

By-laws/ Old and New Law Comparison

Does not include 'common property rights' (formerly exclusive use by-law), please see the relevant document.

Strata Schemes (Management) Act 1996		Strata Schemes (Management) Act 2015	
41 (1-2)	By-laws in force for schemes in existence before 1 July 1997 are those adopted or lodged with the strata plan registered by the Registrar-General for the strata scheme, as in force at the date of lodgment, subject to amendment, repeal or addition recorded by the Registrar-General	134 (1)	By-laws in force for a strata scheme after 30 November 2016 are those adopted or lodged with the strata plan registered by the Registrar-General for the strata scheme, as changed in accordance with the Act
42 (1-2)	By-laws in force for schemes in existence before 1 July 1997 are those in Schedule 1, including additional by-laws, amendments and repeals relating to those by-laws registered for the strata scheme	134 (3)	By-laws in force for a strata scheme in existence before 30 November 2016 are those set out in the regulations for the purposes of this section, including any changes to the by-laws made in accordance with a previous law or in accordance with this Act
43 (1-2)	By-laws may be made in relation to any of the following: <ul style="list-style-type: none"> • Safety and security • Common property use restrictions • Keeping of pets • Parking 	136 (1)	Has been reduced to: 'By-laws may be made in relation to the management, administration, control, use, or enjoyment of the lots or the common property, and lots of a strata scheme'

	<ul style="list-style-type: none"> • Floor coverings • Garbage disposal • Behaviour • Architectural and landscaping guidelines • Matters appropriate to the type of scheme <p>This list does not limit matters for which by-laws may be made</p>		
43 (4)	By-laws have no force or effect to the extent they are inconsistent with this or any other Act or law	136 (2)	Same
44 (1) (a-b)	<p>By-laws for a scheme bind the owners corporation, any mortgagee or covenant charge, lessee, or occupier to the same extent as if the by-laws:</p> <p>(a) had been signed and sealed by the owners corporation and each owner, mortgagee, covenant charge, lessee, and occupier, and</p> <p>(b) contained mutual covenants to observe and perform all provisions of the by-laws.</p>	135 (1) (a-b)	Same
44 (2)	There is an implied covenant by a lessee to comply with the by-laws for the strata scheme	135 (2)	Same
45 (1-2)	An owners corporation may serve a notice on an owner or occupier requiring compliance with a specified by-law if the owners	146 (1-3)	Same, but (2) provides that a copy of the specified by-law must now be attached to the notice requiring compliance

	corporation is satisfied the by-law has been contravened. Issue of notice must be approved by resolution of the owners corporation or executive committee		
46 (1)	Lessor must provide a lessee with a copy of the by-laws and any strata management statement affecting the lot or common property	186 (1)	Same, must be given no later than 14 days after the tenant becomes entitled to possession of the lot
46 (2)	In the case of subletting in a leasehold strata scheme, the sublessor must provide the sublessee with a copy of the by-laws and any strata management statement affecting the lot or common property	186 (1)	As above
46 (3A-3C)	If by-laws are amended, further copies must be provided to lessees and sublessees within 7 days of registration	186 (2)	Same, but now may be given within 14 days of the change taking effect
46 (4) (a-b)	By-laws must be served personally or in a manner allowed by the Act for service of documents		
47	Owners corporations may make, amend or repeal by-laws for the purpose of control, administration, use, or enjoyment of the lots and common property, in accordance with a special resolution	136 (1)	Only refers to by-laws being <i>made</i> for the management, control, use, or enjoyment of the lots or common property
48 (1) (a-b)	Amendment, repeal, or creation of a by-law has no force or effect until: (a) the owners corporation lodges an approved form of	141 (2) (a-b)	Same

	notification in the Registrar-General's office, and (b) the Registrar-General has made an appropriate recording of the notification		
48 (2)	Notifications to the Registrar-General must be lodged within 2 years of passing a resolution with respect to a by-law	141 (4)	Notifications must now be made within 6 months of passing a resolution with respect to a by-law
49 (1)	By-laws cannot prohibit or restrict devolution of a lot, or transfer, lease, mortgage, or any other dealing related to a lot	139 (2)	Same
49 (2)	By-laws resulting from orders may not be amended or repealed except by unanimous resolution	139 (3)	Same
49 (3)	By-laws have no force or effect to the extent they seek to restrict or prohibit people under the age of 18 from occupying a lot	139 (4)	Same
49 (4)	By-laws have no force or effect in prohibiting or restricting the keeping of a guide or hearing dog on a lot	139 (5) + (6)	Same (6) By-law may require that evidence be produced that the animal is an assistance animal as referred to in s 9 of the <i>Disability Discrimination Act 1992</i> (Cth)
58 (a-b)	If a by-law for a strata scheme within a community scheme is inconsistent with the community management statement, or with a precinct management statement, the management statement prevails	139 (7)	Same

		107	By-laws may adopt and modify a common property memorandum
		109	By-laws may enlarge the definition of cosmetic work not requiring further approval
		110(6)(a)	By-laws may add to minor improvements to be approved at a general meeting where a special resolution is not required.
		110 (6) (b)	By-laws may delegate approval powers for minor works to the strata committee.
		111	By-laws may approve other works affecting common property
		137 (1-2)	A by-law may limit the number of adults to reside in a lot by reference to number of bedrooms, the limit being not fewer than 2 adults per bedroom
		137 (3) (a-b)	Occupancy limit by-law has no effect: (a) To the extent it is inconsistent with planning approval or other law applicable to the lot (b) In any other circumstances prescribed by regulations for purposes of this section (for example, recognizing indigenous kinship systems of the person's culture)
		139 (1)	A by-law must not be harsh, unconscionable, or oppressive
		263 (4) (e)	By-laws may provide for means of serving notices on owners if there is no address recorded on the strata roll
		Sch 3 4(1)	By-laws for existing schemes at 30 November 2016 must be reviewed within 12 months of that date
		Sch 3 4(2)	Despite any other provision of the Act a valid by-law immediately before 30 November 2016 remains a valid by-law

About BylawsOnline

BylawsOnline provides rules for strata titled owners corporations and communities to live by. We do this in a cost effective and convenient way by providing them online with explanatory notes to aid strata managers, communities and lot owners. Our bylaws are fair to all parties and are written to help strata people live happily.

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