

THE DUTIES AND FUNCTIONS OF YOUR DEDICATED **STRATA MANAGING AGENT**

The duties and functions of a GOOD strata managing agent are extensive and cross numerous specialist fields. The complete management of your strata scheme is imperative to ensure that your asset and investment is maintained. To assist owners in what your licensed strata managing agent undertakes daily, we are pleased to provide you with this document.

Although both strata management and building management work as an integrated team, the general rule of thumb of differentiating the roles of an onsite building manager and the strata managing agent are below;

- Building management deal with general repairs and maintenance, supervision of contractors onsite, arranging standard quotes for works, access requirements etc.
- Strata management deal with all other matters, predominantly to ensure that the strata scheme, the owners corporation and ALL owners, residents, agents and contractors (including the building management) comply with the Strata Schemes Management Act 2015, and all other relevant authorities, such as local council, Community Land Management Act 1989, Freehold Development Act 1973 - now the Strata Schemes Development Act 2015, Fire Certification and Regulations, Home Building Act 1989, Child Window Safety Devices Act 2013, Environmental Planning & Assessment Act (including amendments such as the Identification of Buildings with External Combustible Cladding) and any relating Building Management Statement/Strata Management Statement if there is a Building Management Committee.

Unlike building management, the main duties and functions of a strata managing agent are stipulated by legislation. Regardless of the committee electing office bearers positions, the main (not limited too) duties and functions of a strata managing agent are below;

SECRETARIAL

The duties of the secretary of an Owners Corporation are listed in the Strata Schemes Management Act 2015, which are outlined below. The secretary is the Chief Administrative officer of the Owners Corporation and must performed all expressed or implied duties for the scheme, other than those delegated to the Treasurer or Chairperson. Below are the listed, practical duties performed by our office;

Attending to Correspondence & General Inquiries

- Reply to all written, email and telephone communication from;
- Owners, residents/tenants, property managers, building managers, solicitors, conveyancers, strata inspectors, prospective purchasers, trades, utility suppliers and other service providers, Council and other statutory authorities.
- Ensure compliance with the duties, functions and responsibilities of the members set out by the Strata Schemes Management Act 2015
- Maintain tenancy register
- Inform the Strata Committee of pertinent issues affecting the scheme

Dispute Resolution & Mediation

- Receive complaints surrounding compliance with the rules and regulations stipulated in the By-Laws of the Strata Scheme
- Provide advice and direction to the Owners Corporation members as to their rights and responsibilities surrounding the administration of the Owners Corporation
- Mediate general disputes between the members of the Owners Corporation
- Attend mediation where necessary
- Issue Notice of applications and orders to members
- Prepare evidence and applications for the NSW Civil & Administrative Tribunal (NCAT)
- Where necessary attend NCAT Hearings

Record Keeping and Meeting procedures

- Ensure all the schemes records are maintained in accordance with the relevant Act and the provisions stipulated in the Strata Schemes Management Act 2015
- Maintain the Strata Roll
- Facilitate section 182 & 183 inspections of the Owners Corporation's records pursuant to the Act
- Issue notices of Owners Corporation Meetings in accordance to the provisions stipulated in the Strata Schemes Management Act 2015
- Ensure all meeting notices and agenda items comply with the Strata Schemes Management Act 2015
- Write minutes and distribute them in accordance with the Strata Schemes Management Act 2015
- Post copies of minutes on our Netstrata online portal for easy access by members
- Action the resolutions of Owners Corporation meetings
- Maintain restricted key or swipe tag registers (in conjunction with the Building Management)
- Maintain a schedule of the registered By-laws
- Maintain and affix the common seal where required

Building Maintenance and Trade Compliance

- Arrange the Annual Fire Safety Inspection of all lots of the Owners Corporation in conjunction with the Building Management
- Ensure that periodical maintenance and testing of fire apparatus is undertaken to ensure compliance which directly affects the Building Insurance. (e.g. sprinkler systems and hydrants)
- Authorise the Annual Fire Safety certificate
- Provide certificates of fire compliance to the local council and NSW Fire Brigades
- Ensure the certification of air-conditioning towers and cooling systems
- Maintain the certificates of compliance to Work Cover for all major apparatus within the scheme (e.g. lifts)
- Ensure all trades sent to the site are WH&S and Work Cover compliant, licensed to perform the assigned works and carry the appropriate workers compensation and liability insurance. Arrange insurance claim work (offsite)
- Where necessary engage and liaise with engineers for detailed or specialised works
- Contract negotiations for service contracts
- Source quotations from utility suppliers
- Implement and source new energy efficient practices for your scheme
- Manage capital works fund works such as painting, carpet replacement, major refurbishments and major unexpected expenditure works
- Manage Building Defect Claims
- Undertake regular inspections of the common property

