

First print



New South Wales

Strata Schemes Management (Miscellaneous Amendments) Bill 1996

Explanatory note

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

This Bill is cognate with the *Strata Schemes Management Bill 1996*.

Overview of Bill

The object of this Bill is to amend the *Community Land Management Act 1989* to include a number of provisions that are parallel to provisions included in the *Strata Schemes Management Bill 1996*. The Bill also amends various other Acts as a consequence of the *Strata Schemes Management Bill 1996*.

In particular, the Bill amends the *Strata Titles Act 1973* and the *Strata Titles (Leasehold) Act 1986* to change the names of those Acts and to remove the provisions relating to the management of strata schemes under those Acts and disputes concerning strata schemes. Those matters will be dealt with in the proposed *Strata Schemes Management Act 1996*.

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.

Clause 3 gives effect to the amendments to the *Community Land Management Act 1989* as set out in Schedule 1.

Clause 4 gives effect to the amendments to other Acts as set out in Schedule 2.

Schedule 1 Amendments to the Community Land Management Act 1989

Schedule 1 makes a number of amendments to the *Community Land Management Act 1989* to bring certain provisions of that Act into line with the proposed *Strata Schemes Management Act 1996*. Those amendments include the following:

- (a) changing the role of the Community Schemes Commissioner from an adjudicative role to a mediation role,
- (b) providing for the appointment of Community Schemes Adjudicators to take over the adjudicative role of the Commissioner,
- (c) enabling the Board to enforce orders of Adjudicators and the Board by imposing civil penalties of up to \$5,000,
- (d) enabling the Board to impose civil penalties of up to \$500 for a breach of the by-laws following a warning notice given by an association to a proprietor,
- (e) enabling an Adjudicator or the Board to award costs in certain circumstances,
- (f) enabling discounts to be given for early payment of levies and changing the provisions relating to the charging of interest for late payment of levies,
- (g) requiring valuations of buildings to be obtained at least once every 5 years for insurance purposes,
- (h) specifically allowing an association to take out office bearers liability insurance,

Strata Schemes Management (Miscellaneous Amendments) Bill 1996

Explanatory note

- (i) allowing an association to enter a lot in order to carry out work in a case where the occupier of the lot will not consent if an order of an Adjudicator has been obtained,
- (j) reducing the quorum required for meetings of associations and executive committees,
- (k) providing more detail relating to the appointment and voting of proxies.

Schedule 2 Amendment of other Acts

Schedule 2 contains amendments to a number of Acts as a consequence of the enactment of the proposed *Strata Schemes Management Act 1996*.

First print



New South Wales

Strata Schemes Management (Miscellaneous Amendments) Bill 1996

Contents

	Page
1 Name of Act	2
2 Commencement	2
3 Amendment of Community Land Management Act 1989 No 202	2
4 Amendment of other Acts	2

Schedules

1 Amendment of Community Land Management Act 1989	3
2 Amendment of other Acts	48



New South Wales

Strata Schemes Management (Miscellaneous Amendments) Bill 1996

No. , 1996

A Bill for

An Act to amend the *Community Land Management Act 1989* and certain other Acts as a consequence of the enactment of the *Strata Schemes Management Act 1996*; and for other purposes.

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Strata Schemes Management (Miscellaneous Amendments) Act 1996*.

2 Commencement

5

This Act commences on a day or days to be appointed by proclamation.

3 Amendment of Community Land Management Act 1989 No 202

The *Community Land Management Act 1989* is amended as set out in Schedule 1.

10

4 Amendment of other Acts

Each Act specified in Schedule 2 is amended in the manner set out in that Schedule.

Schedule 1 Amendment of Community Land Management Act 1989

(Section 3)

[1] **Section 3 Definitions**

Insert in appropriate alphabetical order in section 3 (1): 5

Adjudicator means a Community Schemes Adjudicator appointed under section 109H.

Registrar means the Registrar appointed under section 109N.

[2] **Section 3 (1)**

10

Omit the definition of *Board*. Insert instead:

Board means the Community Schemes Board constituted by section 109K.

[3] **Section 3 (1)**

Omit "*Strata Titles Act 1973*" from paragraph (b) of the definition of *by-laws*. 15

Insert instead "*Strata Schemes Management Act 1996*".

[4] **Section 3 (1)**

Omit "section 62" from the definition of *Commissioner*.

Insert instead "section 109A". 20

[5] **Section 3 (1)**

Omit "*Strata Titles Act 1973*" wherever occurring in the definitions of *common property*, *community scheme*, *current plan*, *deposited plan*, *precinct scheme*, *schedule of unit entitlements*, *strata lot*, *strata plan* and *strata scheme*. 25

Insert instead "*Strata Titles (Freehold Development) Act 1973*".

Strata Schemes Management (Miscellaneous Amendments) Bill 1996

Schedule 1 Amendment of Community Land Management Act 1989

[6] Section 3 (1)

Omit "*Strata Titles Act 1973*" from paragraph (a) of the definition of *initial period*.

Insert instead "*Strata Schemes Management Act 1996*".

[7] Section 3 (1)

5

Omit "the Commissioner" from the definition of *interim order*.

Insert instead "an Adjudicator".

[8] Section 3 (1)

Omit "clause 11 (3) and (4) of Part 1 of Schedule 2 to the *Strata Titles Act 1973* or clause 12 (3) and (4) of Part 2 of that Schedule" from paragraph (d) of the definition of *special resolution*.

10

Insert instead "clause 18 (2) and (3) of Part 2 of Schedule 2 to the *Strata Schemes Management Act 1996*".

[9] Section 3 (1)

Omit "section 54 of the *Strata Titles Act 1973*" from the definition of *strata corporation*.

15

Insert instead "section 11 of the *Strata Schemes Management Act 1996*".

[10] Section 3A

Insert after section 3:

20

3A Notes

Notes included in this Act are explanatory notes and do not form part of this Act.

[11] Sections 10 (1) (a), 11, 20 (12) (b), 39 (2), 58 (3), 60 (1) (b), 71 (1), 72 (4) (a) and (6) (a), 74 (4), 75 (1) and (3), 76 (2), 88 (1), 90 (1) (a), 98 (3) and 108 (5) (b)

25

Omit "the Commissioner" wherever occurring.

Insert instead "an Adjudicator".

[12] Section 13A

Insert after section 13:

13A How can an association enforce the by-laws?

An association may serve a notice, in a form approved by the Commissioner, on the proprietor or occupier of a lot requiring the proprietor or occupier to comply with a specified provision of the by-laws if the association is satisfied that the proprietor or occupier has contravened that provision. 5

Note. A person may be fined by the Strata Titles Board for failing to comply with a notice under this section (see section 97C). 10

- [13] Sections 14 (3) (b), 58 (3), 60 (1) (b), 71 (1), 72 (4) (a) and (6) (a), 73 (3), 75 (3), 76 (2) and (3), 77 (2) and (3), 78 (4), 79 (1), 82 (1), 84 (1), 85 (3), 86, 87 (4), 88 (1), 90, 91, 92 (1) and (6), 93, 94 (1) and (2), 95 (2) and (3), 96, 98 (3), 100 (2), (3) and (4), 103 (1), 104, 105 (4) and 108** 15

Omit "a Board" wherever occurring. Insert instead "the Board".

[14] Section 20 Levy on member of association

Omit section 20 (11) and (12).

[15] Section 20A 20

Insert after section 20:

20A Interest and discounts on contributions

- (1) A contribution, if not paid at the end of one month after it becomes due and payable, bears until paid simple interest at an annual rate of 10 per cent or, if the regulations provide for another rate, that other rate. 25
- (2) However, an association may by special resolution determine (either generally or in a particular case) that a contribution is to bear no interest.

- (3) An association may, by special resolution, determine (either generally or in a particular case) that a person may pay 10 per cent less of a contribution levied if the person pays the contribution before the date on which it becomes due and payable.

5

[16] Section 23 Restriction on powers during initial period

Omit section 23 (4). Insert instead:

- (4) A restriction imposed by subsection (1), (2) or (3) may be waived, varied or extinguished by order of the Board on application by the association or developer to which the restriction applies.

10

[17] Section 38 Meetings of executive committee

Omit "a majority" from section 38 (1) (c).

Insert instead "at least one-half".

[18] Section 38 (1A)

15

Insert after section 38 (1):

- (1A) If 2 executive committee meetings are held at the same time, both meetings are invalid.

[19] Section 38A

Insert after section 38:

20

38A Can members of the executive committee be paid?

An association may pay to a person who is the chairperson, secretary, treasurer or a member of the executive committee such amount as the association determines at an annual general meeting in recognition of services performed by the person for the association in the period since the last annual general meeting.

25

[20] Section 39 Insurance against damage or destruction

Insert after section 39 (1):

- (1A) Any such building or structure is to be insured for the value of the building or structure indicated by the last valuation obtained for the building or structure in accordance with this Division. 5

[21] Section 39A

Insert after section 39:

39A Valuations to be obtained for the purposes of insurance

- (1) A valuation of a building or structure that is required to be insured under this Division must be obtained at least once every 5 years by the association. 10
- (2) The valuation must be carried out by a person who has the qualifications prescribed by the regulations.

[22] Section 41 Optional insurance

15

Insert after section 41 (2):

- (3) An association may take out insurance, at its own expense, in respect of either or both of the following:
- (a) damage to property, death or bodily injury for which a person holding the office of chairperson, secretary, treasurer or member of the executive committee of the association could become liable in damages because of an act or omission, committed or omitted in good faith, in performing the functions of that office, 20 25
- (b) misappropriation of money or other property of the association.

[23] Section 46A

Insert after section 46:

46A Notice to be given to association of mortgagee taking possession of lot

If a mortgagee of a lot takes possession of the lot, the mortgagee must give notice of that fact to the association within 14 days of taking possession of the lot. 5

Maximum penalty: 5 penalty units.

[24] Section 60 Powers of entry of association

Omit section 60 (2). Insert instead: 10

(2) An association may, by its servants, agents or contractors, enter on any part of the parcel for the purpose of determining whether any work is required to be carried out by the association in accordance with this Act. 15

(2A) In an emergency, the association may enter any part of the parcel for those purposes at any time.

(2B) In a case that is not an emergency, the association, may enter any part of the parcel for those purposes with the consent of any occupier of that part of the parcel or, if the occupier does not consent, in accordance with an order of an Adjudicator. 20

[25] Section 60 (3)

Omit "subsection (1)". Insert instead "this section".

[26] Part 4, Divisions 1 and 2 25

Omit the Divisions. Insert instead:

**Division 1 Application for order to resolve issue
relating to community scheme**

62 Application for order on dispute

- (1) Application for an order under Division 3 or 4 for
settlement of a dispute or complaint may be made by: 5
- (a) an association or a strata corporation, or
 - (b) a managing agent, or
 - (c) the proprietor of a development lot,
neighbourhood lot or strata lot, or
 - (d) a person who has an estate or interest in, or is the 10
occupier of, such a lot.

63 Application for order to be made to Registrar

- (1) An application for an order under this Part must be made
to the Registrar and must:
- (a) be in writing stating the grounds on which it is 15
based, and
 - (b) specify the order sought, and
 - (c) be accompanied by the prescribed fee, and
 - (d) be accompanied by the fee prescribed by the 20
regulations.
- (2) The grounds stated as the basis for the application must
disclose a dispute or complaint about:
- (a) an exercise of, or a failure to exercise, a function
conferred or imposed by or under this Act in 25
relation to a scheme, or
 - (b) the operation, administration or management of a
scheme under this Act.
- (3) For the purposes of subsection (2), an association, or a
strata corporation, fails to exercise a function:
- (a) if it decides not to exercise the function, or 30
 - (b) if application is made to it to exercise the function
and it fails for 2 months to exercise the function or
inform the applicant that it has decided not to do
so.

64 Registrar to be satisfied mediation has been attempted before accepting application

- (1) The Registrar must not accept an application for an order unless satisfied that:
 - (a) mediation was attempted but was unsuccessful, or 5
 - (b) the matter the subject of the application is not appropriate for mediation.
- (2) A matter to which an application relates is not appropriate for mediation unless:
 - (a) it involves a dispute or complaint, and 10
 - (b) each person (other than the applicant) involved in the dispute or against whom the complaint is made agree to have the matter mediated.
- (3) If a matter is appropriate for mediation and mediation has not been attempted, the Registrar must inform the applicant that the applicant should arrange for mediation of the matter. 15
- (4) The applicant may apply to the Commissioner for mediation of the matter in accordance with Division 2 or may make other arrangements for the mediation of the matter. 20
- (5) If the Registrar accepts an application for an order, the Registrar must deal with the application under Division 2A.

Division 2 Mediation and resolution of disputes by Commissioner 25

65 Definitions

In this Division:

mediation means a structured negotiation process in which the mediator, as a neutral and independent party, assists the parties to a dispute to achieve their own resolution of the dispute. 30

mediation session means a meeting arranged for the mediation of a matter under this Division.

mediator means the Commissioner or any person approved by the Commissioner in writing to be a mediator for the purposes of this Division.

66 Mediation of disputes relating to community schemes

- (1) A person may apply to the Commissioner for mediation of any matter that the person is entitled to apply for an order to resolve under this Part. 5
- (2) On receipt of an application for mediation, the Commissioner must, if the Commissioner thinks the circumstances of the case are appropriate, arrange for the mediation of the matter in accordance with the regulations. 10

67 Commissioner may dismiss certain applications

The Commissioner may dismiss an application for mediation under this Division if the Commissioner believes that the application is frivolous, vexatious, misconceived or lacking in substance. 15

68 Agreements and arrangements arising from mediation sessions

- (1) An Adjudicator may make orders to give effect to any agreement or arrangement arising out of a mediation session. 20
- (2) An order referred to in subsection (1) may be made whether or not the mediation was carried out in accordance with this Division or by a mediator within the meaning of this Division. 25
- (3) This Division does not affect the enforceability of any other agreement or arrangement that may be made, whether or not arising out of a mediation session, in relation to the matters the subject of a mediation session. 30

69 Privilege

- (1) In this section, *mediation session* includes any steps taken in the course of making arrangements for the session or in the course of the follow-up of a session.

-
- (2) Subject to subsection (3), the same privilege with respect to defamation as exists with respect to judicial proceedings and a document produced in judicial proceedings exists with respect to:
- (a) a mediation session, or 5
 - (b) a document or other material sent to, or produced at an office of, the Commissioner for the purpose of enabling a mediation session to be arranged.
- (3) The privilege conferred by subsection (2) only extends to a publication made: 10
- (a) at a mediation session, or
 - (b) as provided by subsection (2) (b), or
 - (c) as provided by section 70.
- (4) Evidence of anything said or of any admission made in a mediation session is not admissible in any proceedings before any court, tribunal or body. 15
- (5) A document prepared for the purposes of, or in the course of, or as a result of, a mediation session, or any copy of such a document, is not admissible in evidence in any proceedings before any court, tribunal or body. 20
- (6) Subsections (4) and (5) do not apply with respect to any evidence or document:
- (a) if the persons in attendance at, or identified during, the mediation session and, in the case of a document, all persons identified in the document, consent to the admission of the evidence or document, or 25
 - (b) in proceedings instituted with respect to any act or omission in connection with which a disclosure has been made under section 70 (c). 30

70 Secrecy

A mediator may disclose information obtained in connection with the administration or execution of this Part only in one or more of the following circumstances:

- (a) with the consent of the person from whom the information was obtained, 35

-
- (b) in connection with the administration or execution of this Part,
 - (c) if there are reasonable grounds to believe that the disclosure is necessary to prevent or minimise the danger of injury to any person or damage to any property, 5
 - (d) if the disclosure is reasonably required for the purpose of referring any party or parties to a mediation session to any person, agency, organisation or other body and the disclosure is made with the consent of the parties to the mediation session for the purpose of aiding in the resolution of a dispute between those parties or assisting the parties in any other manner, 10
 - (e) in accordance with a requirement imposed by or under a law of the State (other than a requirement imposed by a subpoena or other compulsory process) or the Commonwealth. 15

70A Exoneration from liability for mediators

No matter or thing done or omitted to be done by a mediator subjects the mediator to any action, liability, claim or demand if the matter or thing was done in good faith for the purposes of a mediation session under this Division. 20

Division 2A Procedure after Registrar receives application 25

70B Notice of application to be given

- (1) The Registrar must give a copy of an application for an order under this Part to each person (other than the applicant) who, in the Registrar's opinion, would be affected if the order sought were made. 30
- (2) The copy of the application must be accompanied by a notice stating that the person to whom the notice is given may make a written submission to the Registrar within a time specified in the notice, or within a longer time specified in any further notice given by the Registrar. 35

- (3) The Registrar must give a notice to the applicant for the order stating that the applicant may make further written submissions to the Registrar within a time specified in the notice, or within a longer time specified in any further notice given by the Registrar. 5
- (4) The Registrar may extend the time for the making of submissions by a further notice given to each of the persons to whom the original notice was given.

70C Procedure after time for making submissions has expired 10

- (1) This section operates after the time for making submissions on an application expires.
- (2) The Registrar must refer an application for an order referred to in Part 3 to an Adjudicator.
- (3) The Registrar must refer an application for an order referred to in Part 4 to the Board. 15
- (4) If an application is referred to the Board, whether by the Registrar or by an Adjudicator under Part 3, the Registrar must complete a notice containing the time and place at which, and the date on which, the Board will determine the application. 20
- (5) The Registrar must send a copy of that notice to the following persons so that the copy would, in the ordinary course of post, be received by the addressee not less than 7 days before the day specified in the notice for the determination of the application: 25
 - (a) the applicant,
 - (b) the association or strata corporation to which the application relates (if the owners corporation is not the applicant), 30
 - (c) any person against whom the order is sought,
 - (d) any person who made a submission on the application.

[27] Division 3, heading

Omit "the Commissioner". Insert instead "Adjudicators". 35

[28] Section 71 Order by Adjudicator

Omit section 71 (2) and (4).

[29] Sections 71A, 71B and 71C

Insert after section 71:

71A Dismissal of application on certain grounds	5
(1) An Adjudicator must, by order, dismiss an application for an order under this Division if satisfied that mediation was appropriate and was not attempted.	
(2) If the ground for an application is:	
(a) the absence of a quorum at a meeting, or	10
(b) a defect, irregularity or deficiency of notice or time,	
an Adjudicator may, by order, dismiss the application if the Adjudicator believes that no substantial injustice has resulted.	15
(3) An Adjudicator may, by order, dismiss an application for an order under this Part on any other ground that the Adjudicator considers appropriate.	
(4) Without limiting the generality of subsection (3), an Adjudicator may, by order, dismiss an application for an order under this Part if:	20
(a) the Adjudicator believes that the application is frivolous, vexatious, misconceived or lacking in substance, or	
(b) the Adjudicator believes that a decision in favour of the applicant is not within the jurisdiction of the Adjudicator, or	25
(c) the Adjudicator believes that the applicant has unreasonably delayed the provision of information required by the Adjudicator, or	30

- (d) in the case of an application made by a proprietor of a development lot or neighbourhood lot or by an association, the applicant has not paid all contributions levied and payable in relation to the lot under this Act. 5
- (5) An Adjudicator may dismiss an application in accordance with this section even though the notice requirements of Division 2A have not been complied with and despite that a time, or extended time, specified for making written submissions on the application has not expired. 10

71B Matters that may be referred to Board

- (1) An Adjudicator may refer to the Board an application for an order if the Adjudicator is of the opinion:
 - (a) that the application raises complex legal issues, or 15
 - (b) that it should be referred because of its importance or the possible frequency of like applications, or
 - (c) that there are other good reasons to refer the application.
- (2) This section does not confer on any person a right to have referred to the Board an application for an order that may be made by an Adjudicator. 20

71C Investigations by Adjudicator

- (1) An Adjudicator may investigate an application for an order in any way the Adjudicator thinks fit and may refuse to proceed with an application until any further information required by the Adjudicator has been provided. 25
- (2) For the purposes of the investigation, an Adjudicator may:
 - (a) enter association property or common property, or
 - (b) enter a development lot, or
 - (c) enter a neighbourhood lot or strata lot at a reasonable time on notice given to the occupier. 30

-
- (3) The power conferred by this section does not include power to enter a dwelling-house or other residential premises unless the occupier consents.
- (4) If an Adjudicator believes on reasonable grounds that there has been, or may be, a breach of a development contract, a management statement or the by-laws for a strata scheme, the Adjudicator may exercise the power conferred by this section to investigate the grounds for the belief. 5
- (5) A person must not obstruct or hinder an Adjudicator, or a delegate of an Adjudicator, in the exercise of powers conferred by this section. 10

Maximum penalty (subsection (5)): 5 penalty units.

[30] Section 72 (1)

Omit "the Commissioner" where firstly occurring. 15
Insert instead "an Adjudicator".

[31] Section 72 (1)

Omit "the Commissioner" where secondly and thirdly occurring.
Insert instead "the Adjudicator".

[32] Sections 72 (2), 73, 74 (1) and (2), 103 (1) and 104 20

Omit "The Commissioner" wherever occurring.
Insert instead "An Adjudicator".

[33] Sections 72 (4) (b), 88 (4), 108 (5) (c)

Omit "the Commissioner". Insert instead "the Adjudicator".

[34] Section 75 (2) 25

Omit "The Commissioner". Insert instead "The Registrar".

[35] Part 4, Division 4, heading

Omit "Boards". Insert instead "Board".

[36] Sections 75A and 75B

Insert before section 76:

75A Dismissal of application on certain grounds

5

- (1) The Board must, by order, dismiss an application for an order under this Division if satisfied that mediation was appropriate and was not attempted.
- (2) If the ground for an application is:
 - (a) the absence of a quorum at a meeting, or
 - (b) a defect, irregularity or deficiency of notice or time,the Board may, by order, dismiss the application if the Board believes that no substantial injustice has resulted.
- (3) The Board may, by order, dismiss an application for an order under this Division on any other ground that the Board considers appropriate.
- (4) Without limiting the generality of subsection (3), the Board may, by order, dismiss an application for an order under this Division if:
 - (a) the application is frivolous, vexatious, misconceived or lacking in substance, or
 - (b) a decision in favour of the applicant is not within the jurisdiction of the Board, or
 - (c) the applicant has unreasonably delayed the provision of information required by an Adjudicator, or
 - (d) the application is made by a proprietor of a development lot or neighbourhood lot or by an association and the applicant has not paid all contributions levied and payable in relation to the lot under this Act.
- (5) The Board may, by order, dismiss an appeal.

