

**STRATA TITLES (MANAGEMENT) AMENDMENT
ACT, 1979, No. 142**

New South Wales



ANNO VICESIMO OCTAVO

ELIZABETHÆ II REGINÆ

Act No. 142, 1979.

An Act to amend the Strata Titles Act, 1973, so as to facilitate the administration and execution of the management provisions of that Act in certain respects. [Assented to, 28th November, 1979.]

Strata Titles (Management) Amendment.

BE 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 (Management) Amendment Act, 1979”. Short
title.

2. (1) Section 1 and this section shall commence on the date of assent to this Act. Commence-
ment.

(2) Section 5 and Schedule 1 (1) (b), (7) and (10) (g)–(i) and (k)–(m) shall commence at the expiration of the period of 3 months commencing with the day appointed and notified pursuant to subsection (5).

(3) Schedule 1 (33) shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

(4) Section 4 shall, in its application to a provision of Schedule 1, commence on the day on which the provision commences.

(5) Except as provided in subsections (1)–(4), this Act shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

3. The Strata Titles Act, 1973, is referred to in this Act as the Principal Act. Principal
Act.

4. The Principal Act is amended in the manner set forth in Schedule 1. Amend-
ment of
Act No. 68,
1973.

Strata Titles (Management) Amendment.

Disposition of certain money.

5. Any amount held to the credit of a general account of a body corporate at the commencement of this section shall be deemed to be held to the credit of the sinking fund of the body corporate.

Certain by-laws repealed.

6. Any by-law made under section 58 (2) of the Principal Act so far as it—

(a) amends, adds to or repeals any one or more of by-laws 1–11 set forth in Schedule 1 to that Act; or

(b) is inconsistent with any one or more of those by-laws, and if it has not been repealed before the commencement of this section, is hereby repealed.

Certain delegations revoked.

7. Any delegation to a managing agent by a body corporate of its power to make a decision on a restricted matter within the meaning of section 75 of the Principal Act, being a delegation made under section 78 (1) of that Act before the commencement of this section, is hereby revoked.

Sec. 4.

SCHEDULE 1.

AMENDMENTS TO THE PRINCIPAL ACT.

(1) (a) Section 5 (1), definition of “company nominee”—

After the definition of “common property”, insert :—

“company nominee”, in relation to a corporation, means the individual, if any, for the time being authorised under section 80A (1) by the corporation;

(b) Section 5 (1), definition of “general account”—

Omit the definition.

Strata Titles (Management) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(2) Section 55 (4), (5)—

After section 55 (3), insert :—

(4) Where a managing agent has affixed the common seal of the body corporate to any instrument or document, he shall be deemed to have done so under the authority of a delegation made under section 78 (1) by the body corporate.

(5) Subsection (4) shall not operate so as to enable a person to fraudulently obtain a benefit from its operation, but any benefit that accrues to a person from the operation of that subsection shall be deemed not to be fraudulently obtained if the benefit was first obtained by that person without any fraud by him.

(3) (a) Section 57 (2) (d)—

Omit “and”.

(b) Section 57 (2) (e)—

Omit “repealed.”, insert instead “repealed; and”.

(c) Section 57 (2) (f)—

After section 57 (2) (e), insert :—

(f) to decide whether a managing agent should be appointed under section 78 (1) by the body corporate and, if a managing agent is to be appointed, which powers, authorities, duties or functions of the body corporate should be delegated to him.

Strata Titles (Management) Amendment.

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(d) Section 57 (6)—

After “deemed”, insert “to be”.

(e) Section 57 (6A)—

After section 57 (6), insert :—

(6A) At any time after the meeting convened under subsection (1) has been held, the Commissioner may, pursuant to an application made to him by a proprietor or mortgagee of a lot, appoint by order a person, nominated by the proprietor or mortgagee, who has consented to that nomination—

- (a) if there is not a council of the body corporate—to convene a meeting of the body corporate within such time as may be specified in the order and a meeting so convened shall, for the purpose of the election of a council, be deemed to be a first annual general meeting of the body corporate; or
- (b) if there is not a chairman, secretary and treasurer of the council of the body corporate—to convene a meeting of the council of the body corporate within such time as may be specified in the order and a meeting so convened shall be deemed to have been convened by that council.

