Proxy appointment – proprietor of a lot

Community Land Management Act 2021

Approved form: *Community Land Management Act 2021* (Clause 25(2) of Schedule 1)

Date

I/We *[name(s)]*

the proprietor(s) of lot *[address]*

In Deposited Plan No.

Appoint *[name of first appointee]*

Of *[first appointee's address]*

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

I/We appoint *[second appointee's name]*

Of *[second appointee's address]*

as my/our proxy for the purposes of meetings of the association (including adjournments of meetings) if the named above already holds the maximum number of proxies allowed.

Period or number of meetings for which appointment of proxy has effect *[Tick, OR tick and complete, whichever applies below]*:

☐ 1 meeting

☐ [please insert number] meetings

☐ 1 month

☐ *[please insert number]* months

☐ 12 months

☐ 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.)

[Tick and complete whichever applies below]:

☐ **1. This form authorises the proxy to vote on my/our behalf on all matters.**

OR

☐ **2. 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.]

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

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

Signature of proprietor/s

X	X
Name *[print]*:	Name *[print]*:

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 association at or before the first meeting in relation to which it is to operate.
2. This form can be revoked by a later proxy appointment form delivered to the secretary of the association in the manner described in the preceding paragraph.
3. This proxy is valid for any general meetings held during the period (if any) specified on page 1 of this form. If no period is specified then this proxy ends after 12 months or two annual general meetings, whichever occurs later.
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 scheme has 20 development lots or neighbourhood lots or fewer—1,
   (b) if the scheme has more than 20 development lots or neighbourhood lots—a number that is not more than 5% of the total number of development lots or neighbourhood lots.
5. Despite (4), a person who owns more than 1 development lot or neighbourhood lot in a scheme may appoint a single proxy in respect of all the lots they own.
6. A provision of a contract for the sale of a relevant lot in a community land 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 association 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 association.

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 also casts a votes on the matter, or
   (b) so as to confer a pecuniary or other material benefit on the proxy, if the proxy is a managing agent, facilities manager or on-site residential property manager, or
   (c) if the right to vote on any such matter is limited by this form.