



## **MINUTES OF BODY CORPORATE COMMITTEE MEETING**

### **BODY CORPORATE No. 164980 PROPERTY AT: 148 Quay Street, Auckland City**

**A BODY CORPORATE COMMITTEE MEETING** of this body corporate was held in the offices of Body Corporate Administration Limited, 3<sup>rd</sup> Floor, 115 Queen Street, Auckland City on Tuesday, 8 March 2016 commencing at 3.30 p.m.

**PRESENT:** As per Attendance List:  
Dimitri Margaritis, Alan Penny, Stephen Dudding, Mick Webb, Russell McKinnon  
Glenn Kwok and Lyn Clapperton representing Body Corporate Administration Ltd as Secretary

#### **1. LIABILITY OF COMMITTEE MEMBERS FROM 1 APRIL 2016**

Stephen Dudding presented a report with supporting attached emails to the meeting, tendering his resignation from the committee, with his last day as a committee member being 31 March 2016.

Stephen explained to the meeting that the advice he has received is that committee members are personally liable under the Health & Safety legislation which is due to come into effect on the 1 April 2016. Potentially this means that a committee member may be prosecuted and subject to a criminal conviction and a fine up to three million dollars. Insurance against a breach of the Health & Safety Act is not possible. The advice received from the Ministry of Business, Innovation and Employment is that there was a conscious decision to include body corporate committee members as PCUB's under the legislation. This places a positive obligation on committee members to make an evaluation of the risks associated with the property and anyone working on the property and to manage that risk by having a management plan in place with someone to oversee both the work and the plan.

At the moment there is little knowledge in the market place about the implications and impact of the changes to the legislation which come into effect on the 1 April 2016, however what is known is that if there were to be an accident on site, then OSH would immediately become involved, and would investigate the circumstances of the event or accident and if committee members were held to be either directly or indirectly liable then a prosecution was a possible outcome.

Current committee members would each need time to consider their own position and make a decision on whether or not they wish to continue in the role of committee member. Indications from those present were that they felt the risk was too great and they would need to consider carefully whether to stand for re-election to the committee.



The indication at the meeting was that Mike Webb, Dimitri Margaritis and Alan Penny verbally confirmed that they wished to resign from the body corporate committee from the 31 March 2016.

It was agreed because of the uncertainty around the impact of the new legislation on committee members that an Extraordinary General Meeting should be held before the end of March 2016 to elect committee members. Two probable dates being **Wednesday 30 March 2016 or Thursday 31 March 2016.**

Clinton Baker from Price Baker Berridge is to be invited to the meeting to explain the implications of the Health & Safety legislation on committee members, or other body corporate officers such as the Chairman holding positions within the body corporate.

Body Corporate Administration is to put together an agenda and send to the committee to approve before being circulated to owners.

The agenda is to include the following:

- Nominations for the role of Chairperson of the body corporate
- Nominations of committee members
- Report from Stephen Dudding presented to the committee together with attached emails
- Management of spending decisions by the body corporate in the event of there being no committee.
- Proposed special resolution that the body corporate resolve not to have a committee (in the event of no nominations being received).
- Proposed ordinary resolution that regular budgeted expenses and emergency expenses be paid by Body Corporate Administration with all other out of the ordinary or one off expenses to go to an Extraordinary General Meeting for a decision.
- Approval for Unit 4G to carry out proposed replacement of the glass doors.

The Notice of intention to call the EGM is to be sent to owners, together with forms to complete and return for nomination of Chairperson and committee members

#### **APPROVAL FOR UNIT 4G FOR REPLACEMENT OF WINDOWS**

It was agreed that the committee would not to grant approval to the owners of Unit 4G to proceed with the replacement of the glass doors at the present time. The impact of the new legislation is unknown at this stage and there is concern around the responsibilities, implications and liability which may be attached to those committee members approving work on site.

Stephen Dudding is to phone Mr Paul McLuckie and discuss the implications of the new legislation on the committee decision making process in the first instance. This is to be followed by confirmation in writing to Mr McLuckie by BCA.



**2. CHAIRMAN:**

Mick Webb chaired the meeting.

**3. APOLOGIES:**

There were no apologies.

**3. MINUTES OF PREVIOUS MEETINGS:**

The Minutes of the Body Corporate Committee Meeting held on Wednesday, 3 February 2016 commencing at 3.00 p.m. had been approved.

**4. BUILDING MANAGER'S REPORT**

- Issue with Hose Reels – First Fire is the current contractor, and does the inspections for our annual licences. It had reported that the fire hoses were not working at the required level as that there was insufficient pressure – they have discovered that there was a fault in the pump and this will be replaced so that function to the upper levels will be restored.
- Missing handrail – Russell is to replace the missing handrail between Tyler Street and the Carpark.
- Fire Evacuation Scheme – A letter was received from the NZ Fire Service in February stating that the building may require an evacuation scheme under the Fire Service Act 1975. Paul Walters of Evac Services Limited was engaged to work with Russell to complete the evacuation scheme. We are still awaiting the report. Russell to follow up with NZ Fire Service to confirm that the scheme is underway.
- Insurance Claim – leak from Unit 5E. BCA are to seek advice from the insurance broker on recovery of the excess paid by the body corporate in relation to the leak from Unit 5E.

**5. FINANCIAL ACCOUNTS:**

The statement of receipts and payments for the body corporate for the period 01.02.15 to 31.01.16 were submitted and adopted.

**Bank statement for the body corporate is to be forwarded to Dimitri with the financial accounts prior to each committee meeting.**

An updated Credit Control Report was tabled and accepted by the Committee.

It was noted that there are a number of outstanding levies. A report detailing those units to whom collection letters will be sent, and followed with application to the Tenancy Tribunal for recovery will be sent through to the committee for approval.



**6. GENERAL BUSINESS:**

- New Bank Account – The Account with the Westpac is now open however the committee will defer transferring funds to the account and leave that decision to the incoming committee.
- Insurance Renewal – A quote from ACE insurance through Mark Gregan Broker was tabled at the meeting. The quote of \$50,238 + GST which is a reduction on last years premium was considered and BCA are instructed to place the insurance on behalf of the body corporate.
- Scheduling of AGM – It was decided not to schedule a date for the AGM at the present time. The AGM in 2015 was held on the 11 May 2015 and the next AGM must be held within 15 months of the last AGM.
- EGM – An EGM would be held before the end of March 2016 to elect new committee members and to address other matters raised earlier in the meeting.

**7. NEXT COMMITTEE MEETING:** Not scheduled at this stage.

There being no further general business, the meeting closed at 5.40 p.m.