



Strata Titles Amendment Act 2018 ***Fact Sheet***

Section 137

Council members: general duties and conflicts of interest

- (1) This section applies to a person who is —
 - (a) a member of the council of a strata company (including when acting as an officer of the strata company); or
 - (b) an individual authorised under section 136(2) by a corporation to perform the corporation's functions as a member of the council, or an officer, of a strata company.

- (2) A person to whom this section applies —
 - (a) must at all times act honestly, with loyalty and in good faith in the performance of functions as a member of the council or an officer of the strata company; and
 - (b) must at all times exercise the degree of care and diligence in the performance of those functions that a reasonable person in the person's position and the circumstances of the strata company would reasonably be expected to exercise; and
 - (c) must not make improper use of the person's position —
 - i. to gain, directly or indirectly, an advantage for the person or any other person; or
 - ii. to cause detriment to the strata company.

- (3) A person to whom this section applies —
 - (a) must inform the council in writing of any direct or indirect pecuniary or other interest that the person has that conflicts or may conflict with the performance of a function as a member of the council or, if applicable, as an officer of the strata company; and
 - (b) must do so as soon as is practicable after the person becomes aware of the relevant facts; and
 - (c) in the case of a member of the council, must not vote on a matter in which the member has an interest required to be disclosed under paragraph (a).

- (4) Subsection (3) does not apply to an interest arising solely from the fact that the member is the owner of a lot in the scheme.