(f) Section 57 (7)—

After “subsection (6)”, insert “or (6A)”.

Strata Titles (Management) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(g) Section 57 (7A)—

After section 57 (7), insert :—

(7A) Notwithstanding Schedule 2, where an order made under subsection (6) or (6A) so provides—

- (a) the person appointed to convene a meeting of a body corporate by the order shall preside at the meeting and, while he so presides, shall be deemed to be the chairman of the body corporate; and
- (b) notice of that meeting may be given in the manner specified in the order.

(4) Section 58 (2)—

After “Schedule 1”, insert “, other than by-laws 1–11 set forth in that Schedule,”.

(5) Section 58A—

After section 58, insert :—

58A. (1) Where any lot or common property the subject of a strata scheme is leased, otherwise than to a proprietor of a lot the subject of the strata scheme, for the purpose of its being used as, or in connection with, a residence, the lessor shall, within 7 days after the lessee's becoming entitled under the lease to possession of the lot or common property, provide the lessee, in accordance with subsection (2), with a copy of the by-laws for the time being in force in respect of the strata scheme. Copy of by-laws to be provided.

Penalty : \$100.

Strata Titles (Management) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(2) A lessee is provided with a copy of the by-laws in accordance with this subsection if the copy is—

- (a) served personally on the lessee;
- (b) where the lease relates to a lot or common property that is fully enclosed by walls or other structures—left in a conspicuous position at the lot or on the common property; or
- (c) where the lease relates to a lot—served in the manner provided by section 153 (3) (a) or (b).

(6) (a) Section 59 (2)—

Omit the subsection.

(b) Section 59 (5)—

After “fund”, insert “and sinking fund”.

(c) Section 59 (6)—

After “fund”, insert “and sinking fund”.

(7) (a) Section 62 (5)–(9)—

Omit the subsections.

(b) Section 62 (10)—

Omit the subsection, insert instead :—

(10) A reference in this section to an appropriate court is a reference—

- (a) in the case of an application where the amount of the payment does not exceed \$500 and except where the title to land is

Strata Titles (Management) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

in question otherwise than incidentally—
to such court of petty sessions as may be
agreed upon by the applicant and the
respondent or, in the absence of any such
agreement, the court of petty sessions
nearest to the parcel;

- (b) in the case of an application where the
amount of payment does not exceed \$500
and the title to land is in question
otherwise than incidentally—to the
District Court of New South Wales;
- (c) in the case of an application where the
amount of the payment exceeds \$500 but
does not exceed \$10,000 and except where
the title to land is in question otherwise
than incidentally—to the District Court of
New South Wales; and
- (d) in any other case—to the Supreme Court.

(8) Section 64 (1) (a1)—

After section 64 (1) (a), insert :—

- (a1) any work required to be carried out by a body
corporate—
 - (i) by a notice served on it by a public
authority or local council; or
 - (ii) by an order of the Commissioner or a
Board;

(9) (a) Section 66 (1) (d)—

Omit “expiration of the initial period”, insert instead
“holding of the first annual general meeting of the
body corporate”.

Strata Titles (Management) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(b) Section 66 (1)—

Omit “section 67”, insert instead “subsection (1A) or section 67”.

(c) Section 66 (1A)—

After section 66 (1), insert :—

(1A) A Board may, on an application made to it by a body corporate constituted of one proprietor, make an order authorising the doing, during the initial period, of anything referred to in subsection (1) by the body corporate.

