



New South Wales

Strata Schemes Management Amendment (COVID-19) Regulation 2021

under the

Strata Schemes Management Act 2015

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Strata Schemes Management Act 2015*.

KEVIN ANDERSON, MP
Minister for Better Regulation and Innovation

Explanatory note

The object of this Regulation is to provide for the following matters under the *Strata Schemes Management Act 2015* (the Act) for the purposes of responding to the public health emergency caused by the COVID-19 pandemic—

- (a) altered arrangements for convening meetings of an owners corporation or a strata committee,
- (b) allowing instruments and documents, instead of being affixed with the seal of an owners corporation in the presence of certain persons, to be signed, and the signatures to be witnessed, by those persons.

This Regulation is made under the *Strata Schemes Management Act 2015*, including sections 271 (the general regulation-making power) and 271A.

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1 Name of Regulation

This Regulation is the *Strata Schemes Management Amendment (COVID-19) Regulation 2021*.

2 Commencement

This Regulation commences on 12 May 2021 and is required to be published on the NSW legislation website.

Schedule 1 Amendment of Strata Schemes Management Regulation 2016

Part 11

Omit the Part. Insert instead—

Part 11 Response to COVID-19 pandemic

69 Altered arrangements for convening relevant strata meetings—the Act, s 271A(1)(a)

Notice of, or another document in relation to, a relevant strata meeting may be given to a person by email to an email address specified by the person for the service of documents.

70 Alternative to affixing seal of owners corporation—the Act, s 271A(1)(c)

- (1) An instrument or document may, as an alternative to being affixed with the seal of an owners corporation in the presence of the persons referred to in the Act, section 273, be signed by those persons (each of whom is, in that capacity, a *signatory*) in the presence of those persons (each of whom is, in that capacity, a *witness*).
- (2) The instrument or document must indicate the following—
 - (a) the date on which it is signed and the signatures are witnessed,
 - (b) the name of each signatory and witness,
 - (c) the relationship of each signatory and witness to the owners corporation,
Example— The secretary of the owners corporation, the strata managing agent of the owners corporation (or a relevant officer of the strata managing agent), a member of the strata committee of the owners corporation or an owner of a lot in the relevant strata scheme.
 - (d) if a signatory or witness is the strata managing agent of the owners corporation, or a relevant officer of a strata managing agent that is a corporation—the number of the strata managing agent’s licence under the *Property and Stock Agents Act 2002*.
- (3) A reference in the Act, section 273(4)–(6), to affixing the seal of an owners corporation to an instrument or document is taken to include a reference to signing, and witnessing the signature of, the instrument or document in accordance with this clause.
- (4) For the purposes of this clause—
 - (a) the presence of a signatory or witness is taken to be satisfied if the signatory or witness is present by audio visual link, and
 - (b) a signature is not required to be witnessed if it is the signature of—
 - (i) a strata managing agent, or a relevant officer of a strata managing agent that is a corporation, or
 - (ii) if the owners corporation has only 1 owner—the owner.
- (5) In this clause—

audio visual link means technology that enables continuous and contemporaneous audio and visual communication between persons at different places, including video conferencing.

relevant officer of a strata managing agent that is a corporation means—

- (a) the president, chairperson or other principal officer of the corporation, or
- (b) a member of staff of the corporation authorised by the president, chairperson or other principal officer to affix the seal of the owners corporation to an instrument or document, or to attest the fact and date of the affixing of the seal.

71 Transitional provision—altered arrangements for relevant strata meetings

- (1) If, at the commencement of the amending regulation, notice of a relevant strata meeting has been given in accordance with the Act but the meeting has not been held—
 - (a) amended Part 11 does not apply to the meeting, and
 - (b) previous Part 11 continues to apply to the meeting.

- (2) In this clause—

amended Part 11 means Part 11 as in force on and from the commencement of the amending regulation.

amending regulation means *Strata Schemes Management Amendment (COVID-19) Regulation 2021*.

previous Part 11 means Part 11 as in force immediately before the commencement of the amending regulation.