134 By-laws that apply to strata schemes

(1) New strata schemes - The by-laws in force for a strata scheme that came into existence after the commencement of this section are the by-laws adopted by or lodged with the strata plan registered by the Registrar-General for the strata scheme, as changed in accordance with this Act.

(2) Strata schemes 1997 to commencement of section - The by-laws in force for a strata scheme that came into existence after the commencement of the Strata Schemes Management Act 1996 and before the commencement of this section are the by-laws adopted by or lodged with the strata plan registered by the Registrar-General for the strata scheme, including any changes to the by-laws made in accordance with that Act or in accordance with this Act. The Strata Schemes Management Act 1996 commenced on 1 July 1997.

(3) Strata schemes before 1996 - The by-laws in force for a strata scheme that was in existence before the commencement of the Strata Schemes Management Act 1996 are the by-laws set out in the regulations for the purposes of this section, including any changes to the by-laws made in accordance with a previous law or in accordance with this Act.

136 Matters by-laws can provide for

(1) By-laws may be made in relation to the management, administration, control, use or enjoyment of the lots or the common property and lots of a strata scheme.

(2) A by-law has no force or effect to the extent that it is inconsistent with this or any other Act or law.

137 Occupancy limits

(1) A by-law may limit the number of adults who may reside in a lot by reference to the number of bedrooms of the residence.

(2) The limit may not be fewer than 2 adults per bedroom.

(3) The by-law has no effect:
   (a) to the extent to which it is inconsistent with any planning approval or other law applicable to the lot, or
   (b) in any other circumstances prescribed by the regulations for the purposes of this section.

(4) To avoid doubt, the Tribunal may make an order under Division 5 about a by-law made under this section.

(5) The regulations may provide for the circumstances when a person is a resident of a lot for the purposes of a by-law made under this section.

(6) For the purposes of this section, a "bedroom" is a room approved for use as a bedroom under, or indicated as a bedroom in any plans the subject of, a planning approval and includes any other room prescribed by the regulations as a bedroom for the purposes of this section.

139 Restrictions on by-laws

(1) A by-law must not be harsh, unconscionable or oppressive. Any such by-law may be invalidated by the Tribunal (see section 150).

(2) No by-law is capable of operating to prohibit or restrict the devolution of a lot or a transfer, lease, mortgage or other dealing relating to a lot.

(3) If an order made by the Tribunal under this Act has effect as if its terms were
a by-law, that by-law is not capable of being amended or repealed except by a by-law made in accordance with a unanimous resolution of the owners corporation and, in the case of a leasehold strata scheme, with the consent of the lessor of the scheme.

(4) A by-law for a residential strata scheme has no force or effect to the extent to which it purports to prohibit or restrict persons under 18 years of age occupying a lot. This subsection does not apply to a by-law for a strata scheme for a retirement village or housing exclusively for aged persons.

(5) A by-law has no force or effect to the extent to which it purports to prohibit or restrict the keeping on a lot of an assistance animal (as referred to in section 9 of the Disability Discrimination Act 1992 of the Commonwealth) used by an owner or occupier of the lot as an assistance animal or the use of an assistance animal for that purpose by a person on a lot or common property.

(6) A by-law may require a person who keeps an assistance animal on a lot to produce evidence to the owners corporation that the animal is an assistance animal as referred to in section 9 of the Disability Discrimination Act 1992 of the Commonwealth.

(7) A community management statement or a precinct management statement prevails to the extent of any inconsistency with a by-law for a strata scheme that is also part of a community scheme or precinct scheme.