

# RP RESIDENTIAL VILLAGES

RP OWNERS IS CONSTRUCTED BY LOT OWNERS FOR LOT OWNERS

PRINCIPAL BODY CORPORATE EXECUTIVE COMMITTEE

&

PRINCIPAL BODY CORPORATE

*Disclaimer: Information published within this site is of a general nature. Actual wording of Legislation and all variables and amendments can be obtained from Government Websites and should be accessed before any action is commenced.*

**To be read in conjunction with Legislation and By-laws page**

*NOTE: If you wish to receive information on current news, updates or be informed when there is new information added to this site, email [rpowners@my-netsite.com](mailto:rpowners@my-netsite.com) with your email address and an email will be sent to you.*

- **The Principal Body Corporate & Elections**
- **The Executive Committee of the Principal Body Corporate & Elections**
- **Code of Conduct of all Committee Members**
- **Meetings of the Principal Body Corporate**
- **Meetings of Executive Committee of the Principal Body Corporate**
- **Maintaining the Secondary Thoroughfare, surrounding areas and provision of services**
- **The Secretary, the Executive Officer and Contract of employment**

## **The Principal Body Corporate & Elections**

At each Village Body Corporate's (VBC) Annual General Meeting (AGM) a person is elected to represent that Village on the Principal Body Corporate. These total representatives (16 villages = 16 representatives) form the Principal Body Corporate.

These Village Body Corporate Representatives then elect, from those VBC Representatives, an Executive Committee i.e. Chairman and (6) Committee members.

## **Executive Committee of Principal Body Corporate.**

The Principal Body Corporate Executive Committee administers the Secondary Thoroughfare and surrounding areas and the provision of Services. The Secondary Thoroughfare is the roadways that lead to the villages from the gatehouse including the gatehouse, the surrounding areas include security gates & gatehouse, The surrounding areas includes gardens footpaths etc. The provision of services includes Security, water, telecommunications & plumbing services to the Villages.

The PBC Executive Committee is commonly called the PBC. However it is clear that the *Village Body Corporate Representative* on the PBC is also an elected member that forms the PBC. The Village Body Corporate representative to and on the PBC has been selected, by the village, to represent the village and each lot owner interests within that village.

That representative is obligated, by law, to act on the Village and Lot Owner's behalf in dealing with any Village and Lot Owner's issues occurring with the PBC Executive Committee.

*The VBC Representative to and on the PBC must act, according to legislation, fairly and honestly on the Village and every Lot Owner's behalf, **always**.*

## **Code of Conduct of all Elected Representatives**

The IRD Act also legislates on Code of Conduct of Executive Committee members and Principal Body Corporate Representatives.

- All Elected Executive Committee members must attain a working knowledge of the IRD Act and their responsibilities under the IRD Act
- PBC elected Committee members must attain a working knowledge of BUGT Act
- All Elected Committee members must act **honestly** in dealing with all issues including the people they represent ( the lot owner)
- All Elected Committee members must act **fairly** in dealing with all issues including the people they represent ( the lot owner)
- All Elected Committee members must disclose “conflict of interest” circumstances such as if a PBC Executive Committee member was in the employ of a lot owner and/or a VBC committee member and issues involving that VBC Committee member or lot owner in that Village were involved.
- All Elected Committees must, in making decisions in their representative roles, abide by enacted legislation including Superior Legislation. Superior legislation in most cases includes all Qld and Federal enacted legislation including Contractual Law, Anti-Discrimination Act, and most aspects of Local Government Act, to name a few. All elected Committee representatives also have a duty of care when making decisions on behalf of the Lot Owners.

### **Meetings of Principal Body Corporate (18 elected Village Body Corporate (VBC) representatives.**

Meetings of the Principal Body Corporate are generally an Annual General Meeting (AGM) or an Extraordinary General Meeting (EGM). Any lot owner can attend these meetings however, unless invited to speak, only the VBC representatives can become involved and speak during that meeting. These meetings MUST be conducted at a venue sufficiently large enough to cater for all attending lot owners.

