



New South Wales

Strata Schemes Management Amendment (Information) Regulation 2021

under the

Strata Schemes Management Act 2015

[The following enacting formula will be included if this Regulation is made—]

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Strata Schemes Management Act 2015*.

Minister for Better Regulation and Innovation

Explanatory note

The objects of this Regulation are—

- (a) to require the owners corporation for a strata scheme—
 - (i) to give information to the Secretary, and
 - (ii) to notify the Secretary if the information changes or is incorrect in a material particular, and
- (b) to prescribe the following—
 - (i) the types of information that must be given,
 - (ii) how and when the information, and notice of changes to the information, must be given,
 - (iii) the fee payable to the Secretary for administration relating to the information,
 - (iv) restrictions on the Secretary disclosing the information,
 - (v) offences for failing to comply with certain requirements to give information.

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under the

Strata Schemes Management Act 2015

1 Name of Regulation

This Regulation is the *Strata Schemes Management Amendment (Information) Regulation 2021*.

2 Commencement

This Regulation commences on 1 May 2022 and is required to be published on the NSW legislation website.

Schedule 1 Amendment of Strata Schemes Management Regulation 2016

[1] Part 7, Division 1, heading

Insert before clause 41—

Division 1 Records

[2] Part 7, Division 2

Insert after clause 42—

Division 2 Information—the Act, s 271(2)(o) and (2A)

Drafting note 2.1 *The regulation-making power for these provisions (section 271(2)(o) and (2A), as inserted by the Community Land Management Act 2021) has not yet commenced.*

43 Owners corporations to give information annually

- (1) The owners corporation for a strata scheme must give the information specified in clause 43A about the strata scheme to the Secretary in the approved form—
- (a) for the first time—
 - (i) if the first annual general meeting of the owners corporation is held on or before 1 May 2022—by 1 August 2022, or
 - (ii) otherwise—within 3 months after the first annual general meeting of the owners corporation, and
 - (b) subsequently—every year, within 3 months after each annual general meeting of the owners corporation.
- Maximum penalty—50 penalty units.
- (2) When giving the information, the owners corporation must pay the Secretary the fee, set out in Schedule 4, for administration relating to the information.

43A Information required for purposes of clause 43

- (1) For the purposes of clause 43, the following information is specified—
- (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,

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- (iii) commercial purposes,
 - (iv) other purposes,
 - (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,
 - (j) if an annual fire safety statement is required under the *Environmental Planning and Assessment Act 1979* for a building of the strata scheme—the date the most recent statement was issued,
 - (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,
 - (l) the replacement value of each building, or part of a building, of the strata scheme, as—
 - (i) specified in the damage policy for the building, or
 - (ii) determined by the Tribunal under the Act, section 162(3),
 - (m) the following details of the secretary of the owners corporation—
 - (i) full name,
 - (ii) telephone number,
 - (iii) email address,
 - (n) if there is a strata managing agent 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*,
 - (o) if there is a building manager for the strata scheme—the following details of the manager—
 - (i) full name,
 - (ii) telephone number,
 - (iii) email address.
 - (p) the date of the most recent annual general meeting of the owners corporation,
 - (q) 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,
 - (r) whether a strata renewal committee has been established under the *Strata Schemes Development Act 2015* in relation to the strata scheme.
- (2) In this clause—
- NABERS rating** of a building means a star rating for the environmental performance of the building, issued by the National Australian Built Environment Rating System under the *Building Energy Efficiency Disclosure Act 2010* of the Commonwealth.
- replacement value** of a building or part of a building means the cost of rebuilding or replacing the building or part of the building in accordance with the Act, section 161(1)(b).

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43B Owners corporations to correct information given

- (1) The owners corporation for a strata scheme must notify the Secretary if information given under clause 43—
 - (a) changes before the next annual general meeting of the owners corporation, or
 - (b) is incorrect in a material particular.
- (2) The notification must be—
 - (a) in the approved form, and
 - (b) made within 28 days after either of the following persons becomes aware of a circumstance mentioned in subclause (1)—
 - (i) the secretary of the owners corporation,
 - (ii) if there is a strata managing agent for the strata scheme—the agent.

Maximum penalty (subclause (2))—20 penalty units.

43C Disclosure of information by Secretary

- (1) The Secretary may publicly disclose the information specified in clause 43A(1)(a)–(g), (k) or (p) about a strata scheme.
- (2) The Secretary may only disclose the information specified in clause 43A(1)(j), (m)–(o) or (r) about a strata scheme to the following persons—
 - (a) a person named on the strata roll for the strata scheme,
 - (b) the secretary of the owners corporation,
 - (c) the members of the strata committee of the owners corporation,
 - (d) if there is a building manager for the strata scheme—the manager.
- (3) The Secretary must not disclose the information specified in clause 43A(1)(h), (i), (l) or (q) about a strata scheme.

[3] Clause 64 Fees

Insert “and this Regulation” after “Act”.

[4] Schedule 4 Fees

Insert after item 1A—

1B For administration relating to information given under this Regulation, clause 43 \$3 per lot in the strata scheme

[5] Schedule 5 Penalty notice offences

Insert in appropriate order under the heading “Offences under this Regulation”—

Clause 43(1)	\$220
Clause 43B(2)	\$220