

# SECRETARY

Your owners corporation must have a secretary under the *Owners Corporations Act 2006*, which also introduces new duties for this important role. The secretary is responsible for tasks such as managing correspondence and organising meetings.

## Who can be secretary?

Your owners corporation must elect either a lot owner or a lot owner's proxy or the manager as committee secretary. This person is also secretary of the owners corporation. If there is no committee, a lot owner must be secretary of the owners corporation. The person who is the secretary can also be chairperson.

If your owners corporation has a manager, then the manager can assist the secretary in their role. However the owners corporation should clarify who can assist the secretary at the annual general meeting and record that decision in the minutes. A decision or authorisation by the owners corporation, which is recorded in the minutes, will reduce the workload for the secretary.

## The secretary's role

The title of secretary identifies the person who is responsible for statutory duties and obligations under the *Owners Corporations Act 2006*. The secretary:

- organises meetings and acts on the owners corporation or committee's instructions
- is responsible for sending notices, minutes and other correspondence within deadlines (failing to meet deadlines could mean important decisions are open to challenge), and
- does not have any decision making powers unless delegated by the owners corporation or committee. Delegated powers must be set out in an 'instrument of delegation' and recorded in the minutes. A sample instrument of delegation is provided at the end of this fact sheet.

## The secretary's duties

The secretary must:

- be the secretary 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
- receive petitions against an interim special resolution
- receive ballot forms at general meetings or via post, telephone, internet or other electronic means in accordance with the rules
- receive proxies from lot owners
- prepare the notice and the agenda for committee meetings
- give three days notice of committee meetings
- keep minutes of committee meetings
- collect records and funds from a manager after the manager has been removed
- certify and record rules with Land Victoria, and
- act honestly and in good faith, exercise due care and diligence and not make improper use of his or her position.

The secretary has the power to:

- convene the annual general meeting
- convene a special general meeting, and
- arrange a ballot.

### **Skills needed to be secretary**

The role of secretary requires detailed knowledge of the *Owners Corporations Act 2006* and the *Owners Corporations Regulations 2007*. The job requires:

- strong organisational and administrative skills
- good interpersonal skills, and
- sound writing skills (for task such as taking minutes and correspondence).

### **Tips to be an effective secretary**

- Make sure minutes are settled and distributed within 14 days.
- Keep accurate minutes. Minutes must record the date, time and place of the meeting; names of attendees; names of those who have provided proxies; names of members voting on all resolutions, and the numbers voting for and against motions. Minutes must not refer to people present as lot numbers.
- File past minutes for easy reference.
- Prepare agendas for meetings with the committee and the manager.
- Keep and file correspondence.
- Inform the committee and owners corporation about correspondence, issues, complaints and actions taken.
- Maintain accurate contact details of the committee and have these handy.
- Always have necessary documents at meetings, including a list of financial and non-financial members, lot numbers and the minutes of previous meetings.
- Have all other relevant documents on hand at meetings. These include the *Owners Corporations Act 2006*, *Owners Corporations Regulations 2007*, *Subdivision Act 1988*, your owners corporation's rules and a copy of the plan of subdivision.
- Ensure you have received and checked all proxies, and allocated responsibility for taking minutes and supervising ballots.
- Ensure that members know well in advance when the next meeting will be held. It is helpful to set the time and date for the next meeting, and the closing date for submitting items for the next agenda, before the meeting closes.

### **What if the secretary is not available?**

If the secretary is absent, or there is no secretary, the chairperson or the manager can carry out the secretary's duties and functions as prescribed by the *Owners Corporations Act 2006*.

### **Removing a secretary**

The secretary can only be removed at the annual general meeting or a special general meeting. For more details, see Consumer Affairs Victoria's fact sheets about *Annual General Meetings* and *Committees*.

**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 meetings
- Chairperson
- Committees
- Dealing with grievances
- Financial management
- Insurance
- Maintenance & maintenance plans
- Managers
- Meeting procedures
- Multiple owners corporations
- Owners corporation register
- Owners corporation certificate
- Prescribed owners corporations
- Purchasing an apartment checklist
- Records
- Rules
- 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.

### **Relevant pro forma documents**

The following pro forma document can be downloaded from the Consumer Affairs Victoria website and is also available in printed copies of the fact sheets. It does not have to be used by your owners corporation, and you are free to amend it to make it more useful for your owners corporation.

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

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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