



Strata Schemes Management Amendment (Residential Tribunal) Regulation 2001

under the

Strata Schemes Management Act 1996

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Strata Schemes Management Act 1996*.

JOHN WATKINS, M.P.,
Minister for Fair Trading

Explanatory note

On the commencement of the amendment to section 222 of the *Strata Schemes Management Act 1996* (**the Strata Act**) by Schedule 1.27 [8] to the *Statute Law (Miscellaneous Provisions) Act (No 2) 2000*, the provisions of the *Residential Tribunal Act 1998* and the regulations made under that Act will apply in relation to proceedings under the Strata Act before the Residential Tribunal, subject to any modifications prescribed by the regulations under the Strata Act.

The object of this Regulation is to amend the *Strata Schemes Management Regulation 1997* to provide that:

- (a) certain provisions of the *Residential Tribunal Act 1998* and the *Residential Tribunal Regulation 1999* that relate to representation of parties, costs and procedural matters do not apply to proceedings under the Strata Act before the Residential Tribunal, and

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(b) section 25 (2) of the *Residential Tribunal Act 1998* (which concerns service of process) applies to those proceedings, but in a modified manner.

This Regulation is made under the *Strata Schemes Management Act 1996*, including sections 222 and 246 (the general regulation-making power).

Strata Schemes Management Amendment (Residential Tribunal) Regulation 2001

1 Name of Regulation

This Regulation is the *Strata Schemes Management Amendment (Residential Tribunal) Regulation 2001*.

2 Commencement

This Regulation commences on the commencement of Schedule 1.27 to the *Statute Law (Miscellaneous Provisions) Act (No 2) 2000*.

3 Amendment of Strata Schemes Management Regulation 1997

The *Strata Schemes Management Regulation 1997* is amended as set out in Schedule 1.

4 Notes

The explanatory note does not form part of this Regulation.

Schedule 1 Amendments

(Clause 3)

[1] Clause 19 Conduct of proceedings before Tribunal

Insert after clause 19 (2):

- (3) This clause is a modification of the provisions of the *Residential Tribunal Act 1998*, and of the regulations under that Act, for the purposes of section 222 (1) of the *Strata Schemes Management Act 1996*.

[2] Clause 19A

Insert after clause 19:

19A Modification of applied provisions of Residential Tribunal Act 1998 and regulations: section 222 (1)

- (1) The following provisions do not apply in relation to proceedings before the Tribunal under the Act:
 - (a) sections 27 (5) (g) and (h), 33 and 48 of the *Residential Tribunal Act 1998*,
 - (b) Part 5 (being clauses 11 to 15) and clauses 16 and 26 of the *Residential Tribunal Regulation 1999*.
- (2) Section 25 (2) of the *Residential Tribunal Act 1998* applies in relation to notices of application for an order in addition to section 135 of the *Strata Schemes Management Act 1996*, and for that purpose the words “this section” in that subsection are taken to refer to section 135 (1) of the *Strata Schemes Management Act 1996*.

Note. Section 222 (1) of the Act provides that the provisions of the *Residential Tribunal Act 1998*, and of the regulations made under that Act, apply in relation to proceedings under the *Strata Schemes Management Act 1996* before the Residential Tribunal, subject to any modifications prescribed by the regulations.

Various provisions of the Act (for example, Parts 1 and 2, Divisions 1–11 of Part 4 and Division 3 of Part 5 of Chapter 5 of the Act) do not relate to proceedings before the Residential Tribunal and therefore are not affected by section 222 (1).

BY AUTHORITY