10

15

20

25

30

75B Investigations and proceedings before the Board

- (1) Before making an order (except an order for a stay of proceedings), the Board must investigate the application for the order or, in the case of an appeal, the grounds for the appeal. 5
- (2) In any such investigation or in any proceedings before it for an order, the Board:
 - (a) is not bound by the rules of evidence and may inform itself on any matter in such manner as it thinks fit, and 10
 - (b) must act according to equity, good conscience and the substantial merits of the case without regard to technicalities or legal forms.
- (3) The Board need not hold a hearing in order to decide an application or appeal unless there is an appearance by a person entitled or required to appear before it. 15
- (4) A hearing need not be formal.

[37] Sections 76 (1) and 85 (3)

Omit "the Commissioner" where firstly occurring.
Insert instead "an Adjudicator". 20

[38] Section 76 (1)

Omit "the Commissioner" where secondly and thirdly occurring.
Insert instead "the Adjudicator".

[39] Sections 77 (1), 78 (1), 80 (1), 81 (1), 82 (2), 83 (1), 85 (1), 87 (1), 91 (4), 92 (3) and (4), 95 (1) and 97 25

Omit "A Board" wherever occurring. Insert instead "The Board".

[40] Section 85 (3)

Omit "the Commissioner" where secondly occurring.
Insert instead "the Adjudicator".

[41] Section 87 (1) (a)

Omit "or another Board".

[42] Sections 87 (3) (a), (4) and (6), 88 (3), 94 (2) (b), 97 and 100 (3) (b) and (5)

Omit "Commissioner" wherever occurring.
Insert instead "Registrar".

5

[43] Part 4, Division 5, heading

Omit "a Board". Insert instead "Board".

[44] Section 89

Omit the section. Insert instead:

10

89 Procedure after appeal is lodged

(1) The Registrar must send to the Board the notice of appeal and the Adjudicator's records relating to the order appealed against.

(2) The Registrar must complete a notice containing the time and place at which, and the date on which, the Board will determine the appeal.

15

(3) The Registrar must send a copy of that notice together with a copy of the notice of appeal to the following persons so that the notices would, in the ordinary course of post, be received by the addressee not less than 7 days before the day specified in them for the determination of the appeal:

20

(a) the appellant,

(b) the person against whom the order appealed against was sought and any other person entitled to appeal,

25

(c) the association or strata corporation for the scheme to which the order appealed against relates.

30

[45] Section 90 (2)

Omit "Commissioner or, if the order is made by a Board, by the Clerk of the Board".

Insert instead "Registrar".

[46] Part 4, Division 6, heading

5

Omit the heading.

Insert instead "General provisions relating to Board".

[47] Section 94 (1)

Omit "The Magistrate who constitutes a Board, or the Clerk of the Board with the authority of the Magistrate".

10

Insert instead "The member who constitutes the Board, or the Registrar with the authority of the member".

[48] Section 97A and Division 6A

Insert after section 97:

97A Intervention by Commissioner

15

(1) The Commissioner may intervene in proceedings before the Board if the Commissioner is of the opinion that it would be in the public interest to do so.

(2) The Commissioner must intervene in proceedings before the Board if directed to do so by the Minister.

20

(3) The Commissioner has a right to be heard personally or by a barrister, solicitor or agent in proceedings before the Board.

(4) The Commissioner, on intervening in any proceedings, becomes a party to the proceedings and has all the rights of such a party.

25

(5) The Commissioner is to bear the Commissioner's costs of intervening in proceedings before the Board.

**Division 6A Enforcement of orders of Adjudicators and
Board and certain notices**

**97B Civil penalties for contravention of orders under this
Part**

- (1) The Board may, by order, require a person to pay a pecuniary penalty of an amount of up to 50 penalty units for contravention of an order under this Part (*the original order*). 5
- (2) An application for an order under subsection (1) may be made by: 10
 - (a) the applicant for the original order, or
 - (b) an association or strata corporation involved in the order.

97C Civil penalties for contravention of notice of association

- (1) The Board may, on application by an association, by order require a person to pay a pecuniary penalty of an amount of up to 5 penalty units if the Board is satisfied that: 15
 - (a) the association served a notice under section 13A on the person requiring the person to comply with a particular by-law, and 20
 - (b) the person has since contravened the by-law.
- (2) An application for an order under this section must be made by the association within 12 months after the notice under section 13A was served. 25

97D Order as to costs

- (1) The Board may also make an order for the payment of costs when making an order requiring the payment of a pecuniary penalty under this Division.
- (2) Any costs awarded against a person on an application for an order under section 97B include the amount of the fee paid when the application for the original order was made. 30

97E Payment of civil penalties

- (1) If the Board makes an order under this Division requiring a person to pay a pecuniary penalty, the Board may specify in the order that the penalty or a part of the penalty must be paid to the applicant for the order as damages for work carried out by the person in relation to the matter the subject of the proceedings. 5
- (2) The imposition of the pecuniary penalty operates as a judgment under the *Local Courts (Civil Claims) Act 1970* for the amount of the pecuniary penalty against the person required to pay it and in favour of: 10
- (a) the applicant for the order, or
- (b) the applicant for the order and the Director-General of the Department of Fair Trading, if the order requires part only of the penalty to be paid to the applicant. 15
- (3) Any pecuniary penalty or part of a pecuniary penalty recovered under this Part that the Board has not ordered to be paid to an applicant for an order is to be paid to the Director-General for payment into the Department of Fair Trading Operating Account or an account prescribed by the regulations for the purposes of this subsection. 20

[49] Section 101

Omit the section.

[50] Section 102 Protection of Commissioner, Adjudicators and Board 25

Omit "both the Commissioner and the Magistrate constituting a Board".

Insert instead "the Commissioner, an Adjudicator and the member constituting the Board". 30

[51] Section 104

Omit the section. Insert instead:

104 Orders relating to costs

An Adjudicator or the Board may not make any order for the payment of costs except as specifically authorised by this Act or in relation to an order dismissing an application because: 5

- (a) the application is frivolous, vexatious, misconceived or lacking in substance, or
- (b) a decision in favour of the applicant is not within the jurisdiction of the Board. 10

[52] Section 108 (4)

Omit "or another Board".

[53] Part 5A

Insert after Part 5: 15

Part 5A Administration

Division 1 Community Schemes Commissioner

109A Community Schemes Commissioner

There is to be a Community Schemes Commissioner who is the Director-General of the Department of Fair Trading. 20

109B Functions of Commissioner

- (1) The Commissioner has the functions conferred or imposed on the Commissioner by or under this or any other Act. 25
- (2) The functions of the Commissioner include the following:
 - (a) attempting to resolve complaints and disputes relating to community schemes,

-
- (b) investigating alleged breaches of the Act,
 - (c) taking such action, including prosecution, as the Commissioner thinks appropriate,
 - (d) providing information to proprietors, occupiers, associations, managing agents and the public about this Act and the services provided by the Commissioner, Adjudicators and the Board, 5
 - (e) to investigate and report on any matters, or make inquiries in relation to any matters, referred to the Commissioner by the Minister in connection with this Act. 10

109C Advice and conciliation by the Commissioner

- (1) The Commissioner may:
 - (a) give advice to a participant in a scheme (other than a developer) as to the rights and remedies available in relation to matters referred to in subsection (2), or 15
 - (b) endeavour to bring the interested parties to an agreement which will settle any question, dispute or difficulty that arises in relation to those matters, or 20
 - (c) inform the appropriate consent authority of any departure from the terms of a development contract or from the development consent for a staged scheme. 25
- (2) The matters referred to in this subsection are matters that relate to:
 - (a) a development contract, or
 - (b) a covenant implied by section 15 on registration of a development contract, or 30
 - (c) a development consent for a community scheme, precinct scheme or neighbourhood scheme, or
 - (d) an amendment or modification of such a contract, covenant or consent, or
 - (e) the operation, administration or management of a scheme. 35

- (3) In this section, the reference to a participant in a scheme is a reference to:
- (a) the proprietor (other than a developer) of a lot within the scheme, or
 - (b) an association or strata corporation constituted under the scheme. 5

109D Staff of Commissioner

Such staff as may be necessary to enable the Commissioner to exercise the Commissioner's functions may be employed under and subject to Part 2 of the *Public Sector Management Act 1988*. 10

109E Delegation of functions of Commissioner

The Commissioner may, by instrument in writing, delegate to a person employed under and subject to the provisions of the *Public Sector Management Act 1988* the exercise of such of the functions (other than this power of delegation) conferred on the Commissioner by or under this or any other Act as may be specified in the instrument. 15

109F Investigations by Commissioner 20

- (1) If the Commissioner believes on reasonable grounds that an offence under this Act has been, or may be committed, the Commissioner may exercise the following powers to investigate the grounds for the belief: 25
- (a) enter association property or common property,
 - (b) enter a development lot,
 - (c) enter a neighbourhood lot or a strata lot at a reasonable time on notice given to the occupier,
 - (d) request an association or strata corporation to provide information to the Commissioner and allow the Commissioner to inspect its records under section 26. 30

-
- (2) When exercising a power under this section, the Commissioner may, if the Commissioner thinks fit, be accompanied by:
- (a) a member of the executive committee of an association or strata corporation, or 5
- (b) the managing agent (if any) of the scheme concerned.
- (3) A person must not obstruct or hinder the Commissioner, or a delegate of the Commissioner, in the exercise of powers conferred by this section. 10
- Maximum penalty: 5 penalty units.
- (4) An association must not neglect or fail to comply with a request under subsection (1) (d).
- Maximum penalty: 5 penalty units.
- (5) No charge is payable by the Commissioner in connection with a request made under subsection (1) (d). 15

109G Annual report of Commissioner

- (1) As soon as practicable after 30 June, but on or before 31 December, in each year, the Commissioner is to prepare and forward to the Minister a report of the operations of the Commissioner during that year. 20
- (2) The Minister is to lay the report or cause it to be laid before both Houses of Parliament as soon as practicable after receiving the report.

Division 2 Community Schemes Adjudicators 25

109H Appointment of Community Schemes Adjudicators

The Minister may appoint Community Schemes Adjudicators.

109I Functions of Adjudicators

An Adjudicator has the functions conferred or imposed on an Adjudicator by or under this or any other Act. 30

109J Delegation of functions of Adjudicators

An Adjudicator may delegate to the Registrar or Deputy Registrar the exercise of a function of the Adjudicator (other than this power of delegation).

Division 3 Community Schemes Board

5

109K Community Schemes Board

- (1) There is constituted by this Act the Community Schemes Board of New South Wales.
- (2) The Community Schemes Board is to consist of persons who are, or are qualified for appointment as, Magistrates and are appointed by the Governor to be members of the Board. 10

109L Jurisdiction and functions of Board

- (1) The Board has the functions conferred or imposed on the Board by or under this or any other Act. 15
- (2) The Board, wherever sitting, has jurisdiction throughout New South Wales.

109M Proceedings of Board

Proceedings before the Board are to be heard and determined by one member sitting alone. 20

Division 4 Registrar and Deputy Registrar

109N Registrar and Deputy Registrar

- (1) A Registrar and Deputy Registrar may be appointed under and subject to Part 2 of the *Public Sector Management Act 1988*. 25
- (2) The Registrar and Deputy Registrar have such functions as are conferred or imposed on them by or under this or any other Act or by an Adjudicator or the Board in the exercise of their functions.

109O Delegation

30

The Registrar may delegate to the Deputy Registrar the exercise of a function of the Registrar (other than this power of delegation).

[54] Section 111A

Insert after section 111:

111A Can a proprietor of a lot appoint an agent for dealings with the association?

- | | | |
|-----|--|---------|
| (1) | A proprietor of a development lot, neighbourhood lot or strata lot may appoint an agent to receive notices and other documents under this Act if the proprietor is unable to deal with those notices because of intellectual impairment or physical impairment, illiteracy or an inability to read or write English sufficiently well or absence from the lot. | 5
10 |
| (2) | A person must not be appointed as an agent unless the person is a resident of Australia. | |
| (3) | An appointment of an agent may be made at any time and may be revoked at any time. | 15 |
| (4) | However, the appointment or revocation has no effect until communicated to the association and recorded in the relevant roll kept in accordance with Schedule 3. | |
| (5) | If an agent for a proprietor has been so appointed and the name and address for service of the agent recorded on the strata roll, notices or other documents required to be given to the proprietor under this Act are to be given to the agent. | 20 |

[55] Section 115 Service of documents by certain persons

Omit "a Board" from section 115 (1).	25
Insert instead "an Adjudicator, the Board".	

[56] Section 120 Other rights and remedies not affected

Omit " <i>Strata Titles Act 1973</i> " from section 120 (1) (d).	
Insert instead " <i>Strata Titles (Freehold Development) Act 1973</i> and the <i>Strata Schemes Management Act 1996</i> ".	30

[57] Section 120 (3)

Omit "Part 5 of the *Strata Titles Act 1973*".

Insert instead "Chapter 5 of the *Strata Schemes Management Act 1996*".

[58] Section 123

5

Insert after section 122:

123 Savings, transitional and other provisions

Schedule 7 has effect.

[59] Schedule 1 Functions of associations

Omit "the prescribed financial statements" from clause 11 (1).

10

Insert instead "financial statements in accordance with this clause".

[60] Schedule 1, clause 11

Insert after clause 11 (3):

- (4) The financial statements are to comprise only the following matters:

15

(a) a statement of income and expenditure for the administrative fund,

(b) a statement of income and expenditure for the sinking fund,

(c) a statement of income and expenditure for any other fund that is the property of the association.

20

- (5) Each financial statement must specify the fund, and the period, for which it is prepared.

- (6) If the period is a period referred to in subclause (3), the financial statement for a fund must also specify the following:

25

(a) the balance carried forward in the fund from the previous period,

-
- (b) the particulars and amount of each item of income of the fund received during the current period,
 - (c) the particulars and amount of each item of expenditure from the fund during the current period, 5
 - (d) the amount of the contribution to the fund determined for each association or person liable to make such a contribution,
 - (e) the balance outstanding for each such contribution, 10
 - (f) the cash in the fund at the end of the current period,
 - (g) the balance of the fund,
 - (h) in respect of each liability to contribute to the fund—any unpaid arrears and any balance outstanding, 15
 - (i) the extent to which, at the end of the current period, the fund is in debit or credit.

Note. The financial statements of an association prepared under this clause can deal only with income and expenditure from the administrative and sinking funds and any other fund authorised to be established under this Act. Those financial statements are therefore separate from any other financial statements that might be prepared in relation to the community scheme, for example, financial statements in relation to the provision of services for a retirement village. 20
25

[61] Schedule 1, clause 11A

Insert after clause 11:

11A Auditing of accounts and financial statements

If an association determines that the accounting records and financial statements of the association are to be audited, the audit must be carried out in accordance with Australian Auditing Standards. 30

[62] Schedule 3 Association rolls

Omit "the address" from clause 2 (a).
Insert instead "an Australian address".

[63] Schedule 3, clause 3 (1) (b)

Insert "Australian" after "respective".

5

[64] Schedule 3, clause 5 (a)

Omit "the address".
Insert instead "an Australian address".

[65] Schedule 3, clause 6 (1) (b)

Insert "Australian" after "respective".

10

[66] Schedule 3, clause 8 (a)

Omit "the address".
Insert instead "an Australian address".

[67] Schedule 3, clause 9 (1) (b)

Insert "Australian" after "respective".

15

[68] Schedule 5 First annual general meeting of association

Insert after clause 2 (7):

(7A) The notice must set out the provisions of this Act for
determining the quorum at a general meeting.

[69] Schedule 5, clause 6 (5)

20

Insert "and it contains the date on which it was made" after
"meeting".

[70] Schedule 5, clause 6 (5A)

Insert after clause 6 (5):

- (5A) An instrument appointing a proxy has effect for the period specified in the instrument (being a period of not more than 12 months) or for 2 consecutive annual general meetings, whichever is the greater, unless sooner revoked. 5
- (5B) A proxy cannot exercise a vote in relation to a matter if the person who appointed the proxy is exercising personally a power to vote on that matter. 10
- (5C) An instrument made by a person appointing a proxy has no effect if the person makes a later instrument appointing a proxy and delivers it to the secretary in accordance with subclause (5).

[71] Schedule 5, clause 7 (1) 15

Omit "half" wherever occurring.
Insert instead "one-quarter".

[72] Schedule 5, clause 7 (1A)

Insert after clause 7 (1):

- (1A) However, if there is more than one member of the community association and the quorum calculated in accordance with subclause (1) is less than 2 persons, the quorum is 2 persons entitled to vote on the matter. 20

[73] Schedule 5, clause 7 (2)

Omit "to the same day in the next week at the same time and place". 25
Insert instead "for at least 7 days".

[74] Schedule 5, clause 7A

Insert after clause 7:

7A Adjournments

- | | | |
|------|--|--------------|
| (1) | A general meeting of a community association may be adjourned for any reason if a motion is passed at the meeting for the adjournment. | 5 |
|
 | | |
| (2) | If a general meeting of the community association is adjourned (including where the meeting is adjourned because of clause 7 (2)): | |
| (a) | the time and place at which the adjourned meeting is to be resumed must be fixed by the person who was presiding at the meeting or, in the case of a meeting that is adjourned because of clause 7 (2), by the person who would have presided at the meeting but for the lack of a quorum, and | 10

15 |
| (b) | notice of that time and place must be served by the secretary on the members of the association at least 1 day prior to the meeting. | |
|
 | | |
| (3) | The notice is to set out the provisions of this Act for determining the quorum at a general meeting. | 20 |

[75] Schedule 5, clause 14A

Insert after clause 14:

14A Electronic transmission of documents

- | | | |
|------|--|----|
| (1) | Documents relating to a meeting of a community association (such as proxies) may be transmitted to the secretary of the association by facsimile. | 25 |
|
 | | |
| (2) | In this clause, facsimile includes any electronic communication device that transmits information in a form from which written material is capable of being reproduced with or without the aid of any other device or article. | 30 |

[76] Schedule 5, clause 16 (7A)

Insert after clause 16 (7):

- (7A) The notice must set out the provisions of this Act for determining the quorum at a general meeting.

[77] Schedule 5, clause 20 (5)

5

Insert "and it contains the date on which it was made" after "meeting".

[78] Schedule 5, clause 20 (5A)–(5C)

Insert after clause 20 (5):

- (5A) An instrument appointing a proxy has effect for the period specified in the instrument (being a period of not more than 12 months) or for 2 consecutive annual general meetings, whichever is the greater, unless sooner revoked. 10
- (5B) A proxy cannot exercise a vote in relation to a matter if the person who appointed the proxy is exercising personally a power to vote on that matter. 15
- (5C) An instrument made by a person appointing a proxy has no effect if the person makes a later instrument appointing a proxy and delivers it to the secretary in accordance with subclause (5). 20

[79] Schedule 5, clause 21 (1)

Omit "half" wherever occurring. Insert instead "one-quarter".

[80] Schedule 5, clause 21 (1A)

Insert after clause 21 (1):

25

- (1A) However, if there is more than one member of the precinct association and the quorum calculated in accordance with subclause (1) is less than 2 persons, the quorum is 2 persons entitled to vote on the matter.

[81] Schedule 5, clause 21 (2)

Omit "to the same day in the next week at the same time and place".
Insert instead "for at least 7 days".

[82] Schedule 5, clause 21A

Insert after clause 21 (1):

5

21A Adjournments

- (1) A general meeting of a precinct association may be adjourned for any reason if a motion is passed at the meeting for the adjournment.
- (2) If a general meeting of the precinct association is adjourned (including where the meeting is adjourned because of clause 21 (2)):
 - (a) the time and place at which the adjourned meeting is to be resumed must be fixed by the person who was presiding at the meeting or, in the case of a meeting that is adjourned because of clause 21 (2), by the person who would have presided at the meeting but for the lack of a quorum, and
 - (b) notice of that time and place must be served by the secretary on the members of the association at least 1 day prior to the meeting.
- (3) The notice is to set out the provisions of this Act for determining the quorum at a general meeting.

10

15

20

[83] Schedule 5, clause 28A

Insert after clause 28:

25

28A Electronic transmission of documents

- (1) Documents relating to a meeting of a precinct association (such as proxies) may be transmitted to the secretary of the association by facsimile.
- (2) In this clause, facsimile includes any electronic communication device that transmits information in a form from which written material is capable of being reproduced with or without the aid of any other device or article.

30

[84] Schedule 5, clause 30 (7A)

Insert after clause 30 (7):

- (7A) The notice must set out the provisions of this Act for determining the quorum at a general meeting.

[85] Schedule 5, clause 34 (5)

5

Insert "and it contains the date on which it was made" after "meeting".

[86] Schedule 5, clause 34 (6)–(8)

Insert after clause 34 (5):

- (6) An instrument appointing a proxy has effect for the period specified in the instrument (being a period of not more than 12 months) or for 2 consecutive annual general meetings, whichever is the greater, unless sooner revoked. 10
- (7) A proxy cannot exercise a vote in relation to a matter if the person who appointed the proxy is exercising personally a power to vote on that matter. 15
- (8) An instrument made by a person appointing a proxy has no effect if the person makes a later instrument appointing a proxy and delivers it to the secretary in accordance with subclause (5). 20

[87] Schedule 5, clause 35 (1)

Omit "half" wherever occurring.
Insert instead "one-quarter".

[88] Schedule 5, clause 35 (1A)

25

Insert after clause 35 (1):

- (1A) However, if there is more than one member of the neighbourhood association and the quorum calculated in accordance with subclause (1) is less than 2 persons, the quorum is 2 persons entitled to vote on the matter. 30

[89] Schedule 5, clause 35 (2)

Omit "to the same day in the next week at the same time and place".
Insert instead "for at least 7 days".

[90] Schedule 5, clause 35A

Insert after clause 35:

5

35A Adjournments

- (1) A general meeting of a neighbourhood association may be adjourned for any reason if a motion is passed at the meeting for the adjournment.
- (2) If a general meeting of the neighbourhood association is adjourned (including where the meeting is adjourned because of clause 35 (2)):
 - (a) the time and place at which the adjourned meeting is to be resumed must be fixed by the person who was presiding at the meeting or, in the case of a meeting that is adjourned because of clause 35 (2), by the person who would have presided at the meeting but for the lack of a quorum, and
 - (b) notice of that time and place must be served by the secretary on the members of the association at least 1 day prior to the meeting.
- (3) The notice is to set out the provisions of this Act for determining the quorum at a general meeting.

10

15

20

[91] Schedule 5, clause 43

Insert after clause 42:

25

43 Electronic transmission of documents

- (1) Documents relating to a meeting of a neighbourhood association (such as proxies) may be transmitted to the secretary of the association by facsimile.
- (2) In this clause, facsimile includes any electronic communication device that transmits information in a form from which written material is capable of being reproduced with or without the aid of any other device or article.

