

- (e) the functions of the treasurer and other officers of the association are specified, together with the limitations on delegation of the treasurer's functions,
- (f) the Tribunal will have power to make an order appointing a person to convene and hold a meeting of an association if there is no secretary, treasurer or chairperson or no association committee.

Part 4 Managing agents and facilities managers

The proposed Part provides for the appointment and functions of managing agents and facilities managers for association schemes. The proposed Part re-enacts provisions of Division 5 of Part 2 of the 1989 Act, with the following changes—

- (a) the term of appointment of a managing agent will be 12 months if appointed at the first annual general meeting, or 3 years in any other case, including any option for reappointment,
- (b) the term of appointment may be extended by up to 3 months pending a decision as to reappointment but may not be extended beyond the date of the next annual general meeting,
- (c) a managing agent is taken to have an option to extend the term of the managing agent's term for 3 months if the agent is not reappointed and notice of less than 3 months is given by the association or the term is not extended by the association,
- (d) a managing agent must give notice at least 3 months before the end of the term of appointment and at least 1 month before the end of an extension of a term,
- (e) a managing agent may transfer the managing agent's functions to another person if the transfer is authorised by a resolution at a general meeting of the association,
- (f) a managing agent who exercises a function of the association or an officer of the association must keep a record of that and at least once each year provide a copy of all records made in the preceding year,
- (g) it will be an offence for a managing agent to request or accept a gift or other benefit from another person for the managing agent or another person in connection with providing services as a managing agent. The exceptions to the prohibition on benefits will be remuneration paid by an association, monetary commissions paid in accordance with the appointment agreement or approved by the association and gifts with a value below an amount prescribed by the regulations,
- (h) a managing agent must report at the following annual general meeting of an association whether commissions have been paid to the agent and as to the particulars of the commissions and must disclose subsequent variations to the reported amounts,
- (i) information about transactions must be disclosed by the managing agent at the request of the association if the transactions took place not earlier than 5 years before notice was given, rather than not earlier than 3 years as is currently the case,
- (j) the appointment of persons (*facilities managers*) who assist in exercising one or more of managing association property, controlling the use of association property by persons other than owners or occupiers or maintaining and repairing association property is regulated by requiring a written agreement and limiting the term of appointment to 10 years,
- (k) a facilities manager may transfer the facilities manager's functions to another person if the transfer is authorised by a resolution at a general meeting of the association,
- (l) a managing agent or facilities manager must disclose to the association a connection with the original owner or a direct or indirect pecuniary interest in the association scheme,
- (m) the Tribunal will have power, on application by an association, to make orders relating to managing agent and facilities manager agreements, including orders terminating an agreement appointing a managing agent or a facilities manager, requiring compensation to be paid to a party to the agreement, varying or declaring void part of the agreement or ordering a party to take action or not to take action under an agreement.

