



New South Wales

# Strata Schemes Legislation Amendment Bill 2024

## Explanatory note

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

## Overview of Bill

The objects of this Bill are to—

- (a) amend the *Strata Schemes Management Act 2015* (the **SSMA**) to implement some of the recommendations made in the report on the statutory review of the Act tabled in Parliament on 29 November 2021 (the **report**), and
- (b) make related amendments to the *Community Land Management Act 2021* (the **CLMA**) and the regulations made under the SSMA and the CLMA, and
- (c) make consequential amendments to other Acts and regulations.

## 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.

## Schedule 1      **Amendment of Strata Schemes Management Act 2015 No 50**

**Schedule 1[2]** amends the SSMA to lower the threshold for passing a special resolution in relation to accessibility infrastructure. **Schedule 1[35]** makes a consequential amendment to a note.

**Schedule 1[42]** inserts proposed section 132C to set out the matters relating to financing and installation that an owners corporation must consider before approving an accessibility infrastructure resolution.

**Schedule 1[3] and [6]** implement recommendation 60. The proposed amendments increase the maximum penalty and insert continuing offences for—

- (a) failure to convene the first annual general meeting of a strata scheme (the *first AGM*) within 2 months of the initial period, and
- (b) failure to deliver certain documents to the owners corporation at least 14 days before the first AGM.

**Schedule 1[5]** clarifies that the agenda for the first AGM must be set by the original owner or, for a leasehold strata scheme that has no original owner, the lessor of the leasehold strata scheme. **Schedule 1[4]** makes an amendment consequential on the amendment made by Schedule 1[5].

**Schedule 1[7]** implements part of recommendation 109 to insert an offence for failure by the original owner of schemes with 3 storeys or more to deliver evidence of the following matters to the owners corporation at least 14 days before the first AGM—

- (a) that the initial maintenance schedule (the *IMS*) has been prepared in the prescribed form,
- (b) that the estimates of levies meet the expected expenditure of the scheme in the year ahead,
- (c) that the IMS and the estimates of levies have been certified by an independent surveyor or another appropriate prescribed person.

**Schedule 1[8]** implements recommendation 40 and part of recommendation 59. The proposed amendment expands the duties and obligations of strata committee members—

- (a) to include the following duties—
  - (i) to exercise the member's functions with honesty and fairness, with due care and diligence and for the benefit, as far as practicable, of the owners corporation,
  - (ii) to comply with the SSMA and the regulations under the SSMA,
  - (iii) to only use or disclose information obtained as a member, including information about an owner of a lot, as required to carry out strata committee functions, or as authorised or required by law,
  - (iv) to not behave in a way that unreasonably affects a person's lawful use or enjoyment of a lot in the strata scheme or the common property.
- (b) to require members of strata committees to complete training, and to make clear that a member who fails to complete the required training will cease to be a member of the committee.

**Schedule 1[10]** implements recommendation 44. The proposed amendment clarifies the functions of the chairperson of an owners corporation to include ensuring the agenda is followed at meetings, that order is maintained at meetings, to encourage discussion at meetings and to facilitate the fair, constructive and open discussion of matters at meetings. **Schedule 1[9] and [11]** make consequential amendments.

**Schedule 1[12]** lowers the threshold for an owners corporation to declare the office of an officer of the owners corporation vacant so that this may be done by resolution rather than special resolution as is the current requirement. The amendment is consequential on the implementation of recommendation 41 by the *Strata Legislation Amendment Act 2023*.

**Schedule 1[13]** implements recommendation 66. The proposed amendment requires strata managing agents who exercise functions of the owners corporation or officers of the owners corporation to give a copy of the records they make about the exercise of those functions to the owners corporation every 6 months.

**Schedule 1[14]** implements recommendation 67. The proposed amendment introduces a defence for strata managing agents when performing a function delegated to them by the owners corporation if—

- (a) the breach of the duty by the owners corporation would be an offence if the breach of the duty was caused by the owners corporation, and

(b) the agent took all reasonable steps to prevent the breach of duty.

**Schedule 1[15] and [16]** update headings to assist the readability of the SSMA.

**Schedule 1[17]** implements recommendations 124 and 127 to align with current practice. The proposed amendment clarifies that a person is not a building manager if the person exercises the functions of a building manager as a member of the strata committee or if the person is prescribed as not being a building manager.

**Schedule 1[18]** implements recommendation 128. The proposed amendment inserts a duty for building managers to act in the best interests of the owners corporation. Additional duties may be prescribed by the regulations.

**Schedule 1[19]** implements recommendation 68. The proposed amendment clarifies that the Civil and Administrative Tribunal of New South Wales (the *Tribunal*) may order the termination or variation of an agreement for the appointment of a strata managing agent or building manager if—

- (a) the strata managing agent or a building manager is carrying on a business involving the supply of services to the owners corporation, owners or occupiers of lots, and
- (b) the carrying on of the business is contrary to law.

**Schedule 1[20]** implements recommendation 118. The proposed amendment adds the installation, replacement and repair of infrastructure, fixtures and fittings that are part of the common property for the purpose of the sustainable use of the scheme to the list of items the actual and expected expenditure for which an owners corporation must estimate at each annual general meeting.

**Schedule 1[21]** implements recommendation 110. The proposed amendment requires the owners corporation to consider the IMS prepared by the original owner when preparing the first 10-year capital works fund plan for the strata scheme.

**Schedule 1[22]** implements recommendation 111. The proposed amendment requires the first 10-year capital works fund plan to be made in the form prescribed by the regulations.

**Schedule 1[23]** amends the SSMA, section 83 to require owners corporations to provide additional information to lot owners along with notices of levy contributions.

**Schedule 1[24]–[26] and [28]** amend the SSMA, section 85, including for the following purposes relating to payment plans for the payment of overdue contributions—

- (a) to allow an owners corporation to agree to enter into a payment plan,
- (b) to allow an owners corporation to reasonably refuse to enter into a payment plan, with the details of what constitutes a reasonable refusal to be prescribed by the regulations,
- (c) to set out the requirements relating to payment plans that may be prescribed by the regulations,
- (d) to permit the Tribunal to order an owners corporation to enter into a payment plan if the Tribunal is satisfied that the owners corporation's refusal to enter into the payment plan was not reasonable.

**Schedule 1[29] and [30]** amend the SSMA, section 86 for the following purposes in relation to the recovery of unpaid contributions and interest—

- (a) to increase, from 21 days to 30 days, the period before which an owners corporation may take action to recover an unpaid contribution, interest on the unpaid contribution and the reasonable debt recovery expenses of the owners corporation,
- (b) to make clear that an owners corporation must not take recovery action if a payment plan is being complied with by an owner,
- (c) to set out the order in which payments in arrears must be applied,
- (d) to allow a court, the Tribunal or the owner in arrears to make an exception to the order in which payments in arrears must be applied.