30

[92] Schedule 6 Meetings of associations other than the first annual general meeting

Omit clause 4 (1). Insert instead:

- (1) The notice of a general meeting of a community association must be given in writing to the members of the association shown on the community roll. 5
- (1A) The notice must also be given to each person shown on the community roll as first mortgagee, or as a covenant chargee, of a community development lot if an item on the agenda for the meeting requires a special or unanimous resolution of the community association. 10

[93] Schedule 6, clause 4 (7A)

Insert after clause 4 (7):

- (7A) The notice must set out the provisions of this Act for determining the quorum at a general meeting. 15

[94] Schedule 6, clause 5 (e)

Insert at the end of clause 5 (d):

- , and
- (e) include a form of motion to consider the appointment of an auditor and the taking out of insurance of the kind referred to in section 41 (3) if insurance of that kind has not already been taken out. 20

[95] Schedule 6, clause 9 (5)

Omit "meeting". 25
Insert instead "first meeting in relation to which the instrument is to operate and it contains the date on which it was made".

[96] Schedule 6, clause 9 (5A)–(5C)

Insert after clause 9 (5):

- (5A) An instrument appointing a proxy has effect for the period specified in the instrument (being a period of not more than 12 months) or for 2 consecutive annual general meetings, whichever is the greater, unless sooner revoked. 5
- (5B) A proxy cannot exercise a vote in relation to a matter if the person who appointed the proxy is exercising personally a power to vote on that matter. 10
- (5C) An instrument made by a person appointing a proxy has no effect if the person makes a later instrument appointing a proxy and delivers it to the secretary in accordance with subclause (5).

[97] Schedule 6, clause 10 (1) 15

Omit “half” wherever occurring.
Insert instead “one-quarter”.

[98] Schedule 6, clause 10 (1A)

Insert after clause 10 (1):

- (1A) However, if there is more than one member of the community association and the quorum calculated in accordance with subclause (1) is less than 2 persons, the quorum is 2 persons entitled to vote on the matter. 20

[99] Schedule 6, clause 10 (2)

Omit “to the same day in the next week at the same time and place”. 25
Insert instead “for at least 7 days”.

[100] Schedule 6, clause 10A

Insert after clause 10:

10A Adjournments

- (1) A general meeting of a community association may be adjourned for any reason if a motion is passed at the meeting for the adjournment. 5
- (2) If a general meeting of the community association is adjourned (including where the meeting is adjourned because of clause 10 (2)):
 - (a) the time and place at which the adjourned meeting is to be resumed must be fixed by the person who was presiding at the meeting or, in the case of a meeting that is adjourned because of clause 10 (2), by the person who would have presided at the meeting but for the lack of a quorum, and 10
 - (b) notice of that time and place must be served by the secretary on the members of the association at least 1 day prior to the meeting. 15
- (3) The notice is to set out the provisions of this Act for determining the quorum at a general meeting. 20

[101] Schedule 6, clause 20A

Insert after clause 20:

20A Electronic transmission of documents

- (1) Documents relating to a meeting of a community association (such as proxies) may be transmitted to the secretary of the association by facsimile. 25
- (2) In this clause, facsimile includes any electronic communication device that transmits information in a form from which written material is capable of being reproduced with or without the aid of any other device or article. 30

[102] Schedule 6, clause 24 (7A)

Insert after clause 24 (7):

- (7A) The notice must set out the provisions of this Act for determining the quorum at a general meeting.

[103] Schedule 6, clause 29 (5)

5

Omit "meeting" from clause 29 (5).

Insert instead "first meeting in relation to which the instrument is to operate and it contains the date on which it was made".

[104] Schedule 6, clause 29 (5A)–(5C)

Insert after clause 29 (5):

10

- (5A) An instrument appointing a proxy has effect for the period specified in the instrument (being a period of not more than 12 months) or for 2 consecutive annual general meetings, whichever is the greater, unless sooner revoked.

15

- (5B) A proxy cannot exercise a vote in relation to a matter if the person who appointed the proxy is exercising personally a power to vote on that matter.

- (5C) An instrument made by a person appointing a proxy has no effect if the person makes a later instrument appointing a proxy and delivers it to the secretary in accordance with subclause (5).

20

[105] Schedule 6, clause 30 (1)

Omit "half" wherever occurring. Insert instead "one-quarter".

[106] Schedule 6, clause 30 (1A)

25

Insert after clause 30 (1):

- (1A) However, if there is more than one member of the precinct association and the quorum calculated in accordance with subclause (1) is less than 2 persons, the quorum is 2 persons entitled to vote on the matter.

30

[107] Schedule 6, clause 30 (2)

Omit "to the same day in the next week at the same time and place".
Insert instead "for at least 7 days".

[108] Schedule 6, clause 30A

Insert after clause 30:

5

30A Adjournments

- (1) A general meeting of a precinct association may be adjourned for any reason if a motion is passed at the meeting for the adjournment.
- (2) If a general meeting of the precinct association is adjourned (including where the meeting is adjourned because of clause 30 (2)): 10
 - (a) the time and place at which the adjourned meeting is to be resumed must be fixed by the person who was presiding at the meeting or, in the case of a meeting that is adjourned because of clause 30 (2), by the person who would have presided at the meeting but for the lack of a quorum, and 15
 - (b) notice of that time and place must be served by the secretary on the members of the association at least 1 day prior to the meeting. 20
- (3) The notice is to set out the provisions of this Act for determining the quorum at a general meeting.

[109] Schedule 6, clause 40A

Insert after clause 40:

25

40A Electronic transmission of documents

- (1) Documents relating to a meeting of a precinct association (such as proxies) may be transmitted to the secretary of the association by facsimile.
- (2) In this clause, facsimile includes any electronic communication device that transmits information in a form from which written material is capable of being reproduced with or without the aid of any other device or article. 30

[110] Schedule 6, clause 44 (7A)

Insert after clause 44 (7):

- (7A) The notice must set out the provisions of this Act for determining the quorum at a general meeting.

[111] Schedule 6, clause 49 (5)

5

Omit "meeting".

Insert instead "first meeting in relation to which the instrument is to operate and it contains the date on which it was made".

[112] Schedule 6, clause 49 (6)–(8)

Insert after clause 49 (5):

10

- (6) An instrument appointing a proxy has effect for the period specified in the instrument (being a period of not more than 12 months) or for 2 consecutive annual general meetings, whichever is the greater, unless sooner revoked.

15

- (7) A proxy cannot exercise a vote in relation to a matter if the person who appointed the proxy is exercising personally a power to vote on that matter.

- (8) An instrument made by a person appointing a proxy has no effect if the person makes a later instrument appointing a proxy and delivers it to the secretary in accordance with subclause (5).

20

[113] Schedule 6, clause 50 (1)

Omit "half" wherever occurring. Insert instead "one-quarter".

[114] Schedule 6, clause 50 (1A)

25

Insert after clause 50 (1):

- (1A) However, if there is more than one member of the neighbourhood association and the quorum calculated in accordance with subclause (1) is less than 2 persons, the quorum is 2 persons entitled to vote on the matter.

30

[115] Schedule 6, clause 50 (2)

Omit "to the same day in the next week at the same time and place".
Insert instead "for at least 7 days".

[116] Schedule 6, clause 50A

Insert after clause 50:

5

50A Adjournments

- (1) A general meeting of a neighbourhood association may be adjourned for any reason if a motion is passed at the meeting for the adjournment.
- (2) If a general meeting of the neighbourhood association is adjourned (including where the meeting is adjourned because of clause 50 (2)): 10
 - (a) the time and place at which the adjourned meeting is to be resumed must be fixed by the person who was presiding at the meeting or, in the case of a meeting that is adjourned because of clause 50 (2), by the person who would have presided at the meeting but for the lack of a quorum, and 15
 - (b) notice of that time and place must be served by the secretary on the members of the association at least 1 day prior to the meeting. 20
- (3) The notice is to set out the provisions of this Act for determining the quorum at a general meeting.

[117] Schedule 6, clause 61

Insert after clause 60:

25

61 Electronic transmission of documents

- (1) Documents relating to a meeting of a neighbourhood association (such as proxies) may be transmitted to the secretary of the association by facsimile.
- (2) In this clause, facsimile includes any electronic communication device that transmits information in a form from which written material is capable of being reproduced with or without the aid of any other device or article. 30

[118] Schedule 7

Insert after Schedule 6:

Schedule 7 Savings, transitional and other provisions

(Section 123) 5

Part 1 General

1 Regulations

- (1) The regulations may contain provisions of a savings or transitional nature consequent on the enactment of the following Acts: 10
Strata Schemes Management (Miscellaneous Amendments) Act 1996
- (2) Such a provision may, if the regulations so provide, take effect on the date of assent to the Act concerned or on a later date. 15
- (3) To the extent to which such a provision takes effect on a date that is earlier than the date of its publication in the Gazette, the provision does not operate so as:
 - (a) to affect, in a manner prejudicial to any person (other than the State or an authority of the State), the rights of that person existing before the date of that publication, or 20
 - (b) to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done before the date of that publication. 25

Part 2 Provisions consequent on the enactment of this Act

2 Pending proceedings and applications

Any proceedings commenced but not determined or finalised under provisions of this Act amended by the *Strata Schemes Management (Miscellaneous Amendments) Act 1996* may be dealt with and determined as if this Act had not been amended by that Act. 30

3 Previous orders made by Commissioner or a Board

- (1) An order made by the Commissioner or a Community Schemes Board under a provision of this Act as in force before its amendment by the *Strata Schemes Management (Miscellaneous Amendments) Act 1996* is taken to have been made under that provision as amended by that Act. 5
- (2) Despite subclause (1):
- (a) Division 6A of Part 4 does not apply to such an order, and 10
- (b) the provisions of this Act relating to the contravention of orders as in force immediately before the commencement of that Division continue to apply to such an order.

4 Abolition of Community Schemes Boards

15

A Community Schemes Board in existence immediately before the commencement of section 109K is abolished on the completion of any proceedings being heard by it.

Schedule 2 Amendment of other Acts

(Section 4)

2.1 Associations Incorporation Act 1984 No 143

Section 42 Definitions

Omit "section 156 of the *Strata Titles Act 1973*" from section 42 (a). 5
Insert instead "section 95 of the *Strata Schemes Management Act 1996*".

2.2 City of Sydney Act 1988 No 48

Section 14 Definitions

Omit "*Strata Titles Act 1973* or the *Strata Titles (Leasehold) Act 1986*" from section 14 (1) (e). 10
Insert instead "*Strata Titles (Freehold Development) Act 1973* or the *Strata Titles (Leasehold Development) Act 1986*".

2.3 Coastal Protection Act 1979 No 13

[1] Section 37 Definitions 15

Omit "*Strata Titles Act 1973*" from section 37 (2) (c) (iii).
Insert instead "*Strata Titles (Freehold Development) Act 1973*".

[2] Section 37 (2) (c) (iii)

Omit "*Strata Titles (Leasehold) Act 1986*".
Insert instead "*Strata Titles (Leasehold Development) Act 1986*". 20

2.4 Community Justice Centres Act 1983 No 127

Section 25 Representation by agent

Omit "a body corporate constituted under the *Strata Titles Act 1973* or the *Strata Titles (Leasehold) Act 1986*" from section 25 (2) (b).
Insert instead "an owners corporation constituted under the *Strata Schemes Management Act 1996*".

5

2.5 Community Land Development Act 1989 No 201

[1] Section 3 Definitions

Omit "*Strata Titles Act 1973*" wherever occurring in the definitions of *common property*, *community scheme*, *current plan*, *deposited plan*, *precinct scheme*, *schedule of unit entitlements*, *strata lot*, *strata plan* and *strata scheme* in section 3 (1).
Insert instead "*Strata Titles (Freehold Development) Act 1973*".

10

[2] Section 3 (1)

Omit "a Community" from the definition of *Community Schemes Board*.
Insert instead "the Community".

15

[3] Section 3 (1)

Omit "*Strata Titles Act 1973*" from the definition of *initial period*.
Insert instead "*Strata Schemes Management Act 1996*".

20

[4] Section 3 (1)

Omit "clause 11 (3) and (4) of Part 1 of Schedule 2 to the *Strata Titles Act 1973* or clause 12 (3) and (4) of Part 2 of that Schedule" from paragraph (d) of the definition of *special resolution*.
Insert instead "clause 18 (2) and (3) of Part 2 of Schedule 2 to the *Strata Schemes Management Act 1996*".

25

[5] Section 3 (1)

Omit "a body corporate constituted by section 54 of the *Strata Titles Act 1973*" from the definition of *strata corporation*.

Insert instead "an owners corporation constituted by section 11 of the *Strata Schemes Management Act 1996*".

5

[6] Section 4 Object and application of Act

Omit "*Strata Titles Act 1973*" from section 4 (1) (b).

Insert instead "*Strata Titles (Freehold Development) Act 1973*".

[7] Schedule 12 Transitional provisions

Omit "body corporate constituted under the *Strata Titles Act 1973*" from clause 5 (1) (e).

10

Insert instead "owners corporation constituted under the *Strata Schemes Management Act 1996*".

2.6 Consumer Claims Tribunals Act 1987 No 206

[1] Section 3 Definitions

15

Omit "a body corporate constituted under the *Strata Titles Act 1973* or under the *Strata Titles (Leasehold) Act 1986*" from the definition of *consumer* in section 3 (1).

Insert instead "an owners corporation constituted under the *Strata Schemes Management Act 1996*".

20

[2] Section 21 Presentation of cases before a tribunal

Omit section 21 (2) (b) and (c). Insert instead:

- (b) the party is an owners corporation constituted under the *Strata Schemes Management Act 1996* and the corporation is represented by the owner or, if there is more than one owner, by one of the owners constituting the corporation,

25

2.7 Contracts Review Act 1980 No 16

[1] Section 4 Definitions

Omit section 4 (2) (a).

Insert instead:

- (a) an owners corporation constituted under section 11 of the *Strata Schemes Management Act 1996*. 5

2.8 Conveyancing Act 1919 No 6

[1] Section 66O Contracting out

Omit "*Strata Titles Act 1973* or the *Strata Titles (Leasehold) Act 1986*" from section 66O (1). 10

Insert instead "*Strata Titles (Freehold Development) Act 1973* or the *Strata Titles (Leasehold Development) Act 1986*".

[2] Section 66Q Meaning of residential property

Omit "*Strata Titles Act 1973* or the *Strata Titles (Leasehold) Act 1986*" from section 66Q (1) (c). 15

Insert instead "*Strata Titles (Freehold Development) Act 1973* or the *Strata Titles (Leasehold Development) Act 1986*".

[3] Section 88F Effect of certain positive covenants

Omit "*Strata Titles Act 1973*" from section 88F (7).

Insert instead "*Strata Schemes Management Act 1996*". 20

[4] Section 88H Injunctions

Omit "section 114A of the *Strata Titles Act 1973*" from section 88H (8).

Insert instead "section 160 of the *Strata Schemes Management Act 1996*". 25

2.9 Corporations (New South Wales) Act 1990 No 83

Section 97 Certain transfers by companies not to constitute reduction of share capital

Omit "*Strata Titles Act 1973*" from section 97 (a).

Insert instead "*Strata Titles (Freehold Development) Act 1973*". 5

2.10 Credit Act 1984 No 94

Section 5 Definitions

Omit paragraph (a) of the definition of *body corporate* in section 5 (1).

Insert instead: 10

- (a) an owners corporation within the meaning of the *Strata Schemes Management Act 1996*, or

2.11 Credit (Administration) Act 1984 No 95

Section 4 Definitions

Omit paragraph (a) of the definition of *body corporate* in section 4. 15

Insert instead:

- (a) an owners corporation within the meaning of the *Strata Schemes Management Act 1996*, or

2.12 Credit (Finance Brokers) Act 1984 No 96

Section 4 Definitions 20

Omit paragraph (a) of the definition of *body corporate* in section 4 (1).

Insert instead:

- (a) an owners corporation within the meaning of the *Strata Schemes Management Act 1996*, or 25

2.13 Crown Lands (Continued Tenures) Act 1989 No 7

Schedule 3 Transfer restrictions

Omit "*Strata Titles Act 1973*" from clause 8 (2) (c).

Insert instead "*Strata Titles (Freehold Development) Act 1973*".

2.14 Darling Harbour Authority Act 1984 No 103

5

[1] Section 3 Definitions

Omit "*Strata Titles (Leasehold Act) 1986*" from the definition of *leasehold strata scheme*.

Insert instead "*Strata Titles (Leasehold Development) Act 1986*".

[2] Section 3 (3) (c)

10

Omit "*Strata Titles Act 1973*" from section 3 (3) (c).

Insert instead "*Strata Titles (Freehold Development) Act 1973*".

[3] Section 3 (3) (c)

Omit "*Strata Titles (Leasehold) Act 1986*".

Insert instead "*Strata Titles (Leasehold Development) Act 1986*".

15

[4] Section 5 Variation of Development Area

Omit "*Strata Titles Act 1973* or the *Strata Titles (Leasehold) Act 1986*" from section 5 (3).

Insert instead "*Strata Titles (Freehold Development) Act 1973* or the *Strata Titles (Leasehold Development) Act 1986*".

20

[5] Section 5A Amendment of Schedule 7

Omit "*Strata Titles Act 1973*" from section 5A (4).

Insert instead "*Strata Titles (Freehold Development) Act 1973*".

[6] Section 15 Grant of leases, easements and licences

Omit "*Strata Titles (Leasehold) Act 1986*" from section 15 (6) (a).
Insert instead "*Strata Titles (Leasehold Development) Act 1986*".

[7] Section 16B Leasehold strata schemes

Omit "*Strata Titles (Leasehold) Act 1986*".
Insert instead "*Strata Titles (Leasehold Development) Act 1986*".

5

[8] Section 67 Regulations

Omit "*Strata Titles (Leasehold) Act 1986*" from section 67 (1) (r).
Insert instead "*Strata Titles (Leasehold Development) Act 1986*".

**2.15 Environmental Planning and Assessment Act 1979
 No 203**

10

[1] Section 4 Definitions

Omit "*Strata Titles Act 1973*" from section 4 (2) (d).
Insert instead "*Strata Titles (Freehold Development) Act 1973*".

[2] Section 4 (2) (d)

15

Omit "*Strata Titles (Leasehold) Act 1986*".
Insert instead "*Strata Titles (Leasehold Development) Act 1986*".

**[3] Section 84 Notice of applications respecting designated
 development**

Omit "*Strata Titles Act 1973*" from section 84 (2).
Insert instead "*Strata Titles (Freehold Development) Act 1973*".

20

[4] Section 84 (2A)

Omit "*Strata Titles (Leasehold) Act 1986*".

Insert instead "*Strata Titles (Leasehold Development) Act 1986*".

[5] Section 99 Lapsing of consent

Omit "*Strata Titles Act 1973* or the *Strata Titles (Leasehold) Act 1986*" from section 99 (5A) (a). 5

Insert instead "*Strata Titles (Freehold Development) Act 1973* or the *Strata Titles (Leasehold Development) Act 1986*".

2.16 Heritage Act 1977 No 136

[1] Section 4 Definitions

10

Omit "*Strata Titles Act 1973* or the *Strata Titles (Leasehold) Act 1986*" from the definition of **consent authority** in section 4 (1).

Insert instead "*Strata Titles (Freehold Development) Act 1973* or the *Strata Titles (Leasehold Development) Act 1986*".

[2] Section 4 (5) (d)

15

Omit "*Strata Titles Act 1973*".

Insert instead "*Strata Titles (Freehold Development) Act 1973*".

[3] Section 4 (5) (d)

Omit "*Strata Titles (Leasehold) Act 1986*".

Insert instead "*Strata Titles (Leasehold Development) Act 1986*". 20

[4] Section 56 Definition

Omit "*Strata Titles Act 1973*" from section 56 (i).

Insert instead "*Strata Titles (Freehold Development) Act 1973*".

[5] Section 56 (j)

Omit "*Strata Titles (Leasehold) Act 1986*".

Insert instead "*Strata Titles (Leasehold Development) Act 1986*".

[6] Section 66 Application of Subdivision

Omit "*Strata Titles Act 1973* and the *Strata Titles (Leasehold) Act 1986*". 5

Insert instead "*Strata Titles (Freehold Development) Act 1973* or the *Strata Titles (Leasehold Development) Act 1986*".

[7] Section 76 Appeal to Minister in respect of prescribed applications 10

Omit "*Strata Titles Act 1973* or the *Strata Titles (Leasehold) Act 1986*".

Insert instead "*Strata Titles (Freehold Development) Act 1973* or the *Strata Titles (Leasehold Development) Act 1986*".

2.17 Hunter Water Board (Corporatisation) Act 1991 No 53 15

[1] Section 48 Definitions

Omit "*Strata Titles Act 1973*" from section 48 (2) (d).

Insert instead "*Strata Titles (Freehold Development) Act 1973*".

[2] Section 48 (2) (d)

Omit "*Strata Titles (Leasehold) Act 1986*". 20

Insert instead "*Strata Titles (Leasehold Development) Act 1986*".

2.18 Land and Environment Court Act 1979 No 204

[1] Section 18 Class 2—local government and miscellaneous appeals and applications

Omit "*Strata Titles Act 1973*" wherever occurring in section 18 (c) and (f). 25

Insert instead "*Strata Titles (Freehold Development) Act 1973*".

[2] Section 18 (c) and (f)

Omit "*Strata Titles (Leasehold) Act 1986*" wherever occurring.
Insert instead "*Strata Titles (Leasehold Development) Act 1986*".

[3] Section 20 Class 4—environmental planning protection and development contract civil enforcement

5

Omit "*Strata Titles Act 1973*" from section 20 (5).
Insert instead "*Strata Titles (Freehold Development) Act 1973*".

[4] Section 20 (5)

Omit "*Strata Titles (Leasehold) Act 1986*".
Insert instead "*Strata Titles (Leasehold Development) Act 1986*".

10

2.19 Land Sales Act 1964 No 12

[1] Section 2 Definitions

Omit "*Strata Titles Act 1973*" from paragraph (b) of the definition of *Instalment contract*.
Insert instead "*Strata Titles (Freehold Development) Act 1973*".

15

[2] Section 2

Omit "*Strata Titles (Leasehold) Act 1986*" from paragraph (b) of the definition of *Instalment contract*.
Insert instead "*Strata Titles (Leasehold Development) Act 1986*".

