's data, I do see owners confused and concerned by this. Sometimes a lawyer may intentionally keep their quote under the cap, whether it's under \$3,000 for non-urgent work or under \$15,000 for urgent work. And when this legislation started, these new provisions started in 2016, there was this question around stages and staged work and is it possible to get around the need for a general meeting resolution by staging your work?

And look, my view is, no, it's not. As lawyers, we have our legal profession legislation that binds us and requires us to provide a total estimate of legal costs for a matter, for a case. We are supposed to do that in a cost agreement, provide a written cost agreement with a total estimate of legal costs. Yes, that estimate may be broken down into different stages, if there's Tribunal proceedings, we generally should be well acquainted with what the stages of those proceedings are and we can estimate what we think the cost might be in each stage. But to say that stage one and stage two of a matter are two separate cases is, in my view, a bit of a stretch. That's not to say I haven't seen it done.

Reena Van Aalst: Yes, I suppose Amanda, it does also remind me of the Home Building Compensation Fund requirements where any work over \$20,000 requires this insurance, and sometimes there are contractors that try and split the work into two different contracts to try and avoid getting that insurance. And we pretty much say, "No, this is one project, it's one job," so for those people that can't get that insurance it obviously means that they can't do the work. But yes, so Amanda, what do you think owners should do in cases like this where this has happened? I mean, obviously an owner can't go to the Legal Service Commission because they're not the entity that's actually engaging the lawyers.

Amanda Farmer: Well they can, and I laugh because interesting, let's put it that way and I've got quotation marks here with my fingers, "interesting" complaints have been made in relation to cases I've been involved in to the Legal Services Commissioner by lot owners. A couple of complaints I'm thinking about were immediately dismissed. It's important that I say that, but it seems to be absolutely possible that a lot owner could go to the Legal Services Commissioner to make a complaint about a lawyer engaged by an owners corporation. So that does happen.

This owner you are talking about has been surprised by this debt, which wasn't clear on the records that she was going to have to contribute to that. It is something that comes up from time to time in different contexts. An owner didn't know about repair work that needed to be done. An owner didn't know about illegal renovation work that was being done on their property. And the starting principle when we're talking about the purchase of real estate in our country is buyer beware, that unfortunately or fortunately if you're a vendor or a person selling, the onus falls on the purchaser to make their own inquiries to an extent and to satisfy themselves that they're aware of everything about the property that may impact them.

Now it's really hard to say in general terms how a complaint like this would play out. It really depends on the inquiries that were made, what was on the record, whether there were records that were willfully, intentionally withheld, whether this information could have been found out with a more thorough investigation or different questions being asked. It's hard to say, but I have... whilst I hear these complaints, often I haven't seen an owner successfully take an owners corporation or a strata manager for that matter on about this failure to disclose.

Reena Van Aalst: I think in this case, I've been advised that the strata manager really should have been probably taking a more proactive role, even if they weren't at the meetings, perhaps may get the bills to say, "Well, hang on, this is now reached a limit of X amount of dollars." But it's hard to know when you were buying in, as you said after the event. But I would assume that legal fees being incurred should be minuted somewhere in the owners corporation's records, whether it's by way of formal meeting or some sort of record, I think it-

Amanda Farmer: Yes, committee meeting.

Reena Van Aalst: Yes. Yes.

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Amanda Farmer: Here's the thing with the failure to approve legal fees at general meeting level. We definitely have case law in New South Wales that says that does not invalidate the litigation or the defence of that litigation. It can be cured by a later resolution. So we've definitely seen those challenges where an owner has said, "Hey, this lawyer was not properly engaged by the owners corporation, there's no resolution." And the court or Tribunal in the case has agreed there has been technical non-compliance, but it doesn't affect the validity of the proceedings, so that's important to be aware of.

Reena Van Aalst: Yes, I think in this case, Amanda, it's more about her, whether she's buying into this apartment block knowing that there was all these legal fees that had been incurred and litigate that or buying somewhere else.

Amanda Farmer: Yes, hard one to say. My challenge for this week relates to meeting minutes. Now this is something that I get asked often by owners, by listeners to the podcast, it comes up inside our members' Q&A forum. How detailed do strata meeting minutes need to be? And this is both with respect to general meeting minutes and strata committee meeting minutes.

