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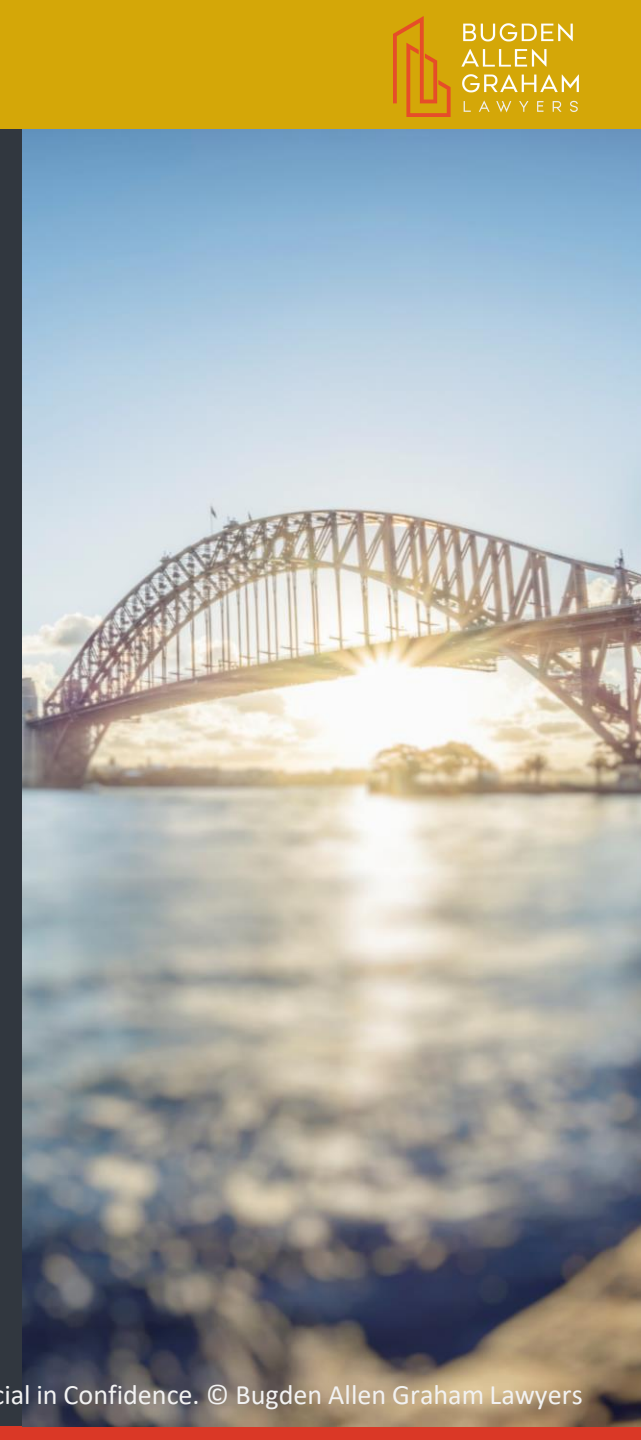
# Electronic land dealings in NSW from 11 October 2021 – a focus on CT's and by-laws