**Schedule 1[27]** makes an amendment consequential on the amendment of section 86 by Schedule 1[29] relating to the taking of action when a payment plan is being complied with by an owner.

**Schedule 1[31]** implements recommendation 78. The proposed amendment clarifies that the approval of obtaining legal services by an owners corporation or a strata committee must be for—

- (a) legal services with unlimited costs for the services, or
- (b) legal services up to a maximum amount of costs for the services.

**Schedule 1[58]** makes savings and transitional arrangements consequential on the amendment made by Schedule 1[32].

**Schedule 1[32]** substitutes a regulation-making power in the SSMA, section 103 to clarify that an owners corporation or a strata committee may obtain certain non-urgent legal services without the approval of the owners corporation at a general meeting.

**Schedule 1[33]** implements recommendation 107. The proposed amendment permits owners corporations to defer compliance with the statutory duty to maintain and repair common property until after —

- (a) action is taken by the owners corporation against an owner or another person in relation to the damage, and
- (b) if the deferment—
  - (i) will not affect the safety of buildings, structures or common property in the strata scheme, or
  - (ii) will not affect a person having access to or use of the common property or a lot in the strata scheme.

**Schedule 1[34]** implements recommendation 106. The proposed amendment extends the limit on the bringing of an action by an owner for breach of the statutory duty under the SSMA, section 106 from 2 years to 6 years.

**Schedule 1[36]** implements recommendation 98. The proposed amendment makes clear that a special resolution authorising the owners corporation or the owner of a lot to add to, alter or erect a new structure on common property must specify whether the ongoing maintenance of the improved or enhanced common property will be the responsibility of the owners corporation or the owner of the lot.

**Schedule 1[37]** implements recommendations 96, 97 and 101. The proposed amendment requires a strata committee to give written reasons for refusing to approve the renovations while the committee is exercising the delegated function of approving minor renovations. If the strata committee has not provided written reasons for refusal within 3 months, the committee is taken to have approved the minor renovations.

**Schedule 1[38]** implements recommendations 108 and 109. The proposed amendment—

- (a) requires the IMS to be prepared in the form prescribed by the regulations, and
- (b) for schemes with 3 storeys or more—
  - (i) requires an independent surveyor to review and certify the IMS, and
  - (ii) requires an independent surveyor or another appropriate prescribed person to review the estimates of contributions and certify that the estimates meet the expected expenditure of the scheme in the year ahead, based on the expenses provided by the original owner, and
- (c) clarifies that independent surveyors and other persons engaged to review and certify the IMS and estimates must not be connected to the original owner.

**Schedule 1[40] and [41]** implement recommendations 119 and 120. The proposed amendments clarify that certain terms of agreements for the supply of utilities include agreements for supply of communication services and domestic services. **Schedule 1[39]** makes a consequential amendment.

**Schedule 1[43]** implements recommendation 115. The proposed amendment inserts proposed section 139B to prohibit the making of by-laws that prevent the installation of sustainability infrastructure for the sole purpose of preserving the external appearance of a lot or the common property unless the subject property is heritage-listed or within a heritage conservation area.

**Schedule 1[44]** implements part of recommendation 102. The SSMA, section 143 requires the consent of an owner on whom a common property by-law confers rights or special privileges before the making of the by-law. The proposed amendment extends the consent requirement to the amendment or repeal of that type of by-law. **Schedule 1[45]** makes a consequential amendment.

**Schedule 1[46]** implements the remainder of recommendation 102. The proposed amendment makes clear that an owner must not unreasonably fail to consent to the amendment or repeal of a common property by-law that confers special rights or privileges on the owner.

**Schedule 1[47]** implements recommendation 90. The proposed amendment clarifies the arrangements for the inspection of owners corporation documents. **Schedule 1[48]** allows inspection fees to be prescribed by the regulations.

**Schedule 1[49] and [50]** implement recommendation 122. The proposed amendments clarify that information relating to exclusive supply networks, which may also be referred to as embedded networks, must be included in a strata information certificate given under the SSMA, section 184.

**Schedule 1[51]** implements recommendation 104. The proposed amendment inserts proposed Part 10A into the SSMA to include powers for the purposes of investigating, monitoring and enforcing compliance with the SSMA, section 106 as follows—

- (a) information gathering powers,
- (b) powers in relation to premises,
- (c) seizure and destruction,
- (d) remedial actions,
- (e) compliance notices.

**Schedule 1[52] and [53]** make amendments related to the amendment in Schedule 1[51] to implement part of recommendation 104. The proposed amendments—

- (a) include investigating, monitoring and enforcing compliance with the SSMA, section 106, as functions of the Secretary under the SSMA, and
- (b) include regulation-making powers relating to enforceable undertakings under proposed section 188T and compliance notices under proposed sections 188Y and 188Z.

**Schedule 1[54]** implements recommendation 117. The proposed amendment inserts the consideration of environmental sustainability within the strata scheme, including energy and water consumption and expenditure, as a required item for the agenda of the annual general meeting of strata schemes. The amendment also makes an amendment consequential on the amendment made by Schedule 1[40].

**Schedule 1[56]** is consequential on the implementation of recommendation 51 by the *Strata Legislation Amendment Act 2023*. The amendment omits company nominees from the voting limits for persons exercising voting rights on behalf of the owner of a lot at an owners corporation's AGM. **Schedule 1[55] and [57]** make consequential amendments.

**Schedule 1[1]** inserts definitions consequent on other amendments made by Schedule 1.

## **Schedule 2      Amendment of Community Land Management Act 2021 No 7**

**Schedule 2[1]** makes an amendment similar to Schedule 1[2] to lower the threshold for passing a special resolution in relation to accessibility infrastructure.

**Schedule 2[37]** makes an amendment similar to Schedule 1[42] to insert proposed section 125A into the CLMA to set out the matters relating to financing and installation that an association must consider before approving an accessibility infrastructure resolution.

**Schedule 2[2] and [5]** make amendments corresponding to Schedule 1[3] and [6] to implement recommendation 60 in the CLMA.

**Schedule 2[4]** makes an amendment similar to Schedule 1[5] to clarify that the agenda for the first AGM must be set by the original owner.

**Schedule 2[6]** makes an amendment corresponding to Schedule 1[7] to implement recommendation 109 in the CLMA.

**Schedule 2[7]** makes an amendment corresponding to Schedule 1[8] to implement recommendation 40 and part of recommendation 59 in the CLMA.

**Schedule 2[9]** makes an amendment corresponding to Schedule 1[10] to implement recommendation 44 in the CLMA. **Schedule 2[8] and [10]** make consequential amendments.

**Schedule 2[11]** makes an amendment corresponding to Schedule 1[12] to make an amendment consequential on the implementation of recommendation 41, by the *Strata Legislation Amendment Act 2023*, in the CLMA.