Insurance Compliance

- Arrange annual valuation for Building Insurance
- Prepare claims history for potential insurance providers
- Complete insurance renewal applications
- Source quotations from specialist strata insurers via an appointed Broker
- Effect insurances and ensure all statutory insurances are in place
- Administer all insurance claims and arrange insurance claim assessors where necessary
- Notify insurers of issues of significance to the scheme such as fire certification and WH&S compliance
- Notify insurers of change of use of a lot or business within the scheme
- Ensure financial services guide and policy disclosure statements are maintained on schemes records
- Complete wage and salary declarations for Workers Compensation insurance
- Upload Certificate of Insurance on the Netstrata online portal
- Provide certificate to owners and mortgagees when requested

TREASURER

The duties of the treasurer of an Owners Corporation are listed in the Strata Schemes Management Act 2015, which are detailed below. The treasurer is the Chief Financial Officer for the scheme and is responsible for ensuring the financial stability of the Owners Corporation.

Invoice and Payment Approvals

- Process and approve all invoices issued to the Owners Corporation, remit each approved payment.
- Authorise invoices for payment against approved quotations &/or work order requisitions
- Record and receipt transactions within the Owners Corporation account
- Monitor cash flow to ensure accounts can be paid or future expenses can be maintained
- Monitor financial performance against budget provisions
- Retain a copy of all invoices on the Owners Corporation records
- Issue copies of any and all invoices to owners upon request

Accounting and Reporting

- Maintain and operate the Owners Corporation trust account
- Establish and maintain investment accounts on behalf of the Owners Corporation
- Maintain all accounting records as provided in the Strata Schemes Management Act 2015
- Prepare daily financial reports for posting on our Netstrata online portal
- Prepare monthly trust account reconciliation
- Prepare yearly financial reports for distribution to all members
- Prepare the annual budget for presentation at the Owners Corporation annual meeting
- Arrange and implement recommendations of the Owners Corporation's sinking fund forecast
- Prepare books of account for the Annual Tax Return of the Owners Corporation
- Prepare books of account for quarterly Business Activity Statements
- Prepare books of account for the Annual Audit
- Prepare Section 184 certificates as requested

Levy and Debt Collection

- Issue the annual schedule of contributions to all lots following determination of levies at the Annual General Meeting
- Prepare contribution notices for distribution each quarter and special levy contribution payment notices when required
- Collect and receipt all levies
- Pursue lots for contribution arrears, including; Initiating phone call reminders to lots, distributing arrears correspondence, issuing arrears payment notices, monitor payments of lots pursuant to a debt recovery payment plan and where necessary, initiate formal debt recovery proceedings against lots who are substantially in arrears (in accordance with the Committee)

CHAIRPERSON

The duties of the Chairperson are not specified in the Act. Essentially however the chairperson must ensure Owners Corporation and strata committee meetings are conducted in accordance with the rules and procedures defined in the Act and that all resolutions passed by either the strata committee or Owners Corporation are valid.

- Ensuring the proper procedure to convene and conduct the meeting has been followed
- Ensuring proper notice has been provided to all owners
- Ensuring all motions on the agenda are valid and may be passed, and if not how to properly invalidate a motion
- Ensuring that the representatives of each lot are valid
- Preparing an updated levy arrears register
- Recording the members, representatives present at the meeting as well as proxies, company nominee's and apologies
- Ensuring all proxies/substitutions have been submitted on the prescribed form
- Ensuring the voting rights are properly followed
- Ensuring a quorum for the meeting is present before opening the meeting
- In the event a quorum is not present, following the proper procedures to adjourn a meeting in line with the Strata Schemes Management Act 2015
- Executing the rules and regulations surrounding the election of the Officers
- Following the proper procedures for replacing representatives & Officers that may resign or be removed from the committee during the year
- Ensuring the proper voting procedures at a meeting are followed including how to conduct a Poll Vote, a unanimous resolution, special resolution and ordinary resolution where required by the Strata Schemes Management Act 2015
- Ensuring that proper procedures are followed when amending a motion

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