

STATUTORY INFORMATION

IMPORTANT INFORMATION ABOUT A QUORUM AT A GENERAL MEETING

Schedule, Strata Schemes Management Act 1996

1. A motion submitted at a general meeting of an owners corporation must not be considered and an election must not be held unless there is a quorum present to consider and vote on the motion or on the election.
2. There is a quorum for considering and voting on such a motion or at such an election only if:
 - a. At least one-quarter of the number of persons entitled to vote on the motion or at the election is present, either personally or by duly appointed proxy, or
 - b. At least one-quarter of the aggregate unit entitlement of the strata scheme is represented by the person who are present and entitled to vote on the motion or at the election, either personally or by duly appointed proxy.
3. However, if there is more than one owner in the strata scheme and the quorum calculated in accordance with subclause (2) is less than 2 persons the quorum is 2 persons entitled to vote on the motion or at the election.
4. If a quorum, as provided by subclause (2), is not present within the next half-hour after the relevant motion or business arises for consideration at the meeting, the meeting stands adjourned for at least 7 days
5. If a quorum, as provided by subclause (2), is not present within the next half-hour after the time fixed for the adjourned meeting, the persons present personally or by duly appointed proxy and entitled to vote constitute a quorum for considering that motion or business.

IMPORTANT INFORMATION ABOUT VOTING RIGHTS AT A GENERAL MEETINGS

Strata Schemes Management Act 1996 Schedule 2 Part 2

1. **Who has voting rights?**

Each member of an owners corporation, and each person entitled to a priority vote, has voting rights that may be exercised at a general meeting of the owners corporation, but only if the member or person is shown on the strata roll and, in the case of a corporation, the company nominee is shown on the strata roll.

2. **Exercise of voting rights by joint first mortgagees or joint covenant chargees**

Voting rights may be exercised at the meeting by joint first mortgagees or joint covenant chargees only by proxy (who may be one of them) duly appointed by all of them jointly.

3. **Exercise of voting rights by owner, first mortgagee or covenant chargee**

The voting rights of the owner, first mortgagee or covenant chargee of a lot (other than a joint owner, mortgagee or covenant chargee) may be exercised:

- a. unless the owner, mortgagee or covenant chargee is a corporation – in person by proxy or
- b. if the owner, mortgagee or covenant chargee is a corporation – by the company nominee in person, or by proxy appointed by the corporation.

4. **Exercise of voting rights by joint owners to be by proxy**

The voting rights of joint owners of a lot may not be exercised by them individually but may be exercised:

- a. by a proxy (who maybe one of them), or
- b. as provided by subclause (5).

5. **Other circumstances in which joint owners may exercise voting rights**

If, on a vote at a general meeting, the rights of joint owners of a lot are not exercised by a proxy as referred to in subclause (4), one of them may act as such a proxy:

- a. if the other joint owners are absent or such of them as are present give their consent, or
- b. if paragraph (a) does not apply if he or she is the owner first named on the strata roll as one of the joint owners.

6. **Exercise of voting rights by owners of successive estates in lot.**

If there are owners of successive estates in a lot, only the owner of the first estate may vote at a general meeting.

7. **Exercise of voting rights where owner holds lot as trustee**

If the owner of a lot holds it as trustee, a person beneficially entitled may vote at a general meeting.

8. **Voting rights may not be exercised if contributions not paid**

A vote at a general meeting (other than a vote on a motion requiring an unanimous resolution) by an owner of a lot or a person with a priority vote in respect of the lot does not count unless payment has been made before the meeting of all contributions levied on the owner, and any other amounts recoverable from the owner, in relation to the lot that are owing at the date of the notice for the meeting.

9. **Effect of casting of priority vote**

If a priority vote is cast in relation to a lot, a vote on the same matter by the owner of the lot does not count.

10. **Effect of section 118 (notice to owners corporation of right to vote)**

This clause does not confer a right to vote on a person deprived of the right by failing to comply with Section 118.

11. **Definition of motion**

In this clause, *motion* means a motion submitted at a general meeting of an owners corporation or on any election of members of the executive committee.