



How trustees can effectively navigate daily challenges

Training by Leigh Maingard – 23 October 2023

Discussion points

- Trustee & managing agent relationship
- Striking the right balance of responsibilities among trustees
- Authorising invoices and payments
- Overseeing contractor work
- Addressing resident grievances
- Equitable and accurate application of the scheme's rules

Trustee & managing agent relationship

Trustees:

- Meet to carry out business of scheme
- Exercise body corporate powers and functions
- Apply funds according to budgets
- Appoint any agent or employee
- Compile trustee meeting and any general meeting minutes

Managing agent:

- Contractual relationship with trustees / body corporate

Balance of responsibilities among trustees

Electing trustees:

- Suitable for role?
- What skills do they have that will benefit the scheme?
- Are they resident or absent owners?
- Are there personal agendas when trustees are nominated/elected?

Trustee portfolios

- Financial, maintenance, security, gardening, employees (HR), complaints, legislation (rules)
- Sub-committees for ad hoc projects

Authorising invoices and payments

- Monthly invoices – managing agent with mandate/resolution
- Ad hoc maintenance / invoices:
 - Regular / non-regular contractors
 - Who checks work was done satisfactory
 - *maintenance* trustee? / resident trustee?
 - Major projects – project managers
- Processing
 - Emails from trustees – number of trustees required (at least 2)
 - Online management systems (We Connect U) – approve & authorise online

Overseeing contractor work

Schemes with building / estate managers

- Responsibility to contract of employment
- Meets contractors, obtains quotes, trustees approve
- Work checked and pre-authorised / trustees second authorise

Schemes with no building / estate managers

- Managing agent - SLA provision?
- *Maintenance* trustee – after hours meetings with service providers
- External consultant or contractor on retainer

Addressing resident grievances

Reporting process:

- Establish process for lodging complaints – trustee or managing agent
- Accept complaints from tenants or via owners only?
- Resident trustee/s – refer complainant to scheme process
- Bias towards “friends” or “enemies”
- Always remain fair and reasonable
- Remain consistent with decisions

Equitable and accurate application of scheme rules

Trustee portfolio – depends on number of trustees

HOAs – disciplinary committees (constitution)

Understand legislation and rules / constitution of the scheme

HOAs constitution allows for fines and penalties / ST amended rules

Always remain fair and reasonable within rules / Constitution

Raising of fines / penalties on levy accounts

- HOA – constitution
- ST – with permission of owner / adjudication order / court order

THANK YOU