

The Strata Manager's Guide to Highly Effective Annual General Meetings



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Preface

When I set out to write this book, I asked my LinkedIn community of strata managers what it felt like to absolutely nail an Annual General Meeting (AGM). The responses were intriguing. Without exception they described a deep sense of self-satisfaction. I guess that feeling comes from the sometimes-thankless nature of strata management (i.e., If you can't get acknowledgement of a job well done from your owners, then be sure you give it to yourself). Anyway, I think that's the best type of satisfaction... because we're often our own harshest critic.

So, what led to that feeling of self-satisfaction?

- Getting everything done in a reasonable time
- Ensuring that everyone had a fair say
- Being able to confidently answer all the questions asked
- Making the chairperson look good
- Diffusing challenging situations, by skillfully handling difficult people.

These five things are the focus of this book. I've drawn on my 30+ years of experience in attending strata meetings and distilled the absolute best of everything I've seen and heard in that time. Over those same years, I've learnt from the legends of strata management and seen meetings bring out the best and worst in strata managers. I've also seen a sharp rise in the complexity of our laws and community expectations. All these things have influenced my work and advice.

That said, as I reflect on those years it's clear that to run an effective meeting you need to master two skills:

1. The technical skills of compliance with local laws - how to call and run meetings.
2. The skills and understanding of meeting craft - how to manage the meeting itself and particularly the people that attend them.

Both skills are important, because having only the knowledge of compliance with local laws, only ever results in a *good* meeting. To pull off a *great* meeting, you must learn and practice your meeting craft.

To help you master both skills, this book is in two parts. The first is about the higher order issues of meeting craft, that apply no matter where you and your buildings are situated. The second part takes the form eight technical notes - one for each Australian state and territory - that contain the precise details of how to effectively manage an AGM in your hometown.

My hope in writing this book, is that you find its content useful, practical and easy to implement, so that you reach that same deep sense of self-satisfaction that comes from running a *great* meeting.

Best wishes

Michael Teys

Calling an AGM

Chapter 1

In this chapter, you'll learn:

- That the main purpose of an Annual General Meeting (AGM) is not to set the levies.
- The five common roadblocks that prevent AGMs being held on time and that can send a portfolio into a downward spiral – and how to easily overcome them.
- Simple rules apply that must be observed to make sure you hold your AGM at the right time, in the right place and with the proper notice.
- Before the meeting there are three things you can do to set yourself up for success.
- Visualisation is a good technique to learn, to help you run a great meeting.

The real purpose of an AGM

At least once within a financial year, all the owners of a strata are invited to participate in an AGM.

It's called a 'general' meeting, because all the owners are invited to participate.

Other meetings, like a committee meeting, are also held and owners may be invited as observers, but they don't get to speak or vote like they do at a general meeting. Then there are those meetings held during the year for special purposes which are also called general meetings (or in some places they're called special meetings or extraordinary meetings), but they don't require all the things to be done that the strata laws require are done at the AGM.

The AGM is the primary way a strata entity holds itself accountable to its members, the owners of the lots in the strata scheme. It's like show and tell time. The accounts for the year are produced and examined. Reports from people working for the strata are tabled. It's where big decisions are made and when the committee for the following year is elected. It's also where fights are likely to break out if there's conflict in the ranks. Perhaps most importantly, it's where the strata manager will be judged.

You'll be judged on several things:

- Getting everything done that was agreed at the last AGM
- Calling the meeting on time and giving people correct notice
- Presenting the meeting papers coherently
- Completing the meeting in a reasonable time, with the necessary decisions having been made
- Having everything organised for the next year, in the life of the strata.

A highly effective AGM has many contributors:

- An active strata committee that has made valuable decisions during the preceding year
- A skilled chairperson who can keep the members on track
- A strata manager who has worked, often behind the scenes, to make the event run flawlessly. To achieve this, the strata manager needs a sound technical knowledge of the strata laws, command of the accounts, and some knowledge about how people behave when they meet.

AGM roadblocks and how to get around them

A key indicator of the performance of any strata office and their managers, is that AGMs for the property portfolio are being held on time – it's a sure sign that the managers are in control.

The opposite is mayhem – fudging your way through a meeting, getting back to the office and throwing the meeting papers to one side while you meet your next deadline, or missed deadline. By the time you get back to your meeting papers you've forgotten the details, can't read your writing and the members are emailing you about the minutes and when the next meeting's going to be held. It can be a vicious cycle and you can only pull yourself out of it, one strata scheme at a time.

Your next AGM is a good place to start, but first let's identify why AGMs aren't held on time. Where are the roadblocks and how do you get around them?

Roadblock #1 – The date isn't set at the last AGM

It's the end of the meeting, it's been intense, and everyone wants to get home. No one thinks to set the date for next year's meeting – it seems so far away.

The months roll by issues come and go, and before long, it's *that* time again but no-one's watching the calendar. The days and months continue to drift on, until the last levy's been collected and then what? You have no budget, no levy scheduled, and the money's running out fast.

That's exactly how a practice or individual's portfolio starts to go bad and it's easily avoided by one 60-second task – agree at the end of every AGM, to meet on the same day next year. Or pick another day. It doesn't matter. Just pick a day.

Conversation Tip

If someone says:

"I can't plan that far ahead"

You say:

"We can always change it if we have to"

Because you're thinking to yourself, *"I can't afford not to plan that far ahead"*

Once it's set, the date goes into the office diary and when you and your team periodically look forward to what's ahead, the date of the next AGM is less likely to be missed. It's like writing down a task on a 'To Do list', and magically things get done.

Roadblock #2 – The accounts haven't been well maintained and closed off in time

A good set of accounts is essential for an effective AGM. It's likely that the accounts are managed by someone else in your office – so there's several hurdles ahead of you, to make sure you have the accounts finalised for the AGM:

- 1. First hurdle:** there's someone else to blame. Don't let your accounts team become your imaginary enemy – good teamwork will make you look better before your owners.
- 2. Second hurdle:** getting the invoices sent to the right place, each time, to save double handling. Spend some time with your accounts team and contractors to get a good system going. It's worth the effort.
- 3. Third hurdle:** consistent coding of invoices, so that each year apples are being compared with apples. This requires good communication between you and your accounts team (and some attention to detail from you along the way).

With so many moving parts in the life of a strata, a good set of accounts is the result of just one thing – regular maintenance, but not by the accounts clerk. They work on them day in day out and often become too familiar with them, to see the errors. Good accounts come with teamwork and that requires some monthly maintenance, by the strata manager.

Practice Tip

Sometimes, you see notes on AGM notices saying:

"ALL QUESTIONS ABOUT THE ACCOUNTS MUST BE MADE IN WRITING TO OUR OFFICE AT LEAST 24 HOURS BEFORE THE MEETING".

Oftentimes, that statement is written by a strata manager who's been crucified at a meeting for not being on top of the accounts. They thought the note would fix the problem – of course, it doesn't.

People at the meeting must be able to answer questions about the accounts. If the answer requires investigation, simply say:

"I will have someone look into that and call you with the answer".

It works every time, but you must call them the next day and it's best to do it yourself... or you'll lose trust.

Conversely, once you've done what you said you'd do, it builds trust, so you have some credit in the bank for next time. Chances are that's the person who'll have an obscure question for you every year about the accounts. It's a game people play.

Roadblock #3 – An audit hasn't been arranged when required

You think the accounts team are arranging the audit. They think you're doing it. No one does it and the papers have to go without the auditor's certificate.