This is a specific question from a listener asking, "If it is anticipated that a motion is very likely going to be headed to the Tribunal, can the words that were said at a general meeting be formally requested by the owner to be minuted," and Reena, I'm sure you see this often, I've definitely seen it in meetings. Sometimes I'm the person who's asking for this, where I'm saying, "Chair, can you please record the following in the minutes? Can you please record what was said or what the secretary has committed to do?" But it does raise this question of where's the limit here? Are we writing a novel when we are recording our minutes? Is it two lines? Is there any guide? Is there any direction in our legislation? Reena, is this something that you get asked that you come across running meetings?

Reena Van Aalst: Yes, I do actually, Amanda, and I think all this sort of information has not really been held in the act at all. It's actually been held in common law and meeting procedures. So I've got actually three different texts that I've got, hold these meeting procedures, Joske's Law and procedures, so in a sense it's about how you minute, what detail you include. And the way that I've always looked at this, and I've been taught and I used to teach and still teach my managers and my team members is, when you're looking at an agenda or a set of minutes, if you weren't at that meeting, would you understand what the person is trying to say?

And I think what happens when I used to get my agendas and minutes of my staff members, I'd look at that and I know what they're trying to say because I'm actually a strata manager and I know what they're trying to explain. But any third party looking at that will not understand because the context is not there. And sometimes you do have to give a bit of information perhaps just to make sure that there is a bit of background, very minimal, so when you do make a decision, in a sense there's some background information as to why you've made that decision or why you don't make that decision.

And so in terms of general meeting minutes, I've had people, Amanda, where they've said in a meeting, "Please for the record, can you record that I voted against a motion," or, "I want this stated in the minutes if the motion's being passed." And I always say, "Yes, I'm happy to do that." But ultimately the secretary really has the final say as to whether or not something can be included in the minutes. And unfortunately, it depends on the secretary of the scheme saying, "Yes, that's fine," when we send a draft to the secretary.

But sometimes in some buildings, Amanda, you have the chairperson who takes the minutes, because in some buildings people think that a chairperson has that authority and people don't say anything. And I don't really ... Amanda, if everyone's happy with the chairperson checking the minutes, it doesn't worry me as long as I just follow the procedures of the strata committee, what they've agreed to undertake. But it is a very tricky one. And I mean I get minutes when I've taken over buildings from other managers, and think, "I don't understand what they're saying." And sometimes it doesn't even make grammatical sense.

That's one thing that I find really hard, thinking, "It doesn't even make sense in terms of grammar and English." But putting that aside, you can't understand what is the resolution, what have they agreed to, what's the quote, what's it about? The result who set the quote for the intercom? It's like, "Well, what quote, what's the amount? Who's the provider?" All that sort of stuff where anyone reading then will take intercom, yes, what does that mean?

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Amanda Farmer: Yes. And so much depends on the topic under consideration, doesn't it? If it's something that has the support of everybody in the room, as long as the motion is drafted clearly, and I always say, "If your motion is clear, then you are 10 steps ahead when it comes to your minutes being clear." Because sometimes it can be as simple as simply changing your motion into a resolution. "The motion was that CCTV be installed in the following locations. The resolution was that CCTV is to be installed in the following locations." Simple as that.

But other subjects can be controversial and the voting is split and there are differing views. And you can be asked by different owners in the room, "Please record the debate that happened on this motion." And that can be helpful, especially if there is going to be litigation down the track. If it's a common property rights by-law for example, and it has been refused and has not passed, then one of the legal considerations if an owner wants to challenge that before the Tribunal, is whether the owners corporation has unreasonably refused to make that by-law.

And the minutes, I can tell you as a lawyer, the minutes are the first thing that I'm looking at to see if there's anything in there about why the owners corporation might have refused a by-law. So great point about the secretary ultimately being the one who makes the decision as to what minutes look like. You're right that there's very limited guidance in our legislation about what our minutes should contain, both for general meetings and strata committee meetings, our act simply says that there must be full and accurate minutes of meetings.

So interesting to use that term, full, full and accurate. Accurate hopefully goes without saying. Full minutes, maybe it is something more than just simply recording that the motion was resolved. It's an important task for our strata managers who are sitting in that position of chair and often controlling the meeting and noting the discussion and deciding who should speak to a motion and who has had enough time to speak to a motion. And then of course the strata manager is often the person delegated that task as secretary and having to make that call as to what goes in the minutes.

Reena Van Aalst: You're right, Amanda. I think the general meeting minutes, but we tend to pretty much just have a very good motion and then have a resolution because if you've had 10 people speak for and against a motion, then it's very hard to pretty much minute that discussion because there's so much back and forth. And also, which points do you cover more than any other points? So for general meeting minutes, it's pretty much usually just to resolve that, whatever the motion was and whether it's defeated or it's carried.

