

# THE STRATA COLLECTIVE



**THE STRATA COLLECTIVE PRESENTATION  
VOTING AND PROXIES – 21.02.23**

## Overview of Today

- Decision of the Owners Corporation
- Decisions of a Strata Committee
- Completing a Proxy
- Existing requirements
- Some common errors



# Decisions of the Owners Corporation – Ordinary Resolution

## **Schedule 1 of the Strata Schemes Management Act 2015**

### **14 DECISIONS AT MEETINGS**

(1) Simple majority vote to generally apply A motion put to a meeting, or an election of officers of the owners corporation or members of the strata committee, is to be decided according to a majority in number of the votes cast for and against the motion with each person having one vote for each lot in respect of which the person is entitled to vote.

## Decisions of the Owners Corporation

(3) Value of votes to apply for poll - If a poll is demanded by a person present and entitled to vote on a motion or for the election of officers of the owners corporation or members of the strata committee at the meeting, the motion is to be decided according to the value of the votes cast for and against the motion and the value of a vote cast by a person entitled to vote in respect of a lot is equal to the unit entitlement of that lot. However, the value of the vote of an original owner is to be calculated in the same way as for a special resolution.

## Decisions of the Owners Corporation - Polls

(4) Polls - A poll may be demanded immediately before or after a vote decided by a majority in number has been taken. The demand for a poll may be withdrawn by the person who made it.



## Special Resolution

- (1) In this Act, a resolution of an owners corporation is a **"special resolution"** if—
- (a) it is passed at a properly convened general meeting, and
  - (b) of the value of votes cast—
    - (i) not more than 25% are against the resolution, or
    - (ii) if the resolution is a sustainability infrastructure resolution--less than 50% are against the resolution.

Abstaining votes are not counted in voting

# Working example – see spreadsheet

## SP 1234 - STRATA PLAN NAME

Unit No	Lot No	Description	UE	Arrears	Attendance	Proxy	Motion 2 - Special Levy				Motion 3 - By-Law			
							Y	N	For	Against	Y	N	For	Against
1	1	NAME	215	0.00		to J William	1		215	0	1		215	0
2	2	NAME	215	0.00					0	0	1		215	0
3	3	NAME	236	0.00					0	0			0	0
4	4	NAME	215	0.00				1	0	215		1	0	215
5	5	NAME	193	0.00					0	0	1		193	0
6	6	NAME	215	0.00	ABSTAIN				0	0			0	0
7	7	NAME	193	0.00			1		193	0			0	0
8	8	NAME	236	0.00	ABSTAIN				0	0	1		236	0
9	9	NAME	247	0.00			1		247	0			0	0
10	10	NAME	322	0.00					0	0			0	0
11	11	NAME	322	0.00				1	0	322	1		322	0
12	12	NAME	322	0.00					0	0			0	0
							Motion 1 Minutes 0				Motion 2			
							For	Aga	For	Against	For	Aga	For	Against
							3	2	655	537	5	1	1181	215
							54.95%		45.05%		84.60%		15.40%	
									1192				1396	

## Proxies

- The form must be an instrument in the form prescribed by the regulations – Form 1 of Schedule 1



# THE STRATA COLLECTIVE

## Form 1 - Proxy appointment - Strata Schemes Management Act 2015

Date

I/We [name(s)]

the owners of lot [address]

In Strata Plan No.

Appoint [name of first appointee]

Of [first appointee's address]

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

I/We appoint [second appointee's name]

Of [second appointee's address]

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

the named above already holds the maximum number of proxies that may be accepted.

Period or number of meetings for which appointment of proxy has effect *(Tick OR tick and complete whichever applies below):*

- ☐ 1 meeting ☐ [please insert number]  meetings
- ☐ 1 month ☐ [please insert number]  months
- ☐ 12 months ☐ 2 consecutive annual general meetings

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

*[Tick and complete whichever applies below]:*

- ☐ **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.]*

- ☐ **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:**

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.