Presentation to: LookUpStrata

5<sup>th</sup> October 2021

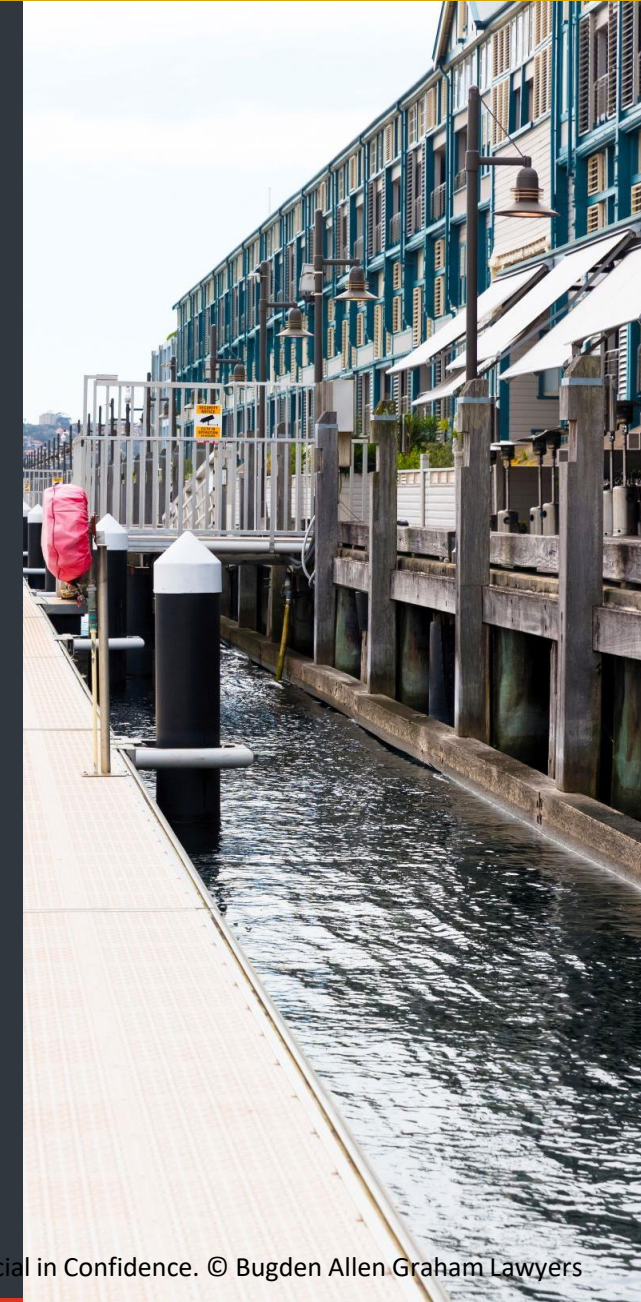
# What happens from 11 October 2021?

1. Certificates of Title will be no longer considered a legal document
2. All land dealings lodged at NSW Land Registry Services must come through a “Subscriber”
3. Paper dealings will no longer be accepted for lodgement
4. Today we will focus on one of the most common dealings for strata “Change of by-laws”

