



New South Wales

Community Land Management Amendment (COVID-19) Regulation (No 3) 2021

under the

Community Land Management Act 2021

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Community Land Management Act 2021*.

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 *Community Land Management Act 2021* for the purpose of responding to the public health emergency caused by the COVID-19 pandemic—

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

Community Land Management Amendment (COVID-19) Regulation (No 3) 2021

under the

Community Land Management Act 2021

1 Name of Regulation

This Regulation is the *Community Land Management Amendment (COVID-19) Regulation (No 3) 2021*.

2 Commencement

This Regulation commences on 1 December 2021 and is required to be published on the NSW legislation website.

Schedule 1 Amendment of Community Land Management Regulation 2021

Part 11

Insert after Part 10—

Part 11 Response to COVID-19 pandemic

43 Altered arrangements for convening association meetings—the Act, s 238(1)(a)

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

44 Altered arrangements for voting at association meetings—the Act, s 238(1)(b)

- (1) A means of voting specified in section 14 may be used to determine a matter at an association meeting even if the association or association committee, as relevant, has not adopted the means of voting.
- (2) Sections 14–17 extend to the use, under this section, of the means of voting.
- (3) If the means of voting has not been adopted, the person exercising the functions of the secretary under sections 14–17 must take reasonable steps to ensure each member of the association or association committee, as relevant, can participate in, and vote at, the association meeting.
- (4) To avoid doubt, this section—
 - (a) applies despite a requirement in the Act for a vote at an association meeting to be exercised in person, but
Note— See the Act, Schedule 1, clause 27(1) and the Act, Schedule 2, clause 8(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 an association meeting by a permitted means other than a vote in person is taken to be present for the purpose of determining whether there is a quorum for the motion or election.
Note— For quorum requirements see the Act, Schedule 1, clause 16 and the Act, Schedule 2, clause 10.
- (6) In this section—
adopted means adopted by resolution.
pre-meeting electronic voting has the same meaning as in section 14(6).

45 Alternative to affixing seal of association—the Act, s 238(1)(c)

- (1) Each person required to be present under the Act, section 235 when the seal of an association is affixed to a document may, as an alternative to affixing the seal—
 - (a) sign the document, and
 - (b) witness the signature of each other person required to be present.
- (2) The document must include the following—
 - (a) the date on which it is signed and witnessed,
 - (b) the name of each signatory and witness,

- (c) the relationship of each signatory and witness to the association,
Example— the secretary of the association, the managing agent of the association or a relevant officer of the managing agent, a member of the association committee or a member of the association
 - (d) if a signatory or witness is the managing agent of the association, or a relevant officer of a managing agent that is a corporation—the number of the managing agent’s licence under the *Property and Stock Agents Act 2002*.
- (3) A reference in the Act, section 235(4)–(6), to affixing the seal of an association to a document is taken to include a reference to signing and witnessing the document in accordance with this section.
- (4) For the purposes of this section—
- (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 managing agent, or a relevant officer of a managing agent that is a corporation, or
 - (ii) if the association has only 1 member—the member.
- (5) In this section—
- audio visual link** means technology that enables continuous and contemporaneous audio and visual communication between persons at different places, including video conferencing.
- document** includes instrument.
- relevant officer** of a 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 association to a document, or to attest the fact and date of the affixing of the seal.

46 Repeal of Part

This Part is repealed at the end of 31 May 2022.