

From: [Andy Doves](#)
To: [Alexander, Jock](#); [Comber, Margaret](#); [Day, Fiona](#); [Glover, Kaye](#); [Mathew, Christine](#); [McLean, Darren](#); [Norris, Greg](#)
Cc: ["quays@valuestrata.com.au"](mailto:quays@valuestrata.com.au)
Subject: Minutes - Committee Meeting 14 December 2021 - MAJOR CONCERNS
Date: Monday, 17 January 2022 17:58:00

Sorry for the delay, it got stuck in my Outbox

To The Quays Committee

When I attended the above meeting on 14 December 2021 I was astounded by two statements made, both of which have since been confirmed in the minutes received on 5 January 2022.

1. CORRESPONDENCE - NONE

I note that in the previous 11 Committee Meetings prepared by Peak BCM, in the period 5/2/19 to 21/9/21, minutes confirm that there was a total of 148 items of correspondence. The average per meeting was 13.5.

Do you seriously expect Owners to believe that there was no correspondence to or from the Committee/BCM in the period 21/9/21 to 13/12/21? Especially when there is evidence to the contrary?

Can you confirm that there was not a single piece of correspondence in that period?

That is - no emails, etc regarding pets, garage doors, renovations, water ingress, solar panels, gardens, the pool, parking, security screens, intercoms, bins, washing. And of course Welcome Letters to New Owners.....is this still being done?

2. VOCMs - NONE

I note that in the previous 11 Committee Meetings prepared by Peak BCM, in the period 5/2/19 to 21/9/21, minutes confirm that there was a total of 31 VOCMs. The average was 2.8.

Do you honestly expect Owners to believe that there was not a single decision made by the committee in the period 21/9/21 to 13/12/21, other than as minuted for the EGM held on 30/9/21?

It appears that you have not generated and confirmed a single VOCM of the present committee since being elected. However, there is evidence to the contrary - some of it in minutes and other documents generated by the Committee itself.

In the minutes (14/12/21 Comm Meet) there are several references to informal meetings. While informal meetings in themselves are not recognised, any decisions made at them would constitute a VOCM and must be recorded and reported as prescribed; and then confirmed at the next formal committee meeting. See Accom Module Regulations S63(i)(a)(i) and the below details from the Qld Government website.

Examples of references in the minutes that would indicate decisions have been made are:

- a) There is apparently an ongoing review of FY20/21 Accounts - when and where was this decision made and what was the voting count?
- b) "New fly zapping machines have arrived....." - when and where was this decision made and what was the voting count?
- c) "The meeting ratified the request and approval granted to Sandra Zouroudis of lot 3017 to keep a cat." When and where was approval granted and what was the voting count?

I am sure there are more examples you could retrieve from the minutes of the informal

meetings.

I am surprised at this lack of VOCMs given the experience of the majority of people on your committee have had with previous committees.

"Qld Government Website Information

Types of committee meetings

Now there are two ways that a committee can make a decision, either at a committee meeting or a vote outside of a committee meeting, which is otherwise known as a VOC or a 'flying minute'.

There are no other ways under the Act and regulation modules which allow the committee to make a decision.

Some body corporate committees have what they call informal meetings. The legislation does not recognise such meetings and the validity of decisions made at them may be challenged.

Voting outside committee meeting (VOC)

Another way that a committee can make a decision is by a vote outside committee meeting. This can particularly be helpful where you have committee members that do not reside at the scheme, or who live interstate.

A vote outside committee meeting is also known as a VOC or a flying minute. It is also sometimes referred to as a "voccom" (VOCM) or an OCM.

A VOC is conducted by giving written notice to all members of the committee or in an emergency, as many that it is practicable to contact. Now for the motion to pass, a majority of all voting members of the committee entitled to vote must agree to the motion. Note that this is different to how a motion passes at a face to face committee meeting.

Now using the same number of committee members as the example in the previous slide, if there are 7 people on the committee and one abstains from voting due to a conflict of interest, the motion would pass if 4 out of the remaining 6 committee members voted yes to the motion.

Notice of the meeting and the agreement to the motion must be given in writing. Or in an emergency, notice and agreement may be given orally or in another appropriate form of communication.

Advice of the motion must also be given to lot owners at the same time that notice is given to the committee members.

The outcome of the VOC must also be confirmed at the next meeting and included in the minutes of that committee meeting.

Voting outside of a committee meeting is referenced in section 54 of the Standard Module Regulation.*

Committee meetings – general information – minutes and records

The committee must keep full and accurate minutes of its committee meetings and full and accurate records of a vote outside of a committee meeting.

These minutes and records must be provided to lot owners within 21 days after the

holding of the meeting or the decision of the motion, either by hand, by post, by fax or electronically.

You can read section 55 of the Standard Module regulation for the meaning of full and accurate minutes and records.*

Apart from this being a requirement in the legislation, it is important that these records are kept and distributed so that owners are aware and informed of the decisions that the committee is making on behalf of the body corporate.

To make it clear, there is not a single decision the committee can make without owners being notified of it – no matter how small the cost or how “unimportant” the matter might seem."

* FYI - Sections 54 & 55 of the Standard Module Regulation are equivalent to Sections 59/60 and 63 of the Accommodation Module Regulation 2020 respectively.

Also, I believe that meetings are recorded. Could you check at the very end of the meeting recording and verify that a resolution to hold an EGM was proposed and duly voted on, as recorded in the minutes.

I ask this, as my recollection & my notes indicate that DM asked - was a resolution needed, someone said - no, then MM said - yes, you should do. But I do not recall an actual resolution being proposed and any voting on same.

Best regards
Andy Doves
Lot 3006