

Australian Capital Territory

Unit Titles (Management) (Meeting Agenda) Guidelines 2020

Notifiable instrument NI2020–601

made under the

Unit Titles (Management) Act 2011, section 41 (Executive committee–chairperson’s functions)

1 Name of instrument

This instrument is the *Unit Titles (Management) (Meeting Agenda) Guidelines 2020*.

2 Commencement

This instrument commences on 1 November 2020.

Note Section 81 of the *Legislation Act 2001* allows the Minister to make these guidelines after notification of the authorising law and prior to its commencement.

3 Declaration

I make the attached Guidelines about items that the chairperson must include on an agenda for a general meeting. The Guidelines are set out in Schedule 1.

Gordon Ramsay MLA
Attorney-General
9 September 2020

Unit Titles (Management) (Meeting Agenda) Guidelines 2020

Introduction

Section 41(1)(b) of the *Unit Titles (Management) Act 2011* (UTMA) requires the executive committee chairperson to prepare meeting agendas in accordance with the guidelines under section 41(2). Section 41(2) provides for the Minister to make guidelines about items that the chairperson must include on an agenda. These guidelines are a notifiable instrument under section 41(3).

Below is a list of items that must be included in a meeting agenda.

1. Agenda items for each General Meeting:

- Matters stated in a meeting request under Schedule 3.5(2) (if applicable)
- Voting on any motions or resolutions
- Maintenance issues (new or outstanding), including maintenance contracts coming up for renewal
- Insurance claims (new or outstanding)
- General business

2. Agenda items for each Annual General Meeting (in addition to items for any General Meeting):

- Election of Executive Committee
- Consideration of physical building structural defects
- Maintenance schedule/plan – review
- Whether maintenance schedule requires updating in light of new circumstances
- Fire safety review – provision and compliance with national construction code fire safety requirements
- Presentation of Annual Financial Statements
- Finances and proposed budgets in connection with each fund, i.e. administrative fund, general fund, sinking fund, special purpose fund
- Insurance details – currency, extent and coverage
- Audit – requirements for and results of
- Adequacy of authorisations, delegations, appointments
- If the units plan is a retirement village, a copy of the proposed annual budget in accordance with section 159 of the *Retirement Villages Act 2012*

3. Agenda items for the first Annual General Meeting (in addition to items for any General Meeting):

- In accordance with Schedule 3.4 of the UTMA, the developer must give the following records to the owners corporation:
 - the statutory books and records of the corporation, up to the date of the meeting;
 - any insurance policy issued in the name of the corporation;

Schedule 1

- any plans, specifications, diagrams or drawings that relate to the design or service of the units or common property of the units plan, including the development approval and any condition to which the approval is subject;
 - the developer's maintenance schedule for the common property;
 - a copy of any contract entered into by the corporation that relate to the common property of the units plan;
 - any warranty that relates to the common property of the units plan;
 - the corporation's seal (if any, note this is no longer compulsory);
 - any other document that relates to the units or common property of the units plan.
- To confirm whether records required to be provided by the developer have been so provided
 - Confirm rules of the owners corporation (or amend if needed)
 - Fire safety – identification of systems, provision of information to owners and fire safety plan development
 - Consideration of the initial maintenance schedule
 - Consideration of building defects/rectification issues
 - Appointments, authorisations and delegations
 - Appointment of auditor
 - Determine numbers in executive committee and election of executive committee
 - Finances and proposed budgets in connection with each fund, i.e. administrative fund, general fund, sinking fund, special purpose fund
 - Consider adequacy and currency of insurance
 - Whether adopting common seal and authorisations for use of common seal or attesting to owners corporation actions by signature
 - Consider whether further general meeting required for consideration of particular matter(s)