And then I think you're right, sometimes we do add a bit of extra context. If someone, especially with a by-law, if it hasn't been passed, then sometimes the owner that whose by-law hasn't been carried will say, "Can you please note that I tried to provide all the answers or the reasons that the owners corporation has defeated the by-law."

That does happen sometimes, Amanda, and I think that's probably a good idea, I think in terms of those things so at least there can be some context as to why something wasn't carried. But a committee meeting minutes I think are different to general meeting minutes because sometimes they can just be points. So sometimes the following items be discussed, they can just be sometimes they're in point form and you might be giving an update about where something's at and therefore that's where you need the information.

Sometimes you see minutes say, "An update was provided." It's like, "Yes, okay. And what happened after that? Has the painting been completed or is it still to be done or what?" You know what I mean?

Amanda Farmer: Yes. Oh, and as a committee member, I get frustrated by minutes like that as well. And I'm so assisted by the more detailed minutes because I forget from month to month what we decided last week.

Reena Van Aalst: Yes, I have to go through my minutes from the last time to make sure that I remember where things were up to as well because it was like three months ago, "Well, where did we get up to?" I know I've got an update, but I know things have been done, but I've got to make sure that, "Well, at the last meeting we're up to painting the fences but now since that time we're

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now getting the second quote for the other..." So this is some context, but saying that update was provided just gives no information at all to anyone reading those minutes.

Amanda Farmer: Yes, And look, none of this is a problem until somebody, usually an owner, is unhappy with their view, their position not being properly articulated or articulated at all in the minutes. And when I have owners consulting me about that problem, I often say, "Look, it might not be in the minutes, but that doesn't mean that it shouldn't be on the record, or that you can't get your view on the record." And the simple way you do that is that you send an email to the strata manager to the committee saying, "Hey, I attended this meeting last night. This is what was discussed. The motion didn't pass. I understand you haven't agreed to put this in the minutes or perhaps the minutes have issued." So you might be saying, "This wasn't noted in the minutes, but I would like for the record to confirm the following, A, B, and C," and set out your position, and then your email, your communication is on the record.

I understand not in the minutes, but it is there. And that means something. Legally, that means something. It is available for inspection by others, it is in the possession of the owners corporation. It may be a document that ends up getting produced in litigation. It certainly means something.

Reena Van Aalst: That's a great idea, Amanda. I think for people to put that in writing if their amendment or their request for a minute not to be recorded doesn't happen. I think it's a great idea, sending an email after the minutes have been issued, or even if it's the meeting when they say we're not recording it, which rarely happens, they don't say that, but they'll tell me later on, "I'm not letting that go into the minutes." So it's a good idea what you've suggested.

Amanda Farmer: Now, I know this discussion always produces different points of view. I love what Reena had to say earlier about having a look at the common law and general meeting procedure when it comes to good minute-taking. I would love to hear from you, our listeners, strata managers, secretaries, committee members, what your processes are when it comes to recording the minutes of meetings. If you have a view to share, post it on the website under this episode over at yourstrataproperty.com.au/podcasts and you'll find this episode number 333. So I'm looking forward to hearing other views on minute-taking. Shifting over to your win for this week, Reena.

Reena Van Aalst: Yes, so Amanda, this win was actually long in the making because it's a scheme that I've been managing as a compulsory manager for two years. And in January when the term was coming to expiry, I advised the owner's lawyer that had asked us to put forward our reappointment letter for submission to the tribunal that I no longer wanted to actually manage to scheme because of the fact that one of the owners who was living there, even though he was actually one of the owners, it's his wife that owns the lot, but he's been quite aggressive in terms of the fire order, not complying, not providing access.

He was writing to the Building Services Commissioner saying that we were doing the wrong thing. He reported me I think twice to Fair Trading. He reported the engineer to the Building Services Commissioner and each time obviously nothing ever happened and he was told that everything the owners corporation was doing was correct and lawful. And under these circumstances, when a term expires, I didn't realise, but the maximum that you can be appointed is for three months until another manager is appointed.

Amanda Farmer: Pursuant to an interim order, yes.

Reena Van Aalst: An interim order. So I thought, "Okay." So in that interim period, I consented to interim appointment for three months because I thought, "There's no point having another manager and then having a final manager because both of the parties that were in question had different managers they wanted to appoint." So the argument was never been about compulsory appointment. It's been compulsory appointment I think since 2011, I think, it's been in compulsory management, but it was more about which manager to choose.

