



Learn more about general meetings of the members of a Body Corporate in Queensland

Held under the Body Corporate and Community Management (Standard Module) 2020 (Qld)

How many votes are needed to pass each type of resolution at a general meeting

At a general meeting how does our Body Corporate pass:	Voting threshold for each type of resolution	Voting 'weight'	Do proxy votes count?
an "ordinary resolution"	The votes counted for the motion are more than the votes counted against the motion; or If a voter calls for a poll vote, the total contribution schedule lot entitlements for the lots that vote for the motion, is more than the total contribution schedule lot entitlements for the lots that vote against the motion.	One vote per lot unless a voter calls for a poll vote. If a poll vote is called for, one vote per contribution schedule lot entitlement.	Yes (unless proxy votes are prohibited on the type of decision)
a "special resolution"	At least two-thirds (66.6%) of votes cast are in favour of the motion; and The number of votes counted against the motion is 25% or less of the number of lots in the CTS; and The total contribution schedule lot entitlements of lots who cast votes against the motion is 25% or less of the total contribution schedule lot entitlements for all lots in the CTS.	For counting the votes in favour: One vote per lot; and For counting the votes against: One vote per lot; and One vote per unit of contribution schedule lot entitlement	Yes (unless a vote by proxy must not be exercised on the type of motion, for example decision to engage body corporate manager, choosing committee members)
a "resolution without dissent"	No vote is counted against the motion.	One vote per lot	Yes (unless a vote by proxy must not be exercised on the type of motion)

Notice of general meeting

The Body Corporate must give all lot owners the general meeting notice and agenda at least 21 days written notice prior to the general meeting.

Quorum must be present

A quorum is the minimum number of members that must be present for the Body Corporate to be allowed to make decisions at the general meeting. The default quorum for a general meeting is at least 25% of the total number of voters for the general meeting unless the Body Corporate has previously passed a special resolution to reduce to between 10% and 25%. Voters present at the general meeting in person, by proxy or who have cast hard copy votes before the start of the general meeting will be considered to be present for the purposes of calculating whether a quorum is present at the general meeting. If a quorum is present, and at the general meeting may proceed. If no quorum is present within 30 minutes of the scheduled start time for the general meeting, the general meeting must be adjourned to an *Adjourned Meeting* to be held 1 week later, on the same day, time and at the same venue.

Voters at general meetings

A voter for a general meeting means the people named on the body corporate roll as:

- a. a lot owner;
- b. a corporate lot owner nominee;
- c. a lot owner's representative who has given the secretary a copy of the authorising instrument that evidences their representative capacity and their address for service (who cannot be the body corporate manager, a service contractor or a letting agent), namely:
 - a person acting under a power of attorney from a lot owner;
 - the guardian, trustee, receiver or other representative of the lot owner who is authorised to act on the lot owner's behalf; or
 - if a lot owner's representative is a corporation, the person nominated by the corporate representative under a notice of nomination (*Form 8 Information for Body Corporate Roll*) given under company seal of the nominating entity.

Motions must be on general meeting agenda

For your Body Corporate to pass a resolution on a motion at the general meeting, the motion must be included as an item of business on the agenda and stated in the hard copy voting paper (except for procedural motions, motions to amend a motion (which must not change the substance of the motion) and a motion to correct the minutes of a previous general meeting).

Procedure for lot owners to submit motions for members to vote on at a general meeting

The committee may submit motions for consideration by the body corporate at a general meeting at any time.

The secretary has a duty, at least three weeks before, but not six weeks before, the end of the body corporate's financial year, to serve a notice on each owner:

- a. setting out their right of nomination for election to fill voting committee member positions at the AGM; and
- b. inviting the lot owners to submit motions for inclusion on the AGM agenda.

Lot owners may submit motions for consideration at a general meeting at any time, but their submitted motions are only required to be included on the AGM agenda if they are submitted to the secretary *before the end of the body corporate's financial year*.

Subject to the requirement for AGM motions to be submitted by lot owners to the secretary before the end of the body corporate's financial year, a lot owner may submit a motion for consideration by the body corporate at a general meeting at any time, and submitted motions must be included on the agenda for the next general meeting which it is practicable to include the motions.

Who chairs the general meeting?

The chairperson chairs the general meeting if present. Otherwise, the persons who are present at the general meeting and have the right to vote must elect 1 of the persons to chair the meeting.

Person who chairs the general meeting duty to rule certain motions out of order

The person chairing the meeting has a duty to rule motions out of order if the motion is unlawful, unenforceable or will conflict with the *Body Corporate and Community Management Act 1997* (Qld) or applicable regulation modules or by-laws, or another motion already voted on at the general meeting.

If a motion is ruled out of order, the person chairing the meeting must give reasons for the ruling & record the reasons in the general meeting & must state “*people present and entitled to vote at the general meeting are entitled to reverse this decision by passing an ordinary resolution disagreeing with this ruling*”.

No requirement for mover or seconder

There is no procedural requirement for a motion to be ‘moved’ or ‘seconder’ before it is voted on at the general meeting.

Right to call for a poll vote

A voter at the general meeting may ask for a poll for the counting of the vote on a motion to be decided by ordinary resolution. A poll vote may be requested by the lot owner in person or on their voting paper. The request for a poll must be made before the next motion is decided, or if the motion is the last item of business, before the general meeting ends.

Chairperson declaration of voting results for each motion

The person chairing the general meeting must declare the result of voting on each motion and state the number of votes cast for and against each motion, and how many voters abstained from voting on the motion.

Proxy voting restrictions

Proxy votes are prohibited from: holding proxies greater in number than 5% of the lots (but if there are less than 20 lots in a CTS, a person must not hold more than one proxy); casting a vote on a motion to: elect or appoint a committee member; choose a person to fill a vacancy on the committee that has caused the number of committee members to fall below the number required for a quorum of the committee; decide a motion by secret ballot; approve or amend the engagement of a Body Corporate Manager or Service Contractor; approve or amend the authorisation of a person as a letting agent; prohibit the use of proxies at general meetings (requires a special resolution); engage a Body Corporate Manager under a Part 5 Engagement to carry out the functions of committee and executive members; decide a motion requiring a majority resolution; to change the contribution schedule lot entitlements of the lots; consent to recording a new CMS that identifies a different regulation module to apply to the CTS (requires a special resolution); decide a motion if the body corporate has passed a special resolution prohibiting the use of proxies on all, or that kind of motion. A proxy cannot: vote if the lot owner is present personally at the general meeting and does not consent to the proxy casting the vote; withdraw hard copy or electronic votes already cast by the lot owner.