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Proxy Appointment Form

Proxies for large schemes must be submitted 24 hours before the meeting

Owner Details:

Date:

I/we:

(Owners' Names)

The owner(s) of lot:

(Lot)

in Strata Plan:

(SP)

Proxy Details:

Appoint

(Primary Nominee's Name)

Of

(Position, Unit number or Organisation)

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

Substitute Details:

I/We appoint

(Substitute Nominee's Name)

Of

(Position, Unit number or Organisation)

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

(Primary Nominee's Name)
already holds the maximum number of proxies that may be accepted.

Period or number of meetings for which appointment of proxy has effect: *(Please tick / enter quantity)*

- 1 meeting _____ meetings
- 1 month _____ months
- 12 months or 2 consecutive annual general meetings.

(Note: The appointment cannot have effect for more than 12 months or 2 consecutive annual general meetings, whichever is the greater. If no selection is made by the person giving the proxy, the proxy is effective for one meeting.)

Voting Authorisation: *(Please tick and specify if required)*

- This form authorises the proxy to vote on my/our behalf on all matters.
- This form authorises the proxy to vote on my/our behalf on the following matters only

(Specify the matters and any limitations on the manner in which you want the proxy to vote)

If a vote is taken on whether *(Strata Managing Agent)* should be appointed or remain in office, or whether another managing agent is appointed, I/we want the proxy to vote as follows:

I understand that, if the proxy already holds more than the permitted number of proxies, the proxy will not be permitted to vote on my/our behalf on any matters.

Signature of Owner(s)

Notes on appointment of proxies:

1. This form is ineffective unless it contains the date on which it was made and it is given to the secretary of the owners corporation at least 24 hours before the first meeting in relation to which it is to operate (in the case of a large strata scheme) or at or before the first meeting in relation to which it is to operate (in any other case).
2. This form will be revoked by a later proxy appointment form delivered to the secretary of the owners corporation in the manner described in the preceding paragraph.
3. This form is current from the day on which it is signed until the end of the period (if any) specified on the form or the first anniversary of that day or at the end of the second annual general meeting held after that day (whichever occurs first).
4. If a person holds more than the total number of proxies permissible, the person cannot vote using any additional proxies. The total number of proxies that may be held by a person (other than proxies held by the person as the co-owner of a lot) voting on a resolution are as follows:
 - a) if the strata scheme has 20 lots or less, one,
 - b) if the strata scheme has more than 20 lots, a number that is equal to not more than 5% of the total number of lots.
5. A provision of a contract for the sale of a lot in a strata scheme, or of any ancillary or related contract or arrangement, is void and unenforceable to the extent that it:
 - a) requires the purchaser of a lot, or any other person, to cast a vote at a meeting of the owners corporation at the direction of another person, or
 - b) requires the purchaser to give a proxy at the direction of another person for the purpose of voting at a meeting of the owners corporation (that is a person cannot rely on any such proxy to cast a vote as a proxy).

Notes on rights of proxies to vote:

1. A duly appointed proxy:
 - a) may vote on a show of hands (or by any other means approved by a general resolution at a meeting of the owners corporation), subject to any limitation in this form, or may demand a poll, and
 - b) may vote in the person's own right if entitled to vote otherwise than as a proxy, and
 - c) if appointed as a proxy for more than one person, may vote separately as a proxy in each case.
2. A proxy is not authorised to vote on a matter:
 - a) if the person who appointed the proxy is present at the relevant meeting and personally votes on the matter, or
 - b) so as to confer a pecuniary or other material benefit on the proxy, if the proxy is a strata managing agent, building manager or on-site residential property manager, or
 - c) if the right to vote on any such matter is limited by this form.

Please note:

- A vote by an owner does not count if a priority vote is cast for the lot in relation to the same matter
- An unfinancial owner, mortgagee or covenant chargee cannot vote at a meeting on a motion (other than a motion requiring a unanimous resolution) unless payment has been made before the meeting of all contributions levied on the owner, and any other amounts recoverable from the owner, in relation to the lot
- Voting or other rights may be exercised in person (if the addressee is an individual) or by a company nominee (if the addressee is a corporation), or by a proxy appointed by the addressee

Specified Voting (please circle, if further space is required please provide on a separate page):

Motion 1
Motion 2
Motion 3
Motion 4
Motion 5
Motion 6

Motion 7
Motion 8
Motion 9
Motion 10
Motion 11
Motion 12

Motion 13
Motion 14
Motion 15
Motion 16
Motion 17
Motion 18

Quorum:

1. Quorum required for motion or election - A motion submitted at a meeting must not be considered, and an election must not be held at a meeting, unless there is a quorum present to consider and vote on the motion or on the election.
2. When quorum exists - A quorum is present at a meeting only in the following circumstances:
 - a) if not less than one-quarter of the persons entitled to vote on the motion or election are present either personally or by duly appointed proxy,
 - b) if not less than one-quarter of the aggregate unit entitlement of the strata scheme is represented by the persons who are present either personally or by duly appointed proxy and who are entitled to vote on the motion or election,
 - c) if there are 2 persons who are present either personally or by duly appointed proxy and who are entitled to vote on the motion or election, in a case where there is more than one owner in the strata scheme and the quorum otherwise calculated under this sub clause would be less than 2 persons.
3. A person who has voted, or intends to vote, on a motion or at an election at a meeting by a permitted means other than a vote in person is taken to be present for the purposes of determining whether there is a quorum.
4. Procedure if no quorum - If no quorum is present within the next half-hour after the relevant motion or business arises for consideration at the meeting, the chairperson must:
 - a) adjourn the meeting for at least 7 days, or
 - b) declare that the persons present either personally or by duly appointed proxy and who are entitled to vote on the motion or election constitute a quorum for considering that motion or business and any subsequent motion or business at the meeting.
5. Quorum for adjourned meeting - If a quorum is not present within the next half-hour after the time fixed for the adjourned meeting, the persons who are present either personally or by duly appointed proxy and who are entitled to vote on the motion or election constitute a quorum for considering that motion or business and any subsequent motion or business at the meeting.

In the event of a quorum not being reached within 30 minutes, it is Conti Strata's intention to seek instruction by show of hands of those owners present at the meeting whether to declare a quorum present (to avoid adjourning the meeting, incurring additional costs).

Proxies made out to Conti Strata staff:

Due to the new limitation on the number of proxies that can be held per person, Conti Strata would like to note:

1. Proxy forms made out to Conti Strata staff will be prioritised by date received.
2. Proxy forms will only be exercised by Conti Strata staff where the owner has specified the way in which the proxy is to vote. Where voting preferences have not been provided, Conti Strata staff will only use the proxy for the purposes of achieving a quorum and will aim to abstain from any voting.
3. Where a proxy form is given for multiple normal lots (eg, an owner owns several units in the same scheme), Conti Strata staff will only exercise the proxy for the lots granted in the order that they are written on the form until the limit that we can hold has been reached.

Returning your proxy to Conti Strata:

Post your signed and dated proxy form to Conti Strata or via facsimile to (02) 9799 1008 or via email to info@contistrata.com.au.