



New South Wales

# Strata Schemes Management Amendment (COVID-19) Regulation (No 3) 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 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 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.

## **Strata Schemes Management Amendment (COVID-19) Regulation (No 3) 2021**

under the

Strata Schemes Management Act 2015

### **1 Name of Regulation**

This Regulation is the *Strata Schemes 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 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) A 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 relevant, has not adopted the means of voting.
- (2) Clauses 14–17 extend to the use, under this clause, of the means of voting.
- (3) If the means of voting has not been adopted, the person exercising the functions of the secretary under clauses 14–17 must take reasonable steps to ensure each owner of a lot in the strata scheme or each member of the strata committee, as relevant, can participate in, and vote at, the relevant strata meeting.
- (4) To avoid doubt, this clause—
  - (a) applies despite a 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 relevant strata 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 for relevant strata meetings, see the Act, Schedule 1, clause 17 and the Act, Schedule 2, clause 12.
- (6) In this clause—  
**adopted** means adopted by resolution.

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

- (1) Each person required to be present under the Act, section 273 when the seal of an owners corporation 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 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 a document is taken to include a reference to signing and witnessing the 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.
- document** includes instrument.
- 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 a 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 31 May 2022.