

## CHAIRPERSON

If your owners corporation has a committee, it must elect a lot owner or a lot owner's proxy as chairperson. The elected person is also the owners corporation chairperson. Your committee may not be legal if it fails to elect a chairperson.

If there is no committee, the owners corporation chairperson must be a lot owner.

The elected chairperson can be assisted in the role of chairperson by the manager or other members of the committee. If the chairperson does not wish to chair the meeting, another lot owner or the manager may be elected by the lot owners present at a general meeting to chair the general meeting. However, responsibility still rests with the chairperson. Any decision by the owners corporation or committee to authorise the manager or a member to assist the chairperson or act as Chair must be recorded in the minutes.

### **The chairperson's role**

An owners corporation makes its decisions through meetings and ballots. The chairperson's role is to run meetings in a way that encourages decisions. The chairperson:

- can also be responsible for preparing or supervising the preparation of notices, agenda, ballot papers and minutes, and
- does not have any decision-making powers unless delegated in writing by the owners corporation or committee. Delegated powers must be set out in an instrument of delegation and recorded in the minutes.

### **The chairperson's duties**

A chairperson must:

- be the chairperson of the committee and the owners corporation
- have an instrument of delegation from the owners corporation or the committee
- act on the directions of the owners corporation
- act on the directions of the committee
- act honestly and in good faith, exercise due care and diligence and not make improper use of his or her position.
- if there is a committee, present its report at the annual general meeting, and
- be a financial member while carrying out the chairperson's duties.

### **The chairperson's powers**

The chairperson has the power to:

- convene the annual general meeting
- convene a special general meeting
- arrange a ballot, and
- make the casting vote at a general or committee meeting when the count is equal.

### **The chairperson's skills**

The role of a chairperson is challenging. Facilitating meetings of a committee or the owners corporation requires significant care and skills including:

- time management (for example, starting and ending a meeting on time)
- people management (for example, keeping control of meetings), and
- a high level of organisation.

The chairperson should also have a sound knowledge of the *Owners Corporations Act 2006* and Owners Corporations Regulations 2007.

### **Tips to being an effective chairperson**

- Always have all relevant documents at the meeting. This includes a copy of the *Owners Corporations Act 2006*, Owners Corporations Regulations 2007, the rules of your owners corporation, a copy of the plan of subdivision and the minutes from previous meetings.
- Make rules or set clear, mutually agreeable guidelines for conduct before the meeting.
- Be prepared and keep to the agenda.
- Place reasonable limits on discussions.
- Break large tasks down into smaller tasks for review at a later meeting.
- Stand at the front of the room or at the head of the table.

### **Who can chair a general meeting?**

The chairperson of the owners corporation is required to chair a general meeting. If the chairperson is absent then your owners corporation can elect its manager or a lot owner to chair a general meeting. However the owners corporation can authorise the manager to assist the chairperson to carry out the tasks of chairing the meeting. That decision or authorisation should be recorded in the minutes of the meeting.

### **Who can chair a committee meeting?**

If the committee chairperson is absent or unable to act, the committee members may appoint another lot owner to act as the chairperson.

If your owners corporation has a manager, this person can also assist the chairperson of the committee. If the committee agrees to ask the manager to assist the chairperson chair a committee meeting, the it should record that decision in the minutes.

### **Removing the chairperson**

The chairperson of an owners corporation can only be removed by majority vote at the annual general meeting or a special general meeting.

### **Relevant forms and pro forma documents**

The following forms and pro forma documents can be downloaded from the Consumer Affairs Victoria website and are also available in printed copies of the fact sheets. Approved and prescribed forms must be used for particular processes undertaken by or in an owners corporation and their text cannot be changed. Pro forma documents are provided for information and assistance, do not have to be used by your owners corporation, and you are free to amend them to make them more useful for your owners corporation.

**Pro forma documents:**

- Instrument of delegation (an owners corporation can use this to delegate powers to a chairperson)

**Relevant legislation and documents**

Copies of the following documents can help to ensure your owners corporation runs smoothly:

- *Owners Corporations Act 2006*
- Owners Corporations Regulations 2007
- *Subdivision Act 1988*
- Subdivision (Procedures) Regulations 2000
- Rules of the owners corporation
- Plan of Subdivision

Hard copies of the legislation can be purchased from Information Victoria:

505 Little Collins Street, Melbourne 3000

1300 366 356, [www.information.vic.gov.au](http://www.information.vic.gov.au)

Online copies of the legislation can be downloaded from:

[www.legislation.vic.gov.au](http://www.legislation.vic.gov.au) (Victorian Law Today).

Copies of a plan of subdivision and an owners corporation's rules can be obtained from Land Victoria:

570 Bourke Street, Melbourne 3000

03 8636 2010, [www.land.vic.gov.au](http://www.land.vic.gov.au)

**Further reading from Consumer Affairs Victoria**

- Owning, managing and living in a unit or apartment: Guide to owners corporations

**Fact sheets:**

- Activating your owners corporation
- Annual general meeting
- Committees
- Dealing with grievances
- Financial management
- Insurance
- Maintenance and maintenance plans
- Managers
- Meeting procedures
- Multiple owners corporations
- Owners corporation certificate
- Owners corporation register
- Prescribed owners corporations

- Purchasing an apartment checklist
- Records
- Rules
- Secretary
- Two-lot subdivisions
- Voting and ballot guidelines

Ring Consumer Affairs Victoria on 1300 55 81 81 or download the publications from [www.consumer.vic.gov.au/ownerscorp](http://www.consumer.vic.gov.au/ownerscorp).

### **More information**

#### **Victorian Consumer & Business Centre**

113 Exhibition Street

Melbourne 3000

Telephone: 1300 55 81 81

Website [www.consumer.vic.gov.au](http://www.consumer.vic.gov.au)

#### **Regional Offices**

Consumer Affairs also has regional offices located in Ballarat, Bendigo, Geelong, Morwell, Mildura, Wangaratta and Warrnambool together with a mobile outreach service that regularly visits rural communities. To find details on the office or mobile service nearest you, ring 1300 55 81 81 or go to the Consumer Affairs website on [www.consumer.vic.gov.au](http://www.consumer.vic.gov.au) and click on the Contact Us link.

Because this publication avoids the use of legal language, information about the law may have been summarised or expressed in general statements. This information should not be relied upon as a substitute for professional legal advice or reference to the actual legislation.

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