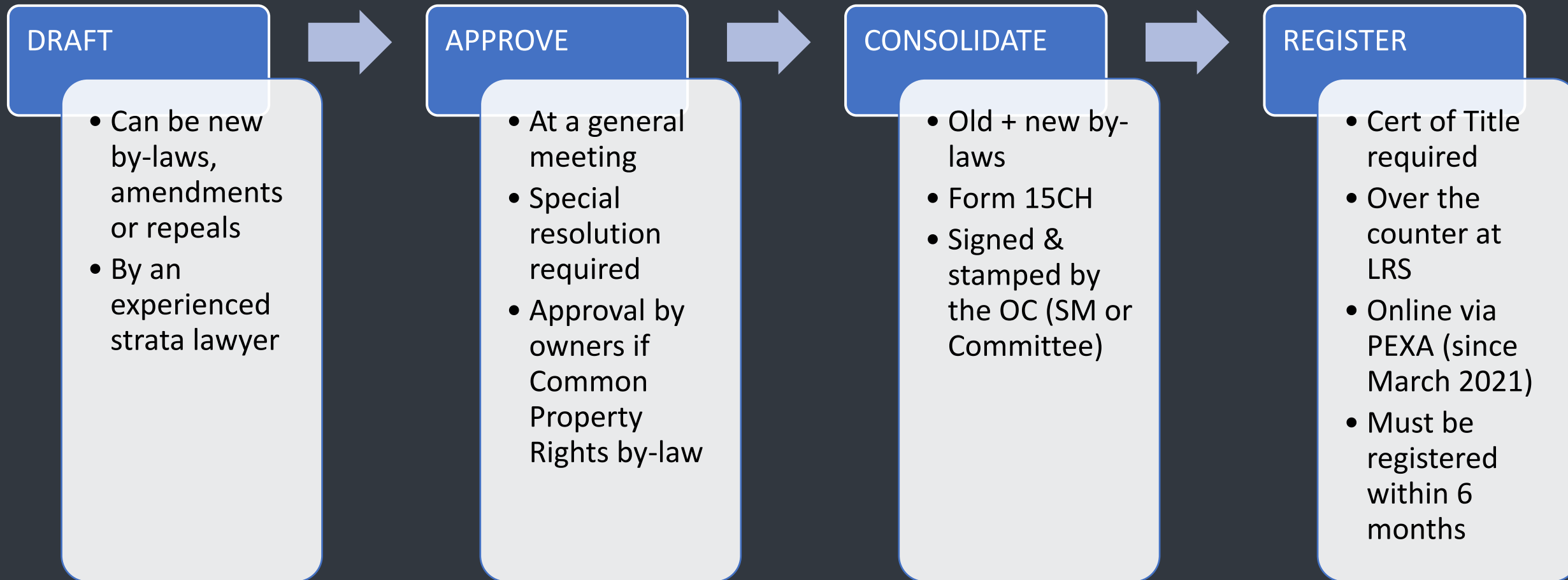


# Certificates of Title... no more

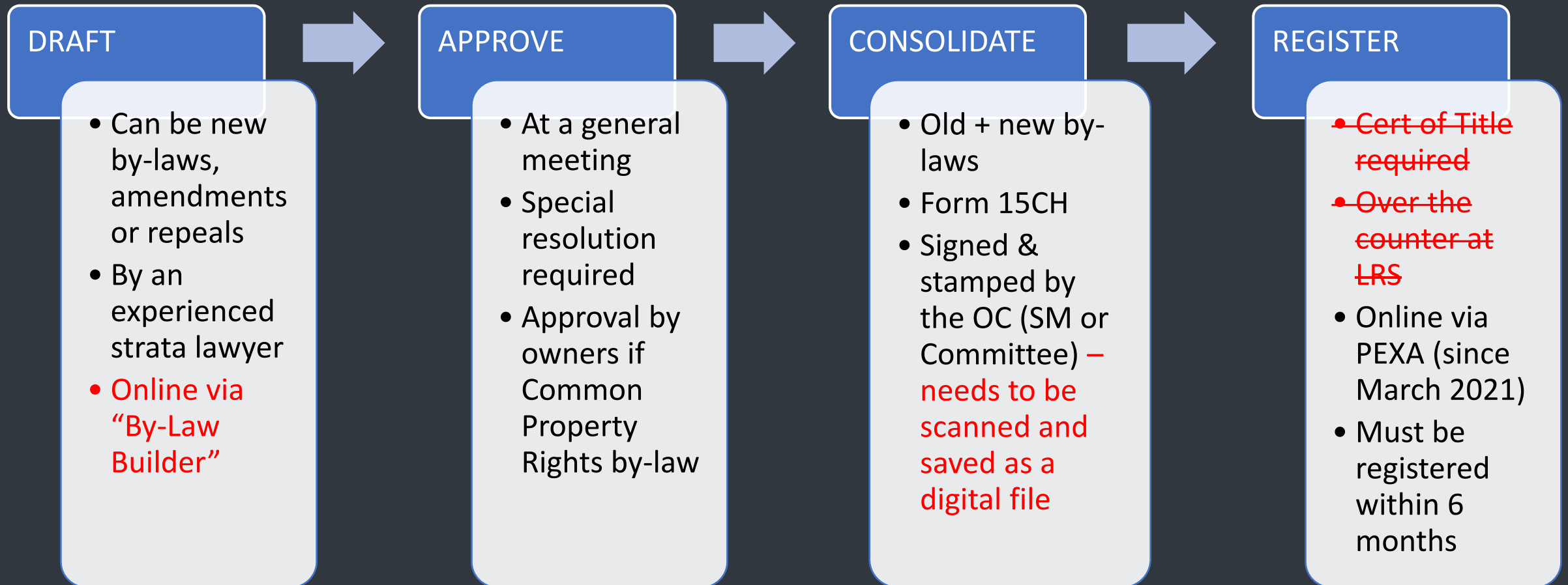
- From 11 October, Certificates of Title (CT) will be no longer considered a legal document – their role becomes redundant
- An owner of a CT can:
  - Do nothing
  - Destroy it
  - Frame it
- Strata Managers who hold original CT's should seek instructions from the OC on what to do with them. We would recommend destroying them or throwing them out



