

# Oh Dear! Registering By-laws Just Got Hard!

The procedure for registering by-laws under the new strata legislation is completely new. Land and Property Information (LPI) NSW will no longer allow by-laws to be registered unless a consolidated version of all by-laws including any new by-laws is lodged for registration.

## What Has Changed?

The new strata legislation requires any change in the by-laws for a strata scheme that are lodged for registration to be in the form of a consolidated version of all of the existing by-laws that incorporates the changes to the by-laws as well. The consolidated version of the by-laws must include any relevant model by-laws.

## What Does the Change Mean?

If you attempt to register a change in the by-laws without the consolidated version of the by-laws, Land and Property Information will reject the document you lodge.

## Do I Have to Comply?

There is a limited exemption to the requirement to lodge a consolidated version of the by-laws each time you need to register a change to the by-laws. Land and Property Information may permit a change in the by-laws for a strata scheme to be lodged separately, and not in a consolidated version, if satisfied that it would be too onerous for a consolidated version to be lodged and there are no more than five separate change of by-laws recorded on the title of the common property.

## Can you get an Exemption?

The new procedure for registering changes to the by-laws for a strata scheme at Land and Property Information is untested. However, we expect that it may prove difficult to secure an exemption from the need to lodge a consolidated version of the by-laws when registering a change to the by-laws. Where that occurs, every change of by-laws will require a new consolidated list of by-laws.

### **Why the Change?**

The rationale for the change is to ensure that a consolidated set of all of the by-laws for a strata scheme is recorded on title much like the by-laws in a management statement for a community scheme or neighbourhood scheme.

### **What Happens to the Existing Registered By-Laws?**

Once the consolidated version of the by-laws is registered, all current notifications of by-laws appearing on the common property title will be removed and the common property title will be updated to refer to the consolidated version only.

### **What Happens if I Get it Wrong?**

When the consolidated list of by-laws is prepared, care will need to be taken to ensure that the list is complete and accurate. Land and Property Information will not examine the consolidated set of by-laws against any existing change of by-laws recorded on the common property title to ensure that the consolidated set is complete and accurate. If the consolidated set of by-laws is wrong, for example, an existing by-law is not included in the consolidated set; a person aggrieved by the error may make a claim against the owners corporation or strata manager who registered the incorrect consolidated set of by-laws.

### **Where is the Change Found and What does it Mean?**

The new requirement concerning the registration of changes to

by-laws for strata schemes is contained in clause 24 of the *Strata Schemes Development Regulation 2016*. We expect that this new requirement will create significant problems for strata managers and others who attempt to register changes to the by-laws without a consolidated version of the by-laws.

### **How Can we Help?**

Muellers are able to prepare a consolidated version of the by-laws for a strata scheme for a fee of \$750 plus GST where there are no more than two changes of by-laws dealings registered on the title of the common property. For strata schemes which have more than two change of by-laws registered, please contact us to obtain a price to prepare a consolidated set of by-laws for that scheme.

### **There is Still Hope!**

We will continue to provide a cost effective and efficient by-law registration service under the new regime. If you encounter difficulty registering changes to the by-laws for any strata scheme that you manage, please do not hesitate to get in contact with us so that we are able to help you.

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