



QLD WEBINAR

Restoring the 'Function' From
Dysfunction – Administrator
Appointments in Strata

STRATA SOLVE UNTANGLING
STRATA
PROBLEMS

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- So, what is 'dysfunction' anyway?
- What dysfunction is not
- Administrator appointments
- Alternatives to Administrator Appointments
- Best Practice Tips
- Q and A



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So, what is 'dysfunction' anyway?

- 'Abnormality or disturbance of function'
- 'From Greek *dys-* bad or abnormal + Latin *functio* to perform + *-ion* indicating an action, process, or state'



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So, what is 'dysfunction' anyway?

- 'Typically, there will need to be evidence that the body corporate is so dysfunctional that it cannot operate properly within the statutory framework, or that there is financial malpractice or undue oppression in the conduct of the body corporate'

[Sandown \[2019\] QBCCMCmr 400 \(15 August 2019\)](#)



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So, what is 'dysfunction' anyway?

- 'The type of dysfunction that warrants the appointment of an adjudicator includes situations where the body corporate no longer has any capacity to bring itself back into compliance with the legislation'

[Cypress Apartments \[2019\] QBCCMCmr 249 \(14 May 2019\)](#)



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<https://9now.nine.com.au/a-current-affair/gold-coast-couple-brink-losing-home-body-corporate-dispute/cf0bcec2-cadf-4e8d-a263-3002f09b487a>



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So, what is 'dysfunction' anyway?

- No functioning committee
- No AGMs
- No budget struck, levies collected
- No insurance
- Works not carried out
- Misappropriation
- It's never been 'functional' to begin with



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What dysfunction is not

- Disagreeing with an outcome
- Personality conflicts
- Disputes – even if there are a lot
- Single-issue problems
- Desire to remove committee members
- Opportunity for revenge



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Administrator appointments

- Most serious intervention possible
- Akin to a receiver or liquidator – not identical though
- Administrator becomes the body corporate – owners lose voting rights, all power vested in one person
- If an administrator is appointed? No AGMs, committees, committee meetings, motions – all up to the administrator



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Administrator appointments

- On application by a party
- Must nominate proposed administrator
- Can be contested
- Adjudicator must be satisfied the action is warranted...
and they start from the position that it isn't



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Administrator appointments – cont'd

- Typically for a defined period, with defined tasks
- Costs come out of BC funds...and are often considerable
- [Practice Direction](#)



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Administrator appointments – cont'd

- Risks:
 - Time
 - Cost
 - Impact on property values
 - One administrator appointment can lead to another – and another



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Administrator appointments





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Alternatives to Administrator Appointments

- Hit 'pause'
- Another perspective
- Name the issues



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Alternatives to Administrator Appointments

- Structured and facilitated discussion
- Mediation
- Engagement and communication



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Alternatives to Administrator Appointments (cont'd)

- Lobbying
- Proceedings - utilise legislated options for dispute resolution



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Best Practice Tips

1. Administration Is No Fun – Avoid It At All Costs
2. Address Issues As Early As Possible
3. Seek Qualified Advice
4. Get Clarity And Specificity
5. Engage With The Alternatives...And Then See (1)



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QUESTIONS?



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