

Friday, March 13

Mr Mick GENTLEMAN
Minister for Planning and Land Management
By Email: gentleman@act.gov.au

CC Chief Minister Andrew Barr & Health Minister Rachel Stephen-Smith

Dear Minister Gentleman,

EXPOSURE RISK TO COVID-19 WITHIN THE STRATA SECTOR

In response to the developing Covid-19 crisis, I am writing to you on behalf of the ACT Strata Industry to request urgent action to help reduce exposure to owners, residents and professionals within the strata sector.

I am aware that the ACT Legislative Assembly passed the Unit Titles Legislation Amendment Bill 2019 in February this year. It has been reported that the amendments will come into effect in November 2020.

The amendments include a number of provisions that would enable members of an Owners Corporation and/or Executive Committee to attend meetings via alternative means, such as by phone or video.

In particular:

Meetings of executive committee 11 Schedule 2, new section 2.8

(3) The executive committee may authorise a meeting to be held using a method of communication, or a combination of methods of communication, that allows a member taking part to hear or otherwise know what each other member taking part says without the members being in each other's presence.

Examples: a phone link, a satellite link, an internet or intranet link

(4) A member who takes part in a meeting conducted under 21 subsection (3) is taken, for all purposes, to be present at the meeting.

Conduct of general meetings 1 Schedule 3, new section 3.1 (2) and (3) 2

(2) The owners corporation may authorise a meeting to be held using a method of communication, or a combination of methods of communication, that allows a member taking part to hear or otherwise know what each other member taking part says without the members being in each other's presence.

Examples: a phone link, a satellite link, an internet or intranet link

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(3) A person who takes part in a meeting conducted under subsection (2) is taken, for all purposes, to be present at the meeting.

AND

Owners corporation alternative method and process for voting—Act, sch 3, s 3.31A (1)

(1) An owners corporation may adopt any of the following ways to vote on a matter to be decided by the owners corporation at a general meeting:

(a) voting in the meeting by teleconference, videoconference, email or other electronic means;

(b) voting on a motion by email or other electronic means before the meeting at which the matter (other than an election) is to be decided (pre-meeting electronic voting).

SCA ACT believes that it is important to be able to carry out meetings via teleconference, videoconference, email or other electronic means in the current circumstances – where we should be limiting meetings and contact between people. I am therefore calling on you to consider bringing forward the enactment of these specific amendments ahead of the planned schedule.

Given that Owners Corporations have a statutory obligation to hold meetings, it is critical to avoid a situation whereby the Executive Committee must choose between holding a meeting in a high-risk environment or being in breach of their duty under the act.

I would welcome an opportunity to meet with you in order to discuss this issue in greater detail.



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