(d) Section 66 (2)—

Omit the subsection, insert instead :—

(2) Without affecting any other remedy available against the original proprietor, if a body corporate contravenes subsection (1)—

- (a) the original proprietor is liable for any loss suffered by the body corporate or any proprietor as a result of the contravention; and
- (b) the body corporate or any proprietor may recover from the original proprietor, as damages for breach of statutory duty, any loss suffered by it or him,

unless—

- (c) the contravention occurred without the knowledge of the original proprietor;
- (d) the original proprietor was not in a position to influence the conduct of the body corporate in relation to the contravention; or

Strata Titles (Management) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

- (e) the original proprietor, being in such a position, used all due diligence to prevent the contravention.
- (10) (a) Section 68 (1) (g)—
After “meetings”, insert “, which shall include particulars of motions passed by it at those meetings,”.
- (b) Section 68 (1) (h)—
Omit “one month”, insert instead “2 months”.
- (c) Section 68 (1) (i)—
Omit “convene annual general meetings”, insert instead “cause annual general meetings to be convened”.
- (d) Section 68 (1) (l)—
Omit “for the depositing therein of”, insert instead “into which shall be paid”.
- (e) Section 68 (1) (1)—
After “section 70”, insert “and into which may be paid any amounts paid to the body corporate by way of discharge of insurance claims”.
- (f) Section 68 (1) (m)—
After “paid” where secondly occurring, insert “, unless the latter amounts have been paid into the administrative fund under paragraph (1)”.

Strata Titles (Management) Amendment.

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(g) Section 68 (1) (n1)—

Omit “and (m)”, insert instead “, (m) and (o)”.

(h) Section 68 (1) (n1)—

Omit “separate from any account in which any other moneys of the body corporate are kept”.

(i) Section 68 (1) (o)—

Omit the paragraph, insert instead :—

(o) whenever it receives any moneys, other than moneys referred to in paragraph (l) or (m), pay those moneys into the sinking fund;

(j) Section 68 (1) (p)—

Omit the paragraph, insert instead :—

(p) if the body corporate—

(i) becomes liable to pay any moneys that it is unable to pay forthwith; and

(ii) is not required, under paragraph (n), to levy contributions to meet the liability,

levy, in accordance with section 59, contributions to raise those moneys; and

(k) Section 68 (2) (a) (iii)—

Omit the subparagraph.

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(l) Section 68 (2) (b)—

Omit “, its sinking fund or its general account”, insert instead “or its sinking fund”.

(m) Section 68 (3)—

Omit the subsection.

(n) Section 68 (4)—

After “subsection (1) (j)” wherever occurring, insert “or (k)”.

(11) (a) Section 69 (3) (c1)—

After section 69 (3) (c), insert :—

(c1) the name of the company nominee of any corporation that is a proprietor or mortgagee of the lot as shown in notices given to the body corporate for the purposes of section 81 (12);

(b) Section 69 (4)—

After section 69 (3), insert :—

(4) The body corporate shall record and maintain in the strata roll a copy of the by-laws for the time being in force with respect to the strata scheme concerned.

Strata Titles (Management) Amendment.

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(12) (a) Section 71 (2)—

Omit the subsection, insert instead :—

(2) Where there are not more than 3 proprietors, the council shall consist of each proprietor, if any, who is an individual or his nominee, together with the company nominee of each proprietor, if any, which is a corporation.

(b) Section 71 (3)—

Omit “seven”, insert instead “nine”.

(c) Section 71 (5)—

Omit the subsection, insert instead :—

(5) A person is not eligible for election as a member of a council unless he is—

- (a) an individual who is a proprietor;
- (b) a company nominee of a corporation which is a proprietor; or
- (c) an individual who is not a proprietor but who is nominated for election by a proprietor who is not a candidate for election.

(d) Section 71 (6)—

After “proprietor” wherever occurring, insert “or company nominee of a corporation which is a proprietor”.

(e) Section 71 (7)—

After “proprietor”, insert “or company nominee of a corporation”.

Strata Titles (Management) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(13) Section 72 (1) (b)—

Omit the paragraph, insert instead :—

(b) if, where he was not a proprietor at the time of his election or was a company nominee, the individual who nominated him for election or the corporation for which he is a company nominee, as the case may be—

(i) ceases to be a proprietor; or

(ii) notifies the body corporate, in writing, that his office, as a member of the council, is vacated;

(14) (a) Section 73 (3) (a)—

Omit “or”.

