

Online Voting References - Victoria

An owners corporation can circulate resolutions and ballots electronically, which can significantly reduce the time and cost involved in the decision-making process.

1. Conducting a Ballot Electronically

1.1 Rockend's electronic voting software has been specifically developed for the purposes of resolving meetings by *ballot* in Victoria.

1.2 Section 84 of the *Owners Corporation Act 2006 (Vic)* (the **Act**) envisages that electronic ballot voting is a permissible option available as an alternative to written ballots for resolution of an owners corporation and committee meetings.

2. Specific Requirements for Voting Via Electronic Ballot

2.1 As an electronic ballot is an alternative means for conducting a ballot by post, it must also fulfil the same traditional requirements of a paper ballot in section 86 of the Act and the specific requirements of electronic ballot notice in section 85 of the Act.

2.2 In addition to these requirements, section 9 of the *Electronic Transactions (Victoria) Act 2000 (Vic)* imposes two requirements in relation to requirements for signatures on electronic communication. First, the electronic voting system must include a reliable and proven method used to verify the person's identity and indicate their intention in respect of the information communicated. Second, the method used must be reliable and appropriate for the purpose.

2.3 An owners corporation also has an obligation to demonstrate the keeping of all voting ballot records for 12 months after the ballot is taken as required by section 144(d) to (g) of the Act.

2.4 According to section 8(2) of *Electronic Transactions (Victoria) Act 2000 (Vic)*, electronic voting records generated by Rockend's software will be taken to fulfill the requirement of an owners corporation to keep written records if:

- a. the information will be readily accessible and usable for subsequent reference; and
- b. the person to whom the information is required to be given consents to the information being given by means of an electronic communication.

2.5 Likewise, Rockend's software meets the archiving and document storage requirements for owners corporations in the same way as written records as:

- a. the method of generating the electronic form of the document is a reliable way of maintaining the integrity of the information contained in the document; and
- b. it meets same requirements under (a) and (b) in 2.4 above.

2.6 Rockend's software not only facilitates voting via electronic ballot but it allows for collating and storing the required details to form a record, thus minimising the burden in the record keeping process.

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