



A Response to

Owners Corporations Act

- Removal of Manager

- Police Checks

As part of,

The Review of the Effectiveness and Efficiency of the Subdivision Act 1988 and the Subdivision (Body Corporate) Regulations 2001 as it relates to the creation and operation of bodies corporate

By the

Institute of Body Corporate Managers (Victoria)
Inc.

October 2006

REMOVAL OF A MANAGER

One further issue that needs to be readdressed in the recently passed Owners Corporations Act is the removal of manager, which should have remained as it previously was to be by decision at a general meeting, not having the power to do this delegated to one person. The removal of a manager has significant impact on the owners corporation.

Interestingly, the removal of a member of a committee requires a decision at a general meeting. The provisions should be consistent and require a decision of the members at a general meeting.

POLICE CHECKS

Parliamentary debate raised concerns about the lack of a requirement in the Owners Corporations Act for police checks of managers, and we reiterate that IBCMV already has this in place as one of many criterion of membership. The IBCMV already takes seriously the need to pursue actively the development and maintenance of high standards for professional body corporate managers. As per our Response to Future Directions in May 2004, IBCMV **currently**:

- advertises new applicants' names to all existing members for them to respond with any relevant matters before considering membership applications
- requires police checks for all new applicants
- requires proof of current Professional Indemnity Insurance
- requires proof of Authorised Representative status of insurance company/companies/broker/s holding an Australian Financial Services licence
- requires details of previous body corporate management experience, professional or business career
- has a Code of Professional Conduct, setting a standard over and above the requirements of legislation, which must be agreed to as part of the application process. Further, members are also bound by any other guidelines or standards formally adopted by IBCMV.
- requires members to reapply each year, again showing requirements similar to new applicants

It must also be recognised that these requirements are rigorously applied by IBCMV with hearings against members being held. The Institute has the disciplinary power to censure, fine, suspend or expel the member from IBCMV when warranted.