It's a paradox that strata audits are almost always clean, but when they don't go out with the accounts, people jump to conclusions that you're hiding something.

To resolve the issue, develop a clear understanding with your accounts people about who's doing what – but when it comes to the crunch, the strata manager takes the fall. So, it's always best to keep a close watch on the timing and book in the audit as soon as the financial year closes. Make it a deadline that your accounts team must meet.

Roadblock #4 – The treasurer/committee is procrastinating about the budget

No one likes to deliver bad news, but budget pressures don't go away by ignoring them.

The first step around this roadblock, is to do the work for the treasurer and set a realistic budget based on solid assumptions that you've explained to them. The second step is to use the presumptive close. It goes like this:

Technique Tip

"Hi Lee, the budget for next year is attached. You will see my notes on the major variances.

The AGM meeting papers are due out on [date] so if I haven't heard from you by [deadline] I will let it go out to the members. It can always be adjusted at the meeting."

Roadblock #5 – Various reports are not to-hand, and you're waiting for them before calling the meeting

Chances are the reports for the meeting are late because they weren't ordered on time. That happens. But holding up the meeting for them is hardly ever the right thing to do.

It's best to push on, cop some criticism (if it's fair) but push on, nevertheless. Hopefully, you can get the reports in time to present at the meeting or attach to the minutes.

The right place, time and notice

The right place for a meeting

Not all strata schemes have a meeting room big enough to hold a general meeting, but that's no excuse for expecting people to meet in the garage with you resting your papers on the bonnet of the chairperson's car. That type of behaviour pays no respect to you, or the job you're doing for the strata.

Meetings should be held in appropriate places. That might be at your office, at the strata building or at a local library or community meeting hall. It might also be online if that is permitted in your state or territory.

If you're meeting in your office, make sure that if the room gets full, you have enough seating and ventilation. Also, make sure the office is tidy. Owners won't have confidence in you if all they see are boxes of paper and files scattered about the room.

Sometimes, a foyer or BBQ area at the building will suffice and it can make it easier for people to attend. Just make sure the area is safe, weather protected, that everyone has a chair, and you have a table. Cafes and restaurants should always be avoided – they become more social than business. And alcohol is to strata as a match is to petrol. Don't allow it.

Right and wrong times to hold a meeting

There's also the question of the right time to hold a meeting. Always consider the needs of people in employment, parents raising young children, those that don't drive at night, and people of religion for whom certain times and days are sacred. The list of hurdles often seems insurmountable and you probably won't please everyone... but be kind. Providing different ways to participate in meetings – by teleconference and electronic means – is another good way to manage the competing demands of participants.

Giving the right amount of notice

There are different rules in each state and territory for how much notice must be given for a meeting. Some places allow electronic distribution. Ensure that you adhere to whatever is prescribed for your location and remember to allow for the 'postal rule' if you are sending even one owner notice by mail.

Practice Tip

The 'postal rule' is a rule that's contained in each state's legislation about how to interpret legislation and it applies to strata laws.

The 'postal rule' says that in each case where notice of something may be given by post, the item is deemed to be received on a particular day. Some interpretation laws say that the item is deemed to be received after a fixed number of days, for example 7 working days excluding the day of postage.

Others unhelpfully say the item is deemed to be received when it would have arrived in 'the ordinary course of post. In the case of the later definition, you should use 7 working days as the current benchmark for 'the ordinary course of the post'.

The interpretation laws also provide that if the day for doing something falls on a Saturday, Sunday, or public holiday, then you can do it on the next working day.

Of course, if your local laws permit you to give notices by electronic methods, the 'postal rule' may not apply. But be careful – if just one owner requires services by post, then the postal rule will still apply to the notice.

Pre-meeting notice preparation

It's important to be well prepared for an AGM so that your clients (the strata owners), feel confident in your ability to manage their money and assets. Well ahead of the AGM, check these three things are complete:

The action items from the last AGM have all been done. (Bonus points for telling your owners that everything from last year's list has been done!)

The strata roll or register has been updated with all notifications of change of address and ownership. Nothing creates a worst first impression than not getting an invite to the meeting or spelling names incorrectly.

You've taken appropriate action to collect levy arrears. Be particularly careful about office bearers and committee members being in arrears – a quiet word ahead of time, can avoid embarrassment.

Imagining success

When you start planning and preparing for your next AGM, begin with the end in mind. How do you want to feel when the meeting ends – confident that you've presented the issues fairly, that everyone has had their say, that you were able to guide owners through the issues, that you have a good working group and platform for the year ahead?

Positive visualisation teaches your brain to recognise what resources you need to help you succeed in reaching your goals. Let your imagination be your inner motivator for success.

Chapter 1 Summary

In the preceding pages, you covered:

- The AGM is the primary way a strata entity holds itself accountable by reviewing the work of the previous year and making plans for the next.
- There will inevitably be roadblocks on the way to getting an AGM held on time. Dates might not be agreed in advance, accounts not closed off, audits not completed, budgets not signed off by all stakeholders and reports not finished. However, there is a way to deal with all those things if you're determined to push on.
- Taking care to give the right notice and to choose the right time and place for the meeting sets the foundations for a great meeting.
- Get prepared for the meeting by making sure all the action items from last year have been completed, the books and records are up to date (including the strata roll) and you're on top of levy arrears.
- Visualising a great meeting will help you to instinctively know what to do and motivate you toward success.

Issuing notice of an AGM

Chapter 2

In this chapter, you'll learn:

- There are three elements within a set of AGM papers, that must be integrated to form the script for a great meeting
- As meeting papers become more voluminous (due to ever changing strata laws), thoughtfully presenting them can make a big difference to the outcomes of the AGM
- There's a formula for writing effective motions
- Explanatory notes can add value by setting context for voters
- There are other laws that apply to an AGM beyond what's in the strata laws for your state or territory

Elements of a notice

The papers for an AGM are comprised of three elements:

1. **The notice** – where, when, and how people participate
2. **The agenda** – what's to be considered and decided at the meeting
3. **The attachments** – what should be read and forms to be completed, before the meeting.

In some places the format of the notice is prescribed by legislation. It might also be that your operating software has a set format for a meeting notice, but that's no excuse for it being wrong.

Practice Tip

Check your office templates from time-to-time, to make sure they're correct and they make sense to the reader.

The notice

Think of it as an invitation to a function – the key information must be clear. Have you got the right time, right date and the right day of the week?

Practice Tip

Be careful using last year's notice as a template – it's easy to forget the basic details when you're focused on the budget and other big issues for the forthcoming meeting.

The agenda

The agenda outlines a list or program of things that need to be done or considered at the AGM. However, there are different rules for what *must* be considered at a general meeting, in different locations. Check the technical notes come with this book, for details on your state or territory.

Your AGM should not last more than 2-hours (or 3-hours at the outside if there's something contentious to be decided). No one has much an attention span for anything longer. To ensure you get the job done in that time, you and your owners need to be well prepared. A good agenda can help.

Five things that improve the effectiveness of your agenda and help shorten AGMs are:

1. **Include a scheduled finish time** – all agendas have a start time, but few have a finish time. It's amazing what a difference that can make.

When people are invited to a function, they like to know what to expect and the expectations of their host – it helps them mentally prepare and accept that as the terms of their attendance. For example, most people get to a wedding on-time and observe the dress standards – it's no different with strata meetings. If you let people know what to expect, then there's more chance that things will work out the way you've planned.

2. **Ask the chairperson to start right on time** – even if there's not a quorum present in the room, it's important to open the meeting on-time and get on with the preliminary business.

