

# Strata Hub – FAQ's

New regulations under the Strata Schemes Management Act 2015, made by way of the Strata Schemes Management Amendment (Information) Regulation 2021 impose new reporting requirements on strata schemes.

## **FAQ 1. When does this law start?**

Answer: The amendments commenced on 30 June 2022.

## **FAQ 2. When is the reporting of information and \$3.00 per lot required?**

Answer: Essentially, schemes are required to lodge an annual return with Fair Trading and pay an administration fee of \$3 per lot. This return must be lodged within three months of each AGM, with an extension to 30 September 2022 for the return following a first AGM, if held on or before 30 June 2022. It is expected that there will be a portal and that some of the information required will be pre-populated using information already held by Fair Trading.

## **FAQ 3. How can the manager charge for uploading this information?**

Answer: Assuming, the management agreement does not include the uploading of this information as an agreed service, the answer is dependent on the type of agency agreement:

- a) For the majority of managers whose agreements provide that additional services can be provided if authorised by the committee or owners corporation, the relevant authorisation will be required to be duly delegated the authority to perform the task and to charge for it e.g. a committee resolution to the following effect:

*“The committee authorises the strata manager to comply with the owners corporation obligations under Part 7 Division 2 of the Strata Schemes Management Regulation 2016 by inputting the mandatory information into the NSW Strata Hub, this year and on an ongoing basis and to charge in accordance with the terms of its agency agreement”.*

- b) For the minority of managers who only have authority for fixed services and fees they would need an appropriate agreement and delegation from the owners corporation to be duly delegated the task and to charge fees for it.



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#### **FAQ 4. When does the information need to be corrected?**

Answer: There is also an obligation to correct or update information already provided, within 28 days after the secretary or managing agent becomes aware of circumstances necessitating this. These requirements will be enforced by fines of up to \$2,200.

Some of this information is quite detailed, in fact arguably intrusive. Further, some of this information will be available publicly. Essentially, the information to be held by Fair Trading will divide into the following categories:

#### **FAQ 5. Which information may be disclosed publicly?**

Answer: In reply extracts from clause 43A provide:

- a) the strata plan number of the strata scheme,
- b) the date of registration of the strata plan for the strata scheme,
- c) if the strata scheme is part of a community scheme—the date of registration and the number of the community plan, within the meaning of the Community Land Management Act 2021,
- d) if the strata scheme is part of a precinct scheme—the date of registration and the number of the precinct plan, within the meaning of the Community Land Management Act 2021,
- e) the address of the parcel of the strata scheme,
- f) the total number of lots in the strata scheme,
- g) the number of lots in the strata scheme used for the following purposes—
  - i. residential purposes,
  - ii. the purposes of a retirement village,
  - iii. commercial purposes,
  - iv. the purposes of a utility lot,
  - v. other purposes,



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- k) for a class 2 building, within the meaning of the *Building Code of Australia*, of the strata scheme—the number of storeys above ground level in the building,
- r) the date of the most recent annual general meeting of the owners corporation,

**FAQ 6. Which information may only be disclosed to persons on the strata roll for the relevant scheme, secretary of the owners corporation, members of the strata committee and the building manager?**

Answer: In reply extracts from clause 43A provide:

- j) if an annual fire safety statement has been issued under the Environmental Planning and Assessment Act 1979 for a building of the strata scheme—the date the most recent statement was issued,
- m) the following details of the secretary of the owners corporation—
  - i. full name,
  - ii. telephone number,
  - iii. email address,
- n) the following details of the chairperson of the owners corporation—
  - i. full name,
  - ii. telephone number,
  - iii. email address,
- o) if there is a strata managing agent appointed for the strata scheme—the following details of the agent—
  - i. full name,
  - ii. telephone number,
  - iii. email address,
  - iv. the number of the agent’s licence under the Property and Stock Agents Act 2002,
- p) if there is a building manager appointed for the strata scheme—the following details of the manager—
  - i. full name,
  - ii. telephone number,
  - iii. email address,
- t) whether a strata renewal committee is currently established under the Strata Schemes Development Act 2015 in relation to the strata scheme and, if so, the date the committee was established.



