



Strata Titles Amendment Act 2018 Fact Sheet

Section 124 Voting by proxy

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124. Voting by proxy

- (1) An instrument appointing a proxy to cast a vote must be in writing and executed by the appointer or the appointer's attorney.
- (2) Subject to any limitations expressed in the instrument of appointment, the appointment of a proxy is for all general meetings and for all purposes.
- (3) The instrument of appointment of a proxy may limit the appointment —
 - (a) to a specified general meeting or to voting on a specified resolution; or
 - (b) to general meetings held, or votes taken, within a specified period; or
 - (c) to a specified purpose; or
 - (d) in any other specified way.
- (4) A proxy may be, but is not required to be, a member of the strata company.
- (5) The regulations may impose limitations on a strata manager being appointed as a proxy, including limitations as to the number of lot owners or unit entitlements of lots for which a strata manager may be appointed as a proxy.

125. Disqualification from Voting As Proxy

- (1) If a member of a strata company who is an individual and sole owner of a lot is present at a general meeting of the strata company, the member must cast the vote for the lot personally rather than by proxy.
- (2) A person must not vote as a proxy of another person on a resolution relating to the provision of goods, amenity or service to the strata company if the person so voting (the *proxy*) has a direct or indirect pecuniary or other interest in the provision of the goods, amenity or service.
- (3) Subsection (2) does not apply if —
 - (a) notice of the proposed resolution included, if applicable, the particulars described in subsection (4); and
 - (b) the instrument appointing the proxy expressly authorises the proxy to vote on the resolution and specifies whether the proxy is to vote for or against it.

- (4) If the resolution relates to the strata company making, varying or extending a strata management contract, the notice of the resolution must specify —
- (a) the name of the strata manager; and
 - (b) when the proposed contract, or the contract as proposed to be varied or extended (as the case may require) is to start and end; and
 - (c) each proposed variation, if applicable; and
 - (d) the remuneration that is payable under the contract or the way in which the remuneration that is payable under the contract is to be calculated.

126. Exercise of Voting Power In Certain Cases

The entitlement of the owner of a lot to vote on a proposed resolution is subject to the following —

- (a) if the lot is subject to a registered mortgage —
 - (i) the first mortgagee of the lot may, in person or by proxy, cast the vote on behalf of the owner of the lot; and
 - (ii) the owner may cast the vote if the first mortgagee does not do so;and
- (b) in any event —
 - (i) if the owner of the lot has not attained 18 years of age, the owner may not cast the vote but the owner's guardian may do so on behalf of the owner; and
 - (ii) if the owner of the lot is, for any reason, unable to control the owner's property, the person who is, for the time being, authorised by law to control the owner's property may cast the vote on behalf of the owner; and
 - (iii) if there are co-owners of the lot, the co-owners may only cast the vote through jointly appointing a single proxy (who may be 1 of the co-owners).