



Strata Titles Amendment Act 2018 ***Fact Sheet***

SECTION 120

Voting

- (1) The owner of each lot in a strata titles scheme is entitled to 1 vote on a proposed resolution of the strata company.
- (2) However, the owner of a lot is not entitled to cast the vote attached to the lot if —
 - (a) the resolution is not required to be a unanimous resolution or a resolution without dissent and is not a resolution for postponing the expiry day for a leasehold scheme or a termination resolution; and
 - (b) there is an outstanding amount recoverable under this Act owed to the strata company by the owner of the lot.
- (3) A proposed resolution can be put to the members of a strata company —
 - (a) at a general meeting; or
 - (b) outside of a general meeting.
- (4) A resolution can be proposed only by a member of the strata company who is entitled to vote on the resolution.
- (5) The vote attached to a lot can, and can only, be cast, if at the time it is cast, the person is entitled to cast the vote attached to the lot.
- (6) The owner of a lot may cast the vote attached to the lot in person or by duly appointed proxy.
- (7) However, if a vote is taken at a general meeting at which both the owner of a lot and a proxy entitled to cast the vote attached to the lot are present and the owner is not a co-owner of the lot, the owner of the lot must cast the vote.
- (8) The voting system, whether it is electronic or by other means, must —
 - (a) enable votes to be cast in a manner designed to protect the integrity of the voting system; and
 - (b) comply with any requirements specified in the regulations.

Section 121 Voting Period

- (1) If a resolution is required to be a unanimous resolution, resolution without dissent or special resolution, the period allowed for voting must be 28 days or, if the regulations specify some other period, that period.
- (2) If a vote on a resolution that is required to be a unanimous resolution, resolution without dissent or special resolution is taken at a general meeting —
 - (a) the voting period opens at the meeting and closes 28 days (or if the regulations specify some other period, that period) after the meeting; and
 - (b) if, for 1 or more lots, there was no-one present at the meeting in person or by proxy who could cast the vote attached to the lot — written notice of the outcome of the vote at the meeting is given to the owner of each such lot; and
 - (c) if the vote for a lot was not cast at a meeting, the vote may be cast by written notice to the strata company before the voting period closes.

Section 122 Counting of Votes

- (1) Votes are to be counted (and recorded) as follows —
 - (a) for a unanimous resolution or a resolution without dissent, the votes must be counted by the number of votes cast;
 - (b) for a special resolution, the votes must be counted both by the number of votes cast and by the number of unit entitlements of the lots for which votes are cast;
 - (c) for an ordinary resolution, the votes must be counted by the number of votes cast unless any person entitled to cast a vote demands that they be counted by the number of unit entitlements of the lots for which votes are cast, in which case, they must be counted in that manner.
- (2) A demand that a vote be counted by the number of unit entitlements of the lots for which votes are cast can be made —
 - (a) if the vote is being taken at a general meeting, orally or in writing before the resolution is put to the vote; and
 - (b) if the vote is being taken outside of a general meeting, when the vote is cast.
- (3) Such a demand may only be withdrawn by the person who made the demand.