



New South Wales

Strata Schemes Management Amendment (Child Window Safety Devices) Bill 2013

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to amend the *Strata Schemes Management Act 1996* to require owners corporations of strata schemes to ensure that complying window safety devices to facilitate child safety are installed on strata buildings and to provide for the enforcement of that obligation.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on a day or days to be proclaimed.

Schedule 1 Amendment of Strata Schemes Management Act 1996 No 138

Schedule 1 [1] requires an owners corporation of a strata scheme to ensure that complying window safety devices are installed for windows in each building of the scheme to which the requirement applies. An owners corporation will be guilty of an offence if it fails to comply. The regulations are to specify the strata schemes and windows subject to the requirement and the requirements for complying devices. The owners corporation is to carry out work related to the devices at its own cost. An owner may install a complying window safety device. Any such owner will be required to repair any damage caused to common property and ensure that the installation is done properly and in keeping with the appearance of the building concerned.

Schedule 1 [2] makes it clear that the power conferred on an owners corporation to enter any part of a strata parcel to carry out work extends to work relating to window safety devices.

Schedule 1 [4] enables an owner of a lot in a strata scheme or another interested person (such as a mortgagee or covenant chargee of a lot) to apply to a Strata Schemes Adjudicator for an order requiring the owners corporation of the scheme to carry out its window safety device functions. An owners corporation will also be able to apply to a Strata Schemes Adjudicator for an order requiring an owner to comply with the owner's obligations relating to window safety devices installed by the owner. **Schedule 1 [3]** makes a consequential amendment.

Schedule 1 [5] provides for an order relating to window safety device functions of an owners corporation to be treated as if it were a resolution of the owners corporation concerned to do what is needed to carry out a requirement of the order.

Schedule 1 [6] enables regulations to make provisions of a savings and transitional nature consequent on the enactment of any Act that amends the *Strata Schemes Management Act 1996*.

Schedule 1 [7] provides that an owners corporation is not required to comply with a requirement relating to the installation of window safety devices until on or after 13 March 2018.