

From: [Andy Doves](#)
To: [Glover, Kaye](#); [Jeff Revelt](#); [Lane, Marianne](#); [Mandile, Barbara](#); [Newlyn, Lorraine](#)
Subject: FW: EMERALD LAKES - THE QUAYS CTS 33891 - Minutes of Motions Voted on Outside a Committee Meeting on 29 January 2024
Date: Monday, 12 February 2024 15:25:57
Attachments: [Images.png](#)
[Minutes - VOCM - 2024-02-09.pdf](#)

Dear Committee
On Friday 9/1/24 I received from Stansure: MINUTES OF MOTIONS VOTED ON AT A VOCM HELD MONDAY 29 JANAUARY 2024, as attached.
Given that only voting members of the committee were represented I am writing to you, and not Stansure who apparently have only distributed the minutes.

My concern is that the minutes record motions 2 and 8 as carried with 2 votes. (Noted that Kaye Glover was unfinancial and ineligible to vote as per s56(1) leaving 4 voting members present and entitled to vote.)
Can anyone please explain to me and other Owners how those two motions were carried, given that 2 votes are not a majority of 4; 4 being the number of voting members present and entitled to vote.

A SAMPLE OF SOME SUPPORTING REFERENCES

[www.qld.gov.au/law](#) states:

"A motion is passed at a committee meeting if a majority of voting members present and entitled to vote are voting in favour of the motion. If there is a tied vote, the motion is lost.
A committee member is considered present if they attend the meeting personally, by proxy or by electronic means (if authorised by the committee).

For example, if there are 7 voting members present, a majority is 4 members. If there are 6 voting members present, 4 votes will still be needed to pass a motion."

<https://www.flatchat.com.au/topic/how-to-settle-a-tied-vote-for-a-motion/states>:

"A 2 -2 vote fails by definition because there was no majority. A tied vote means a motion fails."

<https://smartstrata.com/valid-committee-decisions/Passing the motion states>:

"The motion is decided if:

- a majority of the voting members of the committee entitled to vote on the motion (and not just a majority of those who return a vote) agree to the motion."

<https://abcm.com.au/news/valid-committee-decisions/>

Passing the motion

A motion is passed at a committee meeting if a majority of voting members present and entitled to vote are voting in favour of the motion. If there is a tied vote, the motion is lost.
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For example, if there are 7 voting members present, a majority is 4 members. If there are 6 voting members present, 4 votes will still be needed to pass a motion.

Hynes Legal states:

"Committee members can vote on issues and pass motions without holding a physical committee meeting. The regulation module which applies to the scheme determines the applicable rules.

Such votes are usually referred to as 'flying minutes' or a 'VOC' (a vote outside committee).

Some general rules for such votes are:

- The motion must usually be in writing and given to all committee members.
- The motion must be passed by a simple majority."

BCCM (Accommodation Module) Regulation 2020 s57(2) states:

"a motion is decided by a majority of votes of the voting members present and entitled to vote on the motion who are voting."

Regards
Andy Doves
Owner Lot 3006

From: Stansure Strata <theteam@stansurestrata.com.au>
Sent: Friday, February 9, 2024 12:43 PM
To: dovesadd@bigpond.com
Subject: EMERALD LAKES - THE QUAYS CTS 33891 - Minutes of Motions Voted on Outside a Committee Meeting on 29 January 2024

Dear Owner,

Please find attached correspondence for your attention.

Kind regards

Stansure Strata

On behalf of your Strata Management Team

	Brisbane	Bundaberg	Rockhampton	Gold Coast	Townsville
	07 3359 9877	07 4153 4033	07 4927 1720	07 5531 6333	07 4453 0043
	PO Box 184	PO Box 2224	PO Box 2224	PO Box 6365	PO Box 281
	Kedron 4031	Bundaberg 4670	Bundaberg 4670	GCMC 9726	Townsville 4812

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