

# Smart Strata: Committee Update

## Proxies

A proxy is an authorisation from one person to another to represent their voting rights at a general meeting i.e. an Annual or Extraordinary General Meeting or at a committee meeting it must be another committee member who acts as the proxy.



The legislation about proxies can be found at Section 102 Body Corporate and Community Management Act 1997 and regulations modules

According to Body Corporate and Community Management in Queensland a proxy is given from one person to another via the appropriate form which can be downloaded from the QLD Government Body Corporate & Community Management website.

In Queensland proxies are permitted for AGM's and also for committee meetings. There is a form for each type of meeting so be sure to download the correct one.

Owners are permitted to appoint a representative to stand in for them at meetings, to vote in ballots or represent them on the committee. However, proxies are limited to one per person and in fact may be prohibited by the Body Corporate for some or all matters.

There are a number of provisions in Queensland regarding the use of proxies and most are fairly limited.

For example you cannot exercise a proxy vote at a general meeting under the following conditions:

- If the person who has appointed the proxy is physically present at the meeting or if they have voted in writing or by electronic means
- On a ballot for a committee member's appointment
- For voting for a special or majority resolution
- On a motion approving the appointment of a body corporate manager or other service contractor

This list is not exhaustive and individuals are advised to seek the advice and assistance of their body corporate manager or a lawyer qualified to give advice in body corporate matters.

*Remember: a proxy is your vote.*

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## Quorums

A quorum is the minimum number of people who must be present at a meeting to allow that meeting to be declared valid and for it to go ahead.

In Queensland this can be very complex because it depends on the type of meeting being held.

For a meeting of the committee (under Accommodation, Standard & Commercial module regulations), a quorum is deemed to be present if:

- at least 50 percent of the members of the committee are present. It must be kept in mind that the number for the quorum is based upon the number determined at the last general meeting at which the size of the committee was set.

For a meeting of the committee (under Small schemes module), a quorum is deemed to be present if:

- the secretary & treasurer positions are held by one person – that person
- or, if the positions are held by 2 persons – those persons acting in agreement about how a motion is to be decided.

For general meetings, (all module regulations), a quorum is deemed to be present if:

- at least one-quarter of the total number of voters are present personally, by proxy or by voting paper and there must be two voters present in person if the number of lots are more than three. If the number of lots is less than three, one voter must be present.
- if a person owns multiple lots and are present personally they only count as one in the quorum count. Though if they submit voting papers for each lot then each lot is counted in the quorum. They also have to be eligible to vote - meaning any owner owing the body corporate a debt cannot be counted as a voter for any vote other than a "resolution without dissent".

If there is no quorum after 30 minutes of the scheduled start time, the meeting must be adjourned to be held at the same place, same day and at the same time in the next week. If not practicable to hold the adjourned meeting at the same place, it can be held at another place if all lot owners are advised personally or in writing of the new location before the adjourned meeting is to start.

If there is no quorum within 30 minutes of the time fixed for the adjourned meeting, the meeting is able to go ahead. The quorum is then the owners and proxies (whether personally present or otherwise) at the adjourned meeting who are entitled to vote.

If people start leaving the meeting and the meeting loses its quorum, the meeting will need to be adjourned to complete outstanding business at a time and place to be advised.

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