And so I decided for three months that I was happy to continue managing it until another manager was found. So I didn't think it was the interest of the owners corporation to have another manager in between the final manager. The hearing was held on the 2nd of June. It was like an all-day hearing and at the time each party had a lawyer and I was the only that didn't have a lawyer. I

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mean I didn't think, "Should I have had a lawyer?" But anyway, I didn't. I mean I knew all my stuff and that, but I thought, "Everyone's got a lawyer except for me," and I thought within a month I should find out who the new compulsory manager would be.

And unfortunately, the Tribunal members been quite busy and we didn't get a judgment until the end of last month in September. And it was a really good outcome I think for the owners corporation because many of the issues relate to the loss of rent matter were dismissed, the items relating to the fire order and lack of compliance was dismissed. The other matter relating to not repairing and maintaining common property, that was dismissed. But the last thing that obviously I was more interested in in terms of who will be the new strata manager. So the question was not whether or not to be compulsively managed, that was never an issue because both parties agreed that would be necessary, but it was going to be who would be the compulsory manager.

So each party had their own manager put forward and therefore the tribunal had to make a decision about, well, which strata management company would be the right one for Tribunal to choose based on the circumstances of this scheme, based on the personalities, based on the history. And obviously, I gave my synopsis of who I thought because of the fact that the person that was recommended by one of the owners was someone that I'd worked with, that I knew, and based on the personality of one of the owners and his forceful nature, it would require someone with a certain skill set and ability to manage that type of conflict.

And basically, the Tribunal member agreed with my suggestion and so that manager's now been appointed. So I'm really happy that I'm no longer the manager. Not in a sense, I didn't mind being the manager. I mean it was ... I did my job, I did it well. And I think overall where we're at is delayed because of the fact that access hasn't been provided and the matter's been referred to building services commissioner and council, et cetera.

But at least I know that in this case NCAT did actually take heed and take the opinion of the current manager in determining who the next manager should be. So I was actually quite happy with that. At least it shows that sometimes the strata manager's views are taken into account at the Tribunal.

Amanda Farmer: Now Reena Van Aalst is been very modest here in her relaying of this case. This is a published decision. I have read it. I will link to a copy of the Reasons for Decision below this episode, so I do encourage you to go and have a read. Now I'm going to read out a couple of the findings that were made by this Tribunal member, not just to toot Reena's horn for her because she struggles to do that herself, but because this is a really important case for any strata manager giving evidence before the Tribunal, for any committee member who may be giving evidence in their capacity as a committee member. And it just reminds us how important it is to be objective, to be professional, if you're there in your capacity as a professional, and to relay facts and not opinion even in situations where there is a lot of emotion involved, which is often the case when we are before the Tribunal as part of our role in strata.

So the Tribunal found that Reena's evidence was factual, was shorn of unnecessary commentary and opinion. I like that phrase, shorn of unnecessary commentary and opinion, unlike the evidence of the parties to the proceedings. Reena was cross-examined. The member found that she was an impressive witness, that she was conscious of her obligation to assist the Tribunal in its fact-finding function, and she did not seek to advance one cause or the other.

There was no challenge made to her credibility. And this is in the decision, "No challenge could have responsibly been made to her credibility," said the member. It was clear that she had discharged her duties as a compulsory managing agent in a highly professional conscientious manner, notwithstanding the difficulties confronting her because of the deep-seated dispute between the parties. And that is why Reena's evidence was preferred, and that is why at the end of the day, the Tribunal looked to Reena and sought her opinion on who would be the better compulsory manager. And it makes absolute sense that the manager who's been involved in this community for a couple of years, that understands the personalities, that has been able to handle those personalities professionally and objectively should be the one who's able to say, "You know what? I think manager A will be the one who's best suited to these guys." So well done, Reena.

Reena Van Aalst: Oh thank you, Amanda.

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Amanda Farmer: All without legal representation.

Reena Van Aalst: Yes, I know, that's what I was thinking at the time. It was like an all-day hearing and I'm thinking ... and then everyone had their lawyers and I thought, "Oh, no, I should have had a lawyer too." I didn't really think about it. Basically I was just giving my evidence and I didn't think I needed a lawyer. So maybe in the end of that that might've helped me actually not to have a lawyer there after all.

Amanda Farmer: Perhaps, and you are referring to ... just so our listeners are aware, when you talk about having a lawyer, because you're the compulsory manager, you are referring to the owners corporation having a lawyer.