Practice Tip

Even if you need to wait for the 30-minute mark before deciding if you have enough attendees and votes to make a quorum, it's better to proceed with opening the AGM than to delay starting.

There's an exceptionally good reason for starting on schedule – it shows due consideration to those who got there on-time. As an attendee, there's nothing worse than hearing at the scheduled start time of a meeting, *"We'll just wait 10 minutes for others to arrive."* Why should those in attendance wait? They managed to organise themselves – they beat the traffic, got a park, fed the dog and did all those other things they had to do – to be on-time for the meeting. So, give those

people the same courtesy they've showed you and their fellow owners. In doing so, you'll gain their respect by being firm but fair, and courteous.

- 3. Ask the chairperson to outline (at the outset of the meeting) when the meeting is expected to finish.** That reinforces the message in the agenda, lets people know what's ahead and they'll appreciate both the guidance and respect you have for their time.

Of course, there are always exceptions and things can happen that hijack the meeting plan but dealing with those infrequent things (when they occur) is better than a lifetime of running drawn out meetings.

- 4. Set the pace in your agenda.** Set specific timing benchmarks for what stage the meeting should be at, by certain times.

Technique Tip

Agenda breakdown example:

10am	Call to order
10:10am	Approval of the minutes
10:45am	Financial accounts complete

A clear schedule helps to progress the meeting and ensures there's sufficient time allocated for everything that needs be done.

- 5. Finish on time** – and most importantly, thank people for their cooperation in achieving that outcome. A highly effective meeting has many players, and they should all be acknowledged for their efforts.

By adopting these techniques, you'll soon become known for running a snappy (and effective) meeting, which means you'll stand out from just about every other meeting organiser your owners have ever known.

Presentation of the papers

By virtue of the number of things that the legislation says must be contained in and sent with, a meeting notice, there's a lot of paper. Therefore, it's important to take care with the presentation of the meeting papers. There are five things you can do with your papers to help the meeting run smoothly:

- 1. Have a list of contents**

You're telling the story of last year and painting a picture of what next year looks like, so remember that all good books have a contents list.

2. Order the attachments

Make sure they're in the same order that they're referred to in the meeting papers and in the agenda. For example, if the notice refers to proxy forms before the accounts, put the proxy form in front of the accounts, so that the bundle is logical for the reader.

3. Paginate the entire bundle of papers, including the attachments.

Nothing will save more time and reduce frustration than being able to say –

“That’s on page 73 of your meeting papers”.

The alternative is –

“That’s the report behind the one that looks like this”

...while holding up a report that can't be seen clearly from the middle row.

4. Make sure all the papers can be read and are neat.

No faded print, no crooked copying, no small fonts that are unreadable.

5. Make sure all the attachments are attached/included.

AGM meeting papers tend to go out at the last minute and in the rush, it's easy to miss something.

Practice Tip

Excessive amounts of self-promotion in the meeting papers doesn't go down well. And there's a simple reason for that – nothing irritates strata owners more, than strata managers' charging a small fee per page for photocopies. Most owners think it's petty and would prefer you be upfront about the real cost of your service.

Perhaps you have no control over those charges – because it's decided by the owner of the practice. However, if you're the person who's handling the angry or irritated owners at a meeting, do yourself a favour and don't waste paper by putting a cover sheet on every section, with your corporate logo. If you think cover pages are necessary, then don't brand them.

Of course, different rules apply if you're not charging extra for the copies, but there's still the environment to think about.

Some people love to nit-pick and take great pride in finding the spelling or grammatical mistakes in your meeting materials. Take as much care as you can, but sometimes mistakes happen. So, if you're called out on a mistake, be gracious and offer a simple *“Thank you for correcting that”*, before moving on quickly. Whatever you do, don't make excuses or blame others in your office.

Technique Tip

Here are some common errors you can watch out for, to avoid embarrassment:

- **Accept / except**

Accept: to receive

Except: not including

Memory trick – ‘Ex’cept – ‘Ex’cluding.

She was willing to *accept* my explanation of the strata plan.

Despite my best efforts, we agreed everything *except* what the strata plan meant.

- **Affect / effect**

Affect: to have influence on

Effect: a change the result of something

I am going to *affect* strata in this country by preaching reasonableness.

After the meeting, my guidance notes about acting reasonably were put into *effect*.

- **Your / you’re**

Your: used to attribute something

You’re: a contraction of you are

Your building has an administrative fund deficit.

You’re going to have to strike a special levy to fix your administrative fund deficit.

Writing SMART motions

There are both compulsory motions for meetings that *must* be on the agenda and motions concerning other things *may be* on the agenda.

Often the strata manager will be called on to frame the motions included in the agenda by the committee – especially those that are mandatory. AGM motions do not require a mover or a seconder. Any owner can submit a motion for resolution at an AGM.

When framing motions for a meeting, remember they should always be SMART:

- S** Specific
- M** Measurable
- A** Action oriented
- R** Realistic
- T** Technically correct

An example of a SMART motion

“That the owners corporation replace the barbeque in the pool area at a cost of \$3,200 before the commencement of the summer holidays, by accepting the quote from XYZ being the lesser of the two quotes attached.”

Technique Tip

The above motion is SMART because it’s –

Specific	It relates to a particular thing – the barbeque near the pool.
Measurable	You can tell if the motion has been implemented by determining if the barbeque near the pool was replaced before the summer holidays started.
Action oriented	There’s a call to action – replace the barbeque.
Realistic	The timing is logical and capable of being met. The motion avoids ambiguous terms like immediately or forthwith. The motion comes with quotes and a recommended provider included.
Technically correct	The barbeque is on the strata entity’s common property managed by the strata entity.

Examples of bad motions that should be ruled invalid

Poor motion	Why it’s invalid
<i>“That the strata entity keeps all the equipment on the common property in good working order”</i>	Motion isn’t specific
<i>“That the strata entity should improve the common facilities”</i>	Motion isn’t measurable and how do you tell if it’s been implemented
<i>“That the strata entity considers fixing the barbeque”</i>	Motion isn’t action oriented because it only requires thought, and doesn’t require anything to be done
<i>“That the strata entity keeps the barbeque working at all times”</i>	Motion isn’t realistic – things break
<i>“That the strata mow the lawn on the block next door to keep up appearances”</i>	Motion isn’t technically correct as the strata has no power to spend money doing something on another property

Explanatory notes that add something

Some jurisdictions insist that certain AGM motions come with explanatory notes. However, whether they're compulsory or not, they're a good idea – but only if they add something to the mix.

Technique Tip

Explanatory note example –

a. Motion for the appointment of an auditor

“That an auditor be appointed to audit the accounts to be considered at the next AGM to be chosen by the committee at a cost not to exceed \$1000”.

b. Explanatory note

This is a compulsory motion under the provisions of the strata law.

c. Review commentary

The motion is good. The explanatory note is not.

The reader doesn't know what a compulsory motion is and won't care why it's compulsory. In fact, the word compulsory is confusing in this context. If something is compulsory, why are they voting? What the reader will want to know (or should know before voting) is why they should do the recommendation/motion.

A better explanatory note

Each year, the strata must consider whether to appoint an auditor. It's your choice. If the accounts are to be audited, the auditor will review the accounts to determine whether the financial statements follow generally accepted accounting principles.

This motion provides for the selection of any auditor to be made by the committee, to avoid any conflict or perceived conflict of interest on the part of the strata manager and caps the costs at a maximum sum, as a matter of good financial control.

Legal requirements other than strata laws

Each of the states and territories of Australia have legal requirements within their strata laws. Those requirements must be complied with, when holding an AGM. The details for all eight jurisdictions are in the technical notes that come with this book.

