

IN DEFENCE OF MANAGING AGENTS

Who Does What?

Understanding roles, responsibilities and limitations in a sectional title scheme

The person communicating or processing a matter is not necessarily the person authorised to decide it. Authority must follow the legislation, scheme rules, resolutions and any valid written delegation.

ROLE	MAIN DUTIES & RESPONSIBILITIES	LIMITATIONS / WHAT THIS ROLE CANNOT DO
01 BODY CORPORATE <i>All registered owners</i>	- Acts as the legal entity responsible for the scheme and its common property. - Maintains common property, administrative and reserve funds, and required building insurance. - Raises levies and other lawful contributions to fund the scheme's obligations. - Members approve the annual budget, maintenance plan, trustee elections and matters requiring owner resolutions.	- Does not manage an owner's private lease or landlord-tenant relationship. - Is not generally responsible for the inside of a section or private improvements, unless a legal or common-property duty applies. - No individual owner may make decisions or issue instructions in the Body Corporate's name.
02 TRUSTEES <i>Elected decision-makers</i>	- Exercise the Body Corporate's powers and functions between general meetings. - Adopt trustee resolutions and approve expenditure and payment instructions within the approved budget and owner directions. - Appoint and supervise managing agents, Estate Managers, employees and contractors. - Oversee maintenance, rule enforcement, arrears, legal matters and statutory compliance.	- A single trustee or chairperson cannot generally act alone or bind the Body Corporate. - Trustees cannot override legislation, scheme rules, approved budgets or decisions reserved for owners. - A trustee with a personal interest must disclose it and may not participate in that decision.
03 MANAGING AGENT <i>Administrator and adviser</i>	- Provides the contracted financial, secretarial, administrative and management services under trustee supervision. - Prepares draft budgets and levy schedules, issues statements, monitors arrears and maintains records. - Arranges meetings, obtains quotations, coordinates contractors and administers insurance claims. - Communicates and implements valid trustee and member resolutions.	- Cannot independently make Body Corporate decisions or approve payments or expenditure. - Cannot appoint contractors, alter levies or budgets, amend rules, waive debt or disregard procedures without valid authority. - May process approved payments or act within a specific written delegation. A formally appointed executive managing agent is a separate exception.

ROLE SUMMARY - CONTINUED

ROLE	MAIN DUTIES & RESPONSIBILITIES	LIMITATIONS / WHAT THIS ROLE CANNOT DO
04 ESTATE MANAGER <i>On-site operations</i>	- Coordinates the scheme's day-to-day on-site operations. - Inspects common property and reports maintenance, safety and operational concerns. - Monitors staff, contractors, cleaning, security and access procedures. - Responds to incidents and emergencies within approved procedures and provides regular reports.	- Has no automatic statutory authority to exercise trustee powers. - Cannot approve payments, contractors, unbudgeted expenditure or contracts unless specifically authorised. - Cannot determine legal liability, waive rules or approve alterations outside the delegated process.
05 INDIVIDUAL OWNERS <i>Section and occupant responsibility</i>	- Pay levies and all other lawfully raised amounts. - Maintain their sections and obtain approval before regulated alterations or work. - Comply with the scheme rules and ensure that tenants, occupants, visitors and contractors also comply. - Notify the Body Corporate of ownership or occupancy changes, allow authorised access when required, and participate in meetings.	- Cannot treat Body Corporate staff or contractors as personal service providers or issue instructions on the Body Corporate's behalf. - Cannot alter common property, approve common-property work or expenditure, waive rules or bind the Body Corporate. - Remain accountable for their unit and occupants even when a letting agent is appointed.
06 LETTING / ESTATE AGENT <i>Appointed by an owner</i>	- Acts under a private mandate to market and let the owner's unit. - May screen tenants, administer the lease, collect rent and deposits, inspect the unit and coordinate owner-responsible repairs. - Communicates with the tenant and gives the tenant the scheme's rules and access, moving and contractor procedures. - May liaise with the scheme on the owner's behalf when properly authorised.	- Acts for the owner, not for the Body Corporate, trustees or managing agent. - Cannot waive rules, approve alterations or access, instruct scheme staff, authorise Body Corporate expenditure or make scheme decisions. - May vote at a general meeting only with a valid proxy; the owner remains responsible to the Body Corporate.