

Important changes to time required for service of notices

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Important changes to time required for service of notices by post



On 28 November 2018 the *Interpretation Act 1987 (NSW)* was amended to the effect that if an Act authorises or requires any document to be served by post, unless evidence sufficient to raise doubt is adduced to the contrary, it is taken to have been effected on the **seventh working day** after the letter was posted. This is a significant change because the relevant provision previously provided that service was taken to have been effected on the **fourth working day** after the letter was posted.

What does this mean for you?

It is important to understand that the deemed service refers to “working day” not “calendar day”. “Working day” means a day that is not a Saturday or a Sunday or a public holiday.

The *Strata Schemes Management Act 2015* authorises or requires notices to be sent by post. An example of such requirement is that a notice of annual general meeting must be given at least seven days before the meeting.

Many strata managers previously worked on the basis that the notice of meeting needed to be posted to lot owners 14 days prior to the meeting. This timing will now need to be adjusted to take account of an additional three working days for deemed service.

These are important changes to consider. There is conflicting case law about the effect of failure to give proper notice of a meeting and whether resolutions are invalid. Strata managers should now consider giving at least three calendar weeks’ notice of general meetings.

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