**Schedule 2[12]** makes an amendment corresponding to Schedule 1[13] to implement recommendation 66 in the CLMA.

**Schedule 2[13]** makes an amendment corresponding to Schedule 1[14] to implement recommendation 67 in the CLMA.

**Schedule 2[14] and [15]** make amendments similar to Schedule 1[15] and [16] to update headings to assist the readability of the CLMA.

**Schedule 2[16]** makes an amendment corresponding to Schedule 1[17] to implement recommendations 124 and 127 in the CLMA.

**Schedule 2[17]** makes an amendment corresponding to Schedule 1[18] to implement recommendation 128 in the CLMA.

**Schedule 2[18]** makes an amendment corresponding to Schedule 1[19] to implement recommendation 68 in the CLMA.

**Schedule 2[19]** makes an amendment corresponding to Schedule 1[20] to implement recommendation 118 in the CLMA.

**Schedule 2[20]** makes an amendment similar to Schedule 1[23] to amend the CLMA, section 88, to require associations to provide additional information to members along with notices of levy contributions.

**Schedule 2[21]–[23] and [25]** make amendments similar to Schedule 1[24]–[26] and [28].

**Schedule 2[26] and [27]** make amendments similar to Schedule 1[29] and [30] to amend the CLMA, section 91.

**Schedule 2[24]** makes an amendment similar to Schedule 1[27] consequential on the amendment of the CLMA, section 91 by Schedule 2[26].

**Schedule 2[28]** makes an amendment corresponding to Schedule 1[31] to implement recommendation 78 in the CLMA.

**Schedule 2[52]** makes an amendment similar to Schedule 1[58] to make savings and transitional arrangements consequential on the amendment made by Schedule 2[29].

**Schedule 2[29]** makes an amendment corresponding to Schedule 1[32] to clarify that an association or an association committee may obtain certain non-urgent legal services without the approval of the association at a general meeting.

**Schedule 2[30]** makes an amendment corresponding to Schedule 1[33] to implement recommendation 107 in the CLMA.

**Schedule 2[31]** makes an amendment corresponding to Schedule 1[34] to implement recommendation 106 in the CLMA.

**Schedule 2[32]** makes an amendment corresponding to Schedule 1[38] to implement recommendations 108 and 109 in the CLMA.

**Schedule 2[34] and [36]** make amendments corresponding to Schedule 1[40] and [41] to implement recommendations 119 and 120 in the CLMA. **Schedule 2[33]** makes a consequential amendment.

**Schedule 2[35]** makes an amendment to extend the clarification that certain terms of agreements for the supply of utilities include agreements for supply of communication services and domestic services to community associations in addition to neighbourhood associations.

**Schedule 2[38]** makes an amendment corresponding to Schedule 1[43] to implement recommendation 115 in the CLMA.

**Schedule 2[39]** makes an amendment corresponding to Schedule 1[44] to implement part of recommendation 102 in the CLMA.

**Schedule 2[40]** makes an amendment corresponding to Schedule 1[46] to implement the remainder of recommendation 102 in the CLMA.

**Schedule 2[41]** makes an amendment corresponding to Schedule 1[47] to implement recommendation 90 in the CLMA. **Schedule 2[42]** makes an amendment corresponding to Schedule 1[48].

**Schedule 2[43] and [44]** make amendments corresponding to Schedule 1[49] and [50] to implement recommendation 122 in the CLMA.

**Schedule 2[45]** makes an amendment corresponding to Schedule 1[51] to implement recommendation 104 in the CLMA.

**Schedule 2[46] and [47]** make amendments corresponding to Schedule 1[52] and [53], and related to the amendment in Schedule 2[44], to implement part of recommendation 104 in the CLMA.

**Schedule 2[48]** makes an amendment corresponding to Schedule 1[54] to implement recommendation 117 in the CLMA. The amendment also makes an amendment as a consequence of the amendment made by Schedule 2[34].

**Schedule 2[50]** makes an amendment corresponding to Schedule 1[56], consequential on the implementation of recommendation 51 by the *Strata Legislation Amendment Act 2023*. **Schedule 2[49] and [51]** make consequential amendments.

**Schedule 2[53]** makes an amendment similar to Schedule 1[1] to insert definitions consequential on the other amendments made by Schedule 2.

## **Schedule 3      Amendment of other legislation**

**Schedule 3.1** amends the *Community Land Management Regulation 2021* to make corresponding amendments to Schedule 3.7 as follows—

- (a) **Schedule 3.1[2]** makes a corresponding amendment to Schedule 3.7[2], to implement recommendation 84,
- (b) **Schedule 3.1[3]** makes a similar amendment to Schedule 3.7[3], to amend the fees payable to the association for making records available for inspection under the CLMA, section 171,
- (c) **Schedule 3.1[4]** makes an amendment corresponding to Schedule 3.7[4] to implement recommendations 60, 104, 105, 108 and 109.

**Schedule 3.1[1]** makes an amendment consequential on the amendment of the CLMA by Schedule 2[3].

**Schedule 3.2** amends the *Conveyancing Act 1919* to implement recommendation 122. The proposed amendments ensure that for lots sold by off the plan contracts, if there is an inaccuracy in the disclosure statement attached to the contract relating to the association scheme or strata scheme including, or being likely to include, an exclusive supply network, the vendor must notify the purchaser and the purchaser may have an option to rescind the contract.

**Schedule 3.3** amends the *Conveyancing (Sale of Land) Regulation 2022* to implement recommendation 122. The proposed amendment sets out the description of exclusive supply networks that must be included in the disclosure statement for off the plan contracts.

**Schedule 3.4** amends the *Fair Trading Act 1987* to implement recommendation 57. **Schedule 3.4[1]** applies the *Australian Consumer Law*, Part 2-3 and Part 5-2 as a law of NSW in relation to contracts made with owners corporations under the SSMA and associations under the CLMA. **Schedule 3.4[2]** sets out how the application relates to existing contracts.

**Schedule 3.5** amends the *Law Enforcement (Powers and Responsibilities) Act 2002* to apply certain provisions of that Act to warrants of entry issued under the following proposed sections—

- (a) *Community Land Management Act 2021*, section 177H,
- (b) *Strata Schemes Management Act 2015*, section 188H.

**Schedule 3.6** amends the *Property and Stock Agents Regulation 2022* to implement recommendation 65. The proposed amendment excludes the following terms from agency agreements for the management of strata or community title land—

- (a) that the owners corporation or association must pay for the agent's professional indemnity liabilities, including insurance excess,
- (b) unless the agreement is covered by a professional standards scheme—that the agent's liability is limited to a specified monetary amount.

