

SPECIAL BY-LAW

An Owners Corporation can adopt a special By-law to manage defibrillator **installation, and use**, ensuring clear guidelines for **costs, monitoring, maintenance, and responsibilities**.

However, this isn't always necessary. If the strata can handle installation and maintenance informally, or if existing by-laws already cover common property changes, **a new By-law may add unnecessary complexity.**

Strata Plan [insert number]

[Explanatory Note: This is a by-law governing the installation of a defibrillator in the common property and makes owners and occupiers responsible for the cost of installation, maintenance, training in respect of, and repair of any damage caused to, the defibrillator. The by-law also contains the directions and procedure to apply in respect of use of the defibrillator.]

Motion [insert number]

The Owners – Strata Plan No. [insert number] SPECIALLY RESOLVE pursuant to section 136 of the Strata Schemes Management Act 2015 to make a by-law as follows and that notification of this change of by-law be lodged for registration in accordance with section 141 of the Strata Schemes Management Act 2015 at NSW Land Registry Services and registered on the Common Property certificate of title:

Special By-law [insert number]

Purchase, Installation, Maintenance and use of Defibrillator

1. Definitions

In this by-law:

- (a) **Act** means the Strata Schemes Management Act 2015 (NSW).
- (b) **Authority** includes a federal, state or local government, a provider of public utility services and any other body having jurisdiction over the Land.
- (c) **Common Property** means the common property located in and forming part of the Strata Plan.
- (d) **Defibrillator** means the automated external defibrillator(s) installed on the Common Property.
- (e) **Land** means the whole of the land containing the Strata Plan including lots and the Common Property.
- (f) **Lot** means a Lot in the Strata Plan.
- (g) **Owner or Occupier** means the owner or occupier of the Lot in the Strata Plan from time to time.
- (h) **Owners Corporation** means the owners corporation of the Strata Plan.
- (i) **Strata Committee** means the strata committee of the Owners Corporation as set out the Strata Schemes Management Act 2015.
- (j) **Strata Manager** means the representative of the strata management company appointed by the Owners Corporation to manage the Strata Plan or if there is no appointment, the secretary of the Owners Corporation.
- (k) **Strata Plan** means the strata plan registration number [\[insert number\]](#).

2. Interpretation

- (a) In this by-law, any terms used have the same meaning as in the Act.
- (b) In this by-law, all references to legislation include references to all amending and replacing legislation.
- (c) In construction of this by-law, references to the singular includes the plural and any reference to a gender includes all other genders.
- (d) Headings are inserted for ease of reference only.

3. Cost and installation of Defibrillator

3.1 Authorisation of installation of Defibrillator

- (a) The Owners Corporation is authorised to:
 - Purchase a Defibrillator; and
 - Install the Defibrillator in the Common Property.
- (b) The location and installation of the Defibrillator will be determined by the Strata Committee based on recommendations from suitably qualified and licensed tradespeople, and if required any relevant Authority.

3.2 Cost of Defibrillator

The cost of purchasing and installing the Defibrillator will be apportioned in accordance with the unit entitlements of the Strata Plan.

4. Maintenance of Defibrillator

(a) The Owners Corporation must:

- Monitor, maintain and continue to keep the Defibrillator in a good state of condition as required by the manufacturer's recommendations and warranty guidelines; and
- Conduct, or engage a suitably qualified contractor to conduct, monitoring and maintenance; and
- maintain a log of all maintenance, inspections, testing, and any usage of the Defibrillator for auditing purposes.

(b) The cost of maintaining the Defibrillator will be apportioned in accordance with the unit entitlements of the Strata Plan.

5. Rights granted and obligations imposed

(a) An Owner or Occupier (or visitor thereof) is granted the right to use the Defibrillator at any time.

(b) An Owner or Occupier must not alter, cause damage to, or interfere with the Defibrillator or anything connected to the Defibrillator that may inhibit, prevent or delay the use of the Defibrillator.

(c) If an Owner or Occupier causes damage to or interferes with the Defibrillator, the Owner or Occupier will be liable for the full cost of repairs to and rectification of the Defibrillator.

(d) The Owners Corporation may recover the costs of repair of the Defibrillator as a debt from the Owner or Occupier and may include reference to the debt on notices under section 184 of the Strata Schemes Management Act 2015.

6. Conditions of use of Defibrillator

6.1 Use of Defibrillator

When using the Defibrillator, every Owner and Occupier must only use the Defibrillator:

- (a) for the purposes of reviving someone who is (or is suspected to be) experiencing a sudden cardiac arrest;
- (b) in accordance with the specific audio and visual directions from the Defibrillator; and
- (c) in good faith and in accordance with all relevant legislation.

6.2 After use of Defibrillator

After an Owner or Occupier has (or becomes aware that another person has) used the Defibrillator, it must provide the Strata Manager with written details of use of the Defibrillator including information as to the time, person and any other information about the event reasonably required by the Strata Committee.

6.3 Damage to Defibrillator

(a) If there has been damage caused to the Defibrillator or Common Property during its use (other than fair wear and tear), the Owner or Occupier who used the Defibrillator will be liable for and must rectify and repair any such damage arising out of or in connection with the use of the Defibrillator.

(b) The Owners Corporation may recover the costs of repair of the Defibrillator as a debt from the Owner or Occupier and may include reference to the debt on notices under section 184 of the Strata Schemes Management Act 2015.

6.4 Training and Awareness

- (a) The Owners Corporation is not obligated to provide training to Owners or Occupiers in relation to the use of the Defibrillator.
- (b) Notwithstanding this, the Owners Corporation may (at its discretion) provide training, training materials or the like in relation to the use of the Defibrillator.

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