2.20 Land Tax Management Act 1956 No 26

20

[1] Section 9AA Strata

Omit "*Strata Titles Act 1973* or the *Strata Titles (Leasehold) Act 1986*" wherever occurring from section 9AA (1) and (3).
Insert instead "*Strata Titles (Freehold Development) Act 1973* or the *Strata Titles (Leasehold Development) Act 1986*".

25

[2] Section 10 Land exempted from tax

Omit "*Strata Titles (Leasehold) Act 1986*" from section 10 (1CA).
Insert instead "*Strata Titles (Leasehold Development) Act 1986*".

[3] Section 10 (1D) (b)

Omit "under the *Strata Titles Act 1973* or the *Strata Titles (Leasehold) Act 1986*". 5
Insert instead "within a strata plan".

[4] Section 10 (1E) (a)

Omit "*Strata Titles Act 1973*".
Insert instead "*Strata Titles (Freehold Development) Act 1973*". 10

[5] Section 10 (1E) (b)

Omit "*Strata Titles (Leasehold) Act 1986*".
Insert instead "*Strata Titles (Leasehold Development) Act 1986*".

[6] Section 10A Residential use and occupation—concession on death of owner

15

Omit "under the *Strata Titles Act 1973* or the *Strata Titles (Leasehold) Act 1986*" from section 10A (6).
Insert instead "within a strata plan".

[7] Section 10H Exemption—new rental accommodation

Omit "strata lot (being a lot under the *Strata Titles Act 1973* or the *Strata Titles (Leasehold) Act 1986*)" from section 10H (2). 20
Insert instead "lot within a strata plan".

[8] Section 10M Land subject to rental-purchase scheme not to be taken into account for land tax purposes

Omit “under the *Strata Titles Act 1973* or the *Strata Titles (Leasehold) Act 1986*” from section 10M (6).

Insert instead “within a strata plan”.

5

[9] Section 21A Company title units deemed to be strata lots

Omit “*Strata Titles Act 1973*” from section 21A (2) (b).

Insert instead “*Strata Titles (Freehold Development) Act 1973*”.

[10] Section 21B Joint owners of block of flats etc to be regarded as owners of strata lots

10

Omit “*Strata Titles Act 1973*” from section 21B (2) (c).

Insert instead “*Strata Titles (Freehold Development) Act 1973*”.

[11] Section 65A Alteration of strata unit entitlements

Omit “*Strata Titles Act 1973*” from section 65A (8).

Insert instead “*Strata Titles (Freehold Development) Act 1973*”.

15

[12] Section 65A (8)

Omit “*Strata Titles (Leasehold) Act 1986*”.

Insert instead “*Strata Titles (Leasehold Development) Act 1986*”.

2.21 Local Government Act 1919 No 41

Section 327AA Restriction on disposal of land in current plan

20

Omit “*Strata Titles Act 1973* or the *Strata Titles (Leasehold) Act 1986*” from paragraph (c) of the definition of *plan of subdivision* in section 327AA (1).

Insert instead “*Strata Titles (Freehold Development) Act 1973* or the *Strata Titles (Leasehold Development) Act 1986*”.

25

2.22 Local Government Act 1993 No 30

[1] Section 22 Other functions

Omit "*Strata Titles Act 1973*" from the note.

Insert instead "*Strata Titles (Freehold Development) Act 1973*".

[2] Section 22, note

5

Omit "*Strata Titles (Leasehold) Act 1986*".

Insert instead "*Strata Titles (Leasehold Development) Act 1986*".

[3] Section 114 Notice of application to erect a building

Omit "a body corporate for a parcel within the meaning of the *Strata Titles Act 1973* or the *Strata Titles (Leasehold) Act 1986*" from section 114 (6).

10

Insert instead "an owners corporation for a parcel constituted under section 11 of the *Strata Schemes Management Act 1996*".

[4] Section 270 Who is an "owner of rateable land" for the purposes of this Part?

15

Omit "*Strata Titles Act 1973* or the *Strata Titles (Leasehold) Act 1986*" from section 270 (2).

Insert instead "*Strata Titles (Freehold Development) Act 1973* or the *Strata Titles (Leasehold Development) Act 1986*".

[5] Section 547 Method of rating dwellings under company title

20

Omit "Division 6 of" wherever occurring in the note.

[6] Dictionary

Omit paragraph (b) (iii) of the definition of *owner*.

Insert instead:

- (iii) in the case of land that is the subject of a strata scheme under the *Strata Titles (Freehold Development) Act 1973* or the *Strata Titles (Leasehold Development) Act 1986*, the owners corporation for that scheme constituted under the *Strata Schemes Management Act 1996*, and

25

30

2.23 National Parks and Wildlife Act 1974 No 80

Section 69A Definitions

Omit "*Strata Titles Act 1973*" from section 69A (3) (c).
Insert instead "*Strata Titles (Freehold Development) Act 1973*".

2.24 Olympic Co-ordination Authority Act 1995 No 10

5

Section 26 Subdivision legislation—subdivision approval by Authority

Omit "*Strata Titles Act 1973*, the *Strata Titles (Leasehold) Act 1986*".

Insert instead "*Strata Titles (Freehold Development) Act 1973*, the
Strata Titles (Leasehold Development) Act 1986".

10

2.25 Property, Stock and Business Agents Act 1941 No 28

[1] Section 3 Definitions

Omit "*Strata Titles Act 1973*" from the definition of **Land** in section 3 (1).

Insert instead "*Strata Titles (Freehold Development) Act 1973*".

15

[2] Section 3 (1)

Omit "*Strata Titles (Leasehold) Act 1986*" from paragraph (a) of the definition of **Land**.

Insert instead "*Strata Titles (Leasehold Development) Act 1986*".

20

[3] Section 3 (1)

Omit "a body corporate within the meaning of the *Strata Titles Act 1973* or the *Strata Titles (Leasehold) Act 1986*" from the definition of **Strata managing agent**.

Insert instead "an owners corporation within the meaning of the
Strata Schemes Management Act 1996".

25

Strata Schemes Management (Miscellaneous Amendments) Bill 1996

Schedule 2 Amendment of other Acts

[4] Section 3 (1)

Omit "body corporate" wherever occurring in paragraphs (a) and (b) of the definition of *Strata managing agent*.
Insert instead "owners corporation".

[5] Section 3 (1)

5

Omit "council" from paragraph (a) (ii) of the definition of *Strata managing agent*.
Insert instead "executive committee".

[6] Section 63H

Insert after section 63G:

10

**63H Application of money for the purposes of Strata
Schemes Management Act 1996**

- (1) In addition to payments made under other provisions of this Part, such contributions from the moneys of the Statutory Interest Account as are agreed between the Minister and the Minister administering the *Strata Schemes Management Act 1996* are to be paid towards the costs, charges and expenses of the administration of that Act in the year ending on 30 June next succeeding the year in which the agreement is made. 15
- (2) Despite subsection (1), there is to be paid from the Statutory Interest Account for the purposes referred to in that subsection such additional contributions as those Ministers may at any time agree. 20

2.26 Real Property Act 1900 No 25

25

[1] Section 28P Application of provisions of this Act to qualified folio and land therein

Omit "*Strata Titles Act 1973* or the *Strata Titles (Leasehold) Act 1986*" from section 28P (1) (c).

Insert instead "*Strata Titles (Freehold Development) Act 1973* or the *Strata Titles (Leasehold Development) Act 1986*". 30

[2] Section 28T Creation of limited folio

Omit "*Strata Titles Act 1973* or the *Strata Titles (Leasehold) Act 1986*" from section 28T (8) (c).

Insert instead "*Strata Titles (Freehold Development) Act 1973* or the *Strata Titles (Leasehold Development) Act 1986*".

5

[3] Section 32 Folios of the Register

Omit "*Strata Titles Act 1973*" from section 32 (2).

Insert instead "*Strata Titles (Freehold Development) Act 1973*".

[4] Section 32 (2)

Omit "*Strata Titles (Leasehold) Act 1986*".

Insert instead "*Strata Titles (Leasehold Development) Act 1986*".

10

[5] Section 36 Registration of dealings

Omit "*Strata Titles Act 1973* or the *Strata Titles (Leasehold) Act 1986*" from section 36 (3).

Insert instead "*Strata Titles (Freehold Development) Act 1973* or the *Strata Titles (Leasehold Development) Act 1986*".

15

[6] Section 106 Seal of corporation substituted for signature

Omit "*Strata Titles Act 1973* or the *Strata Titles (Leasehold) Act 1986*" from section 106 (2) (a).

Insert instead "*Strata Titles (Freehold Development) Act 1973* or the *Strata Titles (Leasehold Development) Act 1986*".

20

2.27 Retail Leases Act 1994 No 46

[1] Section 3 Definitions

Omit "*Strata Titles Act 1973*" from paragraph (b) of the definition of *retail shopping centre* in section 3.

Insert instead "*Strata Titles (Freehold Development) Act 1973* or the *Strata Titles (Leasehold Development) Act 1986*".

25

[2] Section 26 Limit on recovery of land

Omit "*Strata Titles Act 1973*" from section 26 (2).

Insert instead "*Strata Titles (Freehold Development) Act 1973* or the *Strata Titles (Leasehold Development) Act 1986*".

[3] Section 62 Special provision for strata shopping centres 5

Omit "*Strata Titles Act 1973*".

Insert instead "*Strata Titles (Freehold Development) Act 1973* or the *Strata Titles (Leasehold Development) Act 1986*".

2.28 Retirement Villages Act 1989 No 74

Section 3 Definitions 10

Omit "*Strata Titles Act 1973*" from the definition of *residence rules* in section 3 (1).

Insert instead "*Strata Schemes Management Act 1996*".

2.29 Stamp Duties Act 1920 No 47

**[1] Section 66A Agreements and conveyances on sale—
concession for purchases of private dwelling houses** 15

Omit ", within the meaning of the *Strata Titles Act 1973* or the *Strata Titles (Leasehold) Act 1986*" from section 66A (2).

Insert instead "within a strata plan".

[2] Section 66A (2A) 20

Omit "the meaning of *Strata Titles (Leasehold) Act 1986*".

Insert instead "a strata plan".

[3] Section 66E Conveyance between married couples

Omit “the meaning of the *Strata Titles Act 1973*” from the definition of *private dwelling house* in section 66E (1).

Insert instead “a strata plan”.

[4] Second Schedule Stamp duties and exemptions

5

Omit “the meaning of the *Strata Titles Act 1973*” from paragraph (7) of the matter relating to Conveyances of Any Property.

Insert instead “a strata plan”.

[5] Schedule 2B Rental-purchase schemes

Omit “under the *Strata Titles Act 1973* or the *Strata Titles (Leasehold) Act 1986*” from clause 1 (2). 10

Insert instead “within a strata plan”.

2.30 Strata Titles Act 1973 No 68

[1] Section 1 Name of Act

Omit “*Strata Titles*”.

15

Insert instead “*Strata Titles (Freehold Development)*”.

[2] Section 5 Definitions

Omit the definition of *approved insurer* in section 5 (1).

[3] Section 5 (1)

Omit “section 54 (1)” from the definition of *body corporate*.

20

Insert instead “section 11 of the *Strata Schemes Management Act 1996*”.

[4] Section 5 (1)

Omit "council of that body corporate from the definition of *council*.
Insert instead "executive committee of that body corporate appointed
in accordance with the *Strata Schemes Management Act 1996*".

[5] Section 5 (1)

5

Omit "section 69" wherever occurring in the definitions of
proprietor and *strata roll*.
Insert instead "section 96 of the *Strata Schemes Management Act 1996*".

[6] Section 7 Subdivision

10

Omit "*Strata Titles (Leasehold) Act 1986*" from the definition of
current plan lot in section 7 (1).
Insert instead "*Strata Titles (Leasehold Development) Act 1986*".

[7] Section 8 Registration of strata plans

Insert after section 8 (4A):

15

(4B) A plan intended to be registered as a strata plan must be
accompanied by a copy of the proposed by-laws for the
strata scheme.

(4C) The proposed by-laws must be in the form approved
under the *Real Property Act 1900* and must be signed by
the persons required to sign the strata plan under section
16 (1).

20

(4D) The proposed by-laws have no effect until registered.
However, registration does not operate to give effect to
by-laws that have not been lawfully made.

25

[8] Section 9 Subdivision of lots and common property

Omit "section 67 (4)" from section 9 (3) (d) (ii).

Insert instead "section 182 of the *Strata Schemes Management Act 1996*".

[9] Section 13 Conversion of lots into common property

5

Omit "section 67 (4)" from section 13 (2) (b) (ii).

Insert instead "section 182 of the *Strata Schemes Management Act 1996*".

[10] Section 22 Folio where no common property

Omit "section 61 (2) (b)" from section 22 (2) (a).

10

Insert instead "section 239 of the *Strata Schemes Management Act 1996*".

[11] Section 22 (2) (b)

Omit "section 58 (3)".

Insert instead "section 48 of the *Strata Schemes Management Act 1996*".

15

[12] Section 23 Folio where there is common property

Omit "referred to in section 58 (7)" from section 23 (2) (d).

Insert instead "to which Division 4 of Part 5 of Chapter 2 of the *Strata Schemes Management Act 1996* applies".

20

[13] Section 23 (2) (e)

Omit "section 61".

Insert instead "section 239 of the *Strata Schemes Management Act 1996*".

Strata Schemes Management (Miscellaneous Amendments) Bill 1996

Schedule 2 Amendment of other Acts

[14] Section 23 (2) (f)

Omit "section 58 (3)".

Insert instead "section 48 of the *Strata Schemes Management Act 1996*".

[15] Section 28 Effect of dealings under this Division

5

Omit "referred to in section 58 (7)" from section 28 (3) (b).

Insert instead "to which Division 4 of Part 5 of Chapter 2 of the *Strata Schemes Management Act 1996* applies".

[16] Section 28 (4) (b)

Omit "section 67".

10

Insert instead "section 182 of the *Strata Schemes Management Act 1996*".

[17] Section 28L Use of common property and development lot by developer

Omit "section 121" wherever occurring.

15

Insert instead "section 144 of the *Strata Schemes Management Act 1996*".

[18] Section 28P Meetings of body corporate relating to development concerns

Insert "to the *Strata Schemes Management Act 1996*" after "Schedule 2" in section 28P (2).

20

[19] Section 28U Amendment of strata management statement

Omit "under Part 5 or" from section 28U (1) (b).

[20] Section 28W Effect of strata management statement

Omit "Part 5" wherever occurring in section 28W (5) and (8).
Insert instead "Chapter 5 of the *Strata Schemes Management Act 1996*".

[21] Part 4, heading

5

Omit "Management". Insert instead "Rating and taxation".

[22] Part 4, Divisions 1–5

Omit the Divisions.

[23] Part 4, Division 6

Omit the heading.

10

[24] Part 5

Omit the Part.

[25] Sections 146–151, 153–156

Omit the sections.

[26] Section 152 Notice of application for order under section 32, 50 or 51

15

Omit ", 51 or 67" from section 152 (1).
Insert instead "or 51".

[27] Section 158 Regulations—general

Omit section 158 (1) (f) and (g).

20

[28] Schedule 1A Requirements for strata plans

Omit "*Strata Titles (Leasehold) Act 1986*" from clause 5 (a).
Insert instead "*Strata Titles (Leasehold Development) Act 1986*".

[29] Schedules 1 and 2

Omit the Schedules.

5

2.31 Strata Titles (Leasehold) Act 1986 No 219

[1] Section 1 Name of Act

Omit "*Strata Titles (Leasehold)*".
Insert instead "*Strata Titles (Leasehold Development)*".

[2] Section 4 Definitions

10

Omit the definition of *approved insurer* in section 4 (1).

[3] Section 4 (1)

Omit "a Strata Titles Board constituted in accordance with section 98A of the *Strata Titles Act 1973*" from the definition of **Board**.
Insert instead "the Strata Schemes Board constituted in accordance with section 220 of the *Strata Schemes Management Act 1996*".

15

[4] Section 4 (1)

Omit "council of that body corporate" from the definition of **council**.

Insert instead "executive committee of that body corporate appointed in accordance with the *Strata Schemes Management Act 1996*".

20

[5] Section 4 (1)

Omit "*Strata Titles Act 1973*" from the definition of **current plan**.
Insert instead "*Strata Titles (Freehold Development) Act 1973*".

[6] Section 4 (1)

Omit "section 99" wherever occurring in the definitions of *lessee* 5
and *strata roll*.
Insert instead "section 96 of the *Strata Schemes Management Act 1996*".

[7] Section 6 Subdivision

Omit "*Strata Titles Act 1973*" from section 6 (1). 10
Insert instead "*Strata Titles (Freehold Development) Act 1973*".

[8] Section 7 Registration of strata plans

Insert after section 7 (2CA):

(2CB) A plan intended to be registered as a strata plan must be
accompanied by a copy of the proposed by-laws for the 15
strata scheme that require registration.

(2CC) The proposed by-laws must be in the form approved
under the *Real Property Act 1900* and must be signed by
the persons required to sign the strata plan under section
19 (1). 20

(2CD) The proposed by-laws have no effect until registered.
However, registration does not operate to give effect to
by-laws that have not been lawfully made.

[9] Section 8 Effect of registration of a strata plan

Omit "*Strata Titles Act 1973*" wherever occurring in section 8 (1) 25
(e) (ii) and (4).
Insert instead "*Strata Titles (Freehold Development) Act 1973*".

[10] Section 9 Easements in certain leasehold strata schemes

Omit "*Strata Titles Act 1973*" from section 9 (2) (a).
Insert instead "*Strata Titles (Freehold Development) Act 1973*".

[11] Section 11 Subdivision of lots and common property (1973 Act, s 9)

5

Omit "section 97 (4)" from section 11 (2) (d) (ii).
Insert instead "section 182 of the *Strata Schemes Management Act 1996*".

[12] Section 16 Conversion of lots into common property (1973 Act, s 13)

10

Omit "section 97 (4)" from section 16 (2) (b) (ii).
Insert instead "section 182 of the *Strata Schemes Management Act 1996*".

[13] Section 25 Folio where no common property (1973 Act, s 22)

15

Omit "section 91 (2) (b)" from section 25 (2) (a).
Insert instead "section 239 of the *Strata Schemes Management Act 1996*".

[14] Section 25 (2) (b)

Omit "section 87 (3)".
Insert instead "section 48 of the *Strata Schemes Management Act 1996*".

20

[15] Section 27 Folio where there is common property (1973 Act, s 23)

Omit "referred to in section 87 (7)" from section 27 (2) (d).
Insert instead "to which Division 4 of Part 5 of Chapter 2 of the *Strata Schemes Management Act 1996* applies".

25

[16] Section 27 (2) (e)

Omit "section 91".

Insert instead "section 239 of the *Strata Schemes Management Act 1996*".

[17] Section 27 (2) (f)

5

Omit "section 87 (3)".

Insert instead "section 48 of the *Strata Schemes Management Act 1996*".

[18] Section 32 Effect of dealings under this Division (1973 Act, s 28)

Omit "referred to in section 87 (7)" from section 32 (3) (b).

10

Insert instead "to which Division 4 of Part 5 of Chapter 2 of the *Strata Schemes Management Act 1996* applies".

[19] Section 32 (4) (b)

Omit "section 97".

Insert instead "section 182 of the *Strata Schemes Management Act 1996*".

15

[20] Section 40 Effect of merger of leasehold estate with lessor's reversion

Omit "*Strata Titles Act 1973*" wherever occurring in section 40 (1) (a) and (2).

20

Insert instead "*Strata Titles (Freehold Development) Act 1973*".

[21] Section 52 Use of common property and development lot by developer (1973 Act, s 28L)

Omit "section 157" wherever occurring.

Insert instead "section 144 of the *Strata Schemes Management Act 1996*".

25

Strata Schemes Management (Miscellaneous Amendments) Bill 1996

Schedule 2 Amendment of other Acts

[22] Section 56 Meetings of body corporate relating to development concerns (1973 Act, s 28P)

Omit "Schedule 4" from section 56 (2).

Insert instead "Schedule 2 to the *Strata Schemes Management Act 1996*".

5

[23] Section 57AE Application of Fair Trading Act 1987 to applications for assistance (1973 Act, s 28QE)

Omit "section 98 of the *Strata Titles Act 1973*" from section 57AE (b).

Insert instead "section 214 of the *Strata Schemes Management Act 1996*".

10

[24] Section 57D Amendment of strata management statement (1973 Act, s 28U)

Omit "under Part 5 or" from section 57D (1) (b).

[25] Section 57F Effect of strata management statement (1973 Act, s 28W)

15

Omit "Part 5" wherever occurring in section 57F (5) and (8).

Insert instead "Chapter 5 of the *Strata Schemes Management Act 1996*".

[26] Part 4, heading

20

Omit "Management". Insert instead "Rating and taxation".

[27] Part 4, Divisions 1-5

Omit the Divisions.

[28] Part 4, Division 6

Omit the heading.

[29] Part 5

Omit the Part.

[30] Sections 184–189, 191–194

5

Omit the sections.

[31] Section 190 Notice of application for order under section 61, 79 or 80

Omit “, 80 or 97” from section 190 (1).

Insert instead “or 80”.

10

[32] Schedule 1A Requirements for strata plans

Omit “*Strata Titles Act 1973*” from clause 5 (a).

Insert instead “*Strata Titles (Freehold Development) Act 1973*”.

[33] Schedule 1 Rights and obligations implied in certain easements

Omit “*Strata Titles Act 1973*” from clause 1 (2) (a) (i).

Insert instead “*Strata Titles (Freehold Development) Act 1973*”.

15

[34] Schedules 3 and 4

Omit the Schedules.

2.32 Sydney Cove Redevelopment Authority Act 1968 No 56

[1] Section 3 Definitions

20

Omit “*Strata Titles (Leasehold) Act 1986*” from the definition of *leasehold strata scheme* in section 3 (1).

Insert instead “*Strata Titles (Leasehold Development) Act 1986*”.

[2] Section 12 Authority

Omit "*Strata Titles (Leasehold) Act 1986*" from section 12 (2).
Insert instead "*Strata Titles (Leasehold Development) Act 1986*".

[3] Section 19 General powers of Authority

Omit "*Strata Titles (Leasehold) Act 1986*" from section 19 (1) (b1). 5
Insert instead "*Strata Titles (Leasehold Development) Act 1986*".

[4] Section 22 Authority may erect buildings or grant leases

Omit "*Strata Titles (Leasehold) Act 1986*" wherever occurring in
section 22 (1A) and (3).
Insert instead "*Strata Titles (Leasehold Development) Act 1986*". 10

[5] Section 46 Regulations

Omit "*Strata Titles (Leasehold) Act 1986*" from section 46 (2) (b) .
Insert instead "*Strata Titles (Leasehold Development) Act 1986*".

