

Kerin Benson Lawyers Fact Sheet 3

Notice Requirements – Sample Calculation

Occasionally there can be disputes regarding when notice of a meeting was properly given. Set out below is a sample calculation of the notice requirements for a general meeting.

Please note that section 160 of the Evidence Act 2011 provides a rebuttable presumption that an article sent by prepaid post was received on the 4th *working* day after posting. In addition to this 4 working day period, you must add the 14 or 21 *calendar* day notice period under the Unit Titles (Management) Act 2011 (**UTMA**) so that the general meeting occurs, at the earliest, on the 15th or 22nd calendar day after deemed receipt.

A record should be kept of the date the notices were sent, who sent them and confirming that office processes were adhered to.

Day	Date	Event	Comment
Wednesday	1 April 2015	Meeting notices posted within Australia	Notice to be served on each owner at least 14 days before the date fixed for the meeting – section 3.6 of Schedule 3, UTMA
Thursday	2 April 2015	1st working day after postage	Notices may be served by sending it by prepaid post as a letter to the relevant address on the corporate register – s 124 UTMA; Service by post is taken to be effected on the 4th working day after posting – s.160 Evidence Act
Friday	3 April 2015	Good Friday	This is a public holiday and therefore does not count as a working day
Saturday	4 April 2015	Easter Saturday	This is a public holiday and therefore does not count as a working day
Sunday	5 April 2015	Easter Sunday	This is a public holiday and therefore does not count as a working day
Monday	6 April 2015	Easter Monday	This is a public holiday and therefore does not count as a working day
Tuesday	7 April 2015	2nd working day after postage	
Wednesday	8 April 2015	3rd working day after postage	
Thursday	9 April 2015	4th working day after postage	Deemed date of receipt under Evidence Act 2011
Friday	10 April 2015	1st day of 14 day notice	
Saturday	11 April 2015	2nd day of 14 day notice	Weekends counted this time as s.3.6 of Schedule 3, refers to 14 days not 14 working days notice
Sunday	12 April 2015	3rd day of 14 day notice	

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Day	Date	Event	Comment
Monday	13 April 2015	4th day of 14 day notice	
Tuesday	14 April 2015	5th day of 14 day notice	
Wednesday	15 April 2015	6th day of 14 day notice	
Thursday	16 April 2015	7th day of 14 day notice	
Friday	17 April 2015	8th day of 14 day notice	
Saturday	18 April 2015	9th day of 14 day notice	
Sunday	19 April 2015	10th day of 14 day notice	
Monday	20 April 2015	11th day of 14 day notice	
Tuesday	21 April 2015	12th day of 14 day notice	
Wednesday	22 April 2015	13th day of 14 day notice	
Thursday	23 April 2015	14th day of 14 day notice	
Friday	24 April 2015	AGM can be held	

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