

GENERAL INFORMATION GUIDE

NSW STRATA SCHEME –EXTRA ORDINARY GENERAL MEETINGS [EGM]

| | | |
|---|---|--|
| 1 | <i>What is meant by the term 'Extraordinary General Meeting'?</i> | An Extraordinary General Meeting (EGM) is the term used to identify a general meeting of the Owners Corporation other than the FAGM and AGM. |
| 2 | <i>When is an EGM of the Owner's Corporation held?</i> | An EGM can be held at any time throughout the year. There are no restrictions as to how many EGM's can be conducted. All other meeting requirements must be adhered to in that notices, an agenda as well as timeframes must comply with the Act. |
| 3 | <i>Is the agenda for an EGM set by the Strata Schemes Management Act like the FAGM or AGM?</i> | The agenda for an EGM has only one compulsory item that must be considered; that being confirmation of a previous meeting (FAGM, AGM or EGM) minutes. All other items are as required by the Owners Corporation. |
| 4 | <i>Who is responsible for agenda items for an EGM?</i> | As with most organisations the Secretary has the role of coordinating proposed agenda items and its distribution. However in the majority of strata schemes the strata managing agent generally undertakes this responsibility. Owners also have the opportunity to request items to be included on the agenda. This should be submitted to the Secretary and/or the strata managing agent in writing. EGM's are often called to pass special bylaws to enable a lot owner undertake renovations to their lot. In some instances owners are provided preliminary notice of the date of an EGM and requested to submit any items or issues they may feel appropriate for the agenda. It is important to have items of concern to you listed on the meeting agenda because there is no "general business" allowed for within the Strata Management Act at any type of meeting. |
| 5 | <i>What documents and records must be produced for an EGM?</i> | <ul style="list-style-type: none"> a) A copy of the minutes of the previous general meeting of the O.C. should be available at the meeting. Generally a copy of the minutes would have been sent out to all owners within a short time of the previous meeting. b) Notice of the meeting setting out the location, date and time c) Agenda with motions for consideration d) Minutes must be recorded as to the outcome of the meeting. |
| 6 | <i>What is the quorum for an EGM?</i> | A quorum for an EGM is the same as for the FAGM or AGM - a minimum of 25% of Unit Entitlement of those lots eligible to vote. |
| | <i>Do the same conditions apply to an EGM as for an AGM if a quorum is not present for the meeting?</i> | Yes. If a quorum is not present, the meeting must be adjourned and rescheduled with a minimum of seven (7) days notice. If a quorum is not present at the prescribed starting time, the Chairperson must wait for up to 30 minutes. If a quorum is achieved prior to the 30 minutes the chairperson can declare the meeting open. |

If after 30 minutes a quorum is not present the chairperson has the option of adjourning that meeting or declaring a quorum and running the meeting.

If the meeting is adjourned, the chairperson must nominate a day and time for the adjourned meeting to take place. Owners must be given a minimum of one day's notice in writing.

- | | | |
|----|---|---|
| 7 | <i>Does the original owner have any say or vote at an EGM?</i> | <p>Yes, if the original owner is still an owner in the strata scheme they have the same rights of participation as every other owner.</p> <p>If the original owner owns more than 50% of the unit entitlement (U.E.) then their voting rights are restricted to one-third of their U.E. If their U.E. is less than 50% then they have full voting capacity.</p> |
| 8 | <i>Can a poll be called for when voting on a motion at an EGM?</i> | <p>Yes, the same rules apply to an FAGM, AGM or EGM when a vote is taken. Any person eligible to vote can request a poll. If a poll is requested it cannot be refused. (A poll vote is a vote by U.E.)</p> |
| 9 | <i>There are several issues I would like decided but they weren't listed on the agenda. Can I raise them in General Business?</i> | <p>No. As for the FAGM and AGM there is no General Business permitted at strata scheme meetings.</p> <p>The only way a decision can be made is by having items listed on the agenda for a meeting and voted upon.</p> |
| 10 | <i>Can financial matters be decided on at an EGM?</i> | <p>Yes. Situations arise in an O.C. that have not been budgeted for or are in excess of the amount the S.C. is allowed to approve. It is prudent that these issues are dealt with promptly.</p> <p>Issues such as a large quote may require immediate attention and funding. Waiting for an AGM may not be beneficial to the buildings integrity or owners safety.</p> <p>Errors in budgeting may have occurred and the S.C. or a group of owners may feel that a special levy needs to be implemented.</p> |
| 11 | <i>Does the Chairperson have the right to veto a vote on a motion?</i> | <p>If a motion conflicts or contravenes the SSMA or any other Act, the chairperson is obliged by the Act to rule the motion out of order.</p> <p>The chairperson, if an owner, has a vote equal to their Unit Entitlement. They do not have a casting vote.</p> |

AGM - Annual General Meeting; EGM – Extraordinary General Meeting; FAGM – First Annual General Meeting; O.C. – Owners Corporation; SC – Strata Committee; SSMA – Strata Schemes Management Act; NCAT – NSW Consumer & Administrative Tribunal; U.E. - unit entitlement