This book focuses on the bigger picture of AGMs and how to run them effectively – not on the technical issues. That said, there are three other non-strata law legal issues, that must be considered when holding an AGM.

1. Health and safety laws

Both the strata entity and your strata management company have duties of care for your health and safety at work. That duty of care includes when you're attending meetings – wherever they may be located.

Employees also have duties to take care of themselves, so be conscious of this and exercise common sense. Night meetings, remote meetings, hostile meetings, home held meetings, construction site meeting and meetings held during pandemics all have risks and that should be assessed and managed appropriately by all concerned.

2. Discrimination laws

It is unlawful for a strata entity or strata management company to discriminate based on age, sex, race, disability, relationship status, intersex gender, gender identity or sexual orientation.

Here are some examples of meeting related issues that may be in breach of discrimination laws:

Possible issues	Possible discrimination laws breached
Holding the meeting on a Saturday	Religious discrimination
Not having appropriate access for the frail and differently abled people	Disability discrimination
Referring to someone as 'love' or 'darling'	Sexual harassment
Not providing papers in different languages upon request upon request or charging a fee for them	Race discrimination
Asking a breast-feeding parent to leave the meeting	Parenting discrimination

This is a complex and emotionally charged area, so be careful about special meeting requests and allegations of discrimination. Never assume that people are joking about those things.

Ensure that you take urgent advice from your principal or a lawyer before responding, because otherwise fines, considerable hurt and embarrassment could result.

3. Defamation

In the heat of a strata battle, things may be said that are defamatory. Inadvertently, strata entities and managers can be caught up in those defamation cases if they publicise a defamatory statement.

Practice Tip

Inadvertent defamation examples -

- a.** A motion (submitted by an owner) that contains a defamatory statement is sent out by the strata manager. Your action in distributing the papers containing a defamatory statement can be considered a 'publication' under defamation law and therefore makes you as liable as the person who made the original statement. (And you just thought you were doing your job!)
- b.** Repeating defamatory statements in AGM minutes, is another example risk to strata managers.

There may be protection from liability in your strata laws for these things, but it's best not to take the risk

Chapter 2 Summary

In the preceding pages, you covered:

- The three basic elements of a set of AGM papers that must work together to form the basis of a great meeting- the notice, the agenda and the attached reports and other documents.
- The benefits of thoughtfully presenting the AGM papers in a single paginated volume for easy refence at the meeting.
- Motions must be SMART - specific, measurable, action orientated, reasonable and technically correct.
- Explanatory notes can be useful to set context for voters, but shouldn't be full of jargon, useless, or confusing information.
- Laws other than strata laws apply at an AGM, including laws about discrimination, work health and safety and defamation.

Meeting preparation and procedures

Chapter 3

In this chapter, you'll learn:

- Things to do one month out from the AGM
- What to take to the meeting?
- What procedural rules apply to an AGM?
- What to do during the pre-meeting registration period
- Chairing meetings – useful information whether you are chairing the meeting or advising the chairperson.

The procedural rules for strata meetings vary from state to state and the finer details for all eight jurisdictions can be found in the technical notes that come with this book. By contrast, this chapter focuses on the bigger picture issues of meeting procedure that apply across the country.

Things to do one month out

At least a month before the date of the AGM, check:

- That the date and time haven't been changed by the committee
- The venue – address, contact details, availability, room suitability
- That all action items from the previous AGM (and/or other general meeting) have been completed and if not, act as required
- That the strata roll and contact details for all owners/ tenants are up to date.

What to take to the meeting?

Experienced strata managers have a checklist of things they always take to a general meeting and have at their fingertips during the meeting.

Generally, the list includes:

- Strata roll, noting unfinancial owners and companies without nominees (where these are necessary)
- Any unexpired proxies from previous meetings
- New proxies received
- Voting cards or paddles
- Voting spreadsheet or app pre-populated with unit entitlements, unfinancial lots, company nominees and proxies
- Stationery – pens, notebook, calculator
- Most recent building valuation
- Current insurance policy

What procedural rules apply to an AGM?

For strata meetings, the law of meeting procedure comes from two places – the strata laws for the state or territory concerned, and the common law.

Strata laws flow from state and territory legislatures and are contained in Acts of Parliament, while common laws come from court rulings based on applying precedents. If the strata laws cover something specific, then the common law does not apply. However, if the strata laws are silent on something, then common law fills the gap.

Practice tip

Strata law v's common law example –

The strata laws in one state may say that *at least 21 days' notice* must be given for a general meeting.

The common law says *reasonable notice* must be given for a meeting and what is reasonable depends on the circumstance of each case.

In this example, the strata law deals specifically with the issue of notice, so the strata law is applied rather than the common law.

Apart from the meeting matters covered by strata law and common law, strata entities are free to make up their own rules and procedures. However, the problem is that most strata entities don't make their own rules and procedures and instead, they muddle their way through until an issue emerges.

Pre-meeting registration

The 30 minutes before an AGM are hectic, so make sure you get to the meeting 45 minutes early. People often start arriving 30 minutes early, so you can use the 15 minutes before that, to get work done that helps the meeting run more smoothly.

Two essential tasks are:

1. **Record attendances.** You need to know who is in the room for the minutes and to assist the chairperson with advice about voting rights and the 'right to speak' on motions.

So, as people arrive, note their names and the capacity in which they are attending. Generally, proxy holders can speak and those without a proxy or other voting right, may only speak if permitted by those present and entitled to vote.

In addition to owners, you may have care support people, building managers, contractors, lawyers, members of the press and tenants in attendance.

2. **You need to know who is in the room.** In some states, there are special rules about the extent to which tenants may participate in an AGM. Check the technical notes for your state and territory for more details.

Before the meeting starts, you need to have worked out who can vote – so you need to know the following five things about the people in attendance –

5 Things to know about attendees	Why?
Who is in the room? Not everyone will be voting...	Some people will be there to observe, support others, give professional advice or representation, or to sell their services to the strata.
Whose name is on the strata roll or register?	The roll or register is the sole determinate of who has voting rights.
For companies, who is authorised to vote?	In some places a company must have a nominee noted on the strata roll or register before the company is eligible to vote.
Who is unfinancial?	They will not be able to vote on some motions.
Who has given a proxy form and to whom?	In some locations there are limits on the number of proxies one person can hold.

Chairing meetings

In some states and territories strata managers are not allowed to chair meetings. In others they may be able to (with the approval of the meeting), but only if the chairperson is not in attendance. In other locations, the strata manager may chair the meeting if given delegated power to do so.

Practice tip

Whatever the situation is in your locations (refer technical notes), you will either chair the meeting or be so involved in assisting and advising the chairperson, that it's essential for you to have a good working knowledge of basic meeting procedure.