Signature of owner/s:

Signature:	
Name [print]:	

Signature:	
Name [print]:	

### THE STRATA COLLECTIVE PTY LTD

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Phone: 02 9137 2320

Web: thestratacollective.com.au

Email: info@thestratacollective.com.au

Level 3, 3 Spring Street

Sydney NSW 2000

## Proxies – Signing – Sole Owner

- The proxy must be signed by the person appointing the proxy. If it is a sole owner, the sole owner must sign the proxy

# THE STRATA COLLECTIVE

## Form 1 - Proxy appointment - Strata Schemes Management Act 2015

Date

18.02.2023

I/We [name(s)]

ROD SMITH

the owners of lot [address]

1

In Strata Plan No.

1234

Appoint [name of first appointee]

MARY SMITH

Of [first appointee's address]

111 SMITH ST STONEY

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

I/We appoint [second appointee's name]

Of [second appointee's address]

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

the named above already holds the maximum number of proxies that may be accepted.

Period or number of meetings for which appointment of proxy has effect (Tick OR tick and complete whichever applies below):



1 meeting



[please insert number]

meetings



1 month



[please insert number]

months



12 months



2 consecutive annual general meetings

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

[Tick and complete whichever applies below]:



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.]




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:

VOTE TO APPOINT STRATA MANAGER COMPANY NAME

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.

Signature of owner/s:

Signature:	
Name [print]:	ROD SMITH

Signature:	
Name [print]:	

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# THE STRATA COLLECTIVE

## Form 1 - Proxy appointment - Strata Schemes Management Act 2015

Date 15.2.23

I/We *[name(s)]* ROD SMITH

the owners of lot *[address]* 1

In Strata Plan No. 1234 Appoint *[name of first appointee]* NIKKI JOVICIC

Of *[first appointee's address]* 2 / 1 SMITH ST SYDNEY

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

I/We appoint *[second appointee's name]*

Of *[second appointee's address]*

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

the named above already holds the maximum number of proxies that may be accepted.

Period or number of meetings for which appointment of proxy has effect *[Tick OR tick and complete whichever applies below]:*

☐ 1 meeting ☐ *[please insert number]*  meetings

☐ 1 month ☐ *[please insert number]*  months

☒ 12 months ☐ 2 consecutive annual general meetings

*[Note: The appointment cannot have effect for more than 12 months or 2 consecutive annual general meetings, whichever is the greater.]*

*[Tick and complete whichever applies below]:*

☐ 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.]*

MOTION 2 - YES MOTION 4 - NO MOTION 7 - NO

☒ 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:

CHANGE STRATA MANAGERS AND APPOINT THE STRATA CO

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.

Signature of owner/s:

Signature:	<u>[Signature]</u>
Name <i>[print]</i> :	<u>ROD SMITH</u>

Signature:	
Name <i>[print]</i> :	

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## Proxies – Signing – Co Owners

- The proxy must be signed by the persons appointing the proxy. If it is co-owners, all owners must sign the proxy form

# THE STRATA COLLECTIVE

## Form 1 - Proxy appointment - Strata Schemes Management Act 2015

Date

20.2.23

I/We [name(s)]

ROD & MARY SMITH

the owners of lot [address]

1

In Strata Plan No.

1234

Appoint [name of first appointee]

EBONY VOGET

Of [first appointee's address]

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

I/We appoint [second appointee's name]

Of [second appointee's address]

as my/our proxy for the purposes of meetings of the owners corporation (including adjournments of meetings) if the named above already holds the maximum number of proxies that may be accepted.

Period or number of meetings for which appointment of proxy has effect (Tick OR tick and complete whichever applies below):

- ☐ 1 meeting ☐ [please insert number] meetings
- ☐ 1 month ☐ [please insert number] months
- ☒ 12 months ☐ 2 consecutive annual general meetings

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

[Tick and complete whichever applies below]:


- ☒ 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.]


- ☒ 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:

VOTE TO APPOINT THE STRATA COMPANY NAME

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.

Signature of owner/s:

Signature:	
Name [print]:	ROD SMITH

Signature:	
Name [print]:	MARY SMITH

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## Proxies – Signing – Companies and POA

- The proxy must be signed by a company pursuant to section 127 of the Corporations Act 2001:
  - One director is sole director;
  - Two directors; or
  - One director and company secretary
- Powers of Attorney pursuant to a Power of Attorney. Normally the POA would be provided to the strata manager at the same time.