# By-Laws – the ‘old’ process



# By-Laws – the ‘new’ process from 1 October 2021



# Step 1: Drafting your by-laws

- By-laws are a legal document – get them drafted by an experienced strata lawyer
- Don't just copy and paste a by-law that has been used before because –
  - they are likely subject to copyright,
  - it is important your by-law is compliant with legislation and relevant case law, and
  - your by-law needs to be consistent with your current by-laws in terms of language and intention
- Some online tools are now available – [www.bylawbuilder.com.au](http://www.bylawbuilder.com.au)

## Step 2: Getting your by-laws approved

- Requires a special resolution at a “general meeting” i.e. an AGM or EGM
- Make sure the meeting process is done properly - notice, convening and minutes – you don’t want to invalidate the decision!
- If the by-law is a “Common Property Rights By-Law” it requires the written approval of all concerned lot owners



# Step 3: Consolidating your by-laws

- This is the process of taking your ‘old’ and ‘new’ by-laws, and consolidating them into one document – the “Form 15CH”
- Be careful if you are relying on a Word file from the strata manager – is it the correct, current registered version?
- In some cases, you may need re-type all your by-laws from an old PDF file/s, which could be across multiple “dealing numbers” that have repealed, amended or replaced by-laws over the years – again, be very careful this is done correctly
- We recommend you get an experienced strata lawyer or agent to do this work





# Consolidating your by-laws – the Form 15CCH

Form: 15CH  
Release: 2 - 1

**CONSOLIDATION/  
CHANGE OF BY-LAWS**

New South Wales  
Strata Schemes Management Act 2015  
Real Property Act 1900

Leave this space clear. Affix additional pages to the top left-hand corner.

**PRIVACY NOTE:** Section 31B of the Real Property Act 1900(RPAct) authorises the Registrar General to collect the information required by this form for the establishment and maintenance of the Real Property Act Register. Section 96B RP Act requires that the Register is made available to any person for search upon payment of a fee, if any.

(A) **TORRENS TITLE**

For the common property THE OWNERS - STRATA PLAN NO 12345	
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(B) **LODGED BY**

Document Collection Box	Name, Address or DX, Telephone, and Customer Account Number if any	<b>CODE</b>
	Reference: _____	<b>CH</b>

(C) The Owners-Strata Plan No. 12345 certify that a special resolution was passed on \_\_\_\_\_

(D) pursuant to the requirements of section 141 of the Strata Schemes Management Act 2015, by which the by-laws were changed as follows—

(E) Repealed by-law No. NOT APPLICABLE

Added by-law No. 20

Amended by-law No. NOT APPLICABLE

as fully set out below:

(F) A consolidated list of by-laws affecting the above mentioned strata scheme and incorporating the change referred to at Note (E) is annexed hereto and marked as Annexure A \_\_\_\_\_.

(G) The seal of The Owners-Strata Plan No. 12345 was affixed on \_\_\_\_\_ in the presence of the following person(s) authorised by section 273 Strata Schemes Management Act 2015 to attest the affixing of the seal:

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Authority: \_\_\_\_\_

Signature: \_\_\_\_\_

**ANNEXURE A**

**By-Laws for Strata Plan 12345**

1761 Pittwater Road, Mona Vale NSW, Australia

**1 - Noise**

An owner or occupier of a lot must not create any noise on the parcel likely to interfere with the peaceful enjoyment of the owner or occupier of another lot or of any person lawfully using common property.

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**2 - Vehicles**

An owner or occupier of a lot must not park or stand any motor or other vehicle on common property except with the written approval of the owners corporation.

