



New South Wales

Strata Schemes Management Amendment (COVID-19) Regulation (No 2) 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* for the purposes of responding to the public health emergency caused by the COVID-19 pandemic—

- (a) altered arrangements for convening, and voting at, 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.

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1 Name of Regulation

This Regulation is the *Strata Schemes Management Amendment (COVID-19) Regulation (No 2) 2021*.

2 Commencement

This Regulation commences on 21 July 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 Altered arrangements for voting at relevant strata meetings—the Act, s 271A(1)(b)

- (1) The means of voting specified in clause 14 may be used to determine a matter at a relevant strata meeting even if the owners corporation or strata committee, as the case may be, has not, by resolution, adopted those means of voting.
- (2) Clauses 14–17 extend to the use, under this clause, of those means of voting.
- (3) If those means of voting are to be used and have not, by resolution, been adopted, the secretary of the owners corporation, or, if a strata managing agent may exercise the functions of the secretary under clauses 14–17, the strata managing agent, must take reasonable steps necessary to ensure that each owner of a lot in the strata scheme or each member of the strata committee, as the case may be, can participate in and vote at the relevant strata meeting.
- (4) To avoid doubt, this clause—
 - (a) applies despite any requirement in the Act for a vote at a relevant strata meeting to be exercised in person, but
Note— See the Act, Schedule 1, clause 28(1) and the Act, Schedule 2, clause 10(1).
 - (b) does not permit pre-meeting electronic voting to be used for an election.
- (5) A person who has voted, or intends to vote, on a motion or at an election at a meeting by a permitted means other than a vote in person is taken to be present for the purposes of determining whether there is a quorum for the motion or election.
Note— For quorum requirements for relevant strata meetings, see the Act, Schedule 1, clause 17 and the Act, Schedule 2, clause 12.

71 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.

72 Repeal of Part

This Part is repealed at the end of 20 January 2022.