

REGISTERING IS KEY

One of the most common duties you will find in a caretaking agreement is an obligation on the manager to keep safe all the keys (fobs, swipe cards etc.) needed to access the complex. The manager is required to store the keys securely and only share them with persons authorised to use them from time to time. For many complexes this is a set and forget duty for the manager that draws little of their attention or time.

Although a duty to protect keys may seem straightforward, there can be much expected of the manager when performing this duty that isn't stated in the caretaking agreement, such as:

- At all times the manager should know exactly how many keys there are.
- At any given time, the manager should know who holds a key when not in the manager's possession.
- The manager should only allow someone else to use a key to access a lot when approved by the owner of that lot or use a key to access common property when approved by the committee.
- The manager should follow up to ensure keys are returned on time.
- The manager should inform owners when a key is missing and help arrange a replacement.
- The manager should help arrange the changing of locks when required.

If you are a manager, how do you prove to the Owners Corporation that you have performed everything that is expected of you? Is pointing at a box of keys sitting in your safe good enough?

Some caretaking agreements will specifically state that the manager must keep a register or log for the keys they hold, e.g. a record of when each key is given out and then returned. This is an effective way of tracking how many keys there are and where they are at all times. Although many caretaking agreements don't specifically state that the manager must keep a register, it is difficult to imagine how the manager could prove they know how many keys they are meant to be holding and where they are if they do not keep a written record.

Whether specifically required or not, maintaining an accurate key register is a relatively simple way for a manager to instil confidence in their ability to pay attention to detail and prove the performance of their duty. Apart from tracking the number and locations of the keys, a register can be used to record why each key leaves the manager's possession and the authority that was given at the time. The act of filling in a register can also act as a reminder to the manager that they need to check that the person taking a key has the correct authority and that any keys previously issued have been returned.

Being able to prove to owners that you have performed your duties well is important to maintaining a successful ongoing relationship with the Owners Corporation. It is also relevant when it comes time to sell your business and you need to prove to the buyer that you are not in breach of any of your duties as the manager. If you don't have a key register already it is strongly recommended that you start one. Using the excuse that the last manager didn't need to have a key register, or that you will need to "find" it, doesn't look good and is an own goal that can be easily prevented.

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