**Schedule 3.7** amends the *Strata Schemes Management Regulation 2016* as follows—

- (a) **Schedule 3.7[2]** implements recommendation 84 to prescribe evidence that is required to be provided to the owners corporation to show that an animal is an assistance animal,
- (b) **Schedule 3.7[3]** amend the fees payable to the owners corporation for making records available for inspection under the SSMA, section 182,
- (c) **Schedule 3.7[4]** implements recommendations 60, 104, 105, 108 and 109.

**Schedule 3.7[1]** makes an amendment consequential on the amendment of the SSMA by Schedule 1[4].

**Schedule 3.8** amends the *Uncollected Goods Act 1995* to implement part of recommendation 103. The proposed amendment includes goods abandoned or left behind on a lot in a strata scheme as uncollected goods that may be dealt with under that Act with the consent of the owner of the lot.





New South Wales

# Strata Schemes Legislation Amendment Bill 2024

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*This PUBLIC BILL, originated in the LEGISLATIVE ASSEMBLY and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.*

*Legislative Assembly*

*Clerk of the Legislative Assembly*



New South Wales

## **Strata Schemes Legislation Amendment Bill 2024**

No           , 2024

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### **A Bill for**

An Act to amend the *Strata Schemes Management Act 2015* to implement various recommendations arising from the statutory review of the Act; to make related amendments to the *Community Land Management Act 2021* and other legislation; and for other purposes.

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*The LEGISLATIVE COUNCIL has this day agreed to this Bill with/without amendment.*

*Legislative Council*

*Clerk of the Parliaments*

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**The Legislature of New South Wales enacts—**

1

**1 Name of Act**

2

This Act is the *Strata Schemes Legislation Amendment Act 2024*.

3

**2 Commencement**

4

This Act commences as follows—

5

- (a) for Schedules 1[12], [32] and [55]–[58] and 2[11], [29] and [49]–[52]—on the date of assent to this Act,
- (b) otherwise—on a day or days to be appointed by proclamation.

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## Schedule 1 Amendment of Strata Schemes Management Act 2015 No 50

### [1] Section 4 Definitions

Insert in alphabetical order in section 4(1)—

**accessibility infrastructure** means changes made—

- (a) to part of the common property, including by installing, removing, modifying or replacing anything on or forming part of the common property, and
- (b) to facilitate a person with a disability having access to—
  - (i) the common property, or
  - (ii) the lot in the strata scheme in which the person resides.

**accessibility infrastructure resolution** means a resolution to do one or more of the following that is specified to be an accessibility infrastructure resolution—

- (a) to finance accessibility infrastructure,
- (b) to add to the common property, alter the common property or erect a new structure on the common property for the purpose of installing accessibility infrastructure,
- (c) to change the by-laws of the strata scheme for the purposes of the installation or use, or both, of accessibility infrastructure.

**disability** has the same meaning as in the *Disability Discrimination Act 1992* of the Commonwealth, section 4(1).

**independent surveyor** means a person who is not connected to the original owner and who—

- (a) is a member of the Australian Institute of Quantity Surveyors and holds the designation Certified Quantity Surveyor, or
- (b) is a member of the Royal Institution of Chartered Surveyors and a Chartered Quantity Surveyor.

**multi-storey scheme**—

- (a) means a strata scheme—
  - (i) that comprises at least 1 building with more than 2 storeys above ground level, and
  - (ii) where the whole or a part of at least 1 lot in that building is located above the whole or a part of another lot, and
- (b) includes a scheme of a type prescribed by the regulations.

**storey**, of a building, includes the following—

- (a) the ground level,
- (b) a level of a split level.

### [2] Section 5 Resolutions of owners corporations

Omit “resolution.” from section 5(1)(b)(ii). Insert instead—

- resolution, or
- (iii) if the resolution is an accessibility infrastructure resolution—less than 50% are against the resolution.

<b>[3] Section 14 First AGM must be held within 2 months after initial period</b>	1
Omit section 14(1), penalty. Insert instead—	2
Maximum penalty—	3
(a) 100 penalty units, and	4
(b) for a continuing offence—a further 2 penalty units for each day the offence continues.	5 6
<b>[4] Section 15 Agenda for first AGM</b>	7
Insert “(2)” before “The agenda”.	8
<b>[5] Section 15(1)</b>	9
Insert before section 15(2), as amended by item [4]—	10
(1) The agenda for the first annual general meeting of an owners corporation must be set by—	11 12
(a) for a leasehold strata scheme for which there is no original owner—the lessor of the leasehold strata scheme, or	13 14
(b) otherwise—the original owner.	15
<b>[6] Section 16 Documents and records to be provided to owners corporation at first AGM</b>	16 17
Omit section 16(1), penalty. Insert instead—	18
Maximum penalty—	19
(a) 100 penalty units, and	20
(b) for a continuing offence—a further 2 penalty units for each day the offence continues.	21 22
<b>[7] Section 16(1A)</b>	23
Insert after section 16(1)—	24
(1A) An original owner of a multi-storey scheme who is required to convene a meeting under this division must deliver evidence of the following matters required under section 115(2A) to the owners corporation at least 14 days before the first annual general meeting of the owners corporation—	25 26 27 28
(a) that the initial maintenance schedule has been prepared in accordance with the prescribed form,	29 30
(b) that the estimates of contributions to the administrative fund and capital works fund meet the expected expenditure for the year ahead, based on the expenses provided by the original owner,	31 32 33
(c) that the person who reviewed and certified the initial maintenance schedule is an independent surveyor,	34 35
(d) that the person who reviewed and certified the estimates of contributions to the administrative fund and capital works fund is an independent surveyor or a person of a prescribed class.	36 37 38
Maximum penalty—	39
(a) for an individual—100 penalty units, or	40
(b) otherwise—500 penalty units.	41
<b>[8] Section 37</b>	42
Omit the section. Insert instead—	43

<b>37 Duties of strata committee members</b>	1
(1) Each member of a strata committee of an owners corporation has the following duties—	2
(a) to exercise the member’s functions—	3
(i) with honesty and fairness, and	4
(ii) with due care and diligence, and	5
(iii) for the benefit, as far as practicable, of the owners corporation,	6
(b) to comply with this Act and the regulations,	7
(c) to only use or disclose information obtained as a member, including information about an owner of a lot—	8
(i) as required to carry out strata committee functions, or	9
(ii) as authorised or required by law,	10
(d) to not behave in a way that unreasonably affects a person’s lawful use or enjoyment of a lot in the strata scheme or the common property.	11
(2) Each member of a strata committee of an owners corporation must complete the training prescribed by the regulations.	12
(3) A member of a strata committee of an owners corporation who fails to complete the required training ceases to be a member of the strata committee.	13
<b>[9] Section 42 Functions of chairperson of owners corporation</b>	14
Omit “of the owners corporation and the strata committee of the owners corporation” from section 42(a).	15
<b>[10] Section 42(b)–(f)</b>	16
Omit section 42(b). Insert instead—	17
(b) to make determinations, in accordance with this Act, as to quorums and procedural matters at meetings,	18
(c) to ensure the agenda is followed at meetings,	19
(d) to maintain order at meetings,	20
(e) to facilitate the fair, constructive and open discussion of matters at meetings,	21
(f) to encourage discussion by meeting attendees.	22
<b>[11] Section 42(2)</b>	23
Insert at the end of the section—	24
(2) In this section—	25
<i>meetings</i> means meetings of the owners corporation and the strata committee of the owners corporation.	26
<b>[12] Section 45 Vacation of office by officer</b>	27
Omit “special” from section 45(1)(d).	28
<b>[13] Section 55 Strata managing agent to record exercise of functions</b>	29
Omit section 55(2). Insert instead—	30
(2) The strata managing agent must, every 6 months, give the owners corporation a copy of the records kept for the preceding 6 months.	31

