

## CONSOLIDATION/CHANGE OF BY-LAWS

This information guide is aimed at providing:

- a) clarity as to the process for lodging a change of by-laws with LPI (Land and Property Information),
- b) what is needed for 'consolidation' for the purpose of this lodgement.

### LODGING BY-LAW CHANGES

Once a change in by-law has been specially resolved at a general meeting, it is to be registered with LPI

A change in by-laws can be

- + a **repeal** – where the by-law no longer applies, and can no longer be enforced,
- + an **amendment** – where the wording of an existing by-law has been changed, or
- + a **new** by-law.

Lodgment at LPI requires

- + completing **Form 15CH**
- + providing the Certificate of Title (CT) of the strata plan
- + providing a consolidated set of by-laws

### FORM 15CH

- + The strata plan number and the date the by-law was special resolved must be specified in part (C)
- + The details of the change of by-laws must be fully detailed in part (E). The number of the by-law must be stated. If a new by-law is being added, then it must be given the number following the latest existing by-law.

### CERTIFICATE OF TITLE

The CT specifies the dealings, or references, relating to each by-law lodgment. The original by-laws lodged are recorded on the CT and each subsequent change of by-law had a separate dealing reference. Under the new system the individual dealing references will be replaced with one sole reference.

### CONSOLIDATED BY-LAWS

The Registrar General's Directions states that a consolidated set means "the text of the by-laws must be fully set out". The set should

- + incorporate the change resulting from the special resolution
- + omit by-laws that have previously been repealed
- + include all by-laws previously amended and all by-laws previously added

Every subsequent change of by-laws will require a new consolidated list.

### BY-LAW CHANGES NOT YET REGISTERED

A by-law does not come into effect until the CT is updated. By-law changes that were specially resolved prior to 30 November 2016 have 2 years from the date of the resolution to be registered. By-law changes specially resolved on or after 30 November 2016 have 6 months from the date of resolution to be registered.

The new step of requiring an annexed full set of by-laws for lodgment has introduced new obligations on the owners corporation to first create the "consolidated version", and then to ensure that the version is correct before it is lodged with the Form 15CH. Please note that LPI does not perform a 'quality check' comparison with the by-law dealing previously registered on the CT.

### WHAT NEXT

Deciding on the best process to create your consolidated set needs to be considered regarding both:

- a) your time deadlines resulting from the dates of your schemes prior by-law resolutions, and
- b) your scheme's overall obligation to perform a full review of all your by-laws prior to 29 November 2017.

The latter obligation is as per *Clause 4 of Schedule 3 of the Strata Schemes Management Act*

If you have any questions, simply contact your [Strata Plus strata manager](#).



**STRATA RESOURCES**