

STRATA & COMMUNITY LIVING

Brought to you by



AUTUMN 2014



New certified strata specialists

We all know that strata is a unique environment and that having a strata manager who is specifically trained in understanding and applying the legislation and regulations is important. They know about requirements such as building maintenance and insurance as well as dealing with breaches to by-laws and much more.

But what about the other people who also provide you with services such as the electrician, plumber, accountant and so on? What do they know about the strata environment and all its requirements?

To address this Strata Community Australia (NSW) has created a new Strata Services Specialist Course. The course, which was first offered at the 2013 Convention last November, is designed to give strata managers, executive committees and owners the confidence that the individual service provider they are using has obtained the necessary training. That is to say they have a sound knowledge of and commitment to working within strata schemes, community schemes and company title buildings and their associated rules and by-laws.

The SCA (NSW) Strata Services Chapter worked hard last year to produce the course, which adopts many of the components of the Certificate of Registration course that new strata managers undertake when they enter the sector. The Strata Services Specialist Course also

aims to provide the service providers working within the strata industry specific knowledge to undertake their duties on site in a professional manner and make life easier for all parties involved.

The first of these courses was attended by over 100 Strata Services Chapter Members at the 2013 SCA (NSW) Convention and it is planned that three more of these will be run in 2014.

SCA (NSW) is urging strong support of these individuals who have made the commitment to the strata industry. Look out for the logo which should start to appear on emails and in tender documents from now and know that you're dealing with someone who knows strata.





NSW Strata Law Reform

The NSW Government triggered a number of strata or body corporate law reviews around Australia with the announcement it was undertaking one.

Strata Community Australia (NSW) members welcomed the release of the Position Paper which we reported on in the Summer 2013 edition of *Community Lifestyle*. Since then they have reviewed the paper and met with the new Minister for Fair Trading, Mr Stuart Ayers. At the time of writing this story an agreement has been made to allow more time for submissions.

SCA (NSW) has produced a number of submissions and forwarded them to the government. Here are some of the proposals and what specifically SCA (NSW) members would like to see in terms of changes. Remember SCA (NSW) has strata managers, service providers and owners as its owners and represents a good cross section of this industry.

Owners need to be aware of some of the proposed changes especially where they may be put at a disadvantage. For example, one proposed change is where owners wish to go on as members of the strata committee (the old executive committee). The mechanics requires those intending to stand for office holder positions to have their nominations made before the Annual General Meeting. Practically what

this will mean is that the owners corporation will need to send out a notice to owners asking for nominations before the actual meeting. This adds another level of unnecessary complication and does not allow for others to be requested at the meeting to stand for office nor is there any instruction or method on how the nominations are called.

SCA (NSW) has recommended to the government that the existing process for election of the executive committee and office holders should be retained or that the proposed issues be amended so that nominations can be received at the meeting.

Another change SCA (NSW) would like to see concerns the issue of the appointment of strata managing agents, caretakers and those involved in management of schemes. There is an obvious conflict of interest where a property developer proposes to also be the strata managing agent and/or caretaker/onsite manager (through related parties) of the property that it developed or had a part in constructing.

In a submission to NSW Parliament by the former independent Member for Bligh, Ms Clover Moore, a few years ago it was recommended that there be a prohibition on this type of relationship.

SCA (NSW) thoroughly supports this and while some of the proposed changes do address the commercial interests of parties involved in running a strata scheme, this conflict has not been completely dealt with.

The government also undertook to address the issue of overcrowding in apartments. This occurs mostly in inner city areas and close to universities where apartments meant to house only two or three people suddenly end up with 20 people.

There will be provisions to limit occupancy however the term needs to correlate with town planning laws and avoid the issues currently arising from owners/tenants erecting makeshift partitions to create 'extra' bedrooms.

The recommendation is for a clear reference as to how the number of bedrooms is to be determined as well as a right of inspection for the owners corporation to enable the enforcement of occupancy limits.

SCA (NSW) will continue to work with the Minister and NSW Fair Trading on these issues and oversights to ensure NSW gets the best possible legislation that is fair and just for all those living in strata titled properties.

Strata snippets

There's a lot happening at the moment in strata so here is a round-up of things you need to know.

Reminder about new swimming pool certification

We know we keep reminding people about the new swimming pool legislation but a new requirement comes in to force from April this year.

Strata and community property owners note that from 29 April 2014 you will need a pool compliance certificate to sell or lease your properties. The owners corporation or strata manager will hold the compliance certificate on behalf of all unit holders and make it available to pool owners when or if required.

As we've informed you since 29 April 2013 all swimming pools in NSW are required to be registered at www.swimmingpoolregister.nsw.gov.au. Registration online is free. Owners had until 29 October 2013 to register their pools and now face fines if they have failed to comply.



Latest from NSW Fair Trading – child safety and shonky tradespeople

NSW Fair Trading has released two new YouTube videos on child window safety, presented by DIY guru and TV personality Rob Palmer. These bite-sized videos deliver a simple yet vital message – window locks could save your child's life and can be easy and cheap to install.

Watch **Window locks save lives** and **How to install window locks** on YouTube today.

Did you know new laws have recently been passed that aim to prevent children falling from windows? For more details, go to the window and balcony safety page on the Fair Trading website.

NSW Fair Trading is also advising consumers to only contract licensed tradespeople to do any work that their properties may need.

Beware of shonky wannabe tradespeople and door-to-door travelling conmen trying to make a quick buck. You can check to see if a tradesperson is licenced by doing a free home building licence check on the Fair Trading website.

Strata Community Australia (NSW) Ltd

PO Box 347 North Sydney NSW 2059 Ph: 02 9492 8200 Fax: 02 8904 0490

Email: enquiries.nsw@stratacommunity.org.au Web: www.nsw.stratacommunity.org.au

All rights reserved. No part of this publication may be reproduced or transmitted in any form or by any means now known or to be invented, electronic or mechanical, including photocopying, recording or by any information or retrieval system without written permission from the author or publisher, except for the brief inclusion of quotations in a review.

EDITORIAL CONTACT: SCA (NSW) Ltd, PO Box 347 North Sydney NSW 2059

DISCLAIMER: Please note the information enclosed is general in nature and cannot be relied upon as legal advice. Strata Community Australia (NSW) Ltd and its members disclaims any liability (including for negligence) to any person in respect of: anything; and the consequences of anything, done, or not done, by any such person in whole or partial reliance upon the whole or part of the information enclosed.

Strata & Community Living is a joint initiative brought to you by SCA (NSW); the peak industry body representing strata managing agents and others committed to the continual improvement in standards of strata management practice in NSW and your strata managing agent.



strata
community
australia®
(NSW)