<b>[14]</b>	<b>Section 57 Breaches by strata managing agent</b>	1
	Insert after section 57(1)—	2
	(1A) It is a defence to a prosecution under subsection (1) if the agent establishes that—	3
	(a) the breach of the duty was caused by the owners corporation, and	4
	(b) the agent took all reasonable steps to prevent the breach of the duty.	5
<b>[15]</b>	<b>Section 62, heading</b>	7
	Insert “for strata managing agent failing to give information” after “Offences”.	8
<b>[16]</b>	<b>Part 4, Division 4, heading</b>	9
	Omit the heading. Insert instead—	10
	<b>Division 4 Appointment and functions of building managers</b>	11
<b>[17]</b>	<b>Section 66 Building managers</b>	12
	Omit section 66(2). Insert instead—	13
	(2) However, a person is not a building manager if—	14
	(a) the person exercises the functions of a building manager only—	15
	(i) on a voluntary or casual basis, or	16
	(ii) as a member of the strata committee, or	17
	(b) the person, or a class of persons to which the person belongs, is prescribed as not being a building manager.	18
<b>[18]</b>	<b>Section 70A</b>	20
	Insert after section 70—	21
	<b>70A Duties of building managers</b>	22
	(1) A building manager must not, without reasonable excuse—	23
	(a) fail to act in the best interests of the owners corporation, or	24
	(b) breach a duty prescribed by the regulations.	25
	Maximum penalty—	26
	(a) for an individual—100 penalty units, or	27
	(b) otherwise—200 penalty units.	28
	(2) A building manager is not required to act in the owners corporation’s best interests if it would be—	29
	(a) contrary to this Act or the regulations, or	30
	(b) otherwise unlawful.	31
	(3) The regulations may prescribe additional duties of building managers.	32
<b>[19]</b>	<b>Section 72 Strata managing agent and building manager agreements may be terminated or varied by Tribunal</b>	34
	Omit “unreasonable.” from section 72(3)(f). Insert instead—	35
	unreasonable,	36
		37

	(g) that the strata managing agent or building manager is carrying on a business involving the supply of services to the owners corporation, owners or occupiers of lots if carrying on the business is contrary to law.	1 2 3
<b>[20]</b>	<b>Section 79 Estimates to be prepared of contributions to administrative and capital works funds</b>	4 5
	Insert after section 79(2)(e)—	6
	(e1) to install, replace or repair infrastructure, fixtures and fittings that are part of the common property for the purpose of the sustainable use of the scheme, and	7 8 9
	<b>Examples—</b> electricity meters, solar panels and sustainable building materials	10
<b>[21]</b>	<b>Section 80 Owners corporation to prepare 10-year capital works fund plan</b>	11
	Insert after section 80(1)—	12
	(1A) An owners corporation must consider the initial maintenance schedule prepared by the original owner when preparing the first 10-year plan.	13 14
<b>[22]</b>	<b>Section 80(4)</b>	15
	Omit “is to include”.	16
	Insert instead “must be in the form prescribed by the regulations and include”.	17
<b>[23]</b>	<b>Section 83 Levying of contributions</b>	18
	Insert after section 83(1)—	19
	(1A) The written notice must be accompanied by the information approved by the Secretary.	20 21
<b>[24]</b>	<b>Section 85 Interest, discounts on contributions and payment plans</b>	22
	Omit “at a general meeting” from section 85(5).	23
<b>[25]</b>	<b>Section 85(5A) and (5B)</b>	24
	Insert after section 85(5)—	25
	(5A) A request by an owner to enter into a payment plan (the <i>request</i> ) may be reasonably refused by the owners corporation.	26 27
	(5B) The regulations may prescribe what constitutes a reasonable refusal in relation to payment plans.	28 29
<b>[26]</b>	<b>Section 85(6)</b>	30
	Omit the subsection. Insert instead—	31
	(6) The regulations may prescribe requirements for payment plans, including the following—	32 33
	(a) eligibility,	34
	(b) the form of the request,	35
	(c) evidence that must or must not be included in the request,	36
	(d) how information supporting the request must be stored, secured, used, disclosed or disposed of,	37 38
	<b>Example of information—</b> financial records relating to the owner	39
	(e) maintaining the confidentiality of the owner’s information given in support of the request,	40 41



	(f) the form of the payment plan or minimum requirements,	1
	(g) requirements for the strata committee to report on payment plans to the owners corporation,	2 3
	(h) requirements for the strata committee or the owners corporation to give written reasons to the owner if the owner's request is refused,	4 5
	(i) the termination of a payment plan.	6
<b>[27]</b>	<b>Section 85(7)</b>	7
	Omit the subsection.	8
<b>[28]</b>	<b>Section 85(9)</b>	9
	Insert after section 85(8)—	10
	(9) The Tribunal may, on application by the owner, order that the owners corporation agree to the owner's request if the Tribunal is satisfied that the refusal by the owners corporation of the request was not reasonable.	11 12 13
<b>[29]</b>	<b>Section 86 Recovery of unpaid contributions and interest</b>	14
	Omit "21 days" from section 86(4). Insert instead "30 days".	15
<b>[30]</b>	<b>Section 86(6)–(8)</b>	16
	Insert after section 86(5)—	17
	(6) An owners corporation must not take action to recover an amount under this section from an owner if—	18 19
	(a) the amount is being dealt with under a payment plan, and	20
	(b) the payment plan is being complied with by the owner.	21
	(7) Payments by an owner in arrears must be applied in the following order—	22
	(a) to contributions, in order of due date,	23
	(b) to interest,	24
	(c) to expenses of the owners corporation in recovering contributions ordered to be paid under this section.	25 26
	(8) Subsection (7) does not apply to the extent that—	27
	(a) a court or the Tribunal has made an order specifying how payments must be applied, or	28 29
	(b) the owner in arrears specifies how payments must be applied.	30
<b>[31]</b>	<b>Section 103 Legal services to be approved by general meeting</b>	31
	Omit section 103(1). Insert instead—	32
	(1) An owners corporation or a strata committee of an owners corporation must not obtain legal services requiring payment unless a resolution passed at a general meeting of the owners corporation approves the obtaining of the services—	33 34 35 36
	(a) with unlimited costs for the services, or	37
	(b) up to a maximum amount of costs for the services.	38
<b>[32]</b>	<b>Section 103(3)(c)</b>	39
	Omit the paragraph. Insert instead—	40
	(c) to obtain legal services prescribed by the regulations.	41