# THE STRATA COLLECTIVE

## Form 1 - Proxy appointment - Strata Schemes Management Act 2015

Date 18.02.2023

I/We [name(s)] THE STRATA COLLECTIVE PTY LIMITED

the owners of lot [address] 1

In Strata Plan No. 1234 Appoint [name of first appointee] ROD SMITH

Of [first appointee's address] 111 SMITH ST SYDNEY

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

I/We appoint [second appointee's name] NIKKI JOKIC

Of [second appointee's address] 211 SMITH ST SYDNEY

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

the named above already holds the maximum number of proxies that may be accepted.

Period or number of meetings for which appointment of proxy has effect [Tick OR tick and complete whichever applies below]:

- ☐ 1 meeting ☐ [please insert number]  meetings
- ☐ 1 month ☐ [please insert number]  months
- ☒ 12 months ☐ 2 consecutive annual general meetings

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

[Tick and complete whichever applies below]:

- ☒ 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.]

- ☐ 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:

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.

Signature of owner/s:

Signature:	<u>ROD SMITH</u> <u>SOLE DIRECTOR</u>
Name [print]:	<u>ROD SMITH</u>

Signature:	
Name [print]:	

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## Alternative Proxy Appointment

- Proxy form allows for an alternative to be appointed if maximum proxies have been reached.
- The alternative does not give right to possible second proxy holder if the first proxy holder fails to turn up to the meeting

## Timing of proxies

- Must contain the date it was made.
- Proxy must be given to the Secretary of the Owners Corporation:
  - At least 24 hours before the meeting the proxy is to apply from for a large scheme
  - At or before the first meeting the proxy is to apply

## Restriction on Duly Appointed Proxies

- Proxies can't be used if an owner is unfinancial
- Can't vote in a matter contrary to the instructions on the proxy
- Original owner (ie the developer) can't give a proxy regarding a matters for the contract of sale of the lot or such a document;
- Proxy can't be used by a building manager, property manager or strata manager to obtain a financial interest

# THE STRATA COLLECTIVE

## Form 1 - Proxy appointment - Strata Schemes Management Act 2015

Date

I/We [name(s)]

ROD SMITH

the owners of lot [address]

In Strata Plan No.

1234

Appoint [name of first appointee]

MANAGING AGENT

Of [first appointee's address]

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

I/We appoint [second appointee's name]

Of [second appointee's address]

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

the named above already holds the maximum number of proxies that may be accepted.

Period or number of meetings for which appointment of proxy has effect *(Tick OR tick and complete whichever applies below):*

☐ 1 meeting

☐ [please insert number]

meetings

☐ 1 month

☐ [please insert number]

months

☒ 12 months

☐ 2 consecutive annual general meetings

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

*[Tick and complete whichever applies below]:*

☐ 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.]*

☐ 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:

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.

Signature of owner/s:

Signature:	
Name [print]:	ROD SMITH

Signature:	
Name [print]:	

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## Proxy Farming

- For buildings with 20 lots or less, one proxy
- Now a maximum of 5% of the number of total number of lots in proxies for more than 20 lots



## Pre Meeting Voting

### **STRATA SCHEMES MANAGEMENT REGULATION 2016 - REG 14A**

#### **Pre-meeting electronic voting**

For the Act, Schedule 1, [clause](#) 28(3) and Schedule 2, [clause](#) 10(3), the following applies in relation to voting by pre-meeting electronic voting—

(a) an election must not be determined by pre-meeting electronic voting,

## Pre Meeting Voting

(b) for a matter that may be determined partly by pre-meeting electronic voting--the notice of the meeting must include a statement that—

(i) the relevant motion may be amended by a further motion given at the meeting after the pre-meeting electronic voting takes place, and

(ii) consequently, the pre-meeting vote may have no effect,

(c) a motion that is to be determined wholly by pre-meeting electronic voting must not be amended at the meeting for which the pre-meeting electronic voting was conducted,

## Pre Meeting Voting

(d) a motion that is to be determined partly by pre-meeting electronic voting may be amended at the meeting for which the pre-meeting electronic voting was conducted but only if the amendment does not change the subject matter of the motion,

(e) if a motion that is to be determined partly by pre-meeting electronic voting is amended at the meeting for which the pre-meeting electronic voting has been conducted--the minutes of the meeting distributed to owners must be accompanied by—

- (i) notice of the change, and
- (ii) a statement setting out the power to make a qualified request for a further meeting under the Act, [section 19](#).