



Strata Titles Amendment Act 2018 Fact Sheet

Section 123

Resolutions

Section 123 covers the meaning and requirements for resolutions

Unanimous Resolution

- (1) A resolution of a strata company is a ***unanimous resolution*** if —
- (a) 14 days' notice of the terms of the proposed resolution is given to each member of the strata company before voting on the resolution opens; and
 - (b) the vote attached to each lot in the scheme is cast in favour of the resolution.

Resolution without dissent

- (2) Subject to subsection (3), a resolution of a strata company is a ***resolution without dissent*** if —
- (a) 14 days' notice of the terms of the proposed resolution is given to each member of the strata company before voting on the resolution opens; and
 - (b) no vote attached to a lot in the scheme is cast against the resolution.
- (3) For a 2-lot scheme, a resolution is only to be regarded as a ***resolution without dissent*** if it is a unanimous resolution..

Special Resolution

- (4) Subject to subsections (5) and (6), a resolution of a strata company is a ***special resolution*** if —
- (a) 14 days' notice of the terms of the proposed resolution is given to each member of the strata company before voting on the resolution opens; and

(b) the votes in favour of the resolution equal —
(i) when counted by number — not less than 50% of the number of lots in the scheme; and

(ii) when counted by unit entitlements — not less than 50% of the unit entitlements of the lots in the scheme;

and

(c) the votes against the resolution equal —

(i) when counted by number — less than 25% of the number of lots in the scheme; and

(ii) when counted by unit entitlements — less than 25% of the unit entitlements of the lots in the scheme.

(5) For a 2-lot scheme, a resolution is only to be regarded as a **special resolution** if it is a unanimous resolution.

(6) For a 3, 4 or 5-lot scheme, a resolution of the strata company is a **special resolution** if —

(a) 14 days' notice of the terms of the proposed resolution is given to each member of the strata company before voting on the resolution opens; and

(b) the votes in favour of the resolution equal—

(i) when counted by number —

(I) for a 3-lot scheme — not less than 2;
And

(II) for a 4-lot scheme — not less than 3;
and

(III) for a 5-lot scheme — not less than 4;
and

(ii) when counted by unit entitlements — not less than 50% of the unit entitlements of the lots in the scheme.

Ordinary Resolution

- (7) A resolution of a strata company is an **ordinary resolution** if —
- (a) for a resolution passed other than at a general meeting, 14 days' notice of the terms of the proposed resolution is given to each member of the strata company before voting on the resolution opens; and
 - (b) it is passed when counted as required under section 122 (1)(c) —
 - (i) by number — by more than 50% of the number of lots for which votes are cast; or
 - (ii) by unit entitlements — by more than 50% of the sum of the unit entitlements of the lots in the scheme for which votes are cast.

Note for this subsection:

For an ordinary resolution, the question is determined against the resolution on an equal number of votes whether counted by number or by unit entitlements.