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**3 - Obstruction of common property**

An owner or occupier of a lot must not obstruct lawful use of common property by any person.

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**4 - Damage to lawns and plants on common property**

An owner or occupier of a lot must not—

(a) damage any lawn, garden, tree, shrub, plant or flower being part of or situated on common property, or

(b) use for his or her own purposes as a garden any portion of the common property.

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**5 - Damage to common property**

5.1 An owner or occupier of a lot must not mark, paint, drive nails or screws or the like into, or otherwise damage or deface, any structure that forms part of the common property without the approval in writing of the owners corporation.

5.2 An approval given by the owners corporation under clause 5.1 cannot authorise any additions to the common property.

5.3 This by-law does not prevent an owner or person authorised by an owner from installing—

(a) any locking or other safety device for protection of the owner's lot against intruders, or

(b) any screen or other device to prevent entry of animals or insects on the lot, or

(c) any structure or device to prevent harm to children

5.4 Any such locking or safety device, screen, other device or structure must be installed in a competent and proper manner and must have an appearance, after it has been installed, in keeping with the appearance of the rest of the building.

5.5 Despite section 106 of the Strata Schemes Management Act 2015, the owner of a lot must maintain and keep in a state of good and serviceable repair any installation or structure referred to in clause 5.3 that forms part of the common property and that services the lot.

# Step 4: Registering your by-laws

- This can no longer be done as a paper process – from 11 October it must be done by a “Subscriber” using an “Electronic Lodgement Network Operators” (PEXA or Simply)
- A “Subscriber” is a law firm or licenced conveyancer
- The Subscriber will need to carry out verification of identity (VOI), establish right to deal and enter into a properly completed client authorisation (on the right)

CLIENT AUTHORISATION		Version 5.0
When this form is signed, the Representative is authorised to act for the Client in a Conveyancing Transaction(s).		
Privacy Collection Statement: The information in this form is collected under statutory authority and used for the purpose of maintaining publicly searchable registers and indexes.		
Representative Reference: _____		
CLIENT DETAILS	CLIENT 1	CLIENT 2
NAME	_____	_____
ACN/ARBN	_____	_____
ADDRESS	_____	_____
TRANSACTION DETAILS	AUTHORITY TYPE <input type="checkbox"/> SPECIFIC AUTHORITY <input type="checkbox"/> STANDING AUTHORITY <input type="checkbox"/> BATCH AUTHORITY <small>(set out conveyancing transaction details below) ends on revocation or expiration date: __/__/__ (tick relevant conveyancing transaction(s) below) (attach details of conveyancing transaction(s))</small>	
PROPERTY ADDRESS	CONVEYANCING TRANSACTION(S) 1	CONVEYANCING TRANSACTION(S) 2
LAND TITLE REFERENCE(S) (and/or property description)	_____	_____
CONVEYANCING TRANSACTION(S)	<input type="checkbox"/> TRANSFER <input type="checkbox"/> MORTGAGE <input type="checkbox"/> CAVEAT <input type="checkbox"/> PRIORITY NOTICE <input type="checkbox"/> DISCHARGE/RELEASE OF MORTGAGE <input type="checkbox"/> WITHDRAWAL OF CAVEAT <input type="checkbox"/> OTHER	<input type="checkbox"/> TRANSFER <input type="checkbox"/> MORTGAGE <input type="checkbox"/> CAVEAT <input type="checkbox"/> PRIORITY NOTICE <input type="checkbox"/> DISCHARGE/RELEASE OF MORTGAGE <input type="checkbox"/> WITHDRAWAL OF CAVEAT <input type="checkbox"/> OTHER
ADDITIONAL INSTRUCTIONS	_____	
CLIENT AUTHORITY AND SIGNING	CLIENT 1 / CLIENT AGENT 1	CLIENT 2 / CLIENT AGENT 2
<b>I CERTIFY that:</b> (a) I am the Client or Client Agent; and (b) I have the legal authority to instruct the Representative in relation to the Conveyancing Transaction(s); and (c) if I am acting as a Client Agent that I have no notice of the revocation of my authority to act on behalf of the Client. <b>I AUTHORISE</b> the Representative to act on my behalf, or where I am a Client Agent to act on behalf of the Client, in accordance with the terms of this Client Authorisation and any Participation Rules and any Prescribed Requirement to: (a) sign documents on my behalf as required for the Conveyancing Transaction(s); and (b) submit or authorise submission of documents for lodgment with the relevant Land Registry; and (c) authorise any financial settlement involved in the Conveyancing Transaction(s); and (d) do anything else necessary to complete the Conveyancing Transaction(s).		
	DATE / /	DATE / /
	SIGN HERE	SIGN HERE
CLIENT/CLIENT AGENT NAME	_____	CLIENT/CLIENT AGENT NAME _____
CAPACITY	_____	CAPACITY _____
If applicable AUSTRALIAN CONSULAR OFFICE WITNESS or IDENTIFIY AGENT (if not a Representative Agent)		If applicable AUSTRALIAN CONSULAR OFFICE WITNESS or IDENTIFIY AGENT (if not a Representative Agent)
NAME	DATE	NAME DATE

