

Strata Schemes Management Amendment (Sustainability Infrastructure) Bill 2020
Consideration of the Legislative Council amendment

Proposed amendment to the Council amendment

No. 1 **Keeping of animals**

Page 2, clause 2. Insert after line 7—

- (1A) Schedule 1[5A] commences on whichever of the following occurs first—
- (a) a day or days to be appointed by proclamation, or
 - (b) the date that is 6 months after the date of assent to this Act.

No. 2 **Keeping of animals**

Page 4, Schedule 1. Insert after line 12—

[5A] Section 137B

Insert after section 137A—

137B Keeping of animals

- (1) Each of the following has no force or effect to the extent that it would unreasonably prohibit the keeping of an animal on a lot—
 - (a) a by-law,
 - (b) a decision by an owners corporation under a by-law.
- (2) It is taken to be reasonable to keep an animal on a lot unless the keeping of the animal unreasonably interferes with another occupant's use and enjoyment of the occupant's lot or the common property.
- (3) The regulations may specify circumstances in which the keeping of an animal unreasonably interferes with another occupant's use and enjoyment of the occupant's lot or the common property.
- (4) A by-law that prohibits the keeping of an animal on a lot is not harsh, unconscionable or oppressive if it does not unreasonably prohibit the keeping of an animal on a lot.
Note. Section 150(1) provides that the Tribunal may declare a by-law to be invalid if it is harsh, unconscionable or oppressive.
- (5) An owners corporation is taken to have given permission for the keeping of an animal on a lot if—
 - (a) it made a decision about the keeping of the animal in contravention of subsection (1)(b), or

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- (b) a decision of the owners corporation is required before the animal may be kept on the lot and the owners corporation failed to make a decision within a reasonable time.
 - (6) If a report has been tabled in Parliament under section 276A, the Minister must not recommend the making of a regulation under this section unless the Minister has considered the report.
 - (7) Subsection (6) is repealed 5 years after the commencement of this section.

No. 3 **Keeping of animals**

Page 5, Schedule 1. Insert after line 20—

[13A] Section 276A

Insert after section 276—

276A Review of keeping of animals

- (1) The Minister is to review this Act as it relates to the keeping of animals on lots in strata schemes, including by addressing the following matters—
 - (a) the circumstances in which it is reasonable to prohibit the keeping of animals,
 - (b) the impacts of kept animals on the health and wellbeing of residents,
 - (c) the barriers faced by residents in the keeping of animals and by persons who require assistance animals, including vulnerable persons,
Example. Persons fleeing domestic violence.
 - (d) the welfare of kept animals,
 - (e) how to limit any adverse impacts of kept animals on common property, including the adequacy of existing laws to deal with this,
 - (f) to resolve disputes about the keeping of animals,
 - (g) the effects of a change to the by-laws for a scheme that prohibits the keeping of an animal that was lawfully kept on a lot before the change.
- (2) The review is to be undertaken as soon as possible after the commencement of this section.
- (3) A report on the outcome of the review is to be tabled in each House of Parliament within 6 months after the commencement of this section.