

New South Wales



ANNO VICESIMO QUINTO

ELIZABETHÆ II REGINÆ

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Act No. 18, 1976.

An Act to amend the Strata Titles Act, 1973. [Assented to, 31st March, 1976.]

**B**E it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the "Strata Titles (Amendment) Act, 1976".

2.

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*Strata Titles (Amendment).*

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**Amendment of Act No. 68, 1973.**     **2.** The Strata Titles Act, 1973, is amended in the manner set out in Schedule 1.

**Transitional provision.**     **3.** (1) If any moneys referred to in section 68 (1) (l) or (m) of the Strata Titles Act, 1973, are, at the date of assent to this Act, held by any person on behalf of a body corporate otherwise than in a bank account referred to in section 68 (1) (n1) of that Act, as amended by this Act, that person shall as soon as practicable after the date of assent to this Act pay those moneys to the body corporate for payment into a bank account referred to in section 68 (1) (n1) of that Act, as amended by this Act.

Penalty : \$500.

(2) Subsection (1) does not apply in respect to moneys referred to in that subsection that are held by a person on behalf of a body corporate if that person is a managing agent for that body corporate and is the holder of a real estate agent's licence issued pursuant to the Auctioneers and Agents Act, 1941.

**Sec. 2.**

SCHEDULE 1.

AMENDMENTS TO THE STRATA TITLES ACT, 1973.

(1) Section 5 (1), definition of "proprietor"—

In paragraph (b), after "81 (2)", insert "or (2A)".

(2) (a) Section 68 (1) (j)—

Omit "seven", insert instead "fourteen".

(b) Section 68 (1) (m)—

Omit ", as its sinking fund, a fund for the depositing therein of those amounts", insert instead "a sinking fund into which those amounts and any amounts paid to the body corporate by way of discharge of insurance claims shall be paid".

SCHEDULE

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*Strata Titles (Amendment).*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE STRATA TITLES ACT, 1973  
—*continued.*

(c) Section 68 (1) (n1)—

After section 68 (1) (n), insert :—

- (n1) pay any moneys referred to in paragraphs (l) and (m) that are received by it and are not otherwise invested in accordance with section 65 (1) (a) into an account established in a bank in the name of the body corporate separate from any account in which any other moneys of the body corporate are kept;

(d) Section 68 (1A)—

After section 68 (1), insert :—

- (1A) Subsection (1) (n1) does not apply to a body corporate which has appointed a managing agent who is the holder of a real estate agent's licence issued pursuant to the Auctioneers and Agents Act, 1941, and to whom the duty of the body corporate under subsection (1) (n1) is delegated pursuant to section 78.

(3) Section 69 (3) (b)—

After "81 (2)", insert "or (2A)".

(4) Section 73 (6), (7)—

At the end of section 73, insert :—

- (6) A person who has possession or control or—  
(a) any records, books of account or keys belonging to a body corporate;

SCHEDULE

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*Strata Titles (Amendment).*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE STRATA TITLES ACT, 1973  
—*continued.*

(b) the strata roll kept by a body corporate; or

(c) any other property of a body corporate,

shall, within seven days after service on him of notice of a resolution of the council requiring him to do so, deliver those records, books of account and keys and that strata roll and other property to a member of the council specified in the notice.

Penalty for an offence against this subsection : \$500.

(7) Subsection (6) does not apply in respect of a person who has possession or control of any of the property referred to in subsection (6) (a), (b) or (c) if that person is the managing agent of the body corporate concerned and is the holder of a real estate agent's licence issued pursuant to the Auctioneers and Agents Act, 1941.

(5) (a) Section 81 (2A)—

After section 81 (2), insert :—

(2A) Where the disponor under an executed transfer of a lot does not comply with a notice under subsection (10) requiring him to give a notice under subsection (2) in the capacity of the disponor under the transfer, the disponent under the transfer may give to the body corporate written notice of the transfer which shall identify the lot and specify the name of the disponent in full and the address for the service of notices on the disponent and the date upon which the transfer was delivered to the disponent.

SCHEDULE

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*Strata Titles (Amendment).*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE STRATA TITLES ACT, 1973  
—*continued.*

(b) Section 81 (7)—

Omit “and—

(a) if the lease is not in writing, specify the date and terms of the lease or, if the lease is in writing, be accompanied by a true copy of the lease; and

(b) specify the address for the service of notices on the lessor”, insert instead

“and the address for the service of notices on the lessor”.

(6) Section 119—

Omit “reallocating those unit entitlements”, insert instead “allocating unit entitlements among the lots”.

(7) Section 141 (3)—

Omit “reallocation”, insert instead “allocation”.

(8) Section 153 (1)—

Omit “or a notice or order under Part V”.

(9) (a) Schedule 1, by-law 10 (d)—

Omit “and” where secondly occurring.

(b) Schedule 1, by-law 10 (f)—

At the end of by-law 10 (e), insert :—

; and

(f) the calling of nominations of candidates for election as members of the council.

SCHEDULE

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*Strata Titles (Amendment).*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE STRATA TITLES ACT, 1973  
—*continued.*

## (10) Schedule 2, Part 1, clause 16—

Omit “initial period”, insert instead “first annual general meeting”.

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