



Cabinet Economic Policy Committee

Minute of Decision

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Unit Titles (Strengthening Body Corporate Governance and Other Matters) Amendment Act 2022: Proposed Regulations

Portfolio Housing

On 6 March 2024, the Cabinet Economic Policy Committee:

- 1 **noted** that the Unit Titles (Strengthening Body Corporate Governance and Other Matters) Amendment Act 2022 (the Amendment Act) received Royal Assent on 9 May 2022, and that regulations are needed to give full effect to the Amendment Act;
- 2 **noted** that regulations must be in place by 9 May 2024 to align with the date when the remaining provisions in the Amendment Act come into effect;
- 3 **noted** that the proposals in the paper under ECO-24-SUB-0020 (the paper) have been informed by feedback from consultation with relevant stakeholders;
- 4 **agreed** to prescribe in regulations the list of documents in Appendix A, attached to the paper under ECO-24-SUB-0020, that bodies corporate and body corporate managers are required to retain and provide to the Regulator on request;
- 5 **agreed** to prescribe in regulations that electronic voting can be provided by a postal vote sent by electronic means;
- 6 **agreed** to prescribe in regulations that the information about remote attendance and electronic voting, set out in Appendix B, attached to the paper under ECO-24-SUB-0020, must be provided to unit owners;
- 7 **agreed** to prescribe in regulations that bodies corporate must provide access to electronic voting from at least the minimum required time for a notice of Annual General Meeting (AGM)/ Extraordinary General Meeting (EGM) to be sent out;
- 8 **agreed** that bodies corporate must have reasonable measures for verifying the identity of unit owners using electronic voting;
- 9 **agreed** to prescribe in regulations that pre-meeting electronic votes are not counted where a motion is materially changed at the AGM/EGM;
- 10 **agreed** to prescribe in regulations that a pre-meeting electronic vote is valid if the general meeting is adjourned unless the unit owner attends the reconvened meeting;

- 11 **agreed** to prescribe in regulations that bodies corporate must take reasonable steps to ensure the electronic facilities are sufficient that remote attendees can participate and vote at the meeting both via audio and visual inputs;
- 12 **agreed** to prescribe in regulations that bodies corporate must keep voting records and proxy appointment forms for 28 days following a general meeting;
- 13 **agreed** to prescribe in regulations that a chairperson of an AGM/EGM is not required to ensure a direction on a proxy form is followed;
- 14 **agreed** that the pre-settlement disclosure statement for off-the-plans units must include:
- 14.1 details of any contracts or obligations entered into that will bind the body corporate and/or the unit owner after the settlement date;
 - 14.2 a copy of the opening minutes of the body corporate;
 - 14.3 a copy of the long-term maintenance plan;
 - 14.4 copies of the body corporate managers' and building managers' contracts;
 - 14.5 a copy of the operational rules as registered or approved by the body corporate to be registered;
- 15 **agreed** that a number of minor and technical fixes are made to the pre-contract disclosure, pre-settlement disclosure and proxy appointment forms;
- 16 **invited** the Minister of Housing to issue instructions to the Parliamentary Counsel Office to give effect to the decisions under ECO-24-MIN-0020;
- 17 **noted** that the Ministry of Housing and Urban Development will contact key stakeholders on the regulatory proposals following confirmation by Cabinet;
- 18 **authorised** the Minister of Housing to make final decisions on minor and technical changes not inconsistent with the policy intent of the decisions in the paper under ECO-24-SUB-0020;
- 19 **noted** that it is expected that regulations will be submitted to the Cabinet Legislation Committee for approval in April 2024.

Jenny Vickers
Committee Secretary

Attendance: (see over)

Present:

Rt Hon Winston Peters
Hon David Seymour
Hon Nicola Willis (Chair)
Hon Brooke van Velden
Hon Chris Bishop
Hon Simeon Brown
Hon Erica Stanford
Hon Judith Collins
Hon Todd McClay
Hon Tama Potaka
Hon Matt Doocey
Hon Melissa Lee
Hon Simon Watts
Hon Penny Simmonds
Hon Chris Penk
Hon Andrew Bayly
Hon Andrew Hoggard
Hon Mark Patterson
Simon Court MP
Jenny Marcroft MP

Officials present from:

Office of the Prime Minister
Officials Committee for ECO
Office of Hon Chris Bishop
Office of Hon Judith Collins
Ministry of Housing and Urban Development