

2024 Development of the Transport Oriented Development Program Inquiry

24 July 2024 hearing

Response to Question taken on Notice: NSW Fair Trading

Question
<p>The Hon. PETER PRIMROSE: Just one from me, given that we've got a couple of minutes. This is one out of left field, but please feel free to take it on notice. Earlier today we received evidence from Professor Cathy Sherry from the Macquarie Law School. She spoke about issues to do with the law underlying the Government's understanding of strata titles and said that she had been able to identify, as had her colleagues, a number of issues where she believes that there was a misunderstanding of how the law should actually operate, and that having a very clear understanding of strata title was absolutely critical, particularly now, if we're moving further in. She has suggested, for instance — and I'm not advocating this — a department of strata titles within the Government. Leaving aside the issue of whether there should be a department, the issue that she's raised — and she clearly knows what she's talking about — is that there are issues associated with perhaps a lack of understanding of all the implications of strata. Do you believe that that's something that needs to be looked at in relation to the ongoing issue about the development of TOD and, indeed, existing strata projects as well?</p> <p>TRINA JONES: I will say I work within NSW Fair Trading, where the Strata and Property Services Commissioner also works. A critical component of his role is around ensuring that people understand what it means when you do put strata title and then how to manage it. There are a number of forms that are underway. If there's a particular question that you'd like me to take back on notice for the department, I can do that.</p> <p>The Hon. PETER PRIMROSE: I'd welcome that, given we've received that evidence. It's something I hadn't heard before, but I think it is worthwhile pursuing. If you could take that on notice, that would be great.</p> <p>TRINA JONES: No problem.</p> <p>(p.64 transcript)</p>
<p>ANSWER</p> <p>Stata and community title bring great opportunities for NSW as a model of multi-unit housing development. However, the rapid increase in scale and complexity of strata developments in NSW brings a risk that professional services, technology, regulation, lifetime building integrity and consumer empowerment don't adequately keep pace.</p> <p>The NSW Government is pursuing multiple tranches of legislative reform arising from and going beyond the recommendations of the 2021 statutory review of NSW strata laws. This will ensure the legal framework keeps pace with transformation of the strata sector.</p>

The NSW Strata and Property Services Commissioner's priorities are to restore confidence and boost consumer protection for NSW residents engaged in real estate transactions, and for those who are buying, owning or living in strata.

The Government has provided a funding boost in this year's Budget to allow the Commissioner to educate owners' corporations and hold strata agents to account.

The funding will increase resourcing in complaints handling, dispute resolution and compliance inspectors. It will also enable uplift in professional standards for those who serve these communities and an increased focus on ensuring owners' corporations meet their legal obligations.