(b) Section 73 (3) (a1)—

After section 73 (3) (a), insert :—

(a1) the receipt by the body corporate from him of notice in writing of his resignation from that office; or

(c) Section 73 (5) (a)—

Omit “or” where lastly occurring.

(d) Section 73 (5) (b)—

Omit “function.”, insert instead “function; or”.

Strata Titles (Management) Amendment.

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(e) Section 73 (5) (c)—

After section 73 (5) (b), insert :—

- (c) a person with whom the treasurer of the body corporate is required by an order of the council to exercise or perform jointly that power, authority, duty or function, and who is enabling the treasurer to comply with the order.

(f) Section 73 (5A), (5B)—

After section 73 (5), insert :—

(5A) The treasurer of a body corporate may delegate the exercise or performance of any of his powers (other than this power of delegation), authorities, duties or functions as treasurer, the delegation of which is specifically approved by the council of the body corporate, to another member of the council so approved, subject to such limitations as to time or otherwise as are so approved and, while a delegate is acting in accordance with the terms of a delegation under this subsection, he shall be deemed to be the treasurer of the body corporate.

(5B) The council of a body corporate may, by a notice in writing served on the treasurer of the body corporate, order that he shall not exercise or perform any of his powers, authorities, duties or functions that are specified in the notice, unless he does so jointly with another person so specified.

Strata Titles (Management) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(15) Section 76 (3) (b)—

Omit the paragraph, insert instead :—

(b) to comply with—

- (i) a notice or order served on the body corporate by any public authority or local council; or
- (ii) an order made with respect to the body corporate by the Commissioner or a Board; or

(16) (a) Section 78 (1)—

Omit “A body corporate may,”, insert instead “Subject to subsection (1A), a body corporate may, in general meeting and”.

(b) Section 78 (1)—

Omit “by instrument in writing” where secondly occurring, insert instead “in like manner”.

(c) Section 78 (1)—

Omit “(other than this power of delegation)” wherever occurring.

(d) Section 78 (1A)—

After section 78 (1), insert :—

(1A) A body corporate may not, under subsection (1), delegate to a managing agent its power to make—

- (a) a delegation under that subsection; or
- (b) a decision on a restricted matter within the meaning of section 75.

Strata Titles (Management) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(17) Section 80A—

After section 80, insert :—

Power for individuals to act for corporate proprietors and mortgagees of lots.

80A. (1) A corporation may, and shall be deemed always to have been able to, authorise an individual to exercise or perform on its behalf any power, authority, duty or function conferred by or under this Act on the corporation as proprietor or mortgagee of a lot and may revoke the authority of any individual so authorised.

(2) Where an individual exercises or performs a power, authority, duty or function that he is, by a proprietor or mortgagee of a lot, authorised pursuant to subsection (1) to exercise or perform, the power, authority, duty or function shall be deemed to be exercised or performed by the proprietor or mortgagee, as the case may be, of the lot.

(3) Nothing in subsection (1) or (2) affects any liability or obligation imposed by or under this Act on a corporation which is a proprietor or mortgagee of a lot.

(4) A document under the seal of a corporation purporting to be an authorisation under subsection (1) or to be a revocation of such an authorisation is admissible in evidence and shall, unless the contrary is proved, be deemed to be such an authorisation or revocation, as the case may be.

(18) (a) Section 81 (10) (d)—

Omit “furnish”, insert instead “give”.

Strata Titles (Management) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(b) Section 81 (12), (13)—

After section 81 (11), insert :—

(12) A vote cast at a meeting of a body corporate by or on behalf of a corporation has no effect unless the body corporate has been given notice in writing specifying the company nominee of the corporation.

(13) A notice referred to in subsection (12) may be included in any other notice that the corporation to which it relates or any other person is entitled under this section to give to the body corporate.

(19) Section 84 (3)—

After section 84 (2), insert :—

(3) The body corporate may insure any property which it is not required to insure pursuant to this Division and in which it has an insurable interest.

(20) Section 100 (1)—

Omit “prescribed fee”, insert instead “fee prescribed in respect of the application”.

