

FACT SHEET

This Fact Sheet has been prepared for the purpose of providing information to owners on how to vote at general meetings. 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).

Who Can Vote?

A voter for a general meeting includes an individual whose name is entered on the body corporate roll as the owner of a lot; the representative of a lot owner; or the nominee of a corporate owner.

A voter may vote at a general meeting (other than a motion to be decided by secret ballot) personally, by proxy, by written voting paper or by electronic voting paper (if previously approved by the body corporate).

A lot owner cannot vote on a motion if they owe the body corporate a debt at the time of the meeting, a person cannot vote on behalf of this lot, this does not apply if the motion requires a resolution without dissent. A lot owner owing a debt to the body corporate can also not vote to choose a member of the committee.

When voting at a general meeting each lot gets 1 vote on each motion listed on the voting paper.

Voting Personally

To vote in person at a general meeting you are required to vote by show of hands or by giving your completed voting papers to the Secretary (in the Secretary's absence, the Chairperson) prior to the commencement of the meeting.

Voting by Proxy

A proxy is a representative of a voter at a general meeting.

The proxy:

- cannot be transferred to a third person
- lapses at the end of the body corporate's financial year or at the shorter period stated in the proxy
- may be given by any person who has the right to vote at a general meeting
- must appoint a named individual

The proxy form must be provided to the Secretary prior to the start of the meeting.

Restrictions on proxy use include:

- a person must not hold more than one proxy if there are less than 20 lots in the scheme
- a person must not hold proxies greater in number than 5 per cent of the lots if there are 20 or more lots in the scheme
- a body corporate manager or an associate of a body corporate manager cannot exercise a proxy
- a vote by proxy cannot be exercised on a motion to engage a person as a body corporate manager or a service contractor, or to authorise a person as a letting agent
- a vote by proxy cannot be exercised on a ballot for the election of a member of the committee
- a vote by proxy cannot be exercised if the owner submits a written vote on the motion.

If your body corporate is registered under the Small Schemes or Commercial Module there is no restriction on the number of proxies a person can hold.

FACT SHEET

HOW TO VOTE AT A GENERAL MEETING

Voting in Writing

An owner who is eligible to vote can submit a vote in writing. This can be done by completing and returning voting papers to the Secretary prior to the meeting starting.

A written vote:

- can be given by hand, by post or by facsimile
- may be withdrawn by the voter at any time before the result of the motion is declared
- cannot be withdrawn by a proxy.

You must give your voting paper to the Secretary, if someone else does this on your behalf your vote can be declared invalid.

Voting Electronically

A vote can be cast electronically if the body corporate has approved this by ordinary resolution at a general meeting. An electronic vote must be sent to the Secretary in accordance with a requirement of the Electronic Transactions (QLD) Act 2001.

Secret Ballot

For motions decided by secret ballot you can only vote by:

- written vote (secret voting paper)
- electronic vote (if electronic voting has been authorised by general meeting decision of the body corporate).

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

© Hartley's Management Services PTY LTD (Hartley's Body Corporate Management) 2014