2.33 Trustee Act 1925 No 14

Section 14A Authorised investments 15

Omit "the meaning of the *Strata Titles Act 1973*" from section 14A
(2) (g).
Insert instead "a strata plan".

2.34 Valuation of Land Act 1916 No 2

[1] Section 4 Definitions 20

Omit "*Strata Titles Act 1973* or the *Strata Titles (Leasehold) Act 1986*" from the definition of ***Deposited plan*** in section 4 (1).
Insert instead "*Strata Titles (Freehold Development) Act 1973* or the
Strata Titles (Leasehold Development) Act 1986".

[2] Section 4 (3)

Omit "*Strata Titles Act 1973* or the *Strata Titles (Leasehold) Act 1986*".

Insert instead "*Strata Titles (Freehold Development) Act 1973* or the *Strata Titles (Leasehold Development) Act 1986*".

5

[3] Section 58C Definitions

Omit "*Strata Titles Act 1973*" from the definition of *strata lot* in section 58C (6).

Insert instead "*Strata Titles (Freehold Development) Act 1973*".

[4] Section 58C (6)

10

Omit "*Strata Titles (Leasehold) Act 1986*" from the definition of *strata lot*.

Insert instead "*Strata Titles (Leasehold Development) Act 1986*".

2.35 Water Supply Authorities Act 1987 No 140

[1] Section 3 Definitions

15

Omit "*Strata Titles Act 1973*" from section 3 (2) (d).

Insert instead "*Strata Titles (Freehold Development) Act 1973*".

[2] Section 3 (2) (d)

Omit "*Strata Titles (Leasehold) Act 1986*".

Insert instead "*Strata Titles (Leasehold Development) Act 1986*".

20

2.36 Wilderness Act 1987 No 196

Section 2 Definitions

Omit "*Strata Titles Act 1973*" from section 2 (2) (c).

Insert instead "*Strata Titles (Freehold Development) Act 1973*".

2.37 Wills, Probate and Administration Act 1898 No 13

[1] Fourth Schedule Rights of surviving spouse of intestate with respect to acquisition of the matrimonial home

Omit "*Strata Titles Act 1973*" from clause 3 (1) (d) (ii).

Insert instead "*Strata Titles (Freehold Development) Act 1973*".

5

[2] Fourth Schedule, clause (1) (d) (iii)

Omit "*Strata Titles (Leasehold) Act 1986*".

Insert instead "*Strata Titles (Leasehold Development) Act 1986*".



New South Wales

Strata Schemes Management (Miscellaneous Amendments) Act 1996 No 139

Contents

	Page
1 Name of Act	2
2 Commencement	2
3 Amendment of Community Land Management Act 1989 No 202	2
4 Amendment of other Acts	2

Schedules

1 Amendment of Community Land Management Act 1989	3
2 Amendment of other Acts	48



New South Wales

Strata Schemes Management (Miscellaneous Amendments) Act 1996 No 139

Act No 139, 1996

An Act to amend the *Community Land Management Act 1989* and certain other Acts as a consequence of the enactment of the *Strata Schemes Management Act 1996*; and for other purposes. [Assented to 16 December 1996]

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Strata Schemes Management (Miscellaneous Amendments) Act 1996*.

2 Commencement

This Act commences on a day or days to be appointed by proclamation.

3 Amendment of Community Land Management Act 1989 No 202

The *Community Land Management Act 1989* is amended as set out in Schedule 1.

4 Amendment of other Acts

Each Act specified in Schedule 2 is amended in the manner set out in that Schedule.

Schedule 1 Amendment of Community Land Management Act 1989

(Section 3)

[1] Section 3 Definitions

Insert in appropriate alphabetical order in section 3 (1):

Adjudicator means a Community Schemes Adjudicator appointed under section 109H.

Registrar means the Registrar appointed under section 109N.

[2] Section 3 (1)

Omit the definition of *Board*. Insert instead:

Board means the Community Schemes Board constituted by section 109K.

[3] Section 3 (1)

Omit "*Strata Titles Act 1973*" from paragraph (b) of the definition of *by-laws*.

Insert instead "*Strata Schemes Management Act 1996*".

[4] Section 3 (1)

Omit "section 62" from the definition of *Commissioner*.

Insert instead "section 109A".

[5] Section 3 (1)

Omit "*Strata Titles Act 1973*" wherever occurring in the definitions of *common property*, *community scheme*, *current plan*, *deposited plan*, *precinct scheme*, *schedule of unit entitlements*, *strata lot*, *strata plan* and *strata scheme*.

Insert instead "*Strata Titles (Freehold Development) Act 1973*".

[6] Section 3 (1)

Omit "*Strata Titles Act 1973*" from paragraph (a) of the definition of *initial period*.

Insert instead "*Strata Schemes Management Act 1996*".

[7] Section 3 (1)

Omit "the Commissioner" from the definition of *interim order*.

Insert instead "an Adjudicator".

[8] Section 3 (1)

Omit "clause 11 (3) and (4) of Part 1 of Schedule 2 to the *Strata Titles Act 1973* or clause 12 (3) and (4) of Part 2 of that Schedule" from paragraph (d) of the definition of *special resolution*.

Insert instead "clause 18 (2) and (3) of Part 2 of Schedule 2 to the *Strata Schemes Management Act 1996*".

[9] Section 3 (1)

Omit "section 54 of the *Strata Titles Act 1973*" from the definition of *strata corporation*.

Insert instead "section 11 of the *Strata Schemes Management Act 1996*".

[10] Section 3A

Insert after section 3:

3A Notes

Notes included in this Act are explanatory notes and do not form part of this Act.

[11] Sections 10 (1) (a), 11, 20 (12) (b), 39 (2), 58 (3), 60 (1) (b), 71 (1), 72 (4) (a) and (6) (a), 74 (4), 75 (1) and (3), 76 (2), 88 (1), 90 (1) (a), 98 (3) and 108 (5) (b)

Omit "the Commissioner" wherever occurring.

Insert instead "an Adjudicator".

[12] Section 13A

Insert after section 13:

13A How can an association enforce the by-laws?

An association may serve a notice, in a form approved by the Commissioner, on the proprietor or occupier of a lot requiring the proprietor or occupier to comply with a specified provision of the by-laws if the association is satisfied that the proprietor or occupier has contravened that provision.

Note. A person may be fined by the Strata Titles Board for failing to comply with a notice under this section (see section 97C).

- [13] Sections 14 (3) (b), 58 (3), 60 (1) (b), 71 (1), 72 (4) (a) and (6) (a), 73 (3), 75 (3), 76 (2) and (3), 77 (2) and (3), 78 (4), 79 (1), 82 (1), 84 (1), 85 (3), 86, 87 (4), 88 (1), 90, 91, 92 (1) and (6), 93, 94 (1) and (2), 95 (2) and (3), 96, 98 (3), 100 (2), (3) and (4), 103 (1), 104, 105 (4) and 108**

Omit "a Board" wherever occurring. Insert instead "the Board".

[14] Section 20 Levy on member of association

Omit section 20 (11) and (12).

[15] Section 20A

Insert after section 20:

20A Interest and discounts on contributions

- (1) A contribution, if not paid at the end of one month after it becomes due and payable, bears until paid simple interest at an annual rate of 10 per cent or, if the regulations provide for another rate, that other rate.
- (2) However, an association may by special resolution determine (either generally or in a particular case) that a contribution is to bear no interest.

- (3) An association may, by special resolution, determine (either generally or in a particular case) that a person may pay 10 per cent less of a contribution levied if the person pays the contribution before the date on which it becomes due and payable.

[16] Section 23 Restriction on powers during initial period

Omit section 23 (4). Insert instead:

- (4) A restriction imposed by subsection (1), (2) or (3) may be waived, varied or extinguished by order of the Board on application by the association or developer to which the restriction applies.

[17] Section 38 Meetings of executive committee

Omit "a majority" from section 38 (1) (c).

Insert instead "at least one-half".

[18] Section 38 (1A)

Insert after section 38 (1):

- (1A) If 2 executive committee meetings are held at the same time, both meetings are invalid.

[19] Section 38A

Insert after section 38:

38A Can members of the executive committee be paid?

An association may pay to a person who is the chairperson, secretary, treasurer or a member of the executive committee such amount as the association determines at an annual general meeting in recognition of services performed by the person for the association in the period since the last annual general meeting.

[20] Section 39 Insurance against damage or destruction

Insert after section 39 (1):

- (1A) Any such building or structure is to be insured for the value of the building or structure indicated by the last valuation obtained for the building or structure in accordance with this Division.

[21] Section 39A

Insert after section 39:

39A Valuations to be obtained for the purposes of insurance

- (1) A valuation of a building or structure that is required to be insured under this Division must be obtained at least once every 5 years by the association.
- (2) The valuation must be carried out by a person who has the qualifications prescribed by the regulations.

[22] Section 41 Optional insurance

Insert after section 41 (2):

- (3) An association may take out insurance, at its own expense, in respect of either or both of the following:
- (a) damage to property, death or bodily injury for which a person holding the office of chairperson, secretary, treasurer or member of the executive committee of the association could become liable in damages because of an act or omission, committed or omitted in good faith, in performing the functions of that office,
- (b) misappropriation of money or other property of the association.

[23] Section 46A

Insert after section 46:

46A Notice to be given to association of mortgagee taking possession of lot

If a mortgagee of a lot takes possession of the lot, the mortgagee must give notice of that fact to the association within 14 days of taking possession of the lot.

Maximum penalty: 5 penalty units.

[24] Section 60 Powers of entry of association

Omit section 60 (2). Insert instead:

- (2) An association may, by its servants, agents or contractors, enter on any part of the parcel for the purpose of determining whether any work is required to be carried out by the association in accordance with this Act.
- (2A) In an emergency, the association may enter any part of the parcel for those purposes at any time.
- (2B) In a case that is not an emergency, the association, may enter any part of the parcel for those purposes with the consent of any occupier of that part of the parcel or, if the occupier does not consent, in accordance with an order of an Adjudicator.

[25] Section 60 (3)

Omit "subsection (1)". Insert instead "this section".

[26] Part 4, Divisions 1 and 2

Omit the Divisions. Insert instead:

**Division 1 Application for order to resolve issue
relating to community scheme**

62 Application for order on dispute

- (1) Application for an order under Division 3 or 4 for settlement of a dispute or complaint may be made by:
- (a) an association or a strata corporation, or
 - (b) a managing agent, or
 - (c) the proprietor of a development lot, neighbourhood lot or strata lot, or
 - (d) a person who has an estate or interest in, or is the occupier of, such a lot.

63 Application for order to be made to Registrar

- (1) An application for an order under this Part must be made to the Registrar and must:
- (a) be in writing stating the grounds on which it is based, and
 - (b) specify the order sought, and
 - (c) be accompanied by the prescribed fee, and
 - (d) be accompanied by the fee prescribed by the regulations.
- (2) The grounds stated as the basis for the application must disclose a dispute or complaint about:
- (a) an exercise of, or a failure to exercise, a function conferred or imposed by or under this Act in relation to a scheme, or
 - (b) the operation, administration or management of a scheme under this Act.
- (3) For the purposes of subsection (2), an association, or a strata corporation, fails to exercise a function:
- (a) if it decides not to exercise the function, or
 - (b) if application is made to it to exercise the function and it fails for 2 months to exercise the function or inform the applicant that it has decided not to do so.

64 Registrar to be satisfied mediation has been attempted before accepting application

- (1) The Registrar must not accept an application for an order unless satisfied that:
 - (a) mediation was attempted but was unsuccessful, or
 - (b) the matter the subject of the application is not appropriate for mediation.
- (2) A matter to which an application relates is not appropriate for mediation unless:
 - (a) it involves a dispute or complaint, and
 - (b) each person (other than the applicant) involved in the dispute or against whom the complaint is made agree to have the matter mediated.
- (3) If a matter is appropriate for mediation and mediation has not been attempted, the Registrar must inform the applicant that the applicant should arrange for mediation of the matter.
- (4) The applicant may apply to the Commissioner for mediation of the matter in accordance with Division 2 or may make other arrangements for the mediation of the matter.
- (5) If the Registrar accepts an application for an order, the Registrar must deal with the application under Division 2A.

Division 2 Mediation and resolution of disputes by Commissioner

65 Definitions

In this Division:

mediation means a structured negotiation process in which the mediator, as a neutral and independent party, assists the parties to a dispute to achieve their own resolution of the dispute.

mediation session means a meeting arranged for the mediation of a matter under this Division.

mediator means the Commissioner or any person approved by the Commissioner in writing to be a mediator for the purposes of this Division.

66 Mediation of disputes relating to community schemes

- (1) A person may apply to the Commissioner for mediation of any matter that the person is entitled to apply for an order to resolve under this Part.
- (2) On receipt of an application for mediation, the Commissioner must, if the Commissioner thinks the circumstances of the case are appropriate, arrange for the mediation of the matter in accordance with the regulations.

67 Commissioner may dismiss certain applications

The Commissioner may dismiss an application for mediation under this Division if the Commissioner believes that the application is frivolous, vexatious, misconceived or lacking in substance.

68 Agreements and arrangements arising from mediation sessions

- (1) An Adjudicator may make orders to give effect to any agreement or arrangement arising out of a mediation session.
- (2) An order referred to in subsection (1) may be made whether or not the mediation was carried out in accordance with this Division or by a mediator within the meaning of this Division.
- (3) This Division does not affect the enforceability of any other agreement or arrangement that may be made, whether or not arising out of a mediation session, in relation to the matters the subject of a mediation session.

69 Privilege

- (1) In this section, *mediation session* includes any steps taken in the course of making arrangements for the session or in the course of the follow-up of a session.

- (2) Subject to subsection (3), the same privilege with respect to defamation as exists with respect to judicial proceedings and a document produced in judicial proceedings exists with respect to:
 - (a) a mediation session, or
 - (b) a document or other material sent to, or produced at an office of, the Commissioner for the purpose of enabling a mediation session to be arranged.
- (3) The privilege conferred by subsection (2) only extends to a publication made:
 - (a) at a mediation session, or
 - (b) as provided by subsection (2) (b), or
 - (c) as provided by section 70.
- (4) Evidence of anything said or of any admission made in a mediation session is not admissible in any proceedings before any court, tribunal or body.
- (5) A document prepared for the purposes of, or in the course of, or as a result of, a mediation session, or any copy of such a document, is not admissible in evidence in any proceedings before any court, tribunal or body.
- (6) Subsections (4) and (5) do not apply with respect to any evidence or document:
 - (a) if the persons in attendance at, or identified during, the mediation session and, in the case of a document, all persons identified in the document, consent to the admission of the evidence or document, or
 - (b) in proceedings instituted with respect to any act or omission in connection with which a disclosure has been made under section 70 (c).

70 Secrecy

A mediator may disclose information obtained in connection with the administration or execution of this Part only in one or more of the following circumstances:

- (a) with the consent of the person from whom the information was obtained,

-
- (b) in connection with the administration or execution of this Part,
 - (c) if there are reasonable grounds to believe that the disclosure is necessary to prevent or minimise the danger of injury to any person or damage to any property,
 - (d) if the disclosure is reasonably required for the purpose of referring any party or parties to a mediation session to any person, agency, organisation or other body and the disclosure is made with the consent of the parties to the mediation session for the purpose of aiding in the resolution of a dispute between those parties or assisting the parties in any other manner,
 - (e) in accordance with a requirement imposed by or under a law of the State (other than a requirement imposed by a subpoena or other compulsory process) or the Commonwealth.

70A Exoneration from liability for mediators

No matter or thing done or omitted to be done by a mediator subjects the mediator to any action, liability, claim or demand if the matter or thing was done in good faith for the purposes of a mediation session under this Division.

Division 2A Procedure after Registrar receives application

70B Notice of application to be given

- (1) The Registrar must give a copy of an application for an order under this Part to each person (other than the applicant) who, in the Registrar's opinion, would be affected if the order sought were made.
- (2) The copy of the application must be accompanied by a notice stating that the person to whom the notice is given may make a written submission to the Registrar within a time specified in the notice, or within a longer time specified in any further notice given by the Registrar.

- (3) The Registrar must give a notice to the applicant for the order stating that the applicant may make further written submissions to the Registrar within a time specified in the notice, or within a longer time specified in any further notice given by the Registrar.
- (4) The Registrar may extend the time for the making of submissions by a further notice given to each of the persons to whom the original notice was given.

70C Procedure after time for making submissions has expired

- (1) This section operates after the time for making submissions on an application expires.
- (2) The Registrar must refer an application for an order referred to in Part 3 to an Adjudicator.
- (3) The Registrar must refer an application for an order referred to in Part 4 to the Board.
- (4) If an application is referred to the Board, whether by the Registrar or by an Adjudicator under Part 3, the Registrar must complete a notice containing the time and place at which, and the date on which, the Board will determine the application.
- (5) The Registrar must send a copy of that notice to the following persons so that the copy would, in the ordinary course of post, be received by the addressee not less than 7 days before the day specified in the notice for the determination of the application:
 - (a) the applicant,
 - (b) the association or strata corporation to which the application relates (if the owners corporation is not the applicant),
 - (c) any person against whom the order is sought,
 - (d) any person who made a submission on the application.

[27] Division 3, heading

Omit "the Commissioner". Insert instead "Adjudicators".

[28] Section 71 Order by Adjudicator

Omit section 71 (2) and (4).

[29] Sections 71A, 71B and 71C

Insert after section 71:

71A Dismissal of application on certain grounds

- (1) An Adjudicator must, by order, dismiss an application for an order under this Division if satisfied that mediation was appropriate and was not attempted.
- (2) If the ground for an application is:
 - (a) the absence of a quorum at a meeting, or
 - (b) a defect, irregularity or deficiency of notice or time,an Adjudicator may, by order, dismiss the application if the Adjudicator believes that no substantial injustice has resulted.
- (3) An Adjudicator may, by order, dismiss an application for an order under this Part on any other ground that the Adjudicator considers appropriate.
- (4) Without limiting the generality of subsection (3), an Adjudicator may, by order, dismiss an application for an order under this Part if:
 - (a) the Adjudicator believes that the application is frivolous, vexatious, misconceived or lacking in substance, or
 - (b) the Adjudicator believes that a decision in favour of the applicant is not within the jurisdiction of the Adjudicator, or
 - (c) the Adjudicator believes that the applicant has unreasonably delayed the provision of information required by the Adjudicator, or

- (d) in the case of an application made by a proprietor of a development lot or neighbourhood lot or by an association, the applicant has not paid all contributions levied and payable in relation to the lot under this Act.
- (5) An Adjudicator may dismiss an application in accordance with this section even though the notice requirements of Division 2A have not been complied with and despite that a time, or extended time, specified for making written submissions on the application has not expired.

71B Matters that may be referred to Board

- (1) An Adjudicator may refer to the Board an application for an order if the Adjudicator is of the opinion:
 - (a) that the application raises complex legal issues, or
 - (b) that it should be referred because of its importance or the possible frequency of like applications, or
 - (c) that there are other good reasons to refer the application.
- (2) This section does not confer on any person a right to have referred to the Board an application for an order that may be made by an Adjudicator.

71C Investigations by Adjudicator

- (1) An Adjudicator may investigate an application for an order in any way the Adjudicator thinks fit and may refuse to proceed with an application until any further information required by the Adjudicator has been provided.
- (2) For the purposes of the investigation, an Adjudicator may:
 - (a) enter association property or common property, or
 - (b) enter a development lot, or
 - (c) enter a neighbourhood lot or strata lot at a reasonable time on notice given to the occupier.

-
- (3) The power conferred by this section does not include power to enter a dwelling-house or other residential premises unless the occupier consents.
 - (4) If an Adjudicator believes on reasonable grounds that there has been, or may be, a breach of a development contract, a management statement or the by-laws for a strata scheme, the Adjudicator may exercise the power conferred by this section to investigate the grounds for the belief.
 - (5) A person must not obstruct or hinder an Adjudicator, or a delegate of an Adjudicator, in the exercise of powers conferred by this section.

Maximum penalty (subsection (5)): 5 penalty units.

[30] Section 72 (1)

Omit "the Commissioner" where firstly occurring.
Insert instead "an Adjudicator".

[31] Section 72 (1)

Omit "the Commissioner" where secondly and thirdly occurring.
Insert instead "the Adjudicator".

[32] Sections 72 (2), 73, 74 (1) and (2), 103 (1) and 104

Omit "The Commissioner" wherever occurring.
Insert instead "An Adjudicator".

[33] Sections 72 (4) (b), 88 (4), 108 (5) (c)

Omit "the Commissioner". Insert instead "the Adjudicator".

[34] Section 75 (2)

Omit "The Commissioner". Insert instead "The Registrar".

[35] Part 4, Division 4, heading

Omit "Boards". Insert instead "Board".

[36] Sections 75A and 75B

Insert before section 76:

75A Dismissal of application on certain grounds

- (1) The Board must, by order, dismiss an application for an order under this Division if satisfied that mediation was appropriate and was not attempted.
- (2) If the ground for an application is:
 - (a) the absence of a quorum at a meeting, or
 - (b) a defect, irregularity or deficiency of notice or time,

the Board may, by order, dismiss the application if the Board believes that no substantial injustice has resulted.
- (3) The Board may, by order, dismiss an application for an order under this Division on any other ground that the Board considers appropriate.
- (4) Without limiting the generality of subsection (3), the Board may, by order, dismiss an application for an order under this Division if:
 - (a) the application is frivolous, vexatious, misconceived or lacking in substance, or
 - (b) a decision in favour of the applicant is not within the jurisdiction of the Board, or
 - (c) the applicant has unreasonably delayed the provision of information required by an Adjudicator, or
 - (d) the application is made by a proprietor of a development lot or neighbourhood lot or by an association and the applicant has not paid all contributions levied and payable in relation to the lot under this Act.
- (5) The Board may, by order, dismiss an appeal.

75B Investigations and proceedings before the Board

- (1) Before making an order (except an order for a stay of proceedings), the Board must investigate the application for the order or, in the case of an appeal, the grounds for the appeal.
- (2) In any such investigation or in any proceedings before it for an order, the Board:
 - (a) is not bound by the rules of evidence and may inform itself on any matter in such manner as it thinks fit, and
 - (b) must act according to equity, good conscience and the substantial merits of the case without regard to technicalities or legal forms.
- (3) The Board need not hold a hearing in order to decide an application or appeal unless there is an appearance by a person entitled or required to appear before it.
- (4) A hearing need not be formal.

