# Strata By-laws Differ Across State Boundaries

Historically, with each of the individual states and territories throughout Australia having their own strata legislation, the downside has been that the lack of national uniformity has presented significant challenges with interpretation and enforcement of the relevant legislation across different jurisdictions.

There are currently three principal jurisdictions throughout Australia – New South Wales, Victoria and Queensland – each having introduced strata laws during the 1960s, with New South Wales leading the way in 1961. However, over the decades, each of the states has replaced and consolidated legislation at differing times, with regular, ongoing reviews of strata and community legislation taking place at a different pace across the country as governments endeavour to harmonise communal living environments and address issues which arise as communal living density increases.

Three law firms in these principal state-based jurisdictions have formed an alliance, aptly named Strata Lawyers Australia, comprising one law firm from each state which specialises in the practice of strata and community title law. The purpose of this alliance is to combine the local expertise of each firm in order to provide a quality, nation-wide legal service which will maximise the effectiveness of strata law services for stakeholders in the strata industry in each state.

Sydney-based firm, JS Mueller & Co, is an active member of this strategic alliance and draws on local expertise to provide industry-leading legal services and advice, enabling them to operate across state borders and provide the most relevant and comprehensive legal service possible.

Recent developments within the strata industry across the country have meant that the implementation of a national alliance of strata law firms will have a direct and meaningful impact on the efficiency and delivery of legal services in this industry. Indeed industry growth and consolidation have seen an emerging trend of strata management businesses operating across multiple jurisdictions.

A number of other states and territories, particularly the ACT, have recognised the need to modernise regulatory arrangements for the strata sector and are keen to see the various jurisdictions brought into line.

JS Mueller & Co strata lawyer, Adrian Mueller, says that, for example, "ACT strata laws are quite different from strata laws in other jurisdictions. The ACT Unit Titles Management Act has some unique provisions".

Adrian's extensive expertise has seen him deliver ground-breaking papers and seminars to strata lawyers and managers throughout the country – a definite asset to the services offered by the Strata Lawyers Australia alliance.

It is Adrian's recommendation that comprehensive legal advice is always obtained from a specialist in the relevant jurisdiction when dealing with contentious strata issues, particularly in light of the significant variations nation-wide.

National consolidation in the strata industry will see growth in the number of strata management businesses and law firms operating across borders including through strategic alliances such as Strata Lawyers Australia. And consolidation of national licensing is expected to bolster confidence among strata managers and make strata communities a more viable option for our ever-expanding population density, but will almost certainly require continual monitoring and ongoing legislative reform well into the foreseeable future.

For NSW strata legal or levy collection advice please contact us here or call 02 9562 1266, we’re happy to assist.