

A low-angle, black and white photograph of several tall skyscrapers reaching towards the sky, creating a sense of height and urban density. The image is partially obscured by a large purple diagonal shape on the right side.

G GRACE

LAWYERS | Know. Act. Resolve



Know. Act. Resolve

Disaster Management

Some basics

Presented by Colin Grace



Know. Act. Resolve

What are the general obligations?

As they say – you have one Job

- In good and serviceable repair (NSW, Tas and WA)
- In good condition & structural sound condition (QLD)
- Repair and maintain Common Property (Vic)
- Maintain (ACT)
- Administer and maintain (SA)
- Manage for benefit of owners (NT)





Know. Act. Resolve

What do we need to consider?

- OC's are generally considered unlimited liability businesses
- Committee's obligation is to act in the best interests of the body corporate/owners corporation not their own interest
- There is a lot of legislation sitting around behind you – not just strata legislation (last time we worked it out can be as high as 100) – main ones
 - WH&S – recent case on gate killing employee...
 - Planning Law – renovations and works
 - Local Government laws
 - Defamation laws – communications held defamatory
 - Neighbouring land laws – damage to other property
 - Noise laws
 - Environmental laws – clean and green
- Case law is clear – strict liability, can't circumvent it and can be held responsible for decisions made (good faith only goes so far)



Know. Act. Resolve

What do we normally do? - Freeze

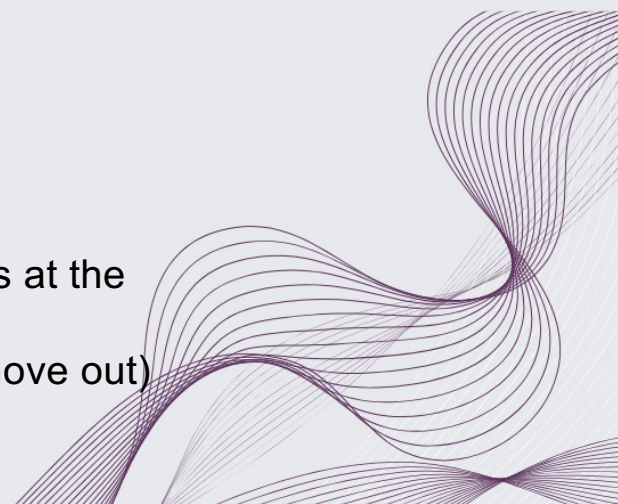
- Disasters are not just fire, earthquakes etc
 - Mascot towers, Opal tower, Bondi Junction tower
 - Contract issues
 - Construction defect issues
 - Time restrain issues
 - Having wrong team on job
 - Robbery or assault – my little foray
- We need to have a good process
 - Notification
 - Who does what
 - What skillsets do we have on committee or available in house
 - Who do we need – ghostbusters?



Know. Act. Resolve

What can we do?

- Information to owners – what is the system and procedure
- Bylaws – they only go so far.....
- Emergency planning procedures
 - Resident profiles
 - Elderly
 - Disabled
 - Children
 - Emergency chain of command
 - Internally
 - Do we have onsite manager
 - Do we have strata manager
 - What after hours systems are there (it always happens at the worst time)
- Communication with residents (especially if they have to move out)
- Is there any death?





Know. Act. Resolve

The upshot – what do we need?

- A committed Committee – it's not a status thing, a get what I want and go thing or a power thing.

It's a huge responsibility that puts you in the gun but it can also be rewarding and enjoyable

- Work with your Strata Managing Agent – get what you need from them
- Get advice – a good Committee knows what they don't know
- Keep your owners informed – on everything
- Do proper cost analysis on any disaster
- Move it forward and don't stop – more you stop the worse it gets
- Review and reflect after the disaster or emergency is over – what can we improve
- Remember it's a business not a pony club

