

## Strata Reform 2016



### Fact Sheet #9 – By-Laws

#### + MODEL BY-LAWS

- Strata Schemes registered before the commencement of the 1996 Act will now automatically have the new model by-laws set out in Schedule 2 of the 2016 Regulations (together with any registered amendments or repeals).
- Schemes registered after 1996 and prior to the new Act will remain as is, including any amendments or repeals.
- For schemes to be registered under the new legislation, the new 2016 Regulations Schedule 3 model by-laws will apply (or those adopted by the developer and filed with the strata plan).

#### + CHANGES TO BY-LAWS

- All by-laws must be registered within six months of the meeting at which they were resolved.
- An existing owners corporation is to review its by-laws no later than 12 months after the commencement of the new legislation.

#### + CONSOLIDATED BY-LAWS

- All strata schemes must register a consolidated copy of their by-laws.

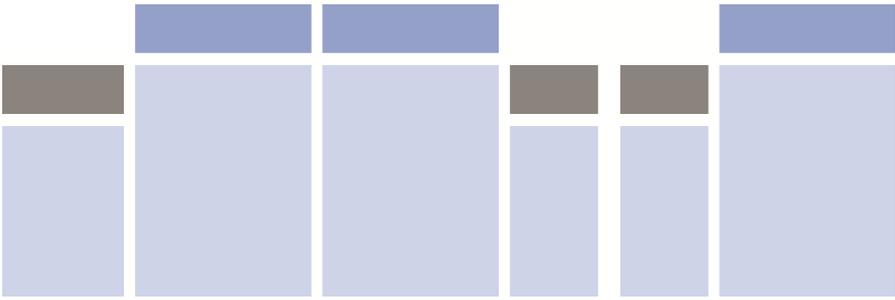
#### + NEW MODEL BY-LAWS

- The Strata Schemes Management Regulation 2016 includes a set of model by-laws which provide 'sample rules' to guide the owners corporation in setting their own by-laws.
- Owners corporations can choose to adopt these or make changes to better suit their circumstances to manage issues in strata like overcrowding, pets, parking, and smoke drift.
- Schemes are not required to adopt or adapt any of the model by-laws, they are available to assist schemes in reviewing and making by-laws to suit their scheme.
- The new Model by-laws cannot be the by-laws for a scheme unless they are first formally adopted by the owners corporation and registered with the Office of the Registrar-General.

#### At a Glance

- New Pre-1996 and 2016 Model By-Laws .
- New by-laws must be registered within six months.
- All strata schemes must keep a consolidated copy of the by-laws
- All schemes must review their by-laws by 30 Nov 2017





**+ PETS**

The model by-laws provide owners corporations with options to control whether pets are allowed, and on what terms. Owners corporations can adopt a model by-law as their own or make their own by-law.

For example, the owners corporation may choose to have a by-law which:

- Allows owners to keep a pet and simply provide 14 days notice from when the pet has started living on the lot owner's property, or
- Allows a pet with the written permission of the owners corporation.

This particular model by-law states that the owners corporation cannot unreasonably refuse the request.

**+ ASSISTANCE ANIMALS**

The law prohibits any by-law that prevents someone using a trained and certified assistance animal, even if the by-laws prohibit other pets on the scheme.

**+ SMOKE DRIFT**

The model by-laws provide options to deal with nuisance smoking drifting to neighbours' lots and common areas.

A by-law can be passed to ban smoking on the common property and require an owner or occupier to ensure that second-hand smoke does not enter other lots or the common property.

**+ OCCUPANCY LIMIT**

A By-law can limit the number of adults who may reside in a lot by reference to the number of bedrooms.

However, it may be no fewer than two adults per bedroom and exceptions include:

- Relatives
- Partner's relatives
- Spouse/de facto of other person
- Carers
- Aboriginal/Torres Strait Islander

**+ BY-LAW BREACHES**

If an owner or resident breaches a by-law, the strata committee can first contact the resident to advise of the breach, and ask that they stop the conduct that is causing the breach.

If it continues, the owners corporation can serve a 'Notice to Comply with a By-Law'. This notice advises the resident of the breach and asks for the conduct to cease immediately.

**+ PENALTIES AND FINES**

The owners corporation may apply to NCAT if a notice to comply has been issued and the conduct continues.

If the Tribunal is satisfied that there has been a breach of a bylaw and the notice was given validly they can issue a penalty of up to \$1,100.

