



Strata Reform 2016



Fact Sheet #7 – Meetings

+ CONVENING MEETINGS

The secretary (and by extension most managing agents with delegated authority) have power to call general meetings or committee meetings at any time.

If a committee meeting is requisitioned by one-third of the members:

- large scheme, the meeting must be held not later than 14 days after the request is made; or
- not large schemes, not later than 28 days after the request is made.

+ NOTICES

There are additional timing issues for notices, as follows:

- A tenant meeting notice must be issued 14 days before the AGM to which it relates, and the tenant meeting cannot be held earlier than 7 days after the notice takes effect.
- Pre-meeting electronic voting notices must be made available 7 days before the meeting (committee meeting or general meeting) but committees can still vote in writing by the usual means.
- The committee meeting notice period is now 3 days (not 72 hours).

If there is an address for service for the person recorded in the strata roll, service can occur by electronic means (sec 263 & 264). The electronic address used need not actually be in the strata roll (or be the one in the strata roll). Otherwise service must usually occur by post to the address in the strata roll.

+ TENANTS MEETINGS & PARTICIPATION

A tenant who has been notified to the owners corporation under a tenancy notice (section 258) is known as an "eligible tenant". Tenants meetings must be held where the strata scheme has eligible tenants for at least half the number of lots. The eligible tenants, by majority vote, appoint a representative. The representative becomes a member of the committee, but they cannot vote and do not count towards a quorum. Tenants cannot address a general meeting unless a motion is passed to permit it. The owners corporation or strata committee can resolve that (at any or all meetings) tenants (except in their capacity as proxies) are not entitled to be present when certain financial matters are being discussed or determined.

+ DECLARATION OF QUORUM

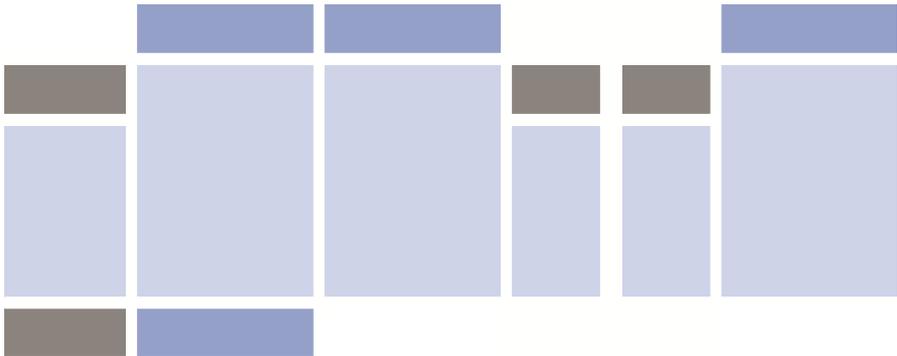
After half-an-hour after an item of business arises, instead of allowing the meeting to stand adjourned, the chairperson can declare that those present and entitled to vote constitute a quorum on that item of business.

The chairperson's declaration also applies for any subsequent motion or business at the meeting, meaning that the chairperson cannot declare a quorum for a particular item and then subsequently adjourn a later item of business due to lack of quorum.

At a Glance

- Executive Committee meeting notice period is 3 days
- The Chair can declare quorum after half-an-hour
- Proxies held restricted to 5% of the total lots.
- Unfinancial members cannot vote at ECMs





+ PROXIES

A person voting on a resolution may only hold one proxy in a scheme with 20 lots or less. In a scheme with more than 20 lots, a person may only hold proxies representing 5% of the total number of lots. A proxy held as a co-owner of a lot does not count towards these limits.

If a person holds more than the total number of proxies permissible, the person cannot vote using any additional proxies. The prescribed form provides for the appointment of a "substitute" proxy, in the event that the first proxy cannot hold the proxy due to these limits. Which proxies are able to be used will depend on the order in which they were delivered to the secretary.

Lot owners cannot be required to vote, or appoint a proxy, in accordance with a provision in a sale contract or related agreement

+ COMMITTEE PROCEDURES

Committee members must disclose pecuniary interests and cannot vote or participate on matters affected. A record book for disclosures must be kept by the committee and made available for inspection.

Unfinancial committee members, or their substitutes, cannot vote at committee meetings.

+ SECRET BALLOTS

The strata committee can determine (by resolution) that a motion or matter is to be decided by secret ballot, or at least one-quarter of the people entitled to vote on the motion at a meeting can agree (at the meeting) to a secret ballot. A procedure must be devised to allow the value of votes to be recorded so as to allow polls and special resolutions to be determined.

+ GENERAL MEETING AGENDAS

There are additional items that must be included on annual general meeting agendas:

- to consider the annual fire safety statement (if one is required) under the Environmental Planning and Assessment Act 1979 and arrangements for obtaining the next AFSS.
- Until the end of the applicable statutory warranty periods under the Home Building Act 1989, an agenda item to consider building defects and rectification.
- a form of motion to consider as to whether, and what, commissions or training services have been provided or paid for (or are likely to be) for the managing agent for the following 12 months.

The annual general meeting agenda must be accompanied by a copy of the last statements of key financial information prepared by the owners corporation. The full financial statements need not be given with the agenda (although they can be). However they must be given to owners, mortgagees and covenant chargees if requested (and be provided at least 2 days prior to the meeting).

All general meeting agendas must have a copy of the minutes of the last general meeting, in the case of any owner who has not previously been given them, or has requested them (and that request has not been complied with).

All general meeting agendas must include a warning for items which may be determined partly by pre-meeting electronic voting, stating that the relevant motion may be amended by a further motion given at the meeting after the pre-meeting electronic voting takes place, and that consequently the pre-meeting vote may have no effect.