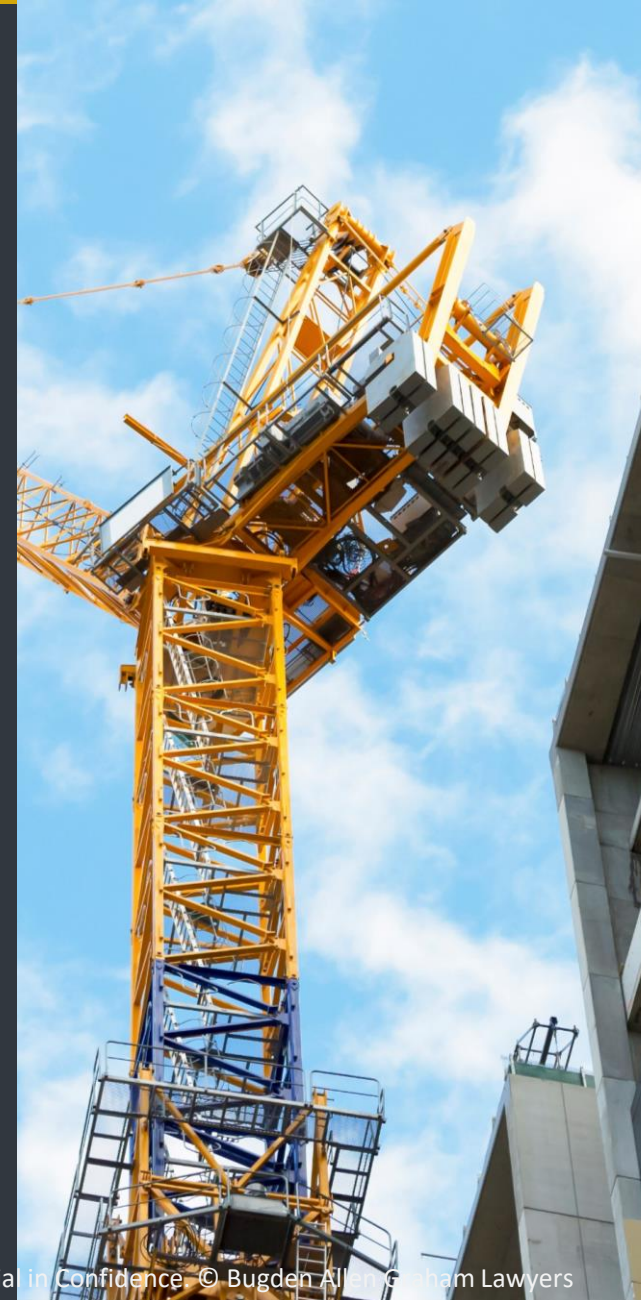
# After Registration – “Information Notice”