(21) Section 101 (1) (d)—

After “notice,”, insert “or within a longer time specified in any further notice given by the Commissioner to the body corporate and each of the persons to whom the notice referred to in paragraph (c) was given (which further notice the Commissioner is hereby authorised to give),”.

Strata Titles (Management) Amendment.

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(22) (a) Section 102 (1)—

After “application” where secondly occurring, insert “and whether or not he has made an order under section 104A (2) pursuant to a request stated in the application”.

(b) Section 102 (1) (b)—

Omit “each such notice”, insert instead “of each such notice and a copy of any further notice given under section 101 (1) (d)”.

(c) Section 102 (1) (f)—

Omit “and”.

(d) Section 102 (1) (f1)—

After section 102 (1) (f), insert :—

(f1) a copy of any order made by him under section 104A (2) pursuant to a request stated in the application and of any further request made to him by the applicant to renew that order, if any; and

(23) Section 103—

After “101 (1) (c)”, insert “or (d)”.

(24) (a) Section 104 (1)—

Omit the subsection, insert :—

(1) The Commissioner shall not make an order under this Division, other than an order under section 104A (2), until after—

(a) the expiration of the time specified in the notice given under section 101 (1) (c); or

Strata Titles (Management) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

- (b) where a further notice has been given under section 101 (1) (d)—the expiration of the longer time specified in that notice,

for the making of written submissions with respect to the application seeking the order.

- (b) Section 104 (6)—

Omit “An”, insert instead “Subject to section 104A (5), an”.

- (25) Section 104A—

After section 104, insert :—

104A. (1) In this section, “interim order” means an ^{Interim} order made under subsection (2). _{orders.}

(2) Where an applicant for an order under section 105 (1) states in his application that he requests an interim order, the Commissioner may, if he is satisfied on reasonable grounds that, by reason of the urgent circumstances of the case, he should do so—

- (a) make, under this subsection, any order that may be made under section 105 (1) with respect to the application; and
- (b) before the expiration of 3 months from the date on which it takes effect and upon a further request made by the applicant, renew an interim order that is in force by serving notice in accordance with subsection (6) that the order is renewed.

Strata Titles (Management) Amendment.

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(3) An interim order may be made or renewed notwithstanding—

- (a) that the Commissioner is of the opinion that the application in which the interim order is requested should be referred to a Board under section 100 (2);
- (b) that any power or duty of the Commissioner under section 101 (1) has not been exercised or performed with respect to the application;
- (c) where the Commissioner has given written notice of the application under section 101 (1) (c), that any time specified under section 101 (1) (d) in that or any further notice has not expired; or
- (d) that any right conferred on the applicant or any other person by section 134 has not been exercised with respect to the application.

(4) An interim order made pursuant to an application for an order under section 105 (1) ceases to have effect—

- (a) at the expiration of 3 months from the date on which it takes effect or, where the Commissioner has renewed the interim order, at the expiration of 6 months from that date;
- (b) where the interim order is revoked by a Board under section 129 (1) (b1) or by the Commissioner under subsection (5)—when it is so revoked; or

Strata Titles (Management) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(c) where—

- (i) a Board, pursuant to section 118 (1), or the Commissioner, makes an order under section 105 (1) with respect to the application; or
- (ii) a Board or the Commissioner dismisses the application,

before the interim order ceases to have effect under paragraph (a) or (b)—when the order is made under section 105 (1) or the application is dismissed, as the case may be.

(5) The Commissioner may revoke an interim order and, if he does so, he shall serve notice in accordance with subsection (6) that the order has been revoked.

(6) A notice of the renewal of an interim order or of the revocation of any such order shall be served—

- (a) except as provided in paragraph (b), on the body corporate for the strata scheme to which the order relates; or
- (b) where the order requires a person to do or refrain from doing a specified act, on that person.

(7) A person shall not in, or in connection with, a request for an interim order or for the renewal of any such order, make a statement that he knows is false or misleading in a material respect.

