

## **Topic 11 - Filling vacancies**

### **At a general meeting (SM. s37)**

If the member is removed from office by an ordinary resolution of the body corporate at a general meeting, the body corporate may at the same general meeting appoint a person who is eligible to fill the vacancy.

It is not necessary to conduct an election as would normally be the case for the annual general meeting. For example, invitations to nominate do not need to be sent to lot owners.

### **Filling vacancies at committee meetings (SM. s38)**

The committee has the authority to fill vacancies. If a member's position becomes vacant, so long as there are sufficient numbers to form a quorum, the committee may, within 1 month after the position becomes vacant, either:

- call a committee meeting and appoint a person to fill the vacancy; or
- call a general meeting to choose a person to fill the vacancy.

If there are not sufficient numbers to form a quorum, the committee must call a general meeting to choose a person to fill the vacancy.

**Note:** If a member is removed from office by an ordinary resolution of the body corporate at a general meeting, and the body corporate has filled the vacancy at the same general meeting, the above options for the committee do not apply.