

(see Schedule 3.7)

## APPOINTMENT OF A PROXY

### **Part A** Authorisation for proxy to vote on owner's behalf

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**A1** Date \_\_\_\_\_

I/We \_\_\_\_\_

the owner/s of unit \_\_\_\_\_ in Units Plan No \_\_\_\_\_

appoint \_\_\_\_\_

of \_\_\_\_\_

as my/our proxy for the purposes of meetings of the owners corporation (including adjournments of meetings).

I/We appoint \_\_\_\_\_

of \_\_\_\_\_

as my/our proxy for the purposes of meetings of the owners corporation (including adjournments of meetings) if \_\_\_\_\_

already holds the maximum number of proxies that may be accepted.

*Note: The person appointed as a proxy must not be the manager or a service contractor.*

*Note: You may wish to provide instructions to your proxy regarding voting preferences. You may also wish to discuss your preferences with your proxy should a motion be raised from the floor or amended at the meeting.*

**A2** Period or number of meetings for which appointment of proxy has effect for [*tick or tick and complete whichever applies*].

- 1 meeting
- \_\_\_\_\_ meetings
- 1 month
- \_\_\_\_\_ months
- 12 months

**A3** I understand that, if the proxy already holds more than the permitted number of proxies, the chairperson will exercise the proxy vote on my/our behalf.

Signature of owner/s

## **Part B**            **Notes on appointment of proxies**

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- B1** This form must accompany a notice of a general meeting given to a person entitled to vote on any motion.
- B2** A person entitled to vote at a general meeting of an owners corporation must not –
- (a) appoint a proxy for more than 1 year after the day the appointment is made; or
  - (b) appoint a person as a proxy if the person is –
    - (i) the manager; or
    - (ii) a service contractor.
- B3** A person, other than the chairperson, must not exercise more than the following number of proxy votes in a vote on a matter at a general meeting:
- (a) if there are more than 20 units in the units plan – a number that is not more than 5% of the total number of units;
  - (b) in any other case – 1.
- B4** If a person holds more proxy votes than they can exercise, the chairperson must exercise the excess proxy votes.

## **Part C**            **Notes on limits on developers to exercise proxy votes**

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- C1** A developer of a units plan who is appointed as the proxy under a contract for the sale of a unit in the units plan must not exercise 3 or more proxy votes in a vote on a matter at a general meeting of the owners corporation for the units plan unless –
- (a) each contract for the sale of a unit in the units plan contains a proxy disclosure statement; and
  - (b) the use of each proxy vote is consistent with the statement; and
  - (c) the matter being voted on relates to development rather than the ordinary operation of the owners corporation.
- A ***proxy disclosure statement*** includes the following:
- (a) if a person is appointed as a proxy – the name of the person;
  - (b) if the proxy is appointed by naming the occupant of a position – the name of the position;
  - (c) the length of time of the appointment;
  - (d) a sufficient description of the development matter for the buyer of a unit to easily identify the matter.
- C2** The developer of the units plan is not entitled to vote, or exercise a proxy vote, on a motion that relates to defective building work unless –
- (a) the members of the owners corporation, other than the developer, pass a special resolution allowing the developer to vote; or
  - (b) the ACT Civil and Administrative Tribunal (ACAT) makes a declaration that the developer may vote on the motion.