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

Strata Titles (Management) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(26) Section 106—

Omit “by that proprietor to effect alterations to the common property,”, insert instead :—

by that proprietor—

- (a) to effect alterations to the common property; or
- (b) to have carried out repairs to any damage to the common property or any other property of the body corporate,

(27) Section 109A—

After section 109, insert :—

Order
to make
or pursue
insurance
claim.

109A. Where, pursuant to an application by a proprietor for an order under this section, the Commissioner considers that the body corporate for the strata scheme to which the application relates has unreasonably refused to make or pursue an insurance claim in respect of damage to the building or any other property insured by the body corporate under Division 5 of Part IV, the Commissioner may order the body corporate to make or pursue the claim.

(28) Section 111—

Omit the section, insert instead :—

Order to
supply
informa-
tion or
documents.

111. Where, pursuant to an application for an order under this section, the Commissioner considers that the body corporate for the strata scheme to which the application relates, or a managing agent for that strata scheme, or the chairman, secretary or treasurer of that body corporate has wrongfully—

- (a) withheld from the applicant any information to which he is entitled under this Act; or

Strata Titles (Management) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(b) failed to make available for inspection by the applicant or his agent any record or document that, under this Act, he is entitled to inspect,

the Commissioner may order that body corporate, managing agent, chairman, secretary or treasurer to supply or make available the information or to make so available the record or document, as the case may require, to the applicant.

(29) Section 118 (1)—

After “duties” where firstly occurring, insert “, other than under section 104A,”.

(30) Section 128 (1A)—

After section 128 (1), insert :—

(1A) A person may appeal under this section against an order made by the Commissioner under section 104A (2) only on the grounds that the Commissioner acted unreasonably by making the order.

(31) (a) Section 129 (1) (b)—

Before “may”, insert “where the order was made otherwise than under section 104A (2) —”.

(b) Section 129 (1) (b)—

Omit “and”.

Strata Titles (Management) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(c) Section 129 (1) (b1)—

After section 129 (1) (b), insert :—

(b1) where the order was made under section 104A (2)—may dismiss the appeal or, by order, revoke the order appealed against; and

(32) (a) Section 142 (1)—

After “Part”, insert “, not being an order under section 104A (2),”.

(b) Section 142 (2A)—

After section 142 (2), insert :—

(2A) A person shall not contravene an order under section 104A (2) to do or refrain from doing a specified act.

Penalty : \$500.

(c) Section 142 (3)—

After “subsection (1)”, insert “or (2A)”.

(33) Section 144A—

After section 144, insert :—

Inquiries.

144A. The Commissioner shall, upon inquiry having been made to him by a person in writing in or to the effect of the prescribed form and upon payment of the fee prescribed in respect of the inquiry—

(a) by notice in writing, inform that person whether or not—

(i) any application (being an application that has not been finally disposed of at a date and time specified in the notice) has been

Strata Titles (Management) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

received by the Commissioner for an order under this Act with respect to the strata scheme to which the inquiry relates; or

(ii) any order has been made under this Act with respect to that strata scheme, being an order of a class prescribed for the purposes of this subparagraph and specified in the inquiry; and

(b) where any such application has been received by the Commissioner or any such order has been so made, provide in that notice particulars of the application or order, as the case may be.

(34) Section 153 (4)—

After section 153 (3), insert :—

(4) Notice under section 73 (6) may be served on a person—

(a) personally or by post; or

(b) by leaving it with a person apparently of or above the age of 16 years at the place of residence or place of business of the firstmentioned person.

Strata Titles (Management) Amendment.

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(35) Section 154A—

After section 154, insert :—

Powers
of entry
of Commis-
sioner in
certain
cases.

154A. (1) Where the Commissioner believes on reasonable grounds that—

- (a) an offence against any provision of this Act; or
- (b) a breach of the by-laws,

has been or is being committed upon any part of a parcel, he may, at any reasonable time on reasonable notice given to any occupier of that part of the parcel enter upon that part for the purpose of ascertaining whether that offence or breach has been or is being committed.

