

# STRATA & COMMUNITY LIVING

SPRING 2021

BROUGHT TO YOU BY:



All members of our Strata Manager Chapter are 'PROFESSIONAL STRATA MANAGERS'. SCA (NSW) strives to ensure that all strata manager members are able to deliver services to the public that are of the highest professional and ethical standard.

## WHAT THE PROFESSIONAL STANDARDS SCHEME MEANS FOR CONSUMERS AND STRATA MANAGERS

The introduction of the Professional Standards Scheme (PSS) earlier this year by Strata Community Association (NSW) has advanced consumer protections in New South Wales to the highest level nationally.

An historic achievement for the protection and enforcement of consumer rights, the significance of the inaugural PSS in Australia's \$1trillion strata sector will be shown in its ongoing and widespread adoption by all SCA (NSW) members.

Under the SCA (NSW) PSS, our Strata Manager members:

- Are bound by a Code of Ethics that compels them to act honestly, ethically and with a duty of care to their clients
- Must comply with a formal complaints and discipline regime for consumer or industry participant complaints
- Must comply with a continuous education regime that is double the requirements for a licence/certificate under NSW Fair Trading
- Must meet certain practice standards in their day-to-day operations
- Will be regularly audited to ensure compliance with the Code of Ethics

These requirements are aimed at not only improving how Strata Managers run their business, but also deliver day-to-day improvements in outcomes for owners and owners' corporations.

Additionally, outcomes are reported to Professionals Standards Australia annually, with an obligation to document increases in professionalism across the industry moving forward.

### **PSS: Meet Our New Team Members!**

To ensure our PSS achieves its dual objectives of improving the professional standards of our valued members and providing the highest level of consumer protections, we have recently expanded our secretariat.

As stated by SCA (NSW) President, Chris Duggan: "Our PSS has been created for your benefit and that of the estimated two million New South Wales residents who own or live in strata title properties.

“Our new staff members have been appointed to develop ideas further, solve problems, work with our Strata Manager members, and advise them on how the PSS can help improve professionalism to serve you better.”

The new staff members and their positions are:  
**Sean McNamara – Professional Compliance Manager**  
**Scott Martin – Relationship Manager**  
**Lucy Campbell – Education Manager**

**The Road Ahead**

SCA (NSW) members and consumers in New South Wales can look forward to many positive changes that will stem from our PSS over the next five years.

We are committed to enhancing the professionalism of our members for the benefit of consumers in our state. Through our PSS, we are working towards strengthening consumer protections and restoring consumer confidence.

Should you have any questions regarding our PSS, please contact SCA (NSW) via phone (02 9492 8200) or email [pss.nsw@strata.community](mailto:pss.nsw@strata.community).



## NEW PET BY-LAWS IN NEW SOUTH WALES



Animal lovers are rejoicing after a recent decision passed down by the NSW Government has put an end to blanket bans on pets in strata title properties in New South Wales.

Strata Community Association (NSW), which was consulted by the NSW Government on the issue, has commended the NSW Government on the new regulations.

In a recent media statement, SCA (NSW) President, Chris Duggan, said: “Research shows that Australia has one of the

highest rates of pet ownership in the world. The important role that pets play in terms of companionship has only increased during the current pandemic.

“Many strata communities in Sydney and wider New South Wales have been under lockdown conditions, some for extensive periods, and pets provide a remedy to the social isolation that some may experience.”

Commencing on 25 August 2021, two amendments to the Strata Schemes Management Act (2015) came into effect

which now govern the keeping of animals in strata schemes.

Section 137B stipulates that keeping an animal in a strata scheme cannot be prohibited unless the animal “unreasonably interferes with another occupant’s enjoyment of their lot or the common property”.

Additionally, the Strata Schemes Amendment (Pets) Regulation outlines the specific circumstances which may be considered “unreasonable interference” to assist owners, occupiers, and owners’ corporations to navigate the new laws.

Under the Strata Schemes Amendment (Pets) Regulation, an animal may be deemed to cause “unreasonable interference” if:

- The animal makes a noise which interferes with the peace, comfort, and convenience of another occupant.
- The animal repeatedly runs at or chases another occupant, visitor, or another animal.
- The animal repeatedly causes damage to the common property or to another lot.
- The animal endangers the health of another occupant through infection or infestation.
- The animal causes a persistent offensive odour that penetrates the common property or another lot.

The Strata Schemes Amendment (Pets) Regulation also incorporates the provisions of the Companion Animals Act 1998 regarding a “restricted” dog and a “menacing or dangerous” dog. These dogs may be banned from strata schemes by decision of the owners’ corporation.

### **By-Laws: What You Need to Know**

It is important that owners, occupiers, and owners’ corporations understand their rights and responsibilities in relation to the enforcement of by-laws on the keeping of animals in strata schemes.

The recent changes to the Strata Schemes Management Act (2015) mean that any by-law which sets a blanket ban on pets in a strata scheme in New South Wales is now invalid.

Such by-laws may be challenged by seeking an amendment with the owners’ corporation in your strata scheme.

The decision to amend the by-law should be considered at the next general meeting of the owners’ corporation or by calling an extraordinary general meeting to discuss the matter.

In the event a blanket ban remains in place, you can lodge an application for mediation with NSW Fair Trading. If the matter remains unresolved, you can proceed to lodging an application at NCAT.

For more information on by-laws, visit NSW Fair Trading [here](#).



