SIMPLY STRATA

Form 1 - Strata Proxy Appointment

Strata Schemes Management Act 2015

Strata Schemes Management Regulation 2016 (clause 13)
Strata Schemes Management Act 2015 (clause 26 (1) of Schedule 1)

SECTION 1

Date _____

I / We _____

the owners of lot(s) _____ **in Strata Plan No:** _____

appoint _____

of _____

as my/our proxy for the purposes of meetings of the owners corporation (including adjournments of meetings).

SECTION 2 (OPTIONAL)

I / We appoint _____

of _____

as my/our proxy for the purposes of meetings of the owners corporation (including adjournments of meetings) if

_____ **already holds the maximum number of proxies that may be accepted.**

SECTION 3

Period or number of meetings for which appointment of proxy has effect for: * ☐ **1 meeting /** * ☐ **____ meetings /**

* ☐ **1 month /** * ☐ **____ months /** * ☐ **12 months or 2 consecutive Annual General Meetings**

**Tick or tick and complete whichever applies*
(Note: The appointment cannot have effect for more than 12 months or 2 consecutive annual general meetings, whichever is the greater).

SECTION 4

*1. ☒ **This form authorises the proxy to vote on my / our behalf on all matters.**

OR

*2. ○ **This form authorises the proxy to vote on my / our behalf on the following matters only:**

[Specify the matters and any limitations on the manner in which you want the proxy to vote.]
**Select option 1 or 2, whichever applies.*

*3. ☐ **If a vote is taken on whether the strata managing agent should be appointed or remain in office or whether another managing agent is to be appointed, I / we want the proxy to vote as follows:**

**Delete paragraph 3 if proxy is not authorised to vote on this matter. For examples, read note 1 below.*

*4. ☐ **I understand that, if the proxy already holds more than the permitted number of proxies, the proxy will not be permitted to vote on my / our behalf on any matters.**

SECTION 5

Signature of owner/s

NOTES ON APPOINTMENT OF PROXIES

1. This form is ineffective unless it contains the date on which it was made and it is given to the secretary of the owners corporation at least 24 hours before the first meeting in relation to which it is to operate (in the case of a large strata scheme) or at or before the first meeting in relation to which it is to operate (in any other case).
2. This form will be revoked by a later proxy appointment form delivered to the secretary of the owners corporation in the manner described in the preceding paragraph.
3. This form is current from the day on which it is signed until the end of the period (if any) specified on the form or the first anniversary of that day or at the end of the second annual general meeting held after that day (whichever occurs first)
4. If a person holds more than the total number of proxies permissible, the person cannot vote using any additional proxies. The total number of proxies that may be held by a person (other than proxies held by the person as the co-owner of a lot) voting on a resolution are as follows:
   (a) if the strata scheme has 20 lots or less, one,
   (b) if the strata scheme has more than 20 lots, a number that is equal to not more than 5% of the total number of lots.
5. A provision of a contract for the sale of a lot in a strata scheme, or of any ancillary or related contract or arrangement, is void and unenforceable to the extent that it:
   (a) requires the purchaser of a lot, or any other person, to cast a vote at a meeting of the owners corporation at the direction of another person, or
   (b) requires the purchaser to give a proxy at the direction of another person for the purpose of voting at a meeting of the owners corporation (that is a person cannot rely on any such proxy to cast a vote as a proxy).

NOTES ON RIGHTS OF PROXIES TO VOTE

1. A duly appointed proxy:
   (a) may vote on a show of hands (or by any other means approved by a general resolution at a meeting of the owners corporation), subject to any limitation in this form, or may demand a poll, and
   (b) may vote in the person's own right if entitled to vote otherwise than as a proxy, and
   (c) if appointed as a proxy for more than one person, may vote separately as a proxy in each case.
2. A proxy is not authorised to vote on a matter:
   (a) if the person who appointed the proxy is present at the relevant meeting and personally votes on the matter, or
   (b) so as to confer a pecuniary or other material benefit on the proxy, if the proxy is a strata managing agent, building manager or on-site residential property manager, or
   (c) if the right to vote on any such matter is limited by this form.

VOTING INSTRUCTIONS FOR A GENERAL MEETING

Voting or other rights may be exercised in person (if the addressee is an individual) or by a company nominee (if the addressee is a corporation), or by a proxy appointed by the addressee

An unfinancial owner, mortgagee or covenant chargee cannot vote at a meeting on a motion (other than a motion requiring a unanimous resolution) 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.

A vote by an owner does not count if a priority vote is cast for the lot in relation to the same matter,

If you are an owner you cannot vote at the meeting if a vote is cast by:

- the mortgagee shown on the strata roll for your lot;
- the covenant chargee shown on the strata roll for your lot; or
- in the case of multiple mortgagees or covenant charges – the priority mortgagee or chargee shown on the strata roll for your lot.

Notes on rights of proxies to vote:

1. A duly appointed proxy:
   (a) may vote on a show of hands (or by any other means approved by a general resolution at a meeting of the owners corporation), subject to any limitation in this form, or may demand a poll, and
   (b) may vote in the person's own right if entitled to vote otherwise than as a proxy, and
   (c) if appointed as a proxy for more than one person, may vote separately as a proxy in each case.

2. A proxy is not authorised to vote on a matter:
   (a) if the person who appointed the proxy is present at the relevant meeting and personally votes on the matter, or
   (b) so as to confer a pecuniary or other material benefit on the proxy, if the proxy is a strata managing agent, building manager or on-site residential property manager, or
   (c) if the right to vote on any such matter is limited by this form.

QUORUM
Schedule 1, Clause 17 Strata Schemes Management Act 2015

1. Quorum required for motion or election - A motion submitted at a meeting must not be considered, and an election must not be held at a meeting, unless there is a quorum present to consider and vote on the motion or on the election.

2. When quorum exists - A quorum is present at a meeting only in the following circumstances:
   (a) if not less than one-quarter of the persons entitled to vote on the motion or election are present either personally or by duly appointed proxy,
   (b) if not less than one-quarter of the aggregate unit entitlement of the strata scheme is represented by the persons who are present either personally or by duly appointed proxy and who are entitled to vote on the motion or election,
   (c) if there are 2 persons who are present either personally or by duly appointed proxy and who are entitled to vote on the motion or election, in a case where there is more than one owner in the strata scheme and the quorum otherwise calculated under this subclause would be less than 2 persons.

3. A person who has voted, or intends to vote, on a motion or at an election at a meeting by a permitted means other than a vote in person is taken to be present for the purposes of determining whether there is a quorum.

4. Procedure if no quorum - If no quorum is present within the next half-hour after the relevant motion or business arises for consideration at the meeting, the chairperson must:
   (a) adjourn the meeting for at least 7 days, or
   (b) declare that the persons present either personally or by duly appointed proxy and who are entitled to vote on the motion or election constitute a quorum for considering that motion or business and any subsquent motion or business at the meeting.

5. Quorum for adjourned meeting - If a quorum is not present within the next half-hour after the time fixed for the ajourned meeting, the persons who are present either personally or by duly appointed proxy and who are entitled to vote on the motion or election constitute a quorum for considering that motion or business and any subsequent motion or business at the meeting.