

Like Some Tobacco or a Snag... Anyone?

Come November 2016, throwing a snag on the barbie or having a puff on a ciggie could be considered a 'nuisance or hazard'.

Under the new strata reforms owners corporations will be able to enforce a ban by issuing a notice to comply with smoke drift, such as that from tobacco and barbecues, under the [by-law changes](#).

Fines

If the barbequer or smoker fanatic fails to comply the matter could be taken to NCAT, who has the power to issue fines of up to \$1,100 (double that of the old laws) and if the offender repeats the offense within 12 months, double it again – \$2,200.

The owners corporation will be able to take action against offenders rather than leaving this to individual owners.

By-laws

The proposed model by-law provides 3 options:

1. Smoking in a lot is permitted but there must be no smoke penetration into any other lot or the common property.
2. Smoking in a lot is permitted but there must be no smoke penetration into any other lot or the common property. Smoking on the common property is also permitted but only in either designated smoking areas or with the written permission of the owners corporation.
3. Smoking in a lot is permitted but there must be no smoke penetration into any other lot or the common property. Smoking on common property is expressly prohibited.

It's also important to note that there are currently no options in regards to the complete ban on smoking in schemes.

Also, any new model by-laws generally do not apply to existing schemes. They'll only apply to strata schemes registered after the commencement of the 2015 Act if and that's if the developer chose the option to go with model-by-laws.

For more information visit [NSW Government Fair Trading](#).

For NSW strata legal or levy collection advice please contact us [here](#) or call 02 9562 1266, we're happy to assist.

About JS Mueller & Co

JS Mueller & Co has been servicing the strata industry across NSW for almost 40 years. We are a specialist firm of strata lawyers with in depth and unmatched experience in, and comprehensive knowledge of strata law and levy collection. We are here to assist you every step of the way.