THE LAND TITLE SYSTEM  
IN NEW SOUTH WALES  
WILL PROCESSES TO  
ELECTRONIC LODGEMENT



# PEXA AND REGISTRATION OF BY-LAWS IN NEW SOUTH WALES

Amendments to the Real Property Amendment (Certificate of Title) Act 2021 are on the horizon which will impact on strata managers. We outline three important upcoming changes that you need to know...

## PEXA and Registration of By-Laws in New South Wales

New changes to the land title system in New South Wales are coming, effective 11 October 2021, that will transition cumbersome paper-based processes to electronic lodgement.

NSW Land Registry Services has announced amendments will be made to the Real Property Amendment (Certificates of Title) Act 2021, which will lead to three significant changes for strata managers.

These changes include:

1. The cancellation of Certificates of Title (CTs),
2. The transition to one hundred percent electronic lodgement for all land dealings, also referred to as '100% eConveyancing', and
3. Strata managers will no longer be able to register by-laws themselves. All by-laws will be required to be registered through PEXA.

## Registration of By-Laws

Since the introduction of Property Exchange Australia (PEXA) on 22 March 2021, the strata sector has progressively moved away from paper.

Now, under these new laws, strata managers must submit the Consolidation/Change of By-Laws form electronically through PEXA.

An electronic platform, PEXA streamlines and shortens processes relating to property through NSW Land Registry Services by using electronic forms. Original documents are no longer required to be lodged over the counter.

To protect against identify theft and fraudulent activity and ensure the process remains secure, strata managers submitting pages to be registered must complete two additional steps through PEXA. These are:

- Lodge a signed Client Authorisation Form (CAF), and
- Undertake the Verification of Identity (VOI) process.

The VOI process can be completely in person or remotely using a mobile device. It is an identification process that lasts for two years.

## Certificates of Title

From 11 October 2021, all existing Certificates of Title (CTs) will be cancelled and no future CTs will be issued.

The same will also apply to authorised deposit-taking institutions, including banks, in relation to Control of the Right to Deal (CoRD), which is the electronic equivalent of CTs.

## 100% eConveyancing

From 11 October 2021, paper lodgement of land dealings will no longer be permitted under the new laws.

Under the NSW Conveyancing Rules, the Registrar General has mandated that all electronic dealings listed in the Schedule of eDealings through the NSW Land Registry Services (LRS) must be lodged electronically.

Additionally, electronic lodgement of land dealings to NSW LRS can only be completed by a subscriber, such as a lawyer, licensed conveyancer, or bank, to a prescribed Electronic Lodgement Network.

For more information on the changes relating to Certificates of Title and 100% eConveyancing, please click [here](#).

# PROJECT REMEDIATE

Registrations of interest are still open for Project Remediate, which close on 30 September 2021!

Project Remediate is a voluntary three-year program for owners' corporations in New South Wales to remove high-risk combustible cladding on Class 2 residential apartment buildings.

There are an estimated 225 buildings known to the Cladding Taskforce and despite the known costs and complexities of removing flammable cladding, not all buildings have registered yet.

In a recent statement, SCA (NSW) President, Chris Duggan, said: "It is time for apartment owners who have not registered their buildings to move without further delay.

"The work can't start until they register with Project Remediate and no one wants to be left at the back of the line.

"A lot of organisations worked very hard to get Project Remediate off the ground, so I hope that apartment owners who have not registered will, so they can benefit from Project Remediate."

## Why "Project Remediate"?

Project Remediate was aptly named to describe the two ways in which it assists eligible owners, owners' corporations, and the strata managers who support them in managing their scheme.

- "Remediate" – those requiring remediation works can access 10-year interest free loans, with the interest paid for by the NSW Government.
- "Project" – a project assurance service is also set up and coordinated by the Office of the NSW Building Commissioner to oversee the works.

A Managing Contractor is appointed by the Office of the NSW Building Commissioner, at no cost to the owners' corporation, to project manage the cladding removal and rectification works.

They are responsible for ensuring the remediation solution is fit for purpose, of a high standard, and provided at a fair price. Importantly, the building can be insured without any cladding-related exclusions or premium increases.

## Benefits of Project Remediate

The main benefits of Project Remediate for owners, owners' corporations, and strata managers include:

- It offers you certainty on the cost of the remediation work through lump-sum pricing, with every effort made to reduce unexpected costs and delays.
- All services are completed by qualified and reputable industry experts who undertake a thorough investigation and assessment to identify any issues up-front.
- Only safe cladding products and systems, endorsed by the Cladding Product Safety Panel, will be used to ensure your building qualifies for full insurance.

To learn more about Project Remediate, explore the resources below:

- [This video](#) explains what Project Remediate is and how it supports strata schemes in New South Wales.
- [This video](#) is a message from the Hon. Kevin Anderson MP, Minister for Better Regulation and Innovation, who launched Project Remediate.
- Project Remediate is offering a free two-hour course until 30 September 2021 for strata managers and committee members of self-managed strata schemes to learn more about Project Remediate, which can be accessed [here](#).
- The Apartment Owners Guide, accessible [here](#), helps strata schemes understand the Project Remediate program.
- Owners' corporations can also access strata resolution and motion examples [here](#).
- The NSW Government provides answers to important frequently asked questions, which can be accessed [here](#).

To contact Project Remediate directly, please email: [projectremediate@customerservice.nsw.gov.au](mailto:projectremediate@customerservice.nsw.gov.au)

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