

How Secure is your Strata Scheme?

Security measures strata schemes can and should consider taking

Security can sometimes be a tricky issue for owners corporations who need to balance the rights of owners and occupiers to access and use both common property and lot property with the scheme's obligations to restrict unauthorised third parties from accessing the building and to minimise the risk of crimes such as break ins, theft or damage.

Failure to address these issues, in addition to undermining building security and amenity, can lead to disputes with lot owners. Lot owners concerned about security may wish to install their own security devices, such as cameras and security doors/windows, which would require owners corporation approval as an alteration of common property.

Ways an owners corporation can establish and maintain increased security measures in a strata scheme include:

By-laws

A scheme can draft and resolve by-laws to enhance security. Examples include by-laws restricting access to parts of the scheme at certain times and by-laws that provide for the installation of a security card/swipe system where owners and occupiers will require a valid security card to access the building.

A scheme can also consider establishing by-laws that regulate the conduct of third parties who access the building such as requiring owners and occupiers to ensure that all tradespeople attending the scheme provide identification and 'sign in' in a register upon entry to the scheme.

If by-laws under Schedule 1 of the Strata Schemes Management Act 1996 apply, a scheme could consider amending by-law 5 to restrict owners from changing their locks to ones which are less secure and/or could cause the scheme not to be fire safety compliant.

Section 65A motions

At a general meeting of the owners corporation, a scheme can specially resolve a motion under section 65A of the Strata Schemes Management Act 1996 to alter or add to the common property by erecting or installing structures that enhance security. These can include security monitoring equipment and cameras, bars or security grills on windows or doors and security access such as boom gates for car parking areas.

Owners corporations should be aware that some of these measures may also require the consent of statutory and other authorities such as the local council and community associations, as applicable.

Engaging personnel to enhance security

A scheme could consider engaging a 'concierge' who, as part of the performance of their functions, can regulate and/or monitor access to the scheme. The scope of a concierge's role including hours of work, how access to the scheme will be monitored, the methods of communicating with owners and occupiers and any other duties they will be required to perform should all be discussed and agreed by a scheme before quotations or tenders are called for.

Security Guards

If a scheme is located in an area where there is a high or increased risk of crime at certain times, a scheme may want to consider engaging security guards. The conduct of security guards in New South Wales is governed by the Security Industry Act 1997 which sets out requirements for the licensing of security guards and an approval process for the carrying out of 'security activities'.

When a scheme wishes to engage security guards, they will need to ensure they seek the prior approval of the relevant statutory authorities (which can include the local council and NSW Police), and confirm that the proposed security guards hold the required classes and level of licences under the Security Industry Act 1997.

Some strata schemes may only require increased security measures at certain times of the year, such as on New Year's Eve. There is no restriction on a strata scheme engaging security guards on a one off basis but the scheme may still need to obtain approval from relevant statutory authorities.

On occasions owners corporations have engaged security guards to provide security services for meetings where violent behaviour is anticipated.

Community Associations

Many of the security concerns and the desire for increased security measures that strata schemes have will also be relevant for community associations. Community associations who are considering increased security measures such as employing a concierge or security guards may need to amend their community management statement by establishing empowering by-laws authorising the community association to enter into contracts with the suppliers of security or concierge services.

Key Takeaways

- Owners corporations must balance security needs with the rights of owners and occupiers.
- By-laws can be drafted to enhance security and regulate access to common property.
- Engaging security personnel, such as concierges or guards, can improve safety in high-risk areas.
- Approval from statutory authorities may be required for certain security measures.
- Security measures should be discussed and agreed upon by the owners corporation before implementation.

Prepared by Bannermans Lawyers
Updated 1 April 2019



T: (02) 9929 0226

E: dbannerman@bannermans.com.au

P: PO Box 514

NORTH SYDNEY NSW 2059

ABN: 61 649 876 437

W: www.bannermans.com.au

AUSTRALIA