The following table will assist you with meeting procedure:

Task	Chairperson says (conversation tip)	Why
Introduce yourself	<p><i>"Good afternoon, my name is [name] and I am your [position - chairperson or strata manager].</i></p> <p><i>Welcome to our annual general meeting.</i></p> <p><i>At the outset, let me indicate the amenities are [give directions] and in the event of an emergency please follow the directions of [safety officer] and follow the exit signs."</i></p>	<p>You shouldn't assume people know who you are and what position you hold.</p> <p>If you are holding a meeting at your office, make people feel welcome and point out the amenities and emergency exits to observe common courtesy and work health and safety procedures.</p>
Declare the meeting open	<p>"I declare the meeting open at [state the time of the declaration which should be the time specified in the meeting notices]."</p>	<p>Everything decided from this point is recorded in the minutes. That doesn't mean you record everything that happens, just everything that's decided.</p>
Indicate the scheduled finish time for the meeting	<p><i>"Our meeting is scheduled to last for up to 2-hours. That means we expect to be finished by [state expected finishing time].</i></p> <p><i>Let's all try our best to conclude our business within the allotted time."</i></p>	<p>This statement creates an expectation and indicates there's no time to waste.</p>

<p>Call for apologies</p>	<p><i>"I have apologies from [name those extending apologies]. Are there any other apologies to be recorded?"</i></p>	<p>This is not necessary, but some people might like their apology noted so as not to disrespect the meeting and their fellow owners.</p>
<p>Record attendees</p>	<p><i>"May I please confirm that everyone in the room has recorded their attendance as they entered? Has anyone not recorded their attendance?"</i></p>	<p>The record of attendees and the capacity in which they are attending determines the quorum and the voting outcome of some types of motions.</p>
<p>Admit proxies (and if applicable in your state) any written votes</p>	<p><i>"I have valid proxies from the following - [lot x in favour of Mr./Ms. X] I rule the following proxies are invalid - [lot x in favour of Mr./Ms. X and state the reason for the ruling]."</i></p>	<p>Rulings on the proxies are necessary because valid proxies will be counted towards the quorum and in determining if some types of motions are passed.</p>
<p>Declare a quorum</p>	<p><i>"I declare that those present and entitled to vote, constitute the necessary quorum and we may proceed with the business of the meeting." "I declare that there is no quorum at present, and we shall wait 30 minutes to see if one is reached." "There being no quorum after having waited 30 minutes, I declare -</i></p> <ul style="list-style-type: none"> • those present are entitled to vote as a quorum. • the meeting shall proceed without a quorum and all motions passed shall be regarded as retrim motions until confirmed by the procedures set out in the strata act. • the meeting is adjourned for 7 days, at the same time and place. 	<p>Check your location's technical notes for the required quorum. You may be allowed 30 minutes to see if latecomers make up a quorum. Different laws in different states and territories allow for various options in the event of no quorum being reached. Check your local laws by referencing your technical note.</p>

<p>Declare the order of business</p>	<p><i>“We shall proceed by taking the motions on notice as set out in the agenda and deal with general business at the end.”</i></p>	<p>In some places, no general business is allowed at the AGM. That means all motions have to be set out in the meeting papers.</p> <p>Even so, owners like to be able to raise general matters while they are all together, so you might allow a general discussion afterwards and refer those matters to the committee.</p>
<p>Motion 1 – confirmation of the minutes of the last AGM</p>	<p><i>“Last year’s minutes have been circulated. Are there any corrections?</i></p> <p><i>Is it the wish of the meeting that I sign these minutes as correct</i></p> <p>(or ‘as corrected’ if they were amended) as a true and accurate record of the last AGM?</p> <p>[show of hands]</p> <p>I declare the motion carried.”</p>	<p>Discuss and agree amendments.</p> <p>Don’t record any objections to the decisions – that’s not the purpose of confirming the minutes.</p> <p>Discuss and agree amendments.</p> <p>Don’t record any objections to the decisions – that’s not the purpose of minutes – minutes are for recording decisions, not points-of-view.</p> <p>By common law, no proposer or seconder is required for anything that’s outlined in the agenda.</p>

<p>Motion 2 and following</p>	<p><i>“We will now move to the [next] motion on the agenda.</i></p> <p><i>Does anyone wish to speak AGAINST the motion?”</i></p> <p>“As no one wishes to speak against the motions I put the motion to the vote.</p> <p>[show of hands]</p> <p>There are [number] in favour [number] against and [number] abstentions. I, therefore, declare the motion [carried/lost].”</p> <p>“As we have a speaker against the motion, the order of debate will be the speaker against, then speaker for, (alternately) with no speaker speaking more than once other than on a point of order (for example to correct a misquote).”</p>	<p>If no one wishes to speak against the motion it may be put to the vote. This saves time talking about something that’s agreed by all.</p> <p>The minutes will record the chairperson’s declaration of the vote.</p> <p>Those present are entitled to know the voting margin. A poll may be called before or after the declaration of the vote – see below for how to take a poll.</p> <p>Strictly following this formula will ensure a smooth debate.</p>
<p>Dealing with requests to amend a motion</p>	<p><i>“There is a motion to amend the motion by [deleting/ adding/replacing words] so that the motion will read [read out the motion as it will stand if the amendment is allowed].</i></p> <p><i>Is there anyone that would like to speak against the motion to amend the motion? Please remember we are simply discussing if the amendment should be allowed.</i></p> <p><i>If the motion to allow the amendment is carried, the motion as amended will then be further debated.</i></p> <p><i>If the motion to allow the amendment is lost, then the motion as originally put will be further debated and voted on.”</i></p>	<p>The chairperson’s first duty is to make sure the proposed amendment does not negate the motion (for example, by inserting the word; ‘not’).</p> <p>Next, the chairperson must invite debate on whether the amendment should be allowed. (That’s not the same as passing the amended motion.)</p> <p>If allowed, then the motion as amended is debated and put to the vote.</p> <p>If not allowed, the motion as originally put is debated and put to the vote.</p>

<p>When a person wishes to speak who is not entitled to vote (i.e., not an owner or a person holding a proxy).</p> <p>For example, a lawyer engaged by an owner on a controversial motion.</p>	<p><i>“Mr./Ms. [last name, describe capacity in which they wish to speak e.g., lawyer for lot x] wishes to be heard.</i></p> <p><i>If there are no objections, I propose to allow the speaker to be heard for a limited time of 5 minutes.</i></p> <p><i>[If there are objections] I put it to the meeting that [name] be allowed to speak for a limited time of 5 minutes.”</i></p> <p>(If vote lost, the speaker says nothing further.)</p>	<p>In places where an owners corporation has a duty to act reasonably, care should be taken not to exclude speakers as long as they observe the chairperson’s ruling about time.</p>
<p>Conducting a poll vote</p>	<p><i>“A poll has been requested on this motion</i></p> <p><i>[or]</i></p> <p><i>This type of motion must be conducted by a poll vote.</i></p> <p><i>This means the votes will be counted by entitlements of each lot rather than ‘one vote one lot’.</i></p> <p><i>We will do this by [either call and record the vote for each person entitled to vote or hand out voting cards to allow the vote to be recorded against each lot].”</i></p>	<p>Voters have the right to call for a poll and will do so if they think on an entitlement basis, they can change the result in their favour.</p> <p>This process can take a while in large schemes.</p> <p>You can allow people to take a break while the vote is counted.</p> <p>You should not leave the counting until after the meeting and say that the outcome will be communicated in the minutes.</p>
<p>Ruling motions out of order</p>	<p><i>“I declare the motion to be out of order because it is inconsistent with a previous resolution of this meeting (this comes from common law).</i></p> <p><i>It conflicts with section [section reference] of [state the Act, our by-laws or other law with which the motion conflicts] it is unenforceable.”</i></p>	<p>The chairperson must state the reasons for ruling a motion out of order.</p> <p>The chairperson has the last say on these matters.</p> <p>The disaffected can be invited to make an application to the disputes tribunal if they are not happy with the ruling.</p>

