

## General Meetings in the COVID era

In the COVID era and before the Strata Titles Amendment Act 2018 is proclaimed (**Commencement Day**), there are steps you can take to:

- 1 hold a general meeting with only one or two people in attendance;
- 2 enable owners to participate in discussion during the general meeting; and
- 3 enable owners who are not present at the meeting to vote in real time during the meeting after considering the discussion on each motion.

## Real Time Directed Proxy

Owners can sign a Real Time Directed Proxy Form which states that the Proxy must vote as the owner directs during the meeting. The direction to vote can be given by email, text, phone or other electronic means. Attached to this guidance note is a draft Real Time Directed Proxy.

## Process to hold a General Meeting without owners attending

For each general meeting between now and Commencement Day, obtain the written approval of the council of the strata company (**Council**) to the following:

- 1 Holding the general meeting in your office with only you the strata manager as Chairperson of the meeting in physical attendance.
- 2 Advise all owners that as a result of COVID and the need for social distancing, owners:
  - 2.1 can participate in the general meeting by teleconference;
  - 2.2 can vote by using a proxy form; and
  - 2.3 will not be able to physically attend the general meeting.
- 3 Proxies for the general meeting will need to be given to the Chairperson and owners can choose to give:
  - 3.1 an undirected proxy;
  - 3.2 a directed proxy where the owner specifies in their proxy form exactly how they want to vote in advance on each motion; or
  - 3.3 a Real Time Directed Proxy Form which states that:
    - 3.3.1 the proxy must vote as the owner directs during the general meeting; and
    - 3.3.2 the direction will be given by email, text, phone or other electronic means.
- 4 Provided there are sufficient proxies held by the Chairperson to form a quorum, the meeting can proceed.

## Note

Whilst there is nothing in the default Schedule 1 by-laws (**Default By-laws**) or the Strata Titles Act 1985 preventing you from taking the approach detailed above (provided the Council agree) individual circumstances of each strata company should be considered. If the strata company you are managing has by-laws for general meetings that are not the Default By-laws, you should seek legal advice.

## Questions

If you have any questions on complying with the Strata Titles Act 1985 prior to or after Commencement Day, you are welcome to call Tim Morgan on 9288 6838 or Sean Macfarlane at Lavan on 9288 6854.

**[Insert Name of Strata Company]**  
**Real Time Directed Proxy Voting Form for General Meetings**

- 1 I/We: \_\_\_\_\_  
(Appointor name) \_\_\_\_\_  
(Appointor name) \_\_\_\_\_  
being the proprietor/s of Lot \_\_\_\_\_ appoint the Chairperson of the general meeting, as my/our proxy (**Proxy**) for the purposes specified in clause 2 of this form.
- 2 I/We direct the Proxy to vote on the motions as listed in the agenda of the annual / extraordinary\* general meeting (**General Meeting**) scheduled to be held on \_\_\_\_\_ [insert meeting date] as I / We specify by phone, email or other form of electronic communication during the General Meeting:
- 3 I/We agree to ratify and confirm all things which the Proxy lawfully does under this form.

**Date:**

**INDIVIDUAL APPOINTOR:**

Signed by:

\_\_\_\_\_  
Signature of Appointor

\_\_\_\_\_  
Signature of Appointor

**COMPANY APPOINTOR** (*Multi-director/ secretary*):

Signed for and on behalf of \_\_\_\_\_ )  
\_\_\_\_\_ **Pty Ltd** )  
(Insert Appointor name) )  
by the authority of its directors in )  
accordance with section 127 of )  
the *Corporations Act* 2001 (Cth) )

\_\_\_\_\_  
Signature of Director

\_\_\_\_\_  
Signature of \*Director/\*Secretary

\_\_\_\_\_  
Print name of Director

\_\_\_\_\_  
Print name of \*Director/\*Secretary

*\*delete that which does not apply*

**COMPANY APPOINTOR** (*Sole director/ secretary*):

Signed for and on behalf of \_\_\_\_\_ )  
\_\_\_\_\_ **Pty Ltd** )  
(Insert Appointor name) )  
by the authority of its directors in )  
accordance with section 127 of )  
the *Corporations Act* 2001 (Cth) )

\_\_\_\_\_  
Signature of Sole Director/Secretary

\_\_\_\_\_  
Print name of Sole Director/Secretary