<b>[33] Section 106 Duty of owners corporation to maintain and repair property</b>	1
Omit section 106(4). Insert instead—	2
(4) An owners corporation may defer compliance with subsection (1) or (2) in relation to damage to common property until after the taking of action if—	3
(a) the action is taken by the owners corporation against an owner or another person in relation to the damage, and	4
(b) the deferment will not affect—	5
(i) the safety of buildings, structures or common property in the strata scheme, or	6
(ii) a person’s access to or use of the common property or a lot in the strata scheme.	7
<b>[34] Section 106(6)</b>	8
Omit “2 years”. Insert instead “6 years”.	9
<b>[35] Section 108 Changes to common property</b>	10
Insert “or accessibility infrastructure” after “sustainability infrastructure” in section 108(2), note.	11
<b>[36] Section 108(3)</b>	12
Omit “may”. Insert instead “must”.	13
<b>[37] Section 110 Minor renovations by owners</b>	14
Insert after section 110(6)—	15
(6A) A strata committee that, in exercising the functions of the owners corporation delegated under subsection (6)(b), refuses to give an approval under this section must give reasons for the refusal—	16
(a) by written notice to the owner of the lot, and	17
(b) within 3 months after receiving the request.	18
(6B) An approval is taken to be given by a strata committee if—	19
(a) an owner of a lot requests an approval under this section, and	20
(b) the strata committee has not, within 3 months after receiving the request—	21
(i) refused to give the approval, and	22
(ii) given the owner reasons for the refusal.	23
(6C) The owners corporation must keep a record of a minor renovation approved under this section for 10 years.	24
<b>[38] Section 115 Initial maintenance schedule must be prepared</b>	25
Omit section 115(2). Insert instead—	26
(2) The initial maintenance schedule must be in the form prescribed by the regulations.	27
Maximum penalty—	28
(a) for an individual—100 penalty units, or	29
(b) otherwise—500 penalty units.	30

(2A)	For a multi-storey scheme—the original owner must, before the first annual general meeting of the owners corporation, engage—	1 2
(a)	an independent surveyor to—	3
(i)	review the initial maintenance schedule, and	4
(ii)	certify that the initial maintenance schedule has been prepared in accordance with the prescribed form, and	5 6
(b)	an independent surveyor or a person of a class prescribed by the regulations to—	7 8
(i)	review the estimates of contributions to the administrative fund and capital works fund, and	9 10
(ii)	certify that the estimates meet the expected expenditure for the year ahead, based on the expenses provided by the original owner.	11 12 13
(2B)	The original owner must not engage a person under subsection (2A) who is connected with the original owner.	14 15
	Maximum penalty—	16
(a)	for an individual—100 penalty units, or	17
(b)	otherwise—500 penalty units.	18
<b>[39]</b>	<b>Section 132A, heading</b>	19
	Omit “electricity, gas or other”.	20
<b>[40]</b>	<b>Section 132A(1)–(3)</b>	21
	Omit “electricity, gas or any other utility” wherever occurring. Insert instead “a utility”.	22
<b>[41]</b>	<b>Section 132A(4)</b>	23
	Omit the subsection. Insert instead—	24
(4)	In this section—	25
	<b>utility</b> includes—	26
(a)	communication services, and	27
	<b>Examples of communication services</b> — the installation and supply of telephone, intercom, computer data and television services	28 29
(b)	domestic services.	30
	<b>Examples of domestic services</b> — electricity, gas, water, waste removal, air conditioning and heating, stormwater retention and filtration, hot water, recycling, sewerage and electric vehicle charging	31 32 33
<b>[42]</b>	<b>Section 132C</b>	34
	Insert after section 132B—	35
<b>132C</b>	<b>Financing and installation of accessibility infrastructure</b>	36
	Before approving an accessibility infrastructure resolution, the owners corporation must consider the following—	37 38
(a)	the cost and financing of the accessibility infrastructure and works including expected running and maintenance costs,	39 40
(b)	who will own, install and maintain the accessibility infrastructure,	41
(c)	the extent to which the use of the accessibility infrastructure will be available to all or some of the lots in the strata scheme,	42 43

	(d) the extent to which not installing the accessibility infrastructure will cause or be likely to cause detriment to be suffered by—	1
		2
	(i) the person requesting the installation of the accessibility infrastructure, or	3
		4
	(ii) a person on behalf of whom the installation of the accessibility infrastructure is requested,	5
		6
	(e) whether the building can support the type of infrastructure required to provide access,	7
		8
	(f) other matters prescribed by the regulations.	9
<b>[43]</b>	<b>Section 139B</b>	10
	Insert after section 139A—	11
<b>139B</b>	<b>Restrictions on by-laws—sustainability infrastructure</b>	12
	(1) A by-law has no force or effect to the extent it would prevent the installation of sustainability infrastructure solely for the purpose of preserving the external appearance of a lot or the common property.	13
		14
		15
	(2) This section does not apply to common property that is—	16
	(a) heritage-listed, or	17
	(b) within a heritage conservation area.	18
<b>[44]</b>	<b>Section 143 Requirements and effect of common property rights by-laws</b>	19
	Insert “, amend or repeal” after “make” in section 143(1).	20
<b>[45]</b>	<b>Section 143(1), note</b>	21
	Omit “addition”. Insert instead “changes”.	22
<b>[46]</b>	<b>Section 143(1A)</b>	23
	Insert after section 143(1)—	24
	(1A) An owner must not unreasonably fail to give consent under subsection (1) to the amendment or repeal of a by-law.	25
		26
<b>[47]</b>	<b>Section 183 Inspection of owners corporation documents</b>	27
	Insert “secure” before “electronic access” in section 183(3).	28
<b>[48]</b>	<b>Section 183(3A)</b>	29
	Insert after section 183(3)—	30
	(3A) The regulations may prescribe the maximum fee that may be charged for inspecting documents—	31
		32
	(a) in person, or	33
	(b) through secure electronic access to the documents, or	34
	(c) by another means agreed on or fixed under this section.	35
<b>[49]</b>	<b>Section 184 Certificate by owners corporation as to financial and other matters relating to lot</b>	36
		37
	Insert after section 184(3)(h)—	38
	(h1) whether or not the strata scheme includes an exclusive supply network,	39