- From 11 October, on the registration of documents NSW Land Registry Services will issue an Information Notice.
- An Information Notice is not a title search.
- The Information Notice is essentially akin to the current registration notice which specifies:
  - The dealings that were registered by type (e.g. Change of By-Laws)
  - The dealing number (e.g. AH123456)
  - The date of registration
  - Subscribers reference

**REMEMBER:** Your by-law is NOT valid or enforceable until it is registered!

## Other “dealings” affected by this change in NSW

- Termination of a strata scheme - form 15ST
- Order affecting a strata scheme - form 15SO
- Notice of conversion of a strata lot to common property - form 15CD
- Amendment of strata development contract - form 15SA
- Amendment of management statement - form 21CSM





# How can Bugden Allen Graham Lawyers help?

# An experienced team

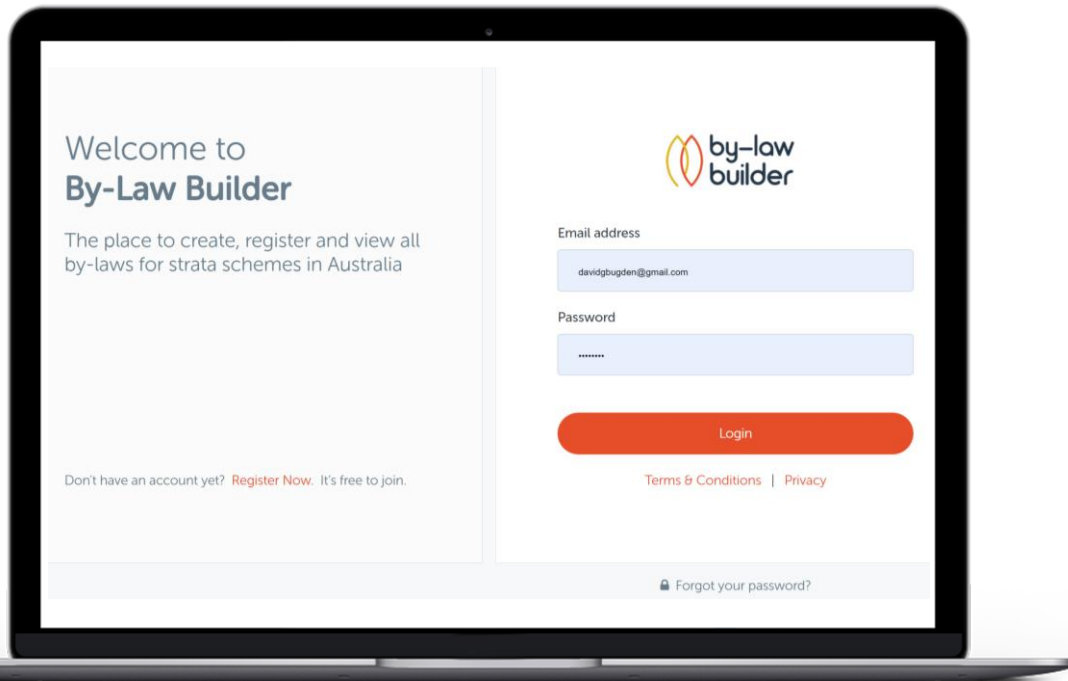
- We regularly draft and review by-laws for schemes in NSW, QLD and VIC
- We are a registered “Subscriber” to PEXA
- We have a lot of experience doing by-law consolidation work (which can sometimes be tricky!)
- For every Owners Corporation client in NSW that engages us to draft, review, consolidate and/or register by-laws, we will set up your by-laws in our digital platform “By-Law Builder” free-of-charge



**By-Law Builder** is a self-service platform where apartment owners, committees and strata managers can generate and set up their digital by-laws. Once set-up, you can email them and even access your by-laws via a QR code on your phone.

Our team uses the platform to do all the by-law consolidation and registration work.

You can also get quotes for by-laws or reviews and upload all the forms we need to register your by-laws via PEXA and NSW Land Registry Services.



[www.bylawbuilder.com.au](http://www.bylawbuilder.com.au)

If you have any questions about this presentation, please contact:

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