

FACT SHEET

This Fact Sheet has been prepared for the purpose of providing information to owners on holding a general meeting. The provisions outlined have been obtained from the Body Corporate and Community Management Act 1997 (the BCCM Act) and the Body Corporate and Community Management (Standard Module) Regulation 2008 (the Standard Module).

Holding an annual general meeting

At an annual general meeting, your body corporate will decide matters such as:

- annual budgets
- annual contributions
- insurance
- the election of the committee.

Your body corporate must hold an annual general meeting each year.

The annual general meeting must take place:

- within 3 months of the end of the body corporate's financial year (not necessarily the same as the tax year)
- at least 21 days after the notice of the meeting is given to lot owners.

The secretary must send a letter to all lot owners 3 to 6 weeks before the end of the body corporate's financial year, inviting lot owners to submit motions for the annual general meeting and asking for committee nominations.

Calling a general meeting

The following people can call the annual general meeting:

- a voting member of the committee (usually the secretary) who has been authorised by the majority of the committee voting members
- a non-voting member of the committee (i.e. a body corporate manager) who has been authorised by the majority of the committee voting members
- someone who has been authorised by an adjudicator's order.

An extraordinary general meeting can be called by a:

- committee member (if approved by the majority of voting committee members) or
- written request signed by at least 25% of lot owners or their representatives or
- person authorised by an adjudicator's order.

Each lot owner has to be given written notice of a general meeting at least 21 days before the meeting. The notice must be given personally or sent to the owner at their address for service.

Agenda

The agenda for an annual general meeting must include:

- any motions submitted by the committee
- any motions submitted by lot owners—which the secretary must receive before the end of the body corporate's financial year
- a motion to confirm the minutes of the previous general meeting
- any statutory motions, including
 - presenting the body corporate's financial accounts for the financial year
 - appointing an auditor of the body corporate's financial accounts for the next financial year, or deciding not to audit the accounts
 - adopting administrative fund and sinking fund budgets for the financial year
 - reviewing each insurance policy held by the body corporate.

The committee must decide on the agenda for an extraordinary general meeting. It must include:

- any motions submitted by lot owners received prior to the calling for the extraordinary general meeting that can practicably be included on the agenda
- any motions listed in the notice asking for an extraordinary general meeting to be called
- any motions submitted by the committee
- a motion to confirm the minutes of a previous general meeting

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Chairing a general meeting

The chairperson must chair all of the extraordinary general meetings that they attend.

If there is no chairperson or the chairperson is not at the meeting, the people at the meeting who have a right to vote can choose another person to chair the meeting.

The body corporate manager can advise and help the chairperson. They can only chair the meeting if they are chosen by those people at the meeting who have a right to vote, or if they are the only person forming a quorum at the meeting

Duties and powers of the person chairing the meeting include:

- ruling a motion out of order
- declaring the result of voting on motions and the committee elections.

Ruling motions out of order

A motion must be ruled out of order if:

- the motion, if carried, would conflict with the legislation or the body corporate by-laws
- the motion, if carried, would conflict with another motion already voted on at the meeting
- the motion, if carried, would be unlawful or unenforceable for another reason
- the substance of the motion was not included on the agenda for the meeting.

The person chairing the meeting must give reasons for ruling a motion out of order, which must be recorded in the minutes. Those who go to the meeting and are entitled to vote may, by ordinary resolution, reverse a ruling.

When declaring the result of voting on motions at the annual general meeting, the person chairing the meeting must state the votes for, against and abstentions on the motion.

When declaring the result of an election for a committee position, the person chairing the meeting must state the number of votes cast for each candidate.

For an annual general meeting when declaring the result of an election for a committee position, the person chairing the meeting must state the number of votes cast for each candidate.

Quorum at general meetings

A quorum is the minimum number of people who must be at an annual general meeting before it can start.

The quorum for a general meeting is at least 25 per cent of the number of voters, except if there are:

- three or more voters for the meeting, when at least 2 voters must be personally present
- less than 3 voters for the meeting, when at least one voter must be personally present.

If a quorum is not present after 30 minutes, the meeting must be adjourned ('the adjourned meeting') to be held at the same place, on the same day and at the same time, in the next week.

If at the adjourned meeting a quorum is not present after 30 minutes, the people who are there (whether personally or otherwise) can form a quorum if:

- the chairperson is personally present or
- the chairperson is not personally present, but a body corporate manager (exercising the powers of the chairperson) is personally present.

SOURCES

<https://www.legislation.qld.gov.au/LEGISLTN/CURRENT/B/BodyCorpA97.pdf>

Body Corporate and Community Management Act 1997, Section 103

<https://www.legislation.qld.gov.au/LEGISLTN/CURRENT/B/BodyCorpStR08.pdf>

Body Corporate and Community Management (Standard Module) Regulation 2008, Section 83-93, Section 106-111

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