Reena Van Aalst: Yes.

Amanda Farmer: And at the end of the day, this was a dispute between the lot owners, a two lot scheme, I believe?

Reena Van Aalst: Four lot scheme, but one owner owns three lots and the other owner owns one lot, yes.

Amanda Farmer: Okay. Yes. So I can see how you would've taken the position of, "Hey, I don't have a dog in this fight. Quite happy to hand over and wish the new manager all the best." But there are some really great statements there about what it is that makes great professional evidence before the Tribunal, and what our Tribunal is looking for when trying to decide whose evidence should be given more weight.

Reena Van Aalst: Thank you, Amanda.

Amanda Farmer: Thank you for sharing that one, Reena. And do listeners go and have a read of the Reasons for Decision in that one. I think it was a very well-written decision as well.

Reena Van Aalst: The member's actually a barrister, so he practices in private practice so I think that might have helped.

Amanda Farmer: Alrighty. My win for this week revolves around some new legislation or specifically some new regulations for our New South Wales Strata Schemes Management Regulation. Some of you may have already come across this. I have summarised it on Friday Live previously. This is all about electronic voting and electronic meetings and the extension of what was previously our temporary COVID provisions that allowed us to have electronic meetings and electronic voting without first having a resolution to opt in for those methods.

We now have enshrined in our regulation, no longer temporary, it is in place, permission to hold meetings by electronic means even if you don't have a resolution opting in, so that's great. The thing to be aware of, however, is that if you want to conduct pre-meeting electronic voting, you must still have a resolution opting in for that. Now there are a few little side issues floating along with this new legislation that I'm not sure everybody quite caught, and I wanted to make sure that we are across them here on the show.

First of all, ballots. Reena, you and I have talked about this previously. When you are having an electronic meeting, it's on Zoom for example, as I know you often do, and there's a need for a ballot for the election of the committee or somebody calls for a secret ballot, then our regulation had a provision that referred only to a ballot conducted on paper, and it said that word, "The papers have to be handed out," something to that effect.

We now have an amendment to our regulation to fix that. And there is a subclause that's been added to Regulation 10 that says ballots can be conducted electronically. And when that happens, then the ballot paper is provided or delivered by electronic means and is returned to the chair in the way specified in the notice. So you have to be very clear that you're setting out how the electronic ballot is going to work if that's what you're doing.

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We're also now making very clear in our regulation that elections cannot happen by pre-meeting electronic voting. That's been made very clear. And the nomination of strata committee office bearers, again, a strange provision in our legislation that I think we've talked about, Reena, I've certainly talked about it with a member in our forum, strange provision that required committee office bearers to be nominated in writing. So written notice to nominate committee office bearers. Do you remember that? Which I'm quite sure nobody ever did because that's very weird.

If you've just had an AGM, you've just elected your committee members, generally you're going to have a committee meeting, your first strata committee meeting, straight after the AGM. You don't know who the committee members are, and you're not about to whip out a piece of paper to write down your chairperson, secretary, chair nomination. I can't even remember if it had to be before the meeting or just a written nomination at the meeting, but it was bizarre and very clunky.

So what happens now is our regulation makes clear that oral nominations are accepted for committee office bearer positions. So your chair, secretary, treasurer can be nominated orally at that first committee meeting. Doesn't have to be in writing.

Reena Van Aalst: So Amanda, when you said before that the person has to return ... is it return their vote to the chairperson? Is that what you said in your reading of that-

Amanda Farmer: So if you are having an electronic ballot, for example, in a Zoom meeting, then you return your ballot in the same way that you cast your vote. So if you're casting your vote by Zoom poll, then you can return your ballot in the same way by a Zoom poll.

Reena Van Aalst: Yes, yes, that makes sense.

Amanda Farmer: Because email, we can vote by email, right? Email is an electronic means.

Reena Van Aalst: Yes.

Amanda Farmer: So if you're casting your vote by email, then you can return your ballot by email as well. Just bear in mind we can't do that by way of pre-meeting electronic voting. We can only do that in a real-time meeting, what I call a real-time meeting.

Reena Van Aalst: Yes. So I think that has been an issue, Amanda, as you've said before in terms of the ballots and all that sort of thing. Sometimes what I find with those ballots is that we obviously have them always prepared because you never know whether or not there will be a ballot for a strata committee election. And also when we're actually looking at special resolutions and it's a close result, we obviously need to use the ballot function of Zoom.