[37] Sections 76 (1) and 85 (3)

Omit "the Commissioner" where firstly occurring.
Insert instead "an Adjudicator".

[38] Section 76 (1)

Omit "the Commissioner" where secondly and thirdly occurring.
Insert instead "the Adjudicator".

[39] Sections 77 (1), 78 (1), 80 (1), 81 (1), 82 (2), 83 (1), 85 (1), 87 (1), 91 (4), 92 (3) and (4), 95 (1) and 97

Omit "A Board" wherever occurring. Insert instead "The Board".

[40] Section 85 (3)

Omit "the Commissioner" where secondly occurring.
Insert instead "the Adjudicator".

[41] Section 87 (1) (a)

Omit "or another Board".

[42] Sections 87 (3) (a), (4) and (6), 88 (3), 94 (2) (b), 97 and 100 (3) (b) and (5)

Omit "Commissioner" wherever occurring.

Insert instead "Registrar".

[43] Part 4, Division 5, heading

Omit "a Board". Insert instead "Board".

[44] Section 89

Omit the section. Insert instead:

89 Procedure after appeal is lodged

- (1) The Registrar must send to the Board the notice of appeal and the Adjudicator's records relating to the order appealed against.
- (2) The Registrar must complete a notice containing the time and place at which, and the date on which, the Board will determine the appeal.
- (3) The Registrar must send a copy of that notice together with a copy of the notice of appeal to the following persons so that the notices would, in the ordinary course of post, be received by the addressee not less than 7 days before the day specified in them for the determination of the appeal:
 - (a) the appellant,
 - (b) the person against whom the order appealed against was sought and any other person entitled to appeal,
 - (c) the association or strata corporation for the scheme to which the order appealed against relates.

[45] Section 90 (2)

Omit "Commissioner or, if the order is made by a Board, by the Clerk of the Board".

Insert instead "Registrar".

[46] Part 4, Division 6, heading

Omit the heading.

Insert instead "General provisions relating to Board".

[47] Section 94 (1)

Omit "The Magistrate who constitutes a Board, or the Clerk of the Board with the authority of the Magistrate".

Insert instead "The member who constitutes the Board, or the Registrar with the authority of the member".

[48] Section 97A and Division 6A

Insert after section 97:

97A Intervention by Commissioner

- (1) The Commissioner may intervene in proceedings before the Board if the Commissioner is of the opinion that it would be in the public interest to do so.
- (2) The Commissioner must intervene in proceedings before the Board if directed to do so by the Minister.
- (3) The Commissioner has a right to be heard personally or by a barrister, solicitor or agent in proceedings before the Board.
- (4) The Commissioner, on intervening in any proceedings, becomes a party to the proceedings and has all the rights of such a party.
- (5) The Commissioner is to bear the Commissioner's costs of intervening in proceedings before the Board.

Division 6A Enforcement of orders of Adjudicators and Board and certain notices

97B Civil penalties for contravention of orders under this Part

- (1) The Board may, by order, require a person to pay a pecuniary penalty of an amount of up to 50 penalty units for contravention of an order under this Part (*the original order*).
- (2) An application for an order under subsection (1) may be made by:
 - (a) the applicant for the original order, or
 - (b) an association or strata corporation involved in the order.

97C Civil penalties for contravention of notice of association

- (1) The Board may, on application by an association, by order require a person to pay a pecuniary penalty of an amount of up to 5 penalty units if the Board is satisfied that:
 - (a) the association served a notice under section 13A on the person requiring the person to comply with a particular by-law, and
 - (b) the person has since contravened the by-law.
- (2) An application for an order under this section must be made by the association within 12 months after the notice under section 13A was served.

97D Order as to costs

- (1) The Board may also make an order for the payment of costs when making an order requiring the payment of a pecuniary penalty under this Division.
- (2) Any costs awarded against a person on an application for an order under section 97B include the amount of the fee paid when the application for the original order was made.

97E Payment of civil penalties

- (1) If the Board makes an order under this Division requiring a person to pay a pecuniary penalty, the Board may specify in the order that the penalty or a part of the penalty must be paid to the applicant for the order as damages for work carried out by the person in relation to the matter the subject of the proceedings.
- (2) The imposition of the pecuniary penalty operates as a judgment under the *Local Courts (Civil Claims) Act 1970* for the amount of the pecuniary penalty against the person required to pay it and in favour of:
 - (a) the applicant for the order, or
 - (b) the applicant for the order and the Director-General of the Department of Fair Trading, if the order requires part only of the penalty to be paid to the applicant.
- (3) Any pecuniary penalty or part of a pecuniary penalty recovered under this Part that the Board has not ordered to be paid to an applicant for an order is to be paid to the Director-General for payment into the Department of Fair Trading Operating Account or an account prescribed by the regulations for the purposes of this subsection.

[49] Section 101

Omit the section.

[50] Section 102 Protection of Commissioner, Adjudicators and Board

Omit "both the Commissioner and the Magistrate constituting a Board".

Insert instead "the Commissioner, an Adjudicator and the member constituting the Board".

[51] Section 104

Omit the section. Insert instead:

104 Orders relating to costs

An Adjudicator or the Board may not make any order for the payment of costs except as specifically authorised by this Act or in relation to an order dismissing an application because:

- (a) the application is frivolous, vexatious, misconceived or lacking in substance, or
- (b) a decision in favour of the applicant is not within the jurisdiction of the Board.

[52] Section 108 (4)

Omit "or another Board".

[53] Part 5A

Insert after Part 5:

Part 5A Administration

Division 1 Community Schemes Commissioner

109A Community Schemes Commissioner

There is to be a Community Schemes Commissioner who is the Director-General of the Department of Fair Trading.

109B Functions of Commissioner

- (1) The Commissioner has the functions conferred or imposed on the Commissioner by or under this or any other Act.
- (2) The functions of the Commissioner include the following:
 - (a) attempting to resolve complaints and disputes relating to community schemes,

-
- (b) investigating alleged breaches of the Act,
 - (c) taking such action, including prosecution, as the Commissioner thinks appropriate,
 - (d) providing information to proprietors, occupiers, associations, managing agents and the public about this Act and the services provided by the Commissioner, Adjudicators and the Board,
 - (e) to investigate and report on any matters, or make inquiries in relation to any matters, referred to the Commissioner by the Minister in connection with this Act.

109C Advice and conciliation by the Commissioner

- (1) The Commissioner may:
 - (a) give advice to a participant in a scheme (other than a developer) as to the rights and remedies available in relation to matters referred to in subsection (2), or
 - (b) endeavour to bring the interested parties to an agreement which will settle any question, dispute or difficulty that arises in relation to those matters, or
 - (c) inform the appropriate consent authority of any departure from the terms of a development contract or from the development consent for a staged scheme.
- (2) The matters referred to in this subsection are matters that relate to:
 - (a) a development contract, or
 - (b) a covenant implied by section 15 on registration of a development contract, or
 - (c) a development consent for a community scheme, precinct scheme or neighbourhood scheme, or
 - (d) an amendment or modification of such a contract, covenant or consent, or
 - (e) the operation, administration or management of a scheme.

- (3) In this section, the reference to a participant in a scheme is a reference to:
- (a) the proprietor (other than a developer) of a lot within the scheme, or
 - (b) an association or strata corporation constituted under the scheme.

109D Staff of Commissioner

Such staff as may be necessary to enable the Commissioner to exercise the Commissioner's functions may be employed under and subject to Part 2 of the *Public Sector Management Act 1988*.

109E Delegation of functions of Commissioner

The Commissioner may, by instrument in writing, delegate to a person employed under and subject to the provisions of the *Public Sector Management Act 1988* the exercise of such of the functions (other than this power of delegation) conferred on the Commissioner by or under this or any other Act as may be specified in the instrument.

109F Investigations by Commissioner

- (1) If the Commissioner believes on reasonable grounds that an offence under this Act has been, or may be committed, the Commissioner may exercise the following powers to investigate the grounds for the belief:
- (a) enter association property or common property,
 - (b) enter a development lot,
 - (c) enter a neighbourhood lot or a strata lot at a reasonable time on notice given to the occupier,
 - (d) request an association or strata corporation to provide information to the Commissioner and allow the Commissioner to inspect its records under section 26.

-
- (2) When exercising a power under this section, the Commissioner may, if the Commissioner thinks fit, be accompanied by:
- (a) a member of the executive committee of an association or strata corporation, or
 - (b) the managing agent (if any) of the scheme concerned.
- (3) A person must not obstruct or hinder the Commissioner, or a delegate of the Commissioner, in the exercise of powers conferred by this section.
- Maximum penalty: 5 penalty units.
- (4) An association must not neglect or fail to comply with a request under subsection (1) (d).
- Maximum penalty: 5 penalty units.
- (5) No charge is payable by the Commissioner in connection with a request made under subsection (1) (d).

109G Annual report of Commissioner

- (1) As soon as practicable after 30 June, but on or before 31 December, in each year, the Commissioner is to prepare and forward to the Minister a report of the operations of the Commissioner during that year.
- (2) The Minister is to lay the report or cause it to be laid before both Houses of Parliament as soon as practicable after receiving the report.

Division 2 Community Schemes Adjudicators

109H Appointment of Community Schemes Adjudicators

The Minister may appoint Community Schemes Adjudicators.

109I Functions of Adjudicators

An Adjudicator has the functions conferred or imposed on an Adjudicator by or under this or any other Act.

109J Delegation of functions of Adjudicators

An Adjudicator may delegate to the Registrar or Deputy Registrar the exercise of a function of the Adjudicator (other than this power of delegation).

Division 3 Community Schemes Board

109K Community Schemes Board

- (1) There is constituted by this Act the Community Schemes Board of New South Wales.
- (2) The Community Schemes Board is to consist of persons who are, or are qualified for appointment as, Magistrates and are appointed by the Governor to be members of the Board.

109L Jurisdiction and functions of Board

- (1) The Board has the functions conferred or imposed on the Board by or under this or any other Act.
- (2) The Board, wherever sitting, has jurisdiction throughout New South Wales.

109M Proceedings of Board

Proceedings before the Board are to be heard and determined by one member sitting alone.

Division 4 Registrar and Deputy Registrar

109N Registrar and Deputy Registrar

- (1) A Registrar and Deputy Registrar may be appointed under and subject to Part 2 of the *Public Sector Management Act 1988*.
- (2) The Registrar and Deputy Registrar have such functions as are conferred or imposed on them by or under this or any other Act or by an Adjudicator or the Board in the exercise of their functions.

109O Delegation

The Registrar may delegate to the Deputy Registrar the exercise of a function of the Registrar (other than this power of delegation).

[54] Section 111A

Insert after section 111:

111A Can a proprietor of a lot appoint an agent for dealings with the association?

- (1) A proprietor of a development lot, neighbourhood lot or strata lot may appoint an agent to receive notices and other documents under this Act if the proprietor is unable to deal with those notices because of intellectual impairment or physical impairment, illiteracy or an inability to read or write English sufficiently well or absence from the lot.
- (2) A person must not be appointed as an agent unless the person is a resident of Australia.
- (3) An appointment of an agent may be made at any time and may be revoked at any time.
- (4) However, the appointment or revocation has no effect until communicated to the association and recorded in the relevant roll kept in accordance with Schedule 3.
- (5) If an agent for a proprietor has been so appointed and the name and address for service of the agent recorded on the strata roll, notices or other documents required to be given to the proprietor under this Act are to be given to the agent.

[55] Section 115 Service of documents by certain persons

Omit "a Board" from section 115 (1).

Insert instead "an Adjudicator, the Board".

[56] Section 120 Other rights and remedies not affected

Omit "*Strata Titles Act 1973*" from section 120 (1) (d).

Insert instead "*Strata Titles (Freehold Development) Act 1973* and the *Strata Schemes Management Act 1996*".

[57] Section 120 (3)

Omit "Part 5 of the *Strata Titles Act 1973*".

Insert instead "Chapter 5 of the *Strata Schemes Management Act 1996*".

[58] Section 123

Insert after section 122:

123 Savings, transitional and other provisions

Schedule 7 has effect.

[59] Schedule 1 Functions of associations

Omit "the prescribed financial statements" from clause 11 (1).

Insert instead "financial statements in accordance with this clause".

[60] Schedule 1, clause 11

Insert after clause 11 (3):

- (4) The financial statements are to comprise only the following matters:
 - (a) a statement of income and expenditure for the administrative fund,
 - (b) a statement of income and expenditure for the sinking fund,
 - (c) a statement of income and expenditure for any other fund that is the property of the association.
- (5) Each financial statement must specify the fund, and the period, for which it is prepared.
- (6) If the period is a period referred to in subclause (3), the financial statement for a fund must also specify the following:
 - (a) the balance carried forward in the fund from the previous period,

-
- (b) the particulars and amount of each item of income of the fund received during the current period,
 - (c) the particulars and amount of each item of expenditure from the fund during the current period,
 - (d) the amount of the contribution to the fund determined for each association or person liable to make such a contribution,
 - (e) the balance outstanding for each such contribution,
 - (f) the cash in the fund at the end of the current period,
 - (g) the balance of the fund,
 - (h) in respect of each liability to contribute to the fund—any unpaid arrears and any balance outstanding,
 - (i) the extent to which, at the end of the current period, the fund is in debit or credit.

Note. The financial statements of an association prepared under this clause can deal only with income and expenditure from the administrative and sinking funds and any other fund authorised to be established under this Act. Those financial statements are therefore separate from any other financial statements that might be prepared in relation to the community scheme, for example, financial statements in relation to the provision of services for a retirement village.

[61] Schedule 1, clause 11A

Insert after clause 11:

11A Auditing of accounts and financial statements

If an association determines that the accounting records and financial statements of the association are to be audited, the audit must be carried out in accordance with Australian Auditing Standards.

[62] Schedule 3 Association rolls

Omit "the address" from clause 2 (a).
Insert instead "an Australian address".

[63] Schedule 3, clause 3 (1) (b)

Insert "Australian" after "respective".

[64] Schedule 3, clause 5 (a)

Omit "the address".
Insert instead "an Australian address".

[65] Schedule 3, clause 6 (1) (b)

Insert "Australian" after "respective".

[66] Schedule 3, clause 8 (a)

Omit "the address".
Insert instead "an Australian address".

[67] Schedule 3, clause 9 (1) (b)

Insert "Australian" after "respective".

[68] Schedule 5 First annual general meeting of association

Insert after clause 2 (7):

(7A) The notice must set out the provisions of this Act for
determining the quorum at a general meeting.

[69] Schedule 5, clause 6 (5)

Insert "and it contains the date on which it was made" after
"meeting".

[70] Schedule 5, clause 6 (5A)

Insert after clause 6 (5):

- (5A) An instrument appointing a proxy has effect for the period specified in the instrument (being a period of not more than 12 months) or for 2 consecutive annual general meetings, whichever is the greater, unless sooner revoked.
- (5B) A proxy cannot exercise a vote in relation to a matter if the person who appointed the proxy is exercising personally a power to vote on that matter.
- (5C) An instrument made by a person appointing a proxy has no effect if the person makes a later instrument appointing a proxy and delivers it to the secretary in accordance with subclause (5).

[71] Schedule 5, clause 7 (1)

Omit "half" wherever occurring.
Insert instead "one-quarter".

[72] Schedule 5, clause 7 (1A)

Insert after clause 7 (1):

- (1A) However, if there is more than one member of the community association and the quorum calculated in accordance with subclause (1) is less than 2 persons, the quorum is 2 persons entitled to vote on the matter.

[73] Schedule 5, clause 7 (2)

Omit "to the same day in the next week at the same time and place".
Insert instead "for at least 7 days".

[74] Schedule 5, clause 7A

Insert after clause 7:

7A Adjournments

- (1) A general meeting of a community association may be adjourned for any reason if a motion is passed at the meeting for the adjournment.
- (2) If a general meeting of the community association is adjourned (including where the meeting is adjourned because of clause 7 (2)):
 - (a) the time and place at which the adjourned meeting is to be resumed must be fixed by the person who was presiding at the meeting or, in the case of a meeting that is adjourned because of clause 7 (2), by the person who would have presided at the meeting but for the lack of a quorum, and
 - (b) notice of that time and place must be served by the secretary on the members of the association at least 1 day prior to the meeting.
- (3) The notice is to set out the provisions of this Act for determining the quorum at a general meeting.

[75] Schedule 5, clause 14A

Insert after clause 14:

14A Electronic transmission of documents

- (1) Documents relating to a meeting of a community association (such as proxies) may be transmitted to the secretary of the association by facsimile.
- (2) In this clause, facsimile includes any electronic communication device that transmits information in a form from which written material is capable of being reproduced with or without the aid of any other device or article.

[76] Schedule 5, clause 16 (7A)

Insert after clause 16 (7):

- (7A) The notice must set out the provisions of this Act for determining the quorum at a general meeting.

[77] Schedule 5, clause 20 (5)

Insert “and it contains the date on which it was made” after “meeting”.

[78] Schedule 5, clause 20 (5A)–(5C)

Insert after clause 20 (5):

- (5A) An instrument appointing a proxy has effect for the period specified in the instrument (being a period of not more than 12 months) or for 2 consecutive annual general meetings, whichever is the greater, unless sooner revoked.
- (5B) A proxy cannot exercise a vote in relation to a matter if the person who appointed the proxy is exercising personally a power to vote on that matter.
- (5C) An instrument made by a person appointing a proxy has no effect if the person makes a later instrument appointing a proxy and delivers it to the secretary in accordance with subclause (5).

[79] Schedule 5, clause 21 (1)

Omit “half” wherever occurring. Insert instead “one-quarter”.

[80] Schedule 5, clause 21 (1A)

Insert after clause 21 (1):

- (1A) However, if there is more than one member of the precinct association and the quorum calculated in accordance with subclause (1) is less than 2 persons, the quorum is 2 persons entitled to vote on the matter.

[81] Schedule 5, clause 21 (2)

Omit "to the same day in the next week at the same time and place".
Insert instead "for at least 7 days".

[82] Schedule 5, clause 21A

Insert after clause 21 (1):

21A Adjournments

- (1) A general meeting of a precinct association may be adjourned for any reason if a motion is passed at the meeting for the adjournment.
- (2) If a general meeting of the precinct association is adjourned (including where the meeting is adjourned because of clause 21 (2)):
 - (a) the time and place at which the adjourned meeting is to be resumed must be fixed by the person who was presiding at the meeting or, in the case of a meeting that is adjourned because of clause 21 (2), by the person who would have presided at the meeting but for the lack of a quorum, and
 - (b) notice of that time and place must be served by the secretary on the members of the association at least 1 day prior to the meeting.
- (3) The notice is to set out the provisions of this Act for determining the quorum at a general meeting.

[83] Schedule 5, clause 28A

Insert after clause 28:

28A Electronic transmission of documents

- (1) Documents relating to a meeting of a precinct association (such as proxies) may be transmitted to the secretary of the association by facsimile.
- (2) In this clause, facsimile includes any electronic communication device that transmits information in a form from which written material is capable of being reproduced with or without the aid of any other device or article.

[84] Schedule 5, clause 30 (7A)

Insert after clause 30 (7):

- (7A) The notice must set out the provisions of this Act for determining the quorum at a general meeting.

[85] Schedule 5, clause 34 (5)

Insert “and it contains the date on which it was made” after “meeting”.

[86] Schedule 5, clause 34 (6)–(8)

Insert after clause 34 (5):

- (6) An instrument appointing a proxy has effect for the period specified in the instrument (being a period of not more than 12 months) or for 2 consecutive annual general meetings, whichever is the greater, unless sooner revoked.
- (7) A proxy cannot exercise a vote in relation to a matter if the person who appointed the proxy is exercising personally a power to vote on that matter.
- (8) An instrument made by a person appointing a proxy has no effect if the person makes a later instrument appointing a proxy and delivers it to the secretary in accordance with subclause (5).

[87] Schedule 5, clause 35 (1)

Omit “half” wherever occurring.
Insert instead “one-quarter”.

[88] Schedule 5, clause 35 (1A)

Insert after clause 35 (1):

- (1A) However, if there is more than one member of the neighbourhood association and the quorum calculated in accordance with subclause (1) is less than 2 persons, the quorum is 2 persons entitled to vote on the matter.

[89] Schedule 5, clause 35 (2)

Omit "to the same day in the next week at the same time and place".
Insert instead "for at least 7 days".

[90] Schedule 5, clause 35A

Insert after clause 35:

35A Adjournments

- (1) A general meeting of a neighbourhood association may be adjourned for any reason if a motion is passed at the meeting for the adjournment.
- (2) If a general meeting of the neighbourhood association is adjourned (including where the meeting is adjourned because of clause 35 (2)):
 - (a) the time and place at which the adjourned meeting is to be resumed must be fixed by the person who was presiding at the meeting or, in the case of a meeting that is adjourned because of clause 35 (2), by the person who would have presided at the meeting but for the lack of a quorum, and
 - (b) notice of that time and place must be served by the secretary on the members of the association at least 1 day prior to the meeting.
- (3) The notice is to set out the provisions of this Act for determining the quorum at a general meeting.

[91] Schedule 5, clause 43

Insert after clause 42:

43 Electronic transmission of documents

- (1) Documents relating to a meeting of a neighbourhood association (such as proxies) may be transmitted to the secretary of the association by facsimile.
- (2) In this clause, facsimile includes any electronic communication device that transmits information in a form from which written material is capable of being reproduced with or without the aid of any other device or article.

[92] Schedule 6 Meetings of associations other than the first annual general meeting

Omit clause 4 (1). Insert instead:

- (1) The notice of a general meeting of a community association must be given in writing to the members of the association shown on the community roll.
- (1A) The notice must also be given to each person shown on the community roll as first mortgagee, or as a covenant chargee, of a community development lot if an item on the agenda for the meeting requires a special or unanimous resolution of the community association.

[93] Schedule 6, clause 4 (7A)

Insert after clause 4 (7):

- (7A) The notice must set out the provisions of this Act for determining the quorum at a general meeting.

[94] Schedule 6, clause 5 (e)

Insert at the end of clause 5 (d):

, and

- (e) include a form of motion to consider the appointment of an auditor and the taking out of insurance of the kind referred to in section 41 (3) if insurance of that kind has not already been taken out.

[95] Schedule 6, clause 9 (5)

Omit "meeting".

Insert instead "first meeting in relation to which the instrument is to operate and it contains the date on which it was made".

[96] Schedule 6, clause 9 (5A)–(5C)

Insert after clause 9 (5):

- (5A) An instrument appointing a proxy has effect for the period specified in the instrument (being a period of not more than 12 months) or for 2 consecutive annual general meetings, whichever is the greater, unless sooner revoked.
- (5B) A proxy cannot exercise a vote in relation to a matter if the person who appointed the proxy is exercising personally a power to vote on that matter.
- (5C) An instrument made by a person appointing a proxy has no effect if the person makes a later instrument appointing a proxy and delivers it to the secretary in accordance with subclause (5).