<p>Applying the gag (a procedural motion used when someone won't stop talking after having been given a fair opportunity to make their point)</p>	<p>(On this motion the chairperson may interrupt the speaker)</p> <p><i>"A motion has been proposed by [name mover] that [name the speaker] that the speaker be no longer heard. Do I have a seconder for that motion?"</i></p> <p>(If seconded) <i>Does anyone wish to speak to the motion that the speaker be no longer heard?</i></p> <p><i>I put the motion.</i></p> <p>[show of hands]</p> <p><i>I declare the motion carried/lost".</i></p> <p>(If the motion is carried, the speaker says nothing further.)</p>	<p>You may be allowed 30 minutes to see if latecomers make up a quorum.</p>
<p>Handling general business</p>	<p>(in places where no general business is allowed at an AGM) say -</p> <p><i>"I will now open the meeting for a discussion on any items of general business. Matters discussed may be referred to the incoming committee for consideration."</i></p> <p>(where general business motions may be taken at the meeting)</p> <p>say -</p> <p><i>"Would the speaker now give us the words of the motion, so we are clear about what we are being asked to decide?"</i></p> <p>(Have the strata manager or secretary write down the motion and read it back to the meeting before asking for a seconder and putting the motion to the vote).</p>	<p>As owners have assembled to discuss business, it can irritate them that they can't discuss things that matter to them.</p> <p>It's best to let this happen in an informal way and without taking a vote on anything, and then refer matter to the committee for further consideration.</p>

Electing the committee	(This should be the last thing done before closing the meeting).	<p>The laws of each location will determine exactly how an election takes place.</p> <p>If there is a contest for the position of chairperson and the current chairperson is standing, then the chairperson should temporarily vacate the chair in favour of someone else to preside while the election of the chairperson is being held.</p> <p>Whether the current chairperson wins or loses, they resume the chair and preside until the end of the meeting.</p>
Determining the date of the next AGM	<p><i>“I propose that the next AGM be held on the first working day after this date next year, at a place and time to be advised or otherwise as determined by the committee.”</i></p>	<p>This motion gives the new committee a goal to work towards while at the same time giving the committee discretion to change the date if needed.</p>
Vote of thanks	<p><i>“I wish to propose a vote of thanks to [name] for [contribution] and ask that we show our appreciation in the usual manner.</i></p> <p>(lead the applause)</p>	<p>There should be more appreciation shown to volunteers that contribute to strata life. A small gesture like this, if done sincerely, goes a long way to encouraging greater participation.</p>
Closing the meeting	<p><i>“I declare the meeting closed at [time] and congratulate all present on completing our business within the time allotted.”</i></p> <p>(The chairperson should physically move away from the chair to somewhere else in the room to emphasis the formal business of the meeting is over)</p>	<p>This will set the tone for next year’s meeting.</p>

Chapter 3 Summary

In the preceding pages, you covered:

- What you should do one month out from the AGM, that will have a direct bearing on the success of the event. Tasks include re-confirming basic details, keeping strata roll contact details up to date and making sure people know if they are unfinancial and therefore unable to vote.
- Things to take to the meeting, so you can respond quickly to anything asked of you – including having a spare set of meeting papers.
- The procedural rules that apply in your state or territory.
- Using the pre-meeting registration phase effectively, to make the meeting run smoothly, including knowing who's present and which of those people can vote.
- How to chair a meeting or help the chairperson with key catch phrases to use at the appropriate times.

Meeting craft

Chapter 4

In this chapter, you'll learn:

- How to develop your strata meeting confidence
- Overcoming the negative self-talk that will hold you back at an AGM, if you're not careful
- The art of making your meeting success look effortless
- Specific techniques for managing difficult people at an AGM including-
 - The angry mob
 - The bitter and twisted former chairperson
 - The waffler
- Four practical ways you can develop your meeting confidence.

One quarter of all people fear public speaking more than dying. Whether or not you're chairing an AGM, there will be a point in the meeting where you'll have to answer a question or address the meeting. That means you're in the business of public speaking.

The good news is your fear can be overcome and by being even a half decent public speaker you'll stand out from your competitors and colleagues. But there's more to meetings than being a good public speaker. There's also the art and science of meeting craft.

Meeting craft requires three things: confidence, techniques for meeting management, and experience.

Developing meeting confidence

Confidence is about having trust in yourself. Experts have proven it's something that both can and should be learned. It's also different to positive thinking.

I might think I can run a marathon, but unless I learn the proper techniques for marathon running and train daily for a sustained period, there's no hope of success and positive thoughts will not change that reality. Positivity without training and practice, can be a dangerous thing.

Here's how you can develop the skills you need, to confidently run and participate in meetings.

Know your subject matter

Perhaps nothing instills self-confidence more than a thorough knowledge of your subject matter. In strata management, you don't have to know everything – you just need to know more than your audience, and where to find out everything else.

Remember that you're a professional strata manager and almost everyone else isn't, so you have a head start on them. So, remind yourself of that before every meeting and never underestimate your own skills and knowledge.

Next, ask yourself, "What's the subject matter of the meeting?" There are several possible answers to that question: you might say the subject matter of the meeting is what's on the agenda – which of course is a correct answer, but is it the most correct answer? Or, you might think more broadly and say the subject matter of the AGM is accountability for the way the strata scheme is being managed. That's also true, but a lot of owners don't know what a strata scheme is or what's involved in keeping the books and records in shape.

The most correct answer to the question of what's the subject matter of an AGM, is that the meeting's about 'the owners'. The owners are coming to the AGM to protect their investment and enhance their lifestyle.

Practice tip

When you're preparing for an AGM, it's important you think like an owner. Therefore, knowing your subject matter for an AGM, is intrinsically about knowing your owners.

Things you should know about your owners

1. How many are owner-occupiers and how many are investors – because they think differently about maintenance?
2. How many are working and how many are retired – because they think differently about money?
3. How many different cultures are there – because people may have culturally different ways of responding to conflict?

Things you must know about the building

1. If you haven't recently been to the building (or at all), do a Google earth search and note the features of the property – then you can add some site-specific knowledge into your answers to meeting questions.

Conversation tip

For example –

“Bridgette, are you referring to the tree that's near the retaining wall on the southern boundary?”

2. Skim read the last building valuation – it will usually include photos and some useful basic information – when it was built, the configuration of the building and main building components.
3. Review the strata plan for any exceptions to the usual rules about who's responsible for what and note if the unit entitlements are equal.

Technique tip

Knowing the entitlement apportionments may enable you to avoid the pain of a poll if one is called at the meeting.

4. Run your eyes across the by-laws to check for subject headings in case something on one of those topics comes up at the meeting.

Technique tip

It's essential to know what the by-laws say about animals, smoking, visitor parking and short-term letting. One of these matters will almost invariably come up.

Finally, when it comes to knowing your subject matter, you need to be across the motions and all the papers that are included in the bundle, including the accounts.

With the accounts, remember that if you're representing the strata management company at the meeting, you must be able to answer questions or at least take responsibility for finding the answers and reporting back. You can do some helpful preparation by checking these things –

1. Be able to explain major variances from forecasts to actuals.
2. Make sure the accounting periods for comparisons are the same, if not you may have to annualise figures to make comparisons meaningful.
3. Get up to date about collection activity for major levy arrears.
4. Know the last building replacement valuation compared to the amount insured.
5. Have up to date bank balances.

Overcoming negative self-talk

The enemy of self-confidence is negative self-talk – that conversation you're constantly having in your head.

Everyone has dark thoughts from time-to-time, but even those people prone to mental illness can learn to change their thinking and unlock greater confidence and power. The process is called 'reframing' and it involves catching yourself every time you experience negative self-talk and changing your thinking about that negative self-talk.

