

VOTING RIGHTS AT GENERAL MEETINGS
Strata Schemes Management Act 1996 Schedule 2 Part 2

- 1) **Who has voting rights?**
Each member of an owners corporation, and each person entitled to a priority vote, has voting rights that may be exercised at the general meeting of the owners corporation, but only if the member or person is shown on the strata roll and, in the case of a corporation, the company nominee is shown on the strata roll.
- 2) **Exercise of voting rights by joint first mortgage or joint covenant chargee?**
Voting rights may be exercised at the meeting by joint first mortgages or joint covenant chargees only by proxy (who may be one of them) duly appointed by all of them jointly.
- 3) **Exercise of voting rights by owner, first mortgagee or covenant chargee**
The voting rights of an owner, first mortgagee or covenant chargee of a lot (other than a joint owner, mortgagee or covenant chargee) may be exercised:
 - a) unless the owner, first mortgagee or covenant chargee is a corporation – in a person by proxy, or
 - b) if the owner, mortgagee or covenant chargee is a corporation – by the company nominee in person, or by proxy appointed by the corporation.
- 4) **Exercise of voting rights by joint owners to be by proxy**
The voting rights of joint owners of a lot may not be exercised by them individually but may be exercised:
 - a) by a proxy (who may be one of them), or
 - b) as provided by subclause (5).
- 5) **Other circumstances in which joint owners may exercise voting rights**
If, on a vote at a general meeting, the rights of joint owners of a lot are not exercised by a proxy as referred to in subclause (4), one of them may act as such proxy:
 - a) if the other joint owners are absent or such of them as are present given their consent, or
 - b) if paragraph (a) does not apply if he or she is the owner first named on the strata roll as one of the joint owners.
- 6) **Exercise of voting rights by owners of successful estates in lot**
If there are owners of successful estates in a lot, only the owner of the first estate may vote at a general meeting.
- 7) **Exercise of voting rights where owner holds lot as trustee**
If the owner of a lot holds it as trustee, a person beneficially entitled may vote at a general meeting.
- 8) **Voting rights may not be exercised if contributions are not paid**
A vote at a general meeting (other than a vote on a motion requiring a unanimous resolution) by an owner of a lot or a person with a priority vote in respect of the lot does not count unless payment has been made before the meeting of a contribution levied on the owner, and any other amounts recoverable from the owner, in relation to the lot that are owing at the date of the notice of the meeting.
- 9) **Effect of casting of priority vote**
If a priority vote is cast in relation to a lot, a vote on the same manner by the owner of the lot does not count.
- 10) **Effect of section 118 (Notice to owners corporation of right to vote)**
The clause does not confer a right to vote on a person described of the right by failing to comply with section 118.
- 11) **Definition of motion**
Inn this clause, *motion* means a motion submitted at a general meeting of an owners corporation or any election of members of the executive committee.