All PBC meetings (AGM & EGM) and minutes from those meetings must be notified to each Village representative (this would be the Village Body Corporate Representative to the PBC). The Village representative should then convey this information to the Village Lot Owners. The IRD Act legislates that all notifications of all Committee meetings must be displayed or sent within a legislated time frame BEFORE the Committee Meeting is to take place.

### **Meetings of Executive Committee of Principal Body Corporate (Commonly called the PBC)**

Meetings of the Principal Body Corporate Executive Committee are conducted on a regular basis throughout the year (commonly called Committee Meetings). Notices of Committee Meetings must be notified to all PBC Representatives. The Executive Committee Secretary usually sends these notifications to the Village Body Corporate Representative on the PBC.

*The Secretary of the PBC is responsible for sending these notifications/minutes of PBC meetings to the Village Body Corporate representatives.* That village representative is then required to notify the lot owners within his/her village via letter or notice on community noticeboard.

### **Notifying Owners:**

The PBC and Executive Committee under its obligations, according to the IRD Act, are only required to provide notifications/minutes of meetings to each Village Body Corporate representative on the PBC. That VBC representative is then required to provide notices/minutes of that meeting to the lot owners within his/her village. These notifications/minutes are to be via individual letter or to be displayed on the village community noticeboard.

**And that is what is not taking place in many Villages.** If notification/minutes of PBC meetings have not been provided or displayed on community noticeboards and the VBC Representative has received these notices/minutes from the PBC, then the VBC representative is the one who is obligated to supply this information to lot owners.

The legislation requires that this information, if it has not been displayed on Community Noticeboards, must be provided, upon request, without requiring the Lot Owner to pay any individual additional charge.

*In one village, the Village Lot Owners had the ridiculous situation where the Chairman, who was also the VBC representative on the PBC, stated (when requested for information on minutes of PBC meetings) that he did not have to provide printed information material (minutes) to the lot owner he represents, as to what was/had taking place at meetings where he represented the lot owners. That Village then passed a resolution that all PBC and PBC Executive Committee minutes are to be posted on the community noticeboard.*

**Why Lot Owners are not informed or requested, by the PBC Executive Committee, to vote on issues/contracts regarding PBC Executive Committee matters. As an example:**

The VBC Representative on the PBC has been chosen to represent the village and every lot owner within that village. At a PBC and PBC Executive Committee meeting the VBC representative votes on the village's behalf (*depending on whether it is an Executive Committee Meeting or a PBC general meeting*). Generally speaking the PBC Executive Committee accepts that vote as representing the village lot owner's wishes.

It is up to each village's elected representative, *before voting*, to go to the Village lot owners and inform them of the issue at hand, and seek instructions on what the lot owners wishes to happen.

#### **Maintaining the Secondary Thoroughfare, improvements & provision of services**

The Principal Body Corporate and the Executive Committee have an obligation to maintain the Secondary Thoroughfare and improvements. This includes roadways and surrounding areas and may including footpaths and gardens. The PBC may also enter into agreements to provided service and facilities for the benefit of lot owners, i.e. security. There have been a number of decisions handed down by magistrates in awarding damages against Body Corporates for failing to maintain these areas in good repair and to an appropriate standard. Mentioned in those decisions is that the Body Corporates have a **Duty of Care** to maintain these areas in good repair and acceptable presentation.

#### **The Secretary, the Executive Officer and Contract of employment**

There has been some confusion regarding the role of Secretary to the PBC Executive Committee and Elected Secretary of the Principal Body Corporate. The "Elected Secretary" **of** the PBC is a different situation than an employed "Secretary".

#### **Elected Secretary:**

This role is Secretary **of** the Principal Body Corporate and is a representative role. The (IRD & BUGT Act) clearly states no Body Corporate can elect a representative for more than 12 months. This role must be nominated and voted for at each Annual General Meeting (AGM)