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## **FAQ 7. Which information may be disclosed to Fire and Rescue NSW or Local Council?**

Answer: In reply extracts from clause 43A provide:

- j) if an annual fire safety statement has been issued under the Environmental Planning and Assessment Act 1979 for a building of the strata scheme—the date the most recent statement was issued,
- m) the following details of the secretary of the owners corporation—
  - i. full name,
  - ii. telephone number,
  - iii. email address,
- o) if there is a strata managing agent appointed for the strata scheme—the following details of the agent—
  - i. full name,
  - ii. telephone number,
  - iii. email address,
  - iv. the number of the agent’s licence under the Property and Stock Agents Act 2002,
- q) the following details of the emergency contact person for the strata scheme—
  - i. full name,
  - ii. telephone number,
  - iii. email address,
  - iv. the person’s connection to the strata scheme,

## **FAQ 8. Which information may be provided to NSW State Emergency Services, Ambulance Service of New South Wales and NSW Police Force?**

Answer: In reply, extracts from clause 43A provide:

- q) the following details of the emergency contact person for the strata scheme—
  - i. full name,
  - ii. telephone number,
  - iii. email address,
  - iv. the person’s connection to the strata scheme,

## **FAQ 9. Who should we choose to be the emergency contact and how do we appoint them?**

Contact details for an emergency contact should be provided to the NSW Strata Hub. These details are only disclosed to Fire and Rescue NSW, Local Council, NSW State Emergency Services, Ambulance Service of New South Wales and NSW Police Force.



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As the agencies requiring the emergency contact details will likely require urgent access or information, it is suggested that the emergency contact be a lot owner (or occupier) who resides at the strata scheme or if the scheme has a building manager, the building manager. You should seek the owner or building manager's consent to the appointment.

The following motion is provided to appoint an emergency contact:

*"The strata committee resolves to appoint //insert name// as the emergency contact in accordance with Part 7 Division 2 of the Strata Schemes Management Regulation 2016 and for their details to be inputted into the NSW Strata Hub."*

**FAQ 10. Should the management company be concerned about breaching the Privacy Statement or Policy in respect of disclosing personal information in response to question 6, 7 and 8?**

Answer: Consideration of the manager's privacy statement and policy will be required and some documents duly updated to deal with complying with these new requirements. Where the agent is acting with delegated authority it is acting on behalf of the owners corporation and fulfilling the owners corporation's legal requirements. Please consider the answer to FAQ 3 above about being duly authorised.

When reviewing your Privacy Statement consider whether it contains a part to the following effect and if not, consider updating it accordingly with the method referred to in the Privacy Statement:

***How does the Company use and disclose Personal Information?***

*The Company uses and discloses Personal Information only for the business purposes for which it was collected.*

*The Company may use and/or disclose Personal Information, as follows:*

- *for the purpose for which it was collected;*
- *as required or authorised by law to meet the owners corporation's legal obligations, including disclosure requirements to government authorities.....*

**FAQ 11. Should strata committee members be concerned that their information is being disclosed to all of the lot owners in the strata scheme?**

No, not necessarily. Details of the strata committee members (and all owners), including contact details are readily available to the lot owners by undertaking a strata inspection under section 182 of the *Strata Schemes Management Act 2015* and those details are included in a strata information certificate under section 184(4) of the *Strata Schemes Management Act 2015*.



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**FAQ 12. Which information is required to be provided but not necessarily disclosed to anyone else?**

Answer: In reply, extracts from clause 43A provide:

- h) if a building of the strata scheme has a NABERS rating—the rating,
- i) if an interim or final occupation certificate has been issued under the Environmental Planning and Assessment Act 1979 for a building of the strata scheme—the date the certificate was issued,
- l) if the owners corporation is required to insure a building, or part of a building, of the strata scheme under the Act, section 160—the replacement value of the building, or the part of the building, as—
  - i. specified in the damage policy for the building, or
  - ii. determined by the Tribunal under the Act, section 162(3),
- s) if the owners corporation is required to establish a capital works fund under the Act, section 75—the balance of the fund, as specified in the most recent financial statements,

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