But the interesting thing for those that have done this is that when people sit on this register, they don't necessarily have their name ... when you can put your name on the Zoom, they might have like iPad 5. So you have to make sure, as a manager or the person that's doing the ballot, that you write down who iPad so when you've got the results, which are usually exported into Excel, you know who iPad 5 is.

Amanda Farmer: Yes, good tip. Or people dial in and so you only get the phone number.

Reena Van Aalst: Yes, And you can't see their faces and things like that so yes.

Amanda Farmer: To that point, the other thing that is new both in our Act and with a new supporting regulation, is that you're now required to take reasonable steps to ensure that each person entitled to vote at a meeting can participate in and vote at the meeting. And that obligation is on the secretary or the strata manager if the strata manager is exercising the function of the secretary. So that's now at the end of schedule one in our Strata Schemes Management Act at the part that refers to methods of voting and voting in person or voting by electronic means.

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And then our new regulation is 14B, and tells us that reasonable steps may include providing multiple ways for a person to vote, providing clear and accessible instructions about how to vote, and using technology that is accessible, including technology that doesn't require people to pay unreasonable costs to use.

Reena Van Aalst: Yes. A person that's usually using Zoom as the entity issuing the invitation, Amanda, they're the ones that normally have to pay. The person joining doesn't normally have to pay anything. So that does, I think, for those who don't understand how these things work, because think you might assume that you have to pay to use Zoom as a joiner of a meeting as opposed to someone who's convening the meeting and arranging the meeting.

Amanda Farmer: Yes, I thought that was an interesting provision. And when I first spoke about it on Live, I did ask, "Has anyone come across problems with people complaining about costs of electronic meetings?" I would think there's a significant cost saving, especially for those who may otherwise have to travel to be able to log in electronically, and certainly a cost saving from the strata manager's side, you would think, less time spent and maybe being able to conduct meetings during business hours as well when they're being held electronically.

But I did have an owner say that she'd had an experience where her elderly mother found it really difficult to access electronic meetings because she didn't have a computer at home, didn't have the internet, and was quite frustrated by the fact that her community had switched to that method. So that's going to be an interesting one to see relied upon. Are you taking reasonable steps to ensure that everyone has access to your meetings?

Reena Van Aalst: So Amanda, in that example that you just gave with your listener giving you their experience, I mean, would you then say they can just ring... because I mean I've had people trying to ring where I've had them on the phone and because they can't join for some reason. It's not because they haven't got a computer, but they're having trouble with their intent or something. So I just say, "Okay, you can ring with it." Sometimes I find it really hard when I'm chairing a meeting to manage the phone. People can't hear the person on the phone, even though I've got it on loudspeaker and I've got it on the loudest volume, people can't sometimes hear it. So yes, I wonder what the best way it is to navigate those sort of issues where people don't have internet, don't have a computer, but then they are given a voice to be able to vote.

Amanda Farmer: Yes, it is tricky. I think having support, and I know you do this, Reena, especially for your general meetings, having more than one staff member there with you if you can to help monitor the chat box and be checking in that if you know hands are raised in the Zoom feature that people have been able to have their say, I think that's going to be so much more important.

I've seen managers grapple with that since we started electronic meetings and upskilling staff and bringing on more staff to be able to run smoother meetings, I think has been at the forefront of our strata managers minds and business practices for some time. And I know that's easier said than done by-

Reena Van Aalst: Exactly.

Amanda Farmer: ...staff at the moment, but I do think that that's increasingly important. And now you've got legislation that says, "You've got to do it."

Reena Van Aalst: Yes. Exactly.

Amanda Farmer: Yes, it's tough.

Reena Van Aalst: Yes.

Publication Date: 12 October 2022
YSP Podcast Transcript: Episode 333. How detailed should the minutes of strata meetings be?

Amanda Farmer: All right. Wowee, a full episode there as we have covered off some great wins and challenges for the week. So much there to learn from and to discuss. Please do share your thoughts as I've invited you to under this episode. We always love to hear from our listeners. What are you up to for the rest of the week, Reena?

Reena Van Aalst: This week is full of meetings. I've got daytime and nighttime meetings, so it's unfortunate. Two weeks ago I had no meetings for two weeks and now they're all jam-packed in the next two weeks so it'll be pretty busy.

Amanda Farmer: Yes. I think I may see you at one of those.

Reena Van Aalst: That's right.

Amanda Farmer: Thank you very much, Reena. I will catch you next time at a meeting coming to you sometime soon.

Reena Van Aalst: Thank you, Amanda. Bye.

Amanda Farmer: Bye-bye.

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