

## STRATA COMMITTEE ELIGIBILITY

The members of the strata committee must be elected at each annual general meeting (AGM). The strata committee is to consist of such number of members, as the owners corporation may determine, but may not exceed nine. Large schemes must have a minimum of three members.

Any person nominating or being nominated for the strata committee must do in writing prior to the meeting or verbally at the AGM. The legislation calls for nominations before and at the AGM, and specifies that the consent of the nominated person is to be in writing or in person at the meeting. If the number of nominations exceeds the number determined, then a ballot is held to elect the committee. If 50% or more of the scheme is tenanted, then a tenant representative is part of the committee, though has no voting rights. A separate information guide provides details in this regard.

### ELIGIBLE FOR ELECTION

- a) an individual who is an owner
- b) a company nominee of a corporation that is an owner
- c) a co-owner of a lot if nominated by another owner other than the co-owner, or the co-owner if they are not a candidate. Only one co-owner of a lot can be a member at the same time.
- d) an individual who is not an owner but who is nominated for election by an owner who is not a member nor a candidate.

### WHO IS INELIGIBLE FOR ELECTION

- × Building manager
- × Property manager / leasing agent
- × Person connected to the original owner who does not disclose the connection. Un-financial owner at the time of the notice who has not paid amounts owing prior to the meeting.
- × If become ineligible after appointment and does not disclose in writing to the secretary or chairperson.

### WHO CAN NOMINATE

- ✓ Sole owners can self-nominate.
- ✓ A person who is an owner of more than one lot, can nominate one person per lot.
- ✓ An owner does not need to be financial to nominate another person. However, an unfinancial nominator at the time of a committee meeting will remove the member's ability to vote.
- ✓ A co-owner can nominate other co-owners of their lot providing they are not a candidate for election.

### DISCLOSURES

It is vital to disclose a **connection to the original owner** for election to the strata committee. The disclosure must be made at the AGM before the election and is to be recorded in the minutes of the AGM.

A connected person to the original owner is

- a) a relative of the principal or holder of an executive position (director, manager or secretary of the corporation)
- b) a person employed or engaged or a business partner of the original owner
- c) the employer of the original owner
- d) any connection or association

It is vital to disclose the nature of any (direct or indirect) **pecuniary interests** in relation to matters being considered at a strata committee meeting. The details are to be recorded in a book for this purpose. The member must not be present during deliberations or take part in the decision on the specific matter, unless the strata committee has determined otherwise. Whilst the legislation does not specify that these interests are to be disclosed during the nomination process, it is considered good practice to do so.

### WRITTEN RECORD

Strata Plus includes a **strata committee nomination form** in our Notices of AGMs. Owners are encouraged to return the form prior to their AGM to ensure the accuracy of the nomination.

If you have any questions, simply contact your [Strata Plus strata manager](#).

The above information is contained in *Sections 30 to 32 and Clause 5 of Schedule 1 of the Strata Schemes Management Act 2015 (NSW), and Clauses 9, 11 & 18 of the Strata Schemes Management Regulation 2016 (NSW)*.



[STRATA RESOURCES](#)