[97] Schedule 6, clause 10 (1)

Omit “half” wherever occurring.
Insert instead “one-quarter”.

[98] Schedule 6, clause 10 (1A)

Insert after clause 10 (1):

- (1A) However, if there is more than one member of the community association and the quorum calculated in accordance with subclause (1) is less than 2 persons, the quorum is 2 persons entitled to vote on the matter.

[99] Schedule 6, clause 10 (2)

Omit “to the same day in the next week at the same time and place”.
Insert instead “for at least 7 days”.

[100] Schedule 6, clause 10A

Insert after clause 10:

10A Adjournments

- (1) A general meeting of a community association may be adjourned for any reason if a motion is passed at the meeting for the adjournment.
- (2) If a general meeting of the community association is adjourned (including where the meeting is adjourned because of clause 10 (2)):
 - (a) the time and place at which the adjourned meeting is to be resumed must be fixed by the person who was presiding at the meeting or, in the case of a meeting that is adjourned because of clause 10 (2), by the person who would have presided at the meeting but for the lack of a quorum, and
 - (b) notice of that time and place must be served by the secretary on the members of the association at least 1 day prior to the meeting.
- (3) The notice is to set out the provisions of this Act for determining the quorum at a general meeting.

[101] Schedule 6, clause 20A

Insert after clause 20:

20A Electronic transmission of documents

- (1) Documents relating to a meeting of a community association (such as proxies) may be transmitted to the secretary of the association by facsimile.
- (2) In this clause, facsimile includes any electronic communication device that transmits information in a form from which written material is capable of being reproduced with or without the aid of any other device or article.

[102] Schedule 6, clause 24 (7A)

Insert after clause 24 (7):

- (7A) The notice must set out the provisions of this Act for determining the quorum at a general meeting.

[103] Schedule 6, clause 29 (5)

Omit "meeting" from clause 29 (5).

Insert instead "first meeting in relation to which the instrument is to operate and it contains the date on which it was made".

[104] Schedule 6, clause 29 (5A)–(5C)

Insert after clause 29 (5):

- (5A) An instrument appointing a proxy has effect for the period specified in the instrument (being a period of not more than 12 months) or for 2 consecutive annual general meetings, whichever is the greater, unless sooner revoked.
- (5B) A proxy cannot exercise a vote in relation to a matter if the person who appointed the proxy is exercising personally a power to vote on that matter.
- (5C) An instrument made by a person appointing a proxy has no effect if the person makes a later instrument appointing a proxy and delivers it to the secretary in accordance with subclause (5).

[105] Schedule 6, clause 30 (1)

Omit "half" wherever occurring. Insert instead "one-quarter".

[106] Schedule 6, clause 30 (1A)

Insert after clause 30 (1):

- (1A) However, if there is more than one member of the precinct association and the quorum calculated in accordance with subclause (1) is less than 2 persons, the quorum is 2 persons entitled to vote on the matter.

[107] Schedule 6, clause 30 (2)

Omit "to the same day in the next week at the same time and place".
Insert instead "for at least 7 days".

[108] Schedule 6, clause 30A

Insert after clause 30:

30A Adjournments

- (1) A general meeting of a precinct association may be adjourned for any reason if a motion is passed at the meeting for the adjournment.
- (2) If a general meeting of the precinct association is adjourned (including where the meeting is adjourned because of clause 30 (2)):
 - (a) the time and place at which the adjourned meeting is to be resumed must be fixed by the person who was presiding at the meeting or, in the case of a meeting that is adjourned because of clause 30 (2), by the person who would have presided at the meeting but for the lack of a quorum, and
 - (b) notice of that time and place must be served by the secretary on the members of the association at least 1 day prior to the meeting.
- (3) The notice is to set out the provisions of this Act for determining the quorum at a general meeting.

[109] Schedule 6, clause 40A

Insert after clause 40:

40A Electronic transmission of documents

- (1) Documents relating to a meeting of a precinct association (such as proxies) may be transmitted to the secretary of the association by facsimile.
- (2) In this clause, facsimile includes any electronic communication device that transmits information in a form from which written material is capable of being reproduced with or without the aid of any other device or article.

[110] Schedule 6, clause 44 (7A)

Insert after clause 44 (7):

- (7A) The notice must set out the provisions of this Act for determining the quorum at a general meeting.

[111] Schedule 6, clause 49 (5)

Omit "meeting".

Insert instead "first meeting in relation to which the instrument is to operate and it contains the date on which it was made".

[112] Schedule 6, clause 49 (6)–(8)

Insert after clause 49 (5):

- (6) An instrument appointing a proxy has effect for the period specified in the instrument (being a period of not more than 12 months) or for 2 consecutive annual general meetings, whichever is the greater, unless sooner revoked.
- (7) A proxy cannot exercise a vote in relation to a matter if the person who appointed the proxy is exercising personally a power to vote on that matter.
- (8) An instrument made by a person appointing a proxy has no effect if the person makes a later instrument appointing a proxy and delivers it to the secretary in accordance with subclause (5).

[113] Schedule 6, clause 50 (1)

Omit "half" wherever occurring. Insert instead "one-quarter".

[114] Schedule 6, clause 50 (1A)

Insert after clause 50 (1):

- (1A) However, if there is more than one member of the neighbourhood association and the quorum calculated in accordance with subclause (1) is less than 2 persons, the quorum is 2 persons entitled to vote on the matter.

[115] Schedule 6, clause 50 (2)

Omit "to the same day in the next week at the same time and place".
Insert instead "for at least 7 days".

[116] Schedule 6, clause 50A

Insert after clause 50:

50A Adjournments

- (1) A general meeting of a neighbourhood association may be adjourned for any reason if a motion is passed at the meeting for the adjournment.
- (2) If a general meeting of the neighbourhood association is adjourned (including where the meeting is adjourned because of clause 50 (2)):
 - (a) the time and place at which the adjourned meeting is to be resumed must be fixed by the person who was presiding at the meeting or, in the case of a meeting that is adjourned because of clause 50 (2), by the person who would have presided at the meeting but for the lack of a quorum, and
 - (b) notice of that time and place must be served by the secretary on the members of the association at least 1 day prior to the meeting.
- (3) The notice is to set out the provisions of this Act for determining the quorum at a general meeting.

[117] Schedule 6, clause 61

Insert after clause 60:

61 Electronic transmission of documents

- (1) Documents relating to a meeting of a neighbourhood association (such as proxies) may be transmitted to the secretary of the association by facsimile.
- (2) In this clause, facsimile includes any electronic communication device that transmits information in a form from which written material is capable of being reproduced with or without the aid of any other device or article.

[118] Schedule 7

Insert after Schedule 6:

Schedule 7 Savings, transitional and other provisions

(Section 123)

Part 1 General

1 Regulations

- (1) The regulations may contain provisions of a savings or transitional nature consequent on the enactment of the following Acts:
Strata Schemes Management (Miscellaneous Amendments) Act 1996
- (2) Such a provision may, if the regulations so provide, take effect on the date of assent to the Act concerned or on a later date.
- (3) To the extent to which such a provision takes effect on a date that is earlier than the date of its publication in the Gazette, the provision does not operate so as:
 - (a) to affect, in a manner prejudicial to any person (other than the State or an authority of the State), the rights of that person existing before the date of that publication, or
 - (b) to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done before the date of that publication.

Part 2 Provisions consequent on the enactment of this Act

2 Pending proceedings and applications

Any proceedings commenced but not determined or finalised under provisions of this Act amended by the *Strata Schemes Management (Miscellaneous Amendments) Act 1996* may be dealt with and determined as if this Act had not been amended by that Act.

3 Previous orders made by Commissioner or a Board

- (1) An order made by the Commissioner or a Community Schemes Board under a provision of this Act as in force before its amendment by the *Strata Schemes Management (Miscellaneous Amendments) Act 1996* is taken to have been made under that provision as amended by that Act.
- (2) Despite subclause (1):
 - (a) Division 6A of Part 4 does not apply to such an order, and
 - (b) the provisions of this Act relating to the contravention of orders as in force immediately before the commencement of that Division continue to apply to such an order.

4 Abolition of Community Schemes Boards

A Community Schemes Board in existence immediately before the commencement of section 109K is abolished on the completion of any proceedings being heard by it.

Schedule 2 Amendment of other Acts

(Section 4)

2.1 Associations Incorporation Act 1984 No 143

Section 42 Definitions

Omit “section 156 of the *Strata Titles Act 1973*” from section 42 (a).
Insert instead “section 95 of the *Strata Schemes Management Act 1996*”.

2.2 City of Sydney Act 1988 No 48

Section 14 Definitions

Omit “*Strata Titles Act 1973* or the *Strata Titles (Leasehold) Act 1986*” from section 14 (1) (e).
Insert instead “*Strata Titles (Freehold Development) Act 1973* or the *Strata Titles (Leasehold Development) Act 1986*”.

2.3 Coastal Protection Act 1979 No 13

[1] Section 37 Definitions

Omit “*Strata Titles Act 1973*” from section 37 (2) (c) (iii).
Insert instead “*Strata Titles (Freehold Development) Act 1973*”.

[2] Section 37 (2) (c) (iii)

Omit “*Strata Titles (Leasehold) Act 1986*”.
Insert instead “*Strata Titles (Leasehold Development) Act 1986*”.

2.4 Community Justice Centres Act 1983 No 127

Section 25 Representation by agent

Omit “a body corporate constituted under the *Strata Titles Act 1973* or the *Strata Titles (Leasehold) Act 1986*” from section 25 (2) (b).
Insert instead “an owners corporation constituted under the *Strata Schemes Management Act 1996*”.

2.5 Community Land Development Act 1989 No 201

[1] Section 3 Definitions

Omit “*Strata Titles Act 1973*” wherever occurring in the definitions of *common property*, *community scheme*, *current plan*, *deposited plan*, *precinct scheme*, *schedule of unit entitlements*, *strata lot*, *strata plan* and *strata scheme* in section 3 (1).
Insert instead “*Strata Titles (Freehold Development) Act 1973*”.

[2] Section 3 (1)

Omit “a Community” from the definition of *Community Schemes Board*.
Insert instead “the Community”.

[3] Section 3 (1)

Omit “*Strata Titles Act 1973*” from the definition of *initial period*.
Insert instead “*Strata Schemes Management Act 1996*”.

[4] Section 3 (1)

Omit “clause 11 (3) and (4) of Part 1 of Schedule 2 to the *Strata Titles Act 1973* or clause 12 (3) and (4) of Part 2 of that Schedule” from paragraph (d) of the definition of *special resolution*.
Insert instead “clause 18 (2) and (3) of Part 2 of Schedule 2 to the *Strata Schemes Management Act 1996*”.

[5] Section 3 (1)

Omit “a body corporate constituted by section 54 of the *Strata Titles Act 1973*” from the definition of *strata corporation*.

Insert instead “an owners corporation constituted by section 11 of the *Strata Schemes Management Act 1996*”.

[6] Section 4 Object and application of Act

Omit “*Strata Titles Act 1973*” from section 4 (1) (b).

Insert instead “*Strata Titles (Freehold Development) Act 1973*”.

[7] Schedule 12 Transitional provisions

Omit “body corporate constituted under the *Strata Titles Act 1973*” from clause 5 (1) (e).

Insert instead “owners corporation constituted under the *Strata Schemes Management Act 1996*”.

2.6 Consumer Claims Tribunals Act 1987 No 206

[1] Section 3 Definitions

Omit “a body corporate constituted under the *Strata Titles Act 1973* or under the *Strata Titles (Leasehold) Act 1986*” from the definition of *consumer* in section 3 (1).

Insert instead “an owners corporation constituted under the *Strata Schemes Management Act 1996*”.

[2] Section 21 Presentation of cases before a tribunal

Omit section 21 (2) (b) and (c). Insert instead:

- (b) the party is an owners corporation constituted under the *Strata Schemes Management Act 1996* and the corporation is represented by the owner or, if there is more than one owner, by one of the owners constituting the corporation,

2.7 Contracts Review Act 1980 No 16

[1] Section 4 Definitions

Omit section 4 (2) (a).

Insert instead:

- (a) an owners corporation constituted under section 11 of the *Strata Schemes Management Act 1996*.

2.8 Conveyancing Act 1919 No 6

[1] Section 66O Contracting out

Omit "*Strata Titles Act 1973* or the *Strata Titles (Leasehold) Act 1986*" from section 66O (1).

Insert instead "*Strata Titles (Freehold Development) Act 1973* or the *Strata Titles (Leasehold Development) Act 1986*".

[2] Section 66Q Meaning of residential property

Omit "*Strata Titles Act 1973* or the *Strata Titles (Leasehold) Act 1986*" from section 66Q (1) (c).

Insert instead "*Strata Titles (Freehold Development) Act 1973* or the *Strata Titles (Leasehold Development) Act 1986*".

[3] Section 88F Effect of certain positive covenants

Omit "*Strata Titles Act 1973*" from section 88F (7).

Insert instead "*Strata Schemes Management Act 1996*".

[4] Section 88H Injunctions

Omit "section 114A of the *Strata Titles Act 1973*" from section 88H (8).

Insert instead "section 160 of the *Strata Schemes Management Act 1996*".

2.9 Corporations (New South Wales) Act 1990 No 83

Section 97 Certain transfers by companies not to constitute reduction of share capital

Omit "*Strata Titles Act 1973*" from section 97 (a).

Insert instead "*Strata Titles (Freehold Development) Act 1973*".

2.10 Credit Act 1984 No 94

Section 5 Definitions

Omit paragraph (a) of the definition of *body corporate* in section 5 (1).

Insert instead:

- (a) an owners corporation within the meaning of the *Strata Schemes Management Act 1996*, or

2.11 Credit (Administration) Act 1984 No 95

Section 4 Definitions

Omit paragraph (a) of the definition of *body corporate* in section 4.

Insert instead:

- (a) an owners corporation within the meaning of the *Strata Schemes Management Act 1996*, or

2.12 Credit (Finance Brokers) Act 1984 No 96

Section 4 Definitions

Omit paragraph (a) of the definition of *body corporate* in section 4 (1).

Insert instead:

- (a) an owners corporation within the meaning of the *Strata Schemes Management Act 1996*, or

2.13 Crown Lands (Continued Tenures) Act 1989 No 7

Schedule 3 Transfer restrictions

Omit "*Strata Titles Act 1973*" from clause 8 (2) (c).

Insert instead "*Strata Titles (Freehold Development) Act 1973*".

2.14 Darling Harbour Authority Act 1984 No 103

[1] Section 3 Definitions

Omit "*Strata Titles (Leasehold Act) 1986*" from the definition of *leasehold strata scheme*.

Insert instead "*Strata Titles (Leasehold Development) Act 1986*".

[2] Section 3 (3) (c)

Omit "*Strata Titles Act 1973*" from section 3 (3) (c).

Insert instead "*Strata Titles (Freehold Development) Act 1973*".

[3] Section 3 (3) (c)

Omit "*Strata Titles (Leasehold) Act 1986*".

Insert instead "*Strata Titles (Leasehold Development) Act 1986*".

[4] Section 5 Variation of Development Area

Omit "*Strata Titles Act 1973* or the *Strata Titles (Leasehold) Act 1986*" from section 5 (3).

Insert instead "*Strata Titles (Freehold Development) Act 1973* or the *Strata Titles (Leasehold Development) Act 1986*".

[5] Section 5A Amendment of Schedule 7

Omit "*Strata Titles Act 1973*" from section 5A (4).

Insert instead "*Strata Titles (Freehold Development) Act 1973*".

[6] Section 15 Grant of leases, easements and licences

Omit "*Strata Titles (Leasehold) Act 1986*" from section 15 (6) (a).
Insert instead "*Strata Titles (Leasehold Development) Act 1986*".

[7] Section 16B Leasehold strata schemes

Omit "*Strata Titles (Leasehold) Act 1986*".
Insert instead "*Strata Titles (Leasehold Development) Act 1986*".

[8] Section 67 Regulations

Omit "*Strata Titles (Leasehold) Act 1986*" from section 67 (1) (r).
Insert instead "*Strata Titles (Leasehold Development) Act 1986*".

**2.15 Environmental Planning and Assessment Act 1979
 No 203**

[1] Section 4 Definitions

Omit "*Strata Titles Act 1973*" from section 4 (2) (d).
Insert instead "*Strata Titles (Freehold Development) Act 1973*".

[2] Section 4 (2) (d)

Omit "*Strata Titles (Leasehold) Act 1986*".
Insert instead "*Strata Titles (Leasehold Development) Act 1986*".

**[3] Section 84 Notice of applications respecting designated
 development**

Omit "*Strata Titles Act 1973*" from section 84 (2).
Insert instead "*Strata Titles (Freehold Development) Act 1973*".

[4] Section 84 (2A)

Omit "*Strata Titles (Leasehold) Act 1986*".

Insert instead "*Strata Titles (Leasehold Development) Act 1986*".

[5] Section 99 Lapsing of consent

Omit "*Strata Titles Act 1973* or the *Strata Titles (Leasehold) Act 1986*" from section 99 (5A) (a).

Insert instead "*Strata Titles (Freehold Development) Act 1973* or the *Strata Titles (Leasehold Development) Act 1986*".

2.16 Heritage Act 1977 No 136

[1] Section 4 Definitions

Omit "*Strata Titles Act 1973* or the *Strata Titles (Leasehold) Act 1986*" from the definition of **consent authority** in section 4 (1).

Insert instead "*Strata Titles (Freehold Development) Act 1973* or the *Strata Titles (Leasehold Development) Act 1986*".

[2] Section 4 (5) (d)

Omit "*Strata Titles Act 1973*".

Insert instead "*Strata Titles (Freehold Development) Act 1973*".

[3] Section 4 (5) (d)

Omit "*Strata Titles (Leasehold) Act 1986*".

Insert instead "*Strata Titles (Leasehold Development) Act 1986*".

[4] Section 56 Definition

Omit "*Strata Titles Act 1973*" from section 56 (i).

Insert instead "*Strata Titles (Freehold Development) Act 1973*".

[5] Section 56 (j)

Omit "*Strata Titles (Leasehold) Act 1986*".

Insert instead "*Strata Titles (Leasehold Development) Act 1986*".

[6] Section 66 Application of Subdivision

Omit "*Strata Titles Act 1973* and the *Strata Titles (Leasehold) Act 1986*".

Insert instead "*Strata Titles (Freehold Development) Act 1973* or the *Strata Titles (Leasehold Development) Act 1986*".

[7] Section 76 Appeal to Minister in respect of prescribed applications

Omit "*Strata Titles Act 1973* or the *Strata Titles (Leasehold) Act 1986*".

Insert instead "*Strata Titles (Freehold Development) Act 1973* or the *Strata Titles (Leasehold Development) Act 1986*".

2.17 Hunter Water Board (Corporatisation) Act 1991 No 53

[1] Section 48 Definitions

Omit "*Strata Titles Act 1973*" from section 48 (2) (d).

Insert instead "*Strata Titles (Freehold Development) Act 1973*".

[2] Section 48 (2) (d)

Omit "*Strata Titles (Leasehold) Act 1986*".

Insert instead "*Strata Titles (Leasehold Development) Act 1986*".

2.18 Land and Environment Court Act 1979 No 204

[1] Section 18 Class 2—local government and miscellaneous appeals and applications

Omit "*Strata Titles Act 1973*" wherever occurring in section 18 (c) and (f).

Insert instead "*Strata Titles (Freehold Development) Act 1973*".

[2] Section 18 (c) and (f)

Omit "*Strata Titles (Leasehold) Act 1986*" wherever occurring.
Insert instead "*Strata Titles (Leasehold Development) Act 1986*".

[3] Section 20 Class 4—environmental planning protection and development contract civil enforcement

Omit "*Strata Titles Act 1973*" from section 20 (5).
Insert instead "*Strata Titles (Freehold Development) Act 1973*".

[4] Section 20 (5)

Omit "*Strata Titles (Leasehold) Act 1986*".
Insert instead "*Strata Titles (Leasehold Development) Act 1986*".

2.19 Land Sales Act 1964 No 12

[1] Section 2 Definitions

Omit "*Strata Titles Act 1973*" from paragraph (b) of the definition of *Instalment contract*.
Insert instead "*Strata Titles (Freehold Development) Act 1973*".

[2] Section 2

Omit "*Strata Titles (Leasehold) Act 1986*" from paragraph (b) of the definition of *Instalment contract*.
Insert instead "*Strata Titles (Leasehold Development) Act 1986*".

2.20 Land Tax Management Act 1956 No 26

[1] Section 9AA Strata

Omit "*Strata Titles Act 1973* or the *Strata Titles (Leasehold) Act 1986*" wherever occurring from section 9AA (1) and (3).
Insert instead "*Strata Titles (Freehold Development) Act 1973* or the *Strata Titles (Leasehold Development) Act 1986*".

[2] Section 10 Land exempted from tax

Omit "*Strata Titles (Leasehold) Act 1986*" from section 10 (1CA).
Insert instead "*Strata Titles (Leasehold Development) Act 1986*".

[3] Section 10 (1D) (b)

Omit "under the *Strata Titles Act 1973* or the *Strata Titles (Leasehold) Act 1986*".
Insert instead "within a strata plan".

[4] Section 10 (1E) (a)

Omit "*Strata Titles Act 1973*".
Insert instead "*Strata Titles (Freehold Development) Act 1973*".

[5] Section 10 (1E) (b)

Omit "*Strata Titles (Leasehold) Act 1986*".
Insert instead "*Strata Titles (Leasehold Development) Act 1986*".

[6] Section 10A Residential use and occupation—concession on death of owner

Omit "under the *Strata Titles Act 1973* or the *Strata Titles (Leasehold) Act 1986*" from section 10A (6).
Insert instead "within a strata plan".

[7] Section 10H Exemption—new rental accommodation

Omit "strata lot (being a lot under the *Strata Titles Act 1973* or the *Strata Titles (Leasehold) Act 1986*)" from section 10H (2).
Insert instead "lot within a strata plan".

[8] Section 10M Land subject to rental-purchase scheme not to be taken into account for land tax purposes

Omit “under the *Strata Titles Act 1973* or the *Strata Titles (Leasehold) Act 1986*” from section 10M (6).

Insert instead “within a strata plan”.

[9] Section 21A Company title units deemed to be strata lots

Omit “*Strata Titles Act 1973*” from section 21A (2) (b).