(h2)	if the strata scheme includes an exclusive supply network—the nature of the relevant services provided by the exclusive supply network,	1 2
<b>[50]</b>	<b>Section 184(8)</b>	3
	Insert after section 184(7)—	4
(8)	In this section—	5
	<i>exclusive supply network</i> means an arrangement under which—	6
(a)	the delivery of a relevant service to lots in the scheme is arranged by or on behalf of the owners corporation, and	7 8
(b)	the owner of a lot in the scheme—	9
(i)	is unable to choose an alternative supplier of the relevant service, or	10 11
(ii)	would be required to install infrastructure outside of the lot to be able to choose an alternative supplier.	12 13
	<b>Note—</b> An exclusive supply network is sometimes referred to as an embedded network.	14 15
	<i>relevant service</i> means the following—	16
(a)	electricity,	17
(b)	gas,	18
(c)	hot water,	19
(d)	chilled water,	20
(e)	internet access,	21
(f)	another service prescribed by the regulations.	22
<b>[51]</b>	<b>Part 10A</b>	23
	Insert after Part 10—	24
	<b>Part 10A Investigation and enforcement powers</b>	25
	<b>Division 1 Preliminary</b>	26
<b>188A</b>	<b>Definitions</b>	27
	In this part—	28
	<i>authorised purposes</i> —see section 188B.	29
	<i>compliance notice</i> —see section 188X(1).	30
<b>188B</b>	<b>Purposes for which functions under part may be exercised</b>	31
	The Secretary may exercise the functions conferred under this part for the following purposes ( <i>authorised purposes</i> )—	32 33
(a)	investigating, monitoring and enforcing compliance with the requirements of section 106,	34 35
(b)	obtaining information or records connected with the administration of this part,	36 37
(c)	administering or executing this part, including regulations made under this part.	38 39

<b>Division 2</b>	<b>Information gathering powers</b>	1
<b>188C</b>	<b>Exercise in conjunction with other powers</b>	2
	A power conferred by this division may be exercised whether or not a power of entry under Division 3 is being exercised.	3 4
<b>188D</b>	<b>Power to require documents</b>	5
(1)	The Secretary may direct a person to give a document to the Secretary.	6
(2)	The direction may be given if the Secretary requires the document for an authorised purpose.	7 8
(3)	The direction must be given by written order given to the person.	9
(4)	The order must specify—	10
	(a) the way the document must be given, and	11
	(b) the form in which the document must be given, and	12
	(c) a reasonable date by which the document must be given.	13
(5)	The order may only require a person to give existing documents that are—	14
	(a) in the person’s possession, or	15
	(b) within the person’s power to obtain lawfully.	16
(6)	The Secretary may make copies of the document.	17
(7)	A document in electronic, mechanical or other form must be given in written form unless otherwise stated in the order.	18 19
(8)	A person must not fail to comply with an order under this section.	20
	Maximum penalty for subsection (8)—	21
	(a) for an individual—	22
	(i) 20 penalty units, and	23
	(ii) for a continuing offence—2 penalty units for each day the offence continues, or	24 25
	(b) otherwise—	26
	(i) 100 penalty units, and	27
	(ii) for a continuing offence—10 penalty units for each day the offence continues.	28 29
<b>188E</b>	<b>Power of Secretary to require answers</b>	30
(1)	The Secretary may direct a person to answer questions about a matter if the Secretary—	31 32
	(a) reasonably suspects the person to have knowledge of the matter, and	33
	(b) reasonably requires information about the matter for an authorised purpose.	34 35
(2)	The direction may require the answers to be—	36
	(a) written, or	37
	(b) given verbally—	38
	(i) in person, or	39
	(ii) by audio link or audio visual link.	40

(3)	The Secretary may direct an owners corporation to nominate an individual to answer questions on behalf of the owners corporation.	1 2
(4)	The nomination must be—	3
(a)	in writing, and	4
(b)	given to the Secretary within the time required in the direction.	5
(5)	The individual must be a director or other officer of the owners corporation.	6
(6)	Answers given by the individual bind the owners corporation.	7
(7)	The Secretary may direct the person or nominated individual to attend at a specified place and time to answer questions if—	8 9
(a)	the answers must be given verbally, and	10
(b)	attendance at the place is reasonably required for the questions to be properly put and answered.	11 12
(8)	The place and time must be reasonable in the circumstances.	13
(9)	A direction under this section must be in writing.	14
(10)	A person must not fail to comply with a direction under this section.	15
	Maximum penalty for subsection (10)—	16
(a)	for an individual—	17
(i)	20 penalty units, and	18
(ii)	for a continuing offence—2 penalty units for each day the offence continues, or	19 20
(b)	otherwise—	21
(i)	100 penalty units, and	22
(ii)	for a continuing offence—10 penalty units for each day the offence continues.	23 24
<b>188F</b>	<b>Recording of evidence</b>	25
(1)	The Secretary may record a person answering questions under this division if the Secretary—	26 27
(a)	informs the person that the record will be made, and	28
(b)	gives a copy of the record to the person as soon as practicable after the record is made.	29 30
(2)	The record may be made using—	31
(a)	sound recording apparatus, or	32
(b)	audio visual apparatus, or	33
(c)	another method decided by the Secretary.	34
(3)	The record may be made despite the provisions of another law.	35
<b>Division 3</b>	<b>Powers in relation to premises</b>	36
<b>Subdivision 1</b>	<b>Entry</b>	37
<b>188G</b>	<b>Power of Secretary to enter premises</b>	38
(1)	The Secretary may enter premises, other than a part of premises used only for residential purposes, at a reasonable hour in the daytime.	39 40

(2)	The entry may occur with or without a search warrant.	1
(3)	The Secretary may enter a part of premises used only for residential purposes—	2
	(a) with the permission of the occupier, or	3
	(b) under the authority of a search warrant.	4
(4)	Common property is taken not to be a part of premises used only for residential purposes.	5
(5)	When exercising a power of entry under this division, the Secretary may be accompanied by persons ( <i>assistants</i> ) the Secretary considers necessary.	6
		7
(6)	An assistant may accompany the Secretary and take all reasonable steps to assist the Secretary in the exercise of the Secretary's functions.	8
		9
		10
		11
<b>188H</b>	<b>Search warrants</b>	12
(1)	The Secretary may apply to an issuing officer for a search warrant.	13
(2)	The Secretary may make the application if the Secretary believes on reasonable grounds that—	14
	(a) a duty under section 106 has been or is being breached at premises, or	15
	(b) a matter or thing connected with a breach of a duty under section 106 is in or on premises.	16
(3)	The issuing officer may issue the search warrant if satisfied there are reasonable grounds to do so.	17
		18
(4)	The search warrant may authorise the Secretary to—	19
	(a) enter the premises, and	20
	(b) exercise functions under this division.	21
(5)	The <i>Law Enforcement (Powers and Responsibilities) Act 2002</i> , Part 5, Division 4 applies to the search warrant.	22
		23
(6)	Without limiting the <i>Law Enforcement (Powers and Responsibilities) Act 2002</i> , section 71, a police officer may—	24
	(a) accompany the Secretary when executing the search warrant, and	25
	(b) take all reasonable steps to assist the Secretary in the exercise of the Secretary's functions.	26
		27
(7)	In this section—	28
	<i>issuing officer</i> means an authorised officer under the <i>Law Enforcement (Powers and Responsibilities) Act 2002</i> .	29
		30
		31
		32
		33
		34
		35
<b>Subdivision 2</b>	<b>Powers exercised on premises</b>	36
<b>188I</b>	<b>Exercise of powers on premises</b>	37
(1)	The Secretary may exercise a power specified in this subdivision when on premises the Secretary entered lawfully.	38
		39
(2)	A power may be exercised in relation to a thing without the consent of the owner of the thing.	40
		41
(3)	A power to do something includes a power to arrange for the thing to be done, whether at the premises or elsewhere.	42
		43



