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MONTHLY NEWS

FROM HELENSBURGH TO NAROOMA
JUNE - JULY 2020 Volume 16

Changes to the Community Land Management Act:



The object of this Regulation is to provide for the following matters under the Community Land Management Act 1989 for the purposes of responding to the public health emergency caused by the COVID-19 pandemic—

- altered arrangements for convening, and voting at, meetings of an association or its executive committee
- allowing instruments, 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
- the extension, to 6 months, of the time periods within which—
 - the first annual general meeting of an association must be convened and held
 - an estimate must be made to reimburse an amount paid or transferred from an administrative fund or a sinking fund.

Changes to the Strata Schemes Management Act:



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—

- altered arrangements for convening, and voting at, meetings of an owners corporation or a strata committee,
- 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,
- the extension, to 6 months, of the time periods within which—
 - the first annual general meeting of an owners corporation must be convened and held
 - a levy must be determined to reimburse an amount paid or transferred from an administrative fund or a capital works fund.

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

HELP HAS ARRIVED: NEW COVID-19 STRATA REGULATIONS

On Friday, 5 June 2020 new Covid-19 strata regulations commenced. These regulations make it easier for strata managers to convene and hold general meetings and committee meetings.

The new regulations will also enable documents to be signed by strata managers remotely and without having the seal affixed to them. The new regulations also extend certain time periods for things to be done.

BACKGROUND

On 14 May 2020, the Covid-19 Legislation Amendment (Emergency Measures – Miscellaneous) Act 2020 commenced. That Act created power for regulations to be made to respond to the Covid-19 pandemic.

On 5 June 2020, the Strata Schemes Management Amendment (Covid-19) Regulation 2020 and the Community Land Management Amendment (Covid-19) Regulation 2020 commenced. These regulations introduce four key changes that will affect strata managers, owners corporations, community associations, precinct associations and neighbourhood associations across New South Wales.

SERVICE OF MEETING NOTICE BY EMAIL

The new regulations permit the notice of a general meeting or committee meeting of an owners corporation or association to be served on a person by email to an email address specified by the person for the service of documents. This is already possible in the case of the service of a general meeting notice by an owners corporation on an owner.

However, the new regulations now permit, for example, notice of a committee meeting to be served on a committee member by email where the committee member provides an email address for the service of notices. The new regulations also permit a community association to serve notice of a general meeting on an owner by email to an email address given by the owner for the service of notices. This is a new and welcome development.

VOTING BY ELECTRONIC MEANS AT MEETINGS

The new regulations allow pre meeting electronic votes and electronic voting while participating in a meeting from a remote location even if the owners corporation, association or committee has not yet approved electronic voting for meetings. This

This will also permit, for the first time, community associations to allow pre meeting electronic votes and votes to be cast during a meeting by electronic means such as via teleconference or video conference. Where electronic voting has never previously been approved, the secretary of an owners corporation or association (or the strata manager) must take reasonable steps to ensure that each owner or committee member can participate in and vote at the relevant meeting.

These new rules will not, however, permit pre meeting electronic voting to be used for an election of a committee.

EXECUTING DOCUMENTS WITHOUT A COMMON SEAL

The new regulations will allow a document to be signed by an owners corporation or association without affixing its seal to the document. The regulations will allow the persons who are authorised to witness the affixing of the seal of an owners corporation or association to sign and witness a document without affixing the seal to the document and to do so remotely by audio visual link. Further, if the document is to be signed by a strata manager, there is no need for the document to be witnessed. This will allow, for example, consolidation/change of by-laws documents and strata managing agency agreements to be signed remotely without the use of a common seal.

EXTENDING TIME PERIODS

The new regulations will extend the period for the first annual general meeting to be held to within six months after the end of the initial period of the owners corporation or association. The regulations will also give an owners corporation or association six months (instead of three months) to replenish the administrative fund or capital works fund after transferring money from one fund to the other or using money from one fund to pay an expense that should have been paid out of the other fund.

CONCLUSION

The new regulations are to be applauded. They will make it easier for owners corporations and associations (and strata managers) to convene and hold general meetings and committee meetings and for documents to be signed on behalf of owners corporations and associations.



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Introducing



Nadia Kalmanidis



Margaret Carlotto

Welcome to the Team!

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TRADES & SERVICES DIRECTORY



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HOMESTEAD

Homestead Concrete and Property Maintenance is a family run business and has been providing a range of strata services to the Illawarra residents for over 20 years.

The majority of our qualified tradesman has been with us for over 10 years allowing us to provide our clients with the highest quality service.

For more information contact the following:

Paul - 0499 988 394

Craig - 0414 505 365

Geoff - 0414 453 986

Office - 02 4283 5797

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All Trades Services Illawarra provides a maintenance management service for strata management and real estate agents from Helensburgh in the north to Ulladulla down south. All Trades Services Illawarra work with you and your clients to provide the best service, tradesmen and quality of work assuring you and your clients have a hassle-free experience while we maintain your properties.



All Trades Services Illawarra will work with your tradesmen you have on file or we also have our own tradesmen we use if needed. The benefit in using All Trades Services Illawarra is you and your staff only need to contact one tradesmen for all maintenance issues, quotes and reports while we deal with all trades to ensure the job is completed to the highest of standards. All Trades Services Illawarra is on call 24/7 for all emergencies and after hour services needed.

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For more information:

Contact: 0431 147 746

Website: www.alltradesillawarra.com.au



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Loz Electrical is licenced and insured to carry out Electrical, Security & Air Conditioning work, servicing areas from South Sydney to Huskisson. Our diversity in the industry allows us to be your one-stop-shop.

Contact Peter - Loz Electrical
Phone: 0414794753
Email: peter@lozelectrical.com.au

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- Air Conditioning
- Security Alarms
- CCTV
- Intercom Systems (House and Apartments)

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