(2) When exercising his power under subsection (1), the Commissioner may, if he thinks fit, be accompanied by—

- (a) a member of the council of the body corporate;
or
- (b) the managing agent, if any, of the strata scheme concerned.

(3) A person shall not obstruct or hinder—

- (a) the Commissioner, in the exercise of his power under subsection (1); or
- (b) a person accompanying the Commissioner in pursuance of subsection (2).

Penalty : \$200.

Strata Titles (Management) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(36) (a) Schedule 1, by-law 4—

After “for the meeting”, insert “and including a form of motion for each proposed resolution to be considered at the meeting”.

(b) Schedule 1, by-law 4A—

After by-law 4, insert :—

4A. The secretary of a body corporate or, in his absence, any member of the council shall convene a meeting of the council if he is requested so to do by not less than one-third of the members of the council, within the period of time, if any, specified in the request, and, where a member of the council other than the secretary is requested to convene a meeting of the council under this by-law, he may give, on behalf of the council, the notice required to be given under by-law 4.

Council meetings may be required to be convened.

(c) Schedule 1, by-law 5 (a)—

Omit the paragraph, insert instead :—

- (a) by-law 4 has been complied with in relation to any meeting;

(d) Schedule 1, by-law 6—

After “proprietor”, insert “or, where that person is a corporation, any company nominee of the corporation”.

(e) Schedule 1, by-law 8—

Omit “forty-eight hours” wherever occurring, insert instead “7 days”.

Strata Titles (Management) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(f) Schedule 1, by-law 10 (a)—

After “corporate”, insert “and the submission of a motion for confirmation of the minutes of any meeting of the body corporate at the next such meeting”.

(g) Schedule 1, by-law 10 (b)—

After “corporate”, insert “and of the council”.

(h) Schedule 1, by-law 10 (e)—

Omit “and”.

(i) Schedule 1, by-law 10 (f)—

Omit “council.”, insert instead “council; and”.

(j) Schedule 1, by-law 10 (g)—

After by-law 10 (f), insert :—

(g) subject to section 57 (1), (6) and (6A), the convening of meetings of the body corporate and of the council.

(37) (a) Schedule 2, Part 1, clause 1 (3)–(4A)—

Omit clause 1 (3) and (4), insert instead :—

(3) Without limiting the power of a council under subclause (2)—

(a) the secretary of a council or, in his absence, any member of the council shall convene an extraordinary general meeting of the body corporate as soon as practicable after he receives a requisition for an extraordinary general meeting signed by one or more

Strata Titles (Management) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

persons entitled to vote in respect of one or more lots, the unit entitlement or the sum of the unit entitlements of which is at least one-quarter of the aggregate unit entitlements; and

- (b) where a member of the council other than the secretary receives a requisition to convene an extraordinary general meeting of the body corporate under this subclause, he may give, on behalf of the council, the notice required to be given under subclause (4).

(4) Notice of a general meeting of a body corporate shall—

- (a) be served on each proprietor and first mortgagee of a lot, as ascertained from the strata roll, at least 7 days before the meeting;
- (b) where it is so served on a first mortgagee of a lot, include the name of the proprietor of the lot and the addresses of the lot and the place where the meeting is to be held; and
- (c) where it is so served pursuant to a requisition referred to in subclause (3) (a), specify a date for the convening of the extraordinary general meeting to which it relates that is not later than 1 month after the date on which the secretary or member, as the case may be, of the council received the requisition.

(4A) Nothing in subclause (4) (a) requires a proprietor to serve on himself notice referred to in that subclause.

Strata Titles (Management) Amendment.

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(b) Schedule 2, Part 1, clause 1 (6) (a)—

Omit the paragraph, insert instead :—

(a) include—

- (i) a form of motion to confirm the minutes of the last general meeting;
- (ii) where the notice is for a meeting required to be convened by a person appointed under section 57 (6A) by reason of there not being a council of a body corporate, a form of motion for the election of a council of the body corporate; and
- (iii) a form of each other motion to be considered at the meeting;

(c) Schedule 2, Part 1, clause 1 (6) (b)—

Omit the paragraph, insert instead :—

(b) be accompanied by—

- (i) a voting-paper in respect of each motion to be considered and determined at the meeting for use by a person entitled to vote if the person wishes to cast his vote in writing; and
- (ii) a copy of the minutes of the last general meeting; and

(d) Schedule 2, Part 1, clause 1 (6) (c)—

After “, that he”, insert “or, where the notice is addressed to a corporation, that a company nominee of the corporation”.

