



Submission of lot owner motions

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- A member of the body corporate is entitled to submit a motion for consideration by:
 - the committee at committee meeting; or
 - the body corporate at general meeting.
- *Pacific Keys Central* [2007] QBCCMCmr 348:

"A motion for consideration at a general meeting of a body corporate may be submitted by a member of the body corporate or the committee. The members of the body corporate for a community titles scheme are the owners of all lots included in the scheme. ... There is no legislative requirement (even if other requirements for proposing motions are met) to include a motion on a general meeting agenda if it is proposed by an occupier."

Committee meetings



- A member of the body corporate may submit a motion for consideration by the committee by giving the motion to the secretary.
- The committee must, within six weeks, either:
 - decide the motion; or
 - provide written notice to the lot owner that six further weeks are required.
- If the committee does not decide the motion (or extend the timeframe), the committee is taken to have resolved against the motion (except for pet approval requests which are deemed to be approved if not refused).

Committee meetings – other considerations



- The committee must act reasonably in:
 - doing (deciding a lot owner's motion); or
 - refraining from doing (deciding not to decide a lot owner's motion) anything.
- The committee is not required to decide a motion where the lot owner has submitted six or more motions or a motion about the same issue in the preceding 12 months.
- The committee must not decide a motion where:
 - it is a restricted issue for the committee; or
 - if carried, the resolution would conflict with the legislation or the by-laws or would be unlawful or unenforceable.

General meetings



- A member of the body corporate may submit a motion for consideration by the body corporate at general meeting at any time.
- The motion and any explanatory material must be included on the agenda of the next general meeting where it is practicable to do so.
- *Alexander Apartments* [2009] QBCCMCmr 450:

"[T]he body corporate only has a duty to circulate that owner's explanatory note if it is a maximum of 300 words in length. That is not to say that a submitter of a motion might not write more than 300 words in length on his or her explanatory note, but if they do so, the body corporate has no duty to distribute more than 300 words of it."

General meetings



- If the motion is submitted after the conclusion of the body corporate's financial year, the motion must be included on the agenda of the next annual general meeting.
- There is no obligation to requisition an extraordinary general meeting to consider the motion.
- *Emerald Lakes – The Islands Apartments* [2024] QBCCMCmr 159:

“There is no obligation on the body corporate to immediately call an EGM upon receipt of the applicants’ motion. Practically speaking, it may wait until there are other matters to discuss or until the next scheduled general meeting.”

General meetings – motions ruled out of order

- The person chairing the general meeting must rule a motion out of order where:
 - if carried, the resolution would conflict with the legislation or the by-laws or would be unlawful or unenforceable; or
 - the agenda did not include the *substance* of the motion.
- *Park Square* [2019] QBCCMCmr 242:

"Fundamentally, however, I consider the primary difficulty with the applicant's case is that Motion 28 itself is so vague as to render it invalid and unenforceable. ... If the motion had passed, the Body Corporate would have had no way of knowing which of those alternatives it was expected to implement and how that was to be done."

General meetings – motions ruled out of order



- To rule a motion out of order, the person chairing the general meeting must:
 - provide reasons for the ruling;
 - inform lot owners that their decision to rule the motion out of order may be overturned by ordinary resolution; and
 - allow lot owners to vote to reverse the decision.

General meetings –lobbying

- Other members of the body corporate may lobby against the motion.
- Those lobbying must not mislead a lot owner.
- *Batwing Resorts Pty Ltd v Body Corporate for Liberty CTS 27241 [2008] QCCTBCCM 23:*

"Before motions can be overturned on the basis of information that is alleged to be misleading, it must be shown that owners were actually misled by the information presented. Further, it must be demonstrated that sufficient owners were misled to have changed the outcome of the voting."



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