Some examples related to public speaking and managing meetings are:

You think...	Another way of thinking...
<i>"These people are smarter than me."</i>	These are smart people, but I'm the only one here that's a fulltime strata manager.
<i>"I can't afford to make a mistake."</i>	Everyone makes mistakes. It's how you recover that impresses people.
<i>"Everyone will think I'm incompetent and we'll lose our management contract."</i>	Yes, sometimes committees change managers but that can happen for a whole lot of political reasons relating to the committee. Mostly people here want me to succeed so that their life is easier.

Look, act, and sound professional

Appearing professional must look effortless but achieving that is anything but.

Technique tip

To look professional, start by dressing well and use the 'one up' rule.

If you're running a meeting at a resort complex and owners will likely be in casual clothes, wear a collared shirt or blouse. If you're conducting a meeting where people will be coming from work, add a jacket. If the owners are likely to be wearing a jacket, wear a suit.

You get the idea. And whatever you decide on, don't ever underestimate the power of clean shoes.

Think about some of the most respected people you know - they'll always work the room. Arrive early, observe your surroundings, turn off your mobile, and introduce yourself to people, *'Hi, I'm Sandy, I look after your strata'*, and then be quiet. Let them talk and listen like they're the only person in the room.

Sounding professional is not a matter of using big words, it comes from eliminating waffle.

You say...	They think...
<i>"I believe so / I understand that to be correct/ To the best of my knowledge, Yes."</i>	They don't know and isn't confident enough to tell us they're not sure.
<i>"After all, we're all on the same page."</i>	No, we're not. I have my life saving invested here and you don't.
<i>"The building hasn't collapsed - it's moved in a downward direction."</i>	OK, this example is over the top, but that statement was reported in the press and attributed to a strata manager.

Techniques for meeting management

As with building your own confidence, there are also techniques you can learn that will enable you to manage difficult people and situations at strata meetings. There are different techniques you can use to diffuse the situation and move on with the decision-making process.

The angry mob

The first rule of strata AGMs is that a well-attended meeting, means something's wrong. The second rule is that if a group is sitting together and are noticeably distant from others, they're an angry mob.

Angry mobs form in strata entities around a common enemy or single issue. It might be defects affecting only their part of the complex, or resident owners unhappy with the performance of the caretaker. Whatever the underlying problem, their bonds are

strong and usually the mob forms itself when there's an information vacuum – or so it seems to them.

There are three techniques you can use to tame an angry mob:

1. Lance the wound

It's pointless trying to keep the lid on the pressure cooker. It's also pointless and inflammatory to say things like, *"Let's keep emotions out of this"*. The pressure must be released before people can behave rationally. Your job is to let the pressure off gradually, so things don't get out of hand.

Conversation tip

You might instead say –

"There's obviously a number of people here that feel strongly about [issue]. Let me assure you that everyone will get a chance to express their point-of-view".

At the outset, that's probably all people need to hear from someone in a position of influence. It's important to break these things down and not to move too fast. Angry people don't like to feel railroaded.

Another thing you might do is swap the agenda around so that the angry mob's issue is dealt with first. The chairperson (with the consent of the meeting) can do that, and it's often better to deal with the issue upfront than have other business derailed by suppressed anger. This gesture will also show respect for deeply held feelings and can help calm things.

2. Be Switzerland

Famously the Swiss have a foreign policy of neutrality on conflict between other states. It's seen them become world peacemakers. When an angry mob has formed, the strata manager must become Switzerland. You can't take sides. Doing that isn't helpful to finding a resolution and from a more self-interested position, it might be the only way you don't get caught in the crossfire.

Conversation tip

Useful phrases to use when you need to be neutral –

"Hold on a minute Bob, the condition of the common property is a real issue for Ahn. We need to put this on the list of things to discuss here."

"So, as I understand your points Jill, they are [one, two three, etc.]. Have I got that right?"

"It's not for me to say who's right and wrong, it's my job to help you find consensus on this."

3. Stick to the facts

In the heat of debate, people sometimes tend towards generalisations.

Wayne says - "We are constantly seeing..."

You respond - "How many times has it happened Wayne?"

Wayne says - "Well in my opinion..."

You respond - "Wayne, this is a difficult issue for others, so can I suggest no opinions, OK? Let's stick to the facts."

With a more neutral style of intervention (see above TIP), you're more likely to get to a solution.

The bitter and twisted former chairperson

This person comes to the meeting with hurt feelings and is often quick to take offense that anything done differently, is an affront to them and their term in office.

They'll likely be aggressive and say things like...

"That won't work"

"We've tried that"

"Useless"

"You don't understand".

The danger is that if left unchecked, this person will demoralise the group. Your job is to show respect to the person's contribution and point-of-view, but also allow new ideas to grow.

Recognise your limitations

The moment of conflict, in the spectrum of the lives of the combatants, is fleeting. Your reality is that you can't make sad people happy, rude people polite or stupid people smart. So, don't try.

Focus your attention on the things you can control - the way you respond to the aggression, protecting the rights of the meek to be heard, and keeping the meeting on track. They're the things that are important and the more difficult the situation, the more your performance will be remembered and rewarded.

Keep your cool

At some stage, the bitter and twisted will turn on you – and they’ll push your buttons to set you off. Regardless of them, always remain polite and calmly protect your reputation.

Conversation tip

Example inflammatory comments –

“You’re nothing but their puppet”

“That’s not right. My role is to serve the strata entity and the decisions are made by the group not by me. Just as I did when you were the chairperson”.

“But you...”

“Can I respectfully suggest this is not about me. The issue here is what do you as the owners do about...”

Don’t engage

As the abuse wears on, it’s tempting to set the record straight, but it’s very often not worth the effort.

Angry person says - ‘When I was... we did ... and that meant and now”

(cue raised voice and finger pointing)

“...and I refer you to (rustling through past papers) ... blah, blah, blah...”

“Thank you. Who would like to speak next?”

Eventually, the aggressors do themselves in with self-serving statements and rude behaviour and they eventually peter out. Then there’s nothing left for you to do – so do nothing.

The waffler

There’s one in every group. The danger is that the meeting wastes time on them and that people lose interest in the proceedings.

Conversation tip

They say -

"That reminds me of..."

"I heard that (gossip ensues) ..."

"Remember the time that..."

You say -

"Mike, I think we're getting a bit off track"

"That's your time up Sue Lin, we need to move on now."

Wafflers are relatively easy to handle. Just be gentle and do so before you lose the group.

Gaining experience

So, how do you get the experience you need to perfect these skills?

There are several things you can do:

- 1. Script some questions you think you'll be asked** and practice the delivery of your answers. Say the answers out loud and do it standing up - opening your body to the imaginary audience and gesture with your palms up.

Better still, video yourself and monitor yourself for improvement.
- 2. Ask colleagues and trusted committee members for feedback.** Ask them the hard question, *"How do you think I could have improved my performance tonight?"* rather than the softer one, *"Was I OK?"*.
- 3. Practice asking questions or making comments** at conferences, staff meetings and other community meetings.
- 4. Join a speaking group or take some training.** It's an investment that not many strata managers make, but given your profession, odds are that it will be money well spent.

Chapter 4 Summary

In the preceding pages, you covered:

- How to develop your meeting self-confidence by knowing the key things about your subject matter, your owners, and their building.
- Overcoming negative self-talk by using the practice of 'reframing' your thoughts.
- Techniques for dealing with difficult people at meetings including the angry mob, the disenfranchised and the bewildered.
- Practical, no/low-cost things you can do to gain meeting experience and develop your self-confidence.