Strata Titles (Management) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

- (e) Schedule 2, Part 1, clause 1 (6) (c) (ii)—
Omit “him at”, insert instead “the person to whom the notice is addressed at”.
- (f) Schedule 2, Part 1, clause 2 (1)—
After “roll”, insert “or, where the proprietor so shown is a corporation, the company nominee of that corporation as shown on that roll”.
- (g) Schedule 2, Part 1, clause 2 (2)—
Omit “, as shown on the strata roll, of a lot”, insert instead “of a lot, as shown on the strata roll, or, where the first mortgagee is a corporation, the company nominee, as shown on that roll, of that corporation”.
- (h) Schedule 2, Part 1, clause 2 (2)—
After “proprietor of that lot”, insert “or, where that proprietor is a corporation, by the company nominee of that corporation,”.
- (i) Schedule 2, Part 1, clause 2 (3)—
Omit “Co-proprietors”, insert instead “Notwithstanding section 81 (12), co-proprietors”.
- (j) Schedule 2, Part 1, clause 2 (7)—
After “(11)”, insert “and (12)”.
- (k) Schedule 2, Part 1, clause 10 (2)—
Omit “he has”, insert instead “he or, where the original proprietor is a corporation, a company nominee of the corporation has”.

Strata Titles (Management) Amendment.

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

- (l) Schedule 2, Part 1, clause 10 (2)—
Omit “he is”, insert instead “the original proprietor is”.
- (m) Schedule 2, Part 2, clause 3 (1) (b)—
After “that he”, insert “or, where the notice is addressed to a corporation, that a company nominee of the corporation”.
- (n) Schedule 2, Part 2, clause 3 (1) (b) (ii)—
Omit “him at”, insert instead “the person to whom the notice is addressed at”.
- (o) Schedule 2, Part 2, clause 3 (3), (4)—
After clause 3 (2), insert :—
(3) Where it is served on a first mortgagee of a lot, notice of the meeting shall include the name of the proprietor of the lot and the addresses of the lot and the place where the meeting is to be held.
(4) Nothing in this clause requires an original proprietor to serve on himself notice of the meeting.
- (p) Schedule 2, Part 2, clause 4 (3)—
After “an election”, insert “or a company nominee of any such proprietor that is a corporation”.
- (q) Schedule 2, Part 2, clause 5 (1)—
After “roll”, insert “or, where the proprietor so shown is a corporation, the company nominee of that corporation as shown on that roll”.

Strata Titles (Management) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(r) Schedule 2, Part 2, clause 5 (2)—

Omit “, as shown on the strata roll, of a lot”, insert instead “of a lot, as shown on the strata roll, or, where the first mortgagee is a corporation, the company nominee, as shown on that roll, of that corporation”.

(s) Schedule 2, Part 2, clause 5 (2)—

After “proprietor of that lot”, insert “, or, where that proprietor is a corporation, by the company nominee of that corporation,”.

(t) Schedule 2, Part 2, clause 5 (3)—

Omit “Co-proprietors”, insert instead “Notwithstanding section 81 (12), co-proprietors”.

(u) Schedule 2, Part 2, clause 5 (7)—

After “(11)”, insert “and (12)”.

(v) Schedule 2, Part 2, clause 11 (2)—

Omit “he has”, insert instead “he or, where the original proprietor is a corporation, a company nominee of the corporation has”.

(w) Schedule 2, Part 2, clause 11 (2)—

Omit “he is”, insert instead “the original proprietor is”.

Strata Titles (Management) Amendment.

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(38) Schedule 4, clause 11 (1) (b)—

Omit “that general meeting”, insert instead “the last general meeting of that body corporate held before that day”.