Insert instead “*Strata Titles (Freehold Development) Act 1973*”.

[10] Section 21B Joint owners of block of flats etc to be regarded as owners of strata lots

Omit “*Strata Titles Act 1973*” from section 21B (2) (c).

Insert instead “*Strata Titles (Freehold Development) Act 1973*”.

[11] Section 65A Alteration of strata unit entitlements

Omit “*Strata Titles Act 1973*” from section 65A (8).

Insert instead “*Strata Titles (Freehold Development) Act 1973*”.

[12] Section 65A (8)

Omit “*Strata Titles (Leasehold) Act 1986*”.

Insert instead “*Strata Titles (Leasehold Development) Act 1986*”.

2.21 Local Government Act 1919 No 41

Section 327AA Restriction on disposal of land in current plan

Omit “*Strata Titles Act 1973* or the *Strata Titles (Leasehold) Act 1986*” from paragraph (c) of the definition of *plan of subdivision* in section 327AA (1).

Insert instead “*Strata Titles (Freehold Development) Act 1973* or the *Strata Titles (Leasehold Development) Act 1986*”.

2.22 Local Government Act 1993 No 30

[1] Section 22 Other functions

Omit "*Strata Titles Act 1973*" from the note.

Insert instead "*Strata Titles (Freehold Development) Act 1973*".

[2] Section 22, note

Omit "*Strata Titles (Leasehold) Act 1986*".

Insert instead "*Strata Titles (Leasehold Development) Act 1986*".

[3] Section 114 Notice of application to erect a building

Omit "a body corporate for a parcel within the meaning of the *Strata Titles Act 1973* or the *Strata Titles (Leasehold) Act 1986*" from section 114 (6).

Insert instead "an owners corporation for a parcel constituted under section 11 of the *Strata Schemes Management Act 1996*".

[4] Section 270 Who is an "owner of rateable land" for the purposes of this Part?

Omit "*Strata Titles Act 1973* or the *Strata Titles (Leasehold) Act 1986*" from section 270 (2).

Insert instead "*Strata Titles (Freehold Development) Act 1973* or the *Strata Titles (Leasehold Development) Act 1986*".

[5] Section 547 Method of rating dwellings under company title

Omit "Division 6 of" wherever occurring in the note.

[6] Dictionary

Omit paragraph (b) (iii) of the definition of *owner*.

Insert instead:

- (iii) in the case of land that is the subject of a strata scheme under the *Strata Titles (Freehold Development) Act 1973* or the *Strata Titles (Leasehold Development) Act 1986*, the owners corporation for that scheme constituted under the *Strata Schemes Management Act 1996*, and

2.23 National Parks and Wildlife Act 1974 No 80

Section 69A Definitions

Omit "*Strata Titles Act 1973*" from section 69A (3) (c).

Insert instead "*Strata Titles (Freehold Development) Act 1973*".

2.24 Olympic Co-ordination Authority Act 1995 No 10

Section 26 Subdivision legislation—subdivision approval by Authority

Omit "*Strata Titles Act 1973*, the *Strata Titles (Leasehold) Act 1986*".

Insert instead "*Strata Titles (Freehold Development) Act 1973*, the *Strata Titles (Leasehold Development) Act 1986*".

2.25 Property, Stock and Business Agents Act 1941 No 28

[1] Section 3 Definitions

Omit "*Strata Titles Act 1973*" from the definition of **Land** in section 3 (1).

Insert instead "*Strata Titles (Freehold Development) Act 1973*".

[2] Section 3 (1)

Omit "*Strata Titles (Leasehold) Act 1986*" from paragraph (a) of the definition of **Land**.

Insert instead "*Strata Titles (Leasehold Development) Act 1986*".

[3] Section 3 (1)

Omit "a body corporate within the meaning of the *Strata Titles Act 1973* or the *Strata Titles (Leasehold) Act 1986*" from the definition of **Strata managing agent**.

Insert instead "an owners corporation within the meaning of the *Strata Schemes Management Act 1996*".

[4] Section 3 (1)

Omit “body corporate” wherever occurring in paragraphs (a) and (b) of the definition of *Strata managing agent*.

Insert instead “owners corporation”.

[5] Section 3 (1)

Omit “council” from paragraph (a) (ii) of the definition of *Strata managing agent*.

Insert instead “executive committee”.

[6] Section 63H

Insert after section 63G:

63H Application of money for the purposes of Strata Schemes Management Act 1996

- (1) In addition to payments made under other provisions of this Part, such contributions from the moneys of the Statutory Interest Account as are agreed between the Minister and the Minister administering the *Strata Schemes Management Act 1996* are to be paid towards the costs, charges and expenses of the administration of that Act in the year ending on 30 June next succeeding the year in which the agreement is made.
- (2) Despite subsection (1), there is to be paid from the Statutory Interest Account for the purposes referred to in that subsection such additional contributions as those Ministers may at any time agree.

2.26 Real Property Act 1900 No 25

[1] Section 28P Application of provisions of this Act to qualified folio and land therein

Omit “*Strata Titles Act 1973* or the *Strata Titles (Leasehold) Act 1986*” from section 28P (1) (c).

Insert instead “*Strata Titles (Freehold Development) Act 1973* or the *Strata Titles (Leasehold Development) Act 1986*”.

[2] Section 28T Creation of limited folio

Omit "*Strata Titles Act 1973* or the *Strata Titles (Leasehold) Act 1986*" from section 28T (8) (c).

Insert instead "*Strata Titles (Freehold Development) Act 1973* or the *Strata Titles (Leasehold Development) Act 1986*".

[3] Section 32 Folios of the Register

Omit "*Strata Titles Act 1973*" from section 32 (2).

Insert instead "*Strata Titles (Freehold Development) Act 1973*".

[4] Section 32 (2)

Omit "*Strata Titles (Leasehold) Act 1986*".

Insert instead "*Strata Titles (Leasehold Development) Act 1986*".

[5] Section 36 Registration of dealings

Omit "*Strata Titles Act 1973* or the *Strata Titles (Leasehold) Act 1986*" from section 36 (3).

Insert instead "*Strata Titles (Freehold Development) Act 1973* or the *Strata Titles (Leasehold Development) Act 1986*".

[6] Section 106 Seal of corporation substituted for signature

Omit "*Strata Titles Act 1973* or the *Strata Titles (Leasehold) Act 1986*" from section 106 (2) (a).

Insert instead "*Strata Titles (Freehold Development) Act 1973* or the *Strata Titles (Leasehold Development) Act 1986*".

2.27 Retail Leases Act 1994 No 46

[1] Section 3 Definitions

Omit "*Strata Titles Act 1973*" from paragraph (b) of the definition of *retail shopping centre* in section 3.

Insert instead "*Strata Titles (Freehold Development) Act 1973* or the *Strata Titles (Leasehold Development) Act 1986*".

[2] Section 26 Limit on recovery of land

Omit "*Strata Titles Act 1973*" from section 26 (2).

Insert instead "*Strata Titles (Freehold Development) Act 1973* or the *Strata Titles (Leasehold Development) Act 1986*".

[3] Section 62 Special provision for strata shopping centres

Omit "*Strata Titles Act 1973*".

Insert instead "*Strata Titles (Freehold Development) Act 1973* or the *Strata Titles (Leasehold Development) Act 1986*".

2.28 Retirement Villages Act 1989 No 74

Section 3 Definitions

Omit "*Strata Titles Act 1973*" from the definition of *residence rules* in section 3 (1).

Insert instead "*Strata Schemes Management Act 1996*".

2.29 Stamp Duties Act 1920 No 47

**[1] Section 66A Agreements and conveyances on sale—
concession for purchases of private dwelling houses**

Omit ", within the meaning of the *Strata Titles Act 1973* or the *Strata Titles (Leasehold) Act 1986*" from section 66A (2).

Insert instead "within a strata plan".

[2] Section 66A (2A)

Omit "the meaning of *Strata Titles (Leasehold) Act 1986*".

Insert instead "a strata plan".

[3] Section 66E Conveyance between married couples

Omit “the meaning of the *Strata Titles Act 1973*” from the definition of *private dwelling house* in section 66E (1).

Insert instead “a strata plan”.

[4] Second Schedule Stamp duties and exemptions

Omit “the meaning of the *Strata Titles Act 1973*” from paragraph (7) of the matter relating to Conveyances of Any Property.

Insert instead “a strata plan”.

[5] Schedule 2B Rental-purchase schemes

Omit “under the *Strata Titles Act 1973* or the *Strata Titles (Leasehold) Act 1986*” from clause 1 (2).

Insert instead “within a strata plan”.

2.30 Strata Titles Act 1973 No 68

[1] Section 1 Name of Act

Omit “*Strata Titles*”.

Insert instead “*Strata Titles (Freehold Development)*”.

[2] Section 5 Definitions

Omit the definition of *approved insurer* in section 5 (1).

[3] Section 5 (1)

Omit “section 54 (1)” from the definition of *body corporate*.

Insert instead “section 11 of the *Strata Schemes Management Act 1996*”.

[4] Section 5 (1)

Omit "council of that body corporate from the definition of *council*.
Insert instead "executive committee of that body corporate appointed
in accordance with the *Strata Schemes Management Act 1996*".

[5] Section 5 (1)

Omit "section 69" wherever occurring in the definitions of
proprietor and *strata roll*.
Insert instead "section 96 of the *Strata Schemes Management Act 1996*".

[6] Section 7 Subdivision

Omit "*Strata Titles (Leasehold) Act 1986*" from the definition of
current plan lot in section 7 (1).
Insert instead "*Strata Titles (Leasehold Development) Act 1986*".

[7] Section 8 Registration of strata plans

Insert after section 8 (4A):

- (4B) A plan intended to be registered as a strata plan must be accompanied by a copy of the proposed by-laws for the strata scheme.
- (4C) The proposed by-laws must be in the form approved under the *Real Property Act 1900* and must be signed by the persons required to sign the strata plan under section 16 (1).
- (4D) The proposed by-laws have no effect until registered. However, registration does not operate to give effect to by-laws that have not been lawfully made.

[6] Section 9 Subdivision of lots and common property

Omit "section 67 (4)" from section 9 (3) (d) (ii).

Insert instead "section 182 of the *Strata Schemes Management Act 1996*".

[9] Section 13 Conversion of lots into common property

Omit "section 67 (4)" from section 13 (2) (b) (ii).

Insert instead "section 182 of the *Strata Schemes Management Act 1996*".

[10] Section 22 Folio where no common property

Omit "section 61 (2) (b)" from section 22 (2) (a).

Insert instead "section 239 of the *Strata Schemes Management Act 1996*".

[11] Section 22 (2) (b)

Omit "section 58 (3)".

Insert instead "section 48 of the *Strata Schemes Management Act 1996*".

[12] Section 23 Folio where there is common property

Omit "referred to in section 58 (7)" from section 23 (2) (d).

Insert instead "to which Division 4 of Part 5 of Chapter 2 of the *Strata Schemes Management Act 1996* applies".

[13] Section 23 (2) (e)

Omit "section 61".

Insert instead "section 239 of the *Strata Schemes Management Act 1996*".

[14] Section 23 (2) (f)

Omit “section 58 (3)”.

Insert instead “section 48 of the *Strata Schemes Management Act 1996*”.

[15] Section 28 Effect of dealings under this Division

Omit “referred to in section 58 (7)” from section 28 (3) (b).

Insert instead “to which Division 4 of Part 5 of Chapter 2 of the *Strata Schemes Management Act 1996* applies”.

[16] Section 28 (4) (b)

Omit “section 67”.

Insert instead “section 182 of the *Strata Schemes Management Act 1996*”.

[17] Section 28L Use of common property and development lot by developer

Omit “section 121” wherever occurring.

Insert instead “section 144 of the *Strata Schemes Management Act 1996*”.

[18] Section 28P Meetings of body corporate relating to development concerns

Insert “to the *Strata Schemes Management Act 1996*” after “Schedule 2” in section 28P (2).

[19] Section 28U Amendment of strata management statement

Omit “under Part 5 or” from section 28U (1) (b).

[20] Section 28W Effect of strata management statement

Omit "Part 5" wherever occurring in section 28W (5) and (8).
Insert instead "Chapter 5 of the *Strata Schemes Management Act 1996*".

[21] Part 4, heading

Omit "Management". Insert instead "Rating and taxation".

[22] Part 4, Divisions 1–5

Omit the Divisions.

[23] Part 4, Division 6

Omit the heading.

[24] Part 5

Omit the Part.

[25] Sections 146–151, 153–156

Omit the sections.

[26] Section 152 Notice of application for order under section 32, 50 or 51

Omit " , 51 or 67" from section 152 (1).
Insert instead "or 51".

[27] Section 158 Regulations—general

Omit section 158 (1) (f) and (g).

[28] Schedule 1A Requirements for strata plans

Omit "*Strata Titles (Leasehold) Act 1986*" from clause 5 (a).
Insert instead "*Strata Titles (Leasehold Development) Act 1986*".

[29] Schedules 1 and 2

Omit the Schedules.

2.31 Strata Titles (Leasehold) Act 1986 No 219

[1] Section 1 Name of Act

Omit "*Strata Titles (Leasehold)*".
Insert instead "*Strata Titles (Leasehold Development)*".

[2] Section 4 Definitions

Omit the definition of *approved insurer* in section 4 (1).

[3] Section 4 (1)

Omit "a Strata Titles Board constituted in accordance with section 98A of the *Strata Titles Act 1973*" from the definition of *Board*.
Insert instead "the Strata Schemes Board constituted in accordance with section 220 of the *Strata Schemes Management Act 1996*".

[4] Section 4 (1)

Omit "council of that body corporate" from the definition of *council*.
Insert instead "executive committee of that body corporate appointed in accordance with the *Strata Schemes Management Act 1996*".

[5] Section 4 (1)

Omit "*Strata Titles Act 1973*" from the definition of **current plan**.
Insert instead "*Strata Titles (Freehold Development) Act 1973*".

[6] Section 4 (1)

Omit "section 99" wherever occurring in the definitions of **lessee** and **strata roll**.

Insert instead "section 96 of the *Strata Schemes Management Act 1996*".

[7] Section 6 Subdivision

Omit "*Strata Titles Act 1973*" from section 6 (1).

Insert instead "*Strata Titles (Freehold Development) Act 1973*".

[8] Section 7 Registration of strata plans

Insert after section 7 (2CA):

(2CB) A plan intended to be registered as a strata plan must be accompanied by a copy of the proposed by-laws for the strata scheme that require registration.

(2CC) The proposed by-laws must be in the form approved under the *Real Property Act 1900* and must be signed by the persons required to sign the strata plan under section 19 (1).

(2CD) The proposed by-laws have no effect until registered. However, registration does not operate to give effect to by-laws that have not been lawfully made.

[9] Section 8 Effect of registration of a strata plan

Omit "*Strata Titles Act 1973*" wherever occurring in section 8 (1) (e) (ii) and (4).

Insert instead "*Strata Titles (Freehold Development) Act 1973*".

[10] Section 9 Easements in certain leasehold strata schemes

Omit "*Strata Titles Act 1973*" from section 9 (2) (a).

Insert instead "*Strata Titles (Freehold Development) Act 1973*".

[11] Section 11 Subdivision of lots and common property (1973 Act, s 9)

Omit "section 97 (4)" from section 11 (2) (d) (ii).

Insert instead "section 182 of the *Strata Schemes Management Act 1996*".

[12] Section 16 Conversion of lots into common property (1973 Act, s 13)

Omit "section 97 (4)" from section 16 (2) (b) (ii).

Insert instead "section 182 of the *Strata Schemes Management Act 1996*".

[13] Section 25 Folio where no common property (1973 Act, s 22)

Omit "section 91 (2) (b)" from section 25 (2) (a).

Insert instead "section 239 of the *Strata Schemes Management Act 1996*".

[14] Section 25 (2) (b)

Omit "section 87 (3)".

Insert instead "section 48 of the *Strata Schemes Management Act 1996*".

[15] Section 27 Folio where there is common property (1973 Act, s 23)

Omit "referred to in section 87 (7)" from section 27 (2) (d).

Insert instead "to which Division 4 of Part 5 of Chapter 2 of the *Strata Schemes Management Act 1996* applies".

[16] Section 27 (2) (e)

Omit "section 91".

Insert instead "section 239 of the *Strata Schemes Management Act 1996*".

[17] Section 27 (2) (f)

Omit "section 87 (3)".

Insert instead "section 48 of the *Strata Schemes Management Act 1996*".

[18] Section 32 Effect of dealings under this Division (1973 Act, s 28)

Omit "referred to in section 87 (7)" from section 32 (3) (b).

Insert instead "to which Division 4 of Part 5 of Chapter 2 of the *Strata Schemes Management Act 1996* applies".

[19] Section 32 (4) (b)

Omit "section 97".

Insert instead "section 182 of the *Strata Schemes Management Act 1996*".

[20] Section 40 Effect of merger of leasehold estate with lessor's reversion

Omit "*Strata Titles Act 1973*" wherever occurring in section 40 (1) (a) and (2).

Insert instead "*Strata Titles (Freehold Development) Act 1973*".

[21] Section 52 Use of common property and development lot by developer (1973 Act, s 28L)

Omit "section 157" wherever occurring.

Insert instead "section 144 of the *Strata Schemes Management Act 1996*".

[22] Section 56 Meetings of body corporate relating to development concerns (1973 Act, s 28P)

Omit "Schedule 4" from section 56 (2).

Insert instead "Schedule 2 to the *Strata Schemes Management Act 1996*".

[23] Section 57AE Application of Fair Trading Act 1987 to applications for assistance (1973 Act, s 28QE)

Omit "section 98 of the *Strata Titles Act 1973*" from section 57AE (b).

Insert instead "section 214 of the *Strata Schemes Management Act 1996*".

[24] Section 57D Amendment of strata management statement (1973 Act, s 28U)

Omit "under Part 5 or" from section 57D (1) (b).

[25] Section 57F Effect of strata management statement (1973 Act, s 28W)

Omit "Part 5" wherever occurring in section 57F (5) and (8).

Insert instead "Chapter 5 of the *Strata Schemes Management Act 1996*".

[26] Part 4, heading

Omit "Management". Insert instead "Rating and taxation".

[27] Part 4, Divisions 1-5

Omit the Divisions.

[28] Part 4, Division 6

Omit the heading.

[29] Part 5

Omit the Part.

[30] Sections 184–189, 191–194

Omit the sections.

[31] Section 190 Notice of application for order under section 61, 79 or 80

Omit “, 80 or 97” from section 190 (1).
Insert instead “or 80”.

[32] Schedule 1A Requirements for strata plans

Omit “*Strata Titles Act 1973*” from clause 5 (a).
Insert instead “*Strata Titles (Freehold Development) Act 1973*”.

[33] Schedule 1 Rights and obligations implied in certain easements

Omit “*Strata Titles Act 1973*” from clause 1 (2) (a) (i).
Insert instead “*Strata Titles (Freehold Development) Act 1973*”.

[34] Schedules 3 and 4

Omit the Schedules.

2.32 Sydney Cove Redevelopment Authority Act 1968 No 56

[1] Section 3 Definitions

Omit “*Strata Titles (Leasehold) Act 1986*” from the definition of *leasehold strata scheme* in section 3 (1).
Insert instead “*Strata Titles (Leasehold Development) Act 1986*”.

[2] Section 12 Authority

Omit "*Strata Titles (Leasehold) Act 1986*" from section 12 (2).
Insert instead "*Strata Titles (Leasehold Development) Act 1986*".

[3] Section 19 General powers of Authority

Omit "*Strata Titles (Leasehold) Act 1986*" from section 19 (1) (b1).
Insert instead "*Strata Titles (Leasehold Development) Act 1986*".

[4] Section 22 Authority may erect buildings or grant leases

Omit "*Strata Titles (Leasehold) Act 1986*" wherever occurring in section 22 (1A) and (3).
Insert instead "*Strata Titles (Leasehold Development) Act 1986*".

[5] Section 46 Regulations

Omit "*Strata Titles (Leasehold) Act 1986*" from section 46 (2) (b) .
Insert instead "*Strata Titles (Leasehold Development) Act 1986*".

2.33 Trustee Act 1925 No 14

Section 14A Authorised investments

Omit "the meaning of the *Strata Titles Act 1973*" from section 14A (2) (g).
Insert instead "a strata plan".

2.34 Valuation of Land Act 1916 No 2

[1] Section 4 Definitions

Omit "*Strata Titles Act 1973* or the *Strata Titles (Leasehold) Act 1986*" from the definition of ***Deposited plan*** in section 4 (1).
Insert instead "*Strata Titles (Freehold Development) Act 1973* or the *Strata Titles (Leasehold Development) Act 1986*".

[2] Section 4 (3)

Omit "*Strata Titles Act 1973* or the *Strata Titles (Leasehold) Act 1986*".

Insert instead "*Strata Titles (Freehold Development) Act 1973* or the *Strata Titles (Leasehold Development) Act 1986*".

[3] Section 58C Definitions

Omit "*Strata Titles Act 1973*" from the definition of *strata lot* in section 58C (6).

Insert instead "*Strata Titles (Freehold Development) Act 1973*".

[4] Section 58C (6)

Omit "*Strata Titles (Leasehold) Act 1986*" from the definition of *strata lot*.

Insert instead "*Strata Titles (Leasehold Development) Act 1986*".

2.35 Water Supply Authorities Act 1987 No 140

[1] Section 3 Definitions

Omit "*Strata Titles Act 1973*" from section 3 (2) (d).

Insert instead "*Strata Titles (Freehold Development) Act 1973*".

[2] Section 3 (2) (d)

Omit "*Strata Titles (Leasehold) Act 1986*".

Insert instead "*Strata Titles (Leasehold Development) Act 1986*".

2.36 Wilderness Act 1987 No 196

Section 2 Definitions

Omit "*Strata Titles Act 1973*" from section 2 (2) (c).

Insert instead "*Strata Titles (Freehold Development) Act 1973*".

2.37 Wills, Probate and Administration Act 1898 No 13

[1] Fourth Schedule Rights of surviving spouse of intestate with respect to acquisition of the matrimonial home

Omit "*Strata Titles Act 1973*" from clause 3 (1) (d) (ii).

Insert instead "*Strata Titles (Freehold Development) Act 1973*".

[2] Fourth Schedule, clause (1) (d) (iii)

Omit "*Strata Titles (Leasehold) Act 1986*".

Insert instead "*Strata Titles (Leasehold Development) Act 1986*".

[Minister's second reading speech made in—

Legislative Assembly on 13 November 1996

Legislative Council on 4 December 1996]

BY AUTHORITY