Minuting the meeting

Chapter 5

In this chapter, you'll learn:

- When to do the minutes
- The pros and cons of recording meetings
- The correct terms to use in minutes
- How much detail to include
- How to action the resolutions.

Minutes matter for two reasons:

- They're a way to record the decisions made at the AGM
- They're sometimes the only thing sent to owners, that they read.

Therefore, it's important to be accurate and to ensure there's no spelling or grammatical mistakes.

When to do the minutes

After the AGM, there may be time limits specified to send out the minutes, but the best way to ensure they're accurate is to prepare them immediately after the meeting. That can be difficult if you're tired and there's other pressing work, but it's worth the effort. If left too long, they take much longer to do, and you risk getting them wrong.

As soon as you've done the minutes, share the draft minutes with the committee to check they're happy with your recording of the meeting.

Practice tip

Ask them to reply within three working days.

After receiving their feedback, distribute the draft minutes as required by your local strata laws.

The pros and cons of recordings meetings

It shouldn't be necessary to record the meetings for accuracy. If you take good notes at the meeting and prepare the minutes straight after the meeting, you should be able to capture everything required. The danger in taping a meeting, is that you then take poor notes (knowing you have the tape to fall back on), and then listen/watch the whole meeting again to transcribe the tape. It's not worth the effort.

Even though you may not need or want to tape a meeting, some strata entities may record their meetings with a voice or video recorder at the request of the chairperson or someone in attendance at the meeting. This is permissible if consent is requested before the tapes are turned on and where the meeting votes on a procedural motion to permit the recording. The exception to this is where recording meetings is expressly prohibited by the by-laws or by a resolution passed at an earlier general meeting.

Although permissible in some circumstances, a request to tape the minutes by someone in attendance is a sure sign trouble is brewing, so be on guard. It's always a good idea to keep your notes in case someone challenges your recollection. Also, if the recording is done for the strata entity, or a copy is given to the strata, the recording becomes part of the books and records of the strata and must be kept and produced on inspections.

Correct terminology for minutes

Motion v resolution

A motion is a proposed decision to be considered by a meeting.

A motion becomes a resolution when it's declared by the chairperson to be carried or passed.

Therefore, agendas refer to motions while minutes refer to resolutions – unless a motion is lost, in which case it remains a motion for the purpose of the minutes.

A resolution is the formal determination by the meeting and therefore should be as close as possible to the motion, while incorporating any changes decided by the meeting (for information on amendments see below).

Considered v adopted v received

The words used to record a decision can make a big difference in the meaning of the decision.

For example, a report or document can be 'considered', 'adopted' or 'received', however each means a different thing.

Technique tip

Use:

- 'Considered' if the report or document is simply noted or discussed
- 'Adopted' if it is agreed by the meeting
- 'Received' if the meeting disagrees with the report or document.

Confirmation of minutes v amending minutes

Confirmation of minutes is a formal declaration of the facts recorded in the minutes, that a particular motion was carried or defeated. That's all. A confirmation does not change the status of a decision.

It's either technically right or wrong when it was passed, and the confirmation is merely a record of that event.

Technique tip

"It was resolved that the minutes of the AGM held on [date] as circulated and amended be confirmed as correct."

"Carried 5 for, nil against and 7 abstentions."

If an amendment to the minutes is agreed to at the AGM, note the amendment precisely.

For example:

'Remove the full stop in the second resolution and add the words, "but the details of the proposal must be forwarded to all members, together with a copy of the minutes of this meeting"'

Next, pass the motion that the minutes as amended (and set out the amendment) be taken as read and confirmed.

If the amendment is simple, a handwritten amendment can be made on the draft and the chairperson can sign the minutes and initial the amendment.

Alternatively, a new set of minutes with the amendment can be signed by the chairperson and inserted with the previously circulated minutes.

Technique tip

Example of how to minute an amendment to draft minutes –

"It was resolved that the draft minutes of the AGM held on [date] as circulated be amended as follows:

- by deleting the words [text] in paragraph number [x]
- by adding the words [text] to paragraph number [x] Carried 5 for, nil against and 7 abstentions.

The minutes as confirmed should be signed on each page by the chairperson and be placed with the records of the strata entity. A bound minute book is not required.

How much detail should be included in the minutes?

The various strata laws of Australia prescribe the minimum amount of detail that must be included in minutes. For example, the minutes must include the people present, decisions made and the number of votes for and against.

Minutes should record the voting, but not the names of those voting for and against the motion.

For example:

- Carried (8 for, 2 against and 2 abstentions)
- Defeated (2 for, 8 against and 2 abstentions)
- Defeated (6 for, 6 against).

Practice tip

In some cases, it's also good practice to record actions arising from the resolution – particularly who is responsible for the action.

Minutes may be either 'minutes of resolution' or 'minutes of narration'.

- Minutes of narration describe the debate as well as the decision.
- Minutes that record decisions are better than minutes that record a narration of the debate at the meeting. Minutes of decisions avoid subjectivity and endless carry on at the next meeting about who said what at the last meeting and how that should be noted in the minutes.

Certainly, if someone asks at a meeting to have their views recorded in the minutes, then a chairperson should not agree. The effect of saying "Yes" to the request, is that it gives that person's view unfair weight.

Practice tip

A good way to diffuse the situation is to invite them to write to the secretary expressing their objection to the resolution, if they feel that it's warranted. Always put the objectionable people to work!

If general business was discussed during or at the end of the meeting, add minimal notes about what needs to be resolved at a future meeting.

Use personal information sparingly

It can be legally problematic, if too much personal information is recorded in the minutes.

Practice tip

An example to heed -

An owner and her owners corporation were in dispute about the repairs to her car space that were performed by the owners corporation following an accident where she tripped and was concussed.

The owner wrote to the strata manager, complaining that the work had not been done on time. The strata manager noted this correspondence in the minutes and using the owner's name and lot number, recorded a statement that the strata manager had already advised her about the works before her letter of complaint was received. In accordance with the usual practice in that building, the minutes were posted on the notice board in the foyer.

In a complaint to the privacy commissioner, the owner claimed the minutes were defamatory and that her privacy had been breached by the minutes recording her name and lot number. She claimed damages for hurt and distress in the sum of \$35,000.

In a preliminary determination, the privacy commissioner indicated that her private information was used other than for the purpose intended (to receive communication about the ownership of her lot). The strata manager should have referenced the owner by lot number and not by lot number and names.

The case was ultimately settled by an ex-gratia payment of \$2,750 by the strata manager.

Actioning the resolutions

It's good practice to action the resolutions as soon as practicable after the meeting.

Don't forget to:

- Enter the budget with any amendments decided at the meeting
- Enter the new levy schedule
- Enter committee members
- Organise for any new or amended by-laws to be registered (note there may be statutory time limits on registration of by laws so check these and action them early)
- Organise any reviews, reports, quotations, inspections etc. that are required
- Diarise the date of the next AGM and any other resolutions that require action on or by a certain date.

By following these points, your minutes will improve, and you'll be set for a good year with all the necessary decisions having been made and well communicated.

Chapter 5 Summary

In the preceding pages, you covered:

- The benefit of doing the minutes straight away while the details are fresh in your mind.
- The false economy of recording meetings and how that can lead to extra nonpaying work.
- The correct terms to use in minutes, so you look like the pro you are.
- The purpose of minutes is to record decisions (not debate) and how to say “No” to someone trying to hijack minutes with their dissenting views.
- A checklist of initial actions you can take immediately after the meeting to positively set yourself up for the next AGM.

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