<b>188J Powers of Secretary—records</b>	1
The Secretary may—	2
(a) examine and inspect records, and	3
(b) copy records, and	4
(c) direct a person to produce records for inspection.	5
<b>188K Powers of Secretary—examinations, inspections and tests</b>	6
(1) The Secretary may—	7
(a) examine and inspect a thing, and	8
(b) take and remove samples of a thing, and	9
(c) make examinations, inquiries, measurements or tests the Secretary considers necessary, and	10
(d) take photographs or other recordings the Secretary considers necessary.	11
(2) The power to examine and inspect a thing includes a power to use reasonable force to break open or otherwise access a thing, including a floor or wall containing the thing.	12
(3) The power to test a thing includes a power to destructively test a thing, or a sample of a thing, if that is a reasonable test in the circumstances.	13
	14
	15
	16
	17
<b>188L Powers of Secretary—opening or demolishing building work</b>	18
(1) The Secretary may open up, cut open or demolish building work if the Secretary reasonably believes it is necessary because there is, or there is likely to be, a contravention of section 106.	19
	20
	21
(2) The power to do a thing under this section may be exercised by an appropriately qualified person at the direction of the Secretary.	22
	23
<b>188M Powers of Secretary—seizure</b>	24
(1) The Secretary may—	25
(a) seize a thing the Secretary has reasonable grounds to believe is connected with a contravention of section 106, and	26
	27
(b) move a seized thing from the place where it is seized or leave it at the place where it is seized and take reasonable action to restrict access to the thing, and	28
	29
	30
(c) direct the occupier of the premises where a thing is seized to keep the thing—	31
	32
(i) at the premises, or	33
(ii) at another place under the control of the occupier.	34
(2) The power to seize a thing connected with an offence includes a power to seize—	35
	36
(a) a thing in relation to which the offence has been committed, and	37
(b) a thing that will afford evidence of the commission of the offence, and	38
(c) a thing that was used for the purpose of committing the offence.	39
(3) In this section, a reference to an offence includes a reference to an offence that there are reasonable grounds to believe has been committed.	40
	41

<b>188N Powers of Secretary—other powers</b>	1
The Secretary may do anything that, in the Secretary’s opinion, is reasonably necessary to be done for an authorised purpose.	2 3
<b>Subdivision 3 Miscellaneous</b>	4
<b>188O Provision of assistance to Secretary</b>	5
(1) The Secretary may direct a person to provide reasonable assistance, as specified by the Secretary, if the direction—	6 7
(a) is for the purposes of the Secretary exercising functions under this division in relation to premises, and	8 9
(b) is given to—	10
(i) the owner or occupier of the premises, or	11
(ii) if the premises are not a public place—a person on the premises.	12
(2) The direction may be given—	13
(a) orally to the person, or	14
(b) by written notice given to the person.	15
(3) A person must not fail to comply with a direction under this section.	16
Maximum penalty for subsection (3)—	17
(a) for an individual—	18
(i) 20 penalty units, and	19
(ii) for a continuing offence—2 penalty units for each day the offence continues, or	20 21
(b) otherwise—	22
(i) 100 penalty units, and	23
(ii) for a continuing offence—10 penalty units for each day the offence continues.	24 25
<b>188P Obstruction of Secretary</b>	26
A person must not, without reasonable excuse, obstruct, hinder or interfere with the Secretary in the exercise of the Secretary’s functions under this part.	27 28
Maximum penalty—	29
(a) for an individual—20 penalty units, or	30
(b) otherwise—100 penalty units.	31
<b>188Q Failure to comply with direction</b>	32
A person must not, without reasonable excuse, fail to comply with a direction of the Secretary under this part.	33 34
Maximum penalty—	35
(a) for an individual—	36
(i) 20 penalty units, and	37
(ii) for a continuing offence—2 penalty units for each day the offence continues, or	38 39
(b) otherwise—	40
(i) 100 penalty units, and	41

- (ii) for a continuing offence—10 penalty units for each day the offence continues. 1  
2

**Division 4 Seizure and destruction 3**

**188R Dealing with seized things 4**

- (1) The Secretary, when seizing a thing at premises under this part, must give the person apparently in charge of the premises a written receipt for the thing seized. 5  
6  
7
- (2) The Secretary may keep the seized thing for evidence in court proceedings until— 8  
9
- (a) the court in which the proceedings are commenced orders its return, or 10
- (b) if no order is made—the completion of the proceedings, including an appeal. 11  
12
- (3) A record may be kept under this section if, within a reasonable time— 13
- (a) a copy of the record is made, and 14
- (b) the Secretary certifies that the copy is a true copy, and 15
- (c) the person from whom the record was seized is given the certified copy. 16
- (4) The certified copy is, as evidence, of equal validity to the record. 17

**188S Power to destroy seized things 18**

- (1) The Secretary may destroy or dispose of a thing if— 19
- (a) the thing was seized under this division, and 20
- (b) the thing is no longer required as evidence in proceedings. 21
- (2) The Secretary must not destroy a thing under this division unless— 22
- (a) before destroying the thing, the Secretary gives written notice of the proposed destruction to the owner or person in charge of the thing, or 23  
24
- (b) the Secretary is satisfied that the owner or person in charge of the thing has already been given written notice of the proposed destruction. 25  
26
- (3) Notice must be given at least 7 days before the thing is destroyed. 27
- (4) A requirement to give notice does not apply to the destruction of a thing if— 28
- (a) there does not appear to be an individual immediately in control of the thing, and the owner or person in charge cannot be located after making reasonable inquiries, and 29  
30  
31
- (b) the Secretary considers that, in the circumstances, the thing must be destroyed without notice to the owner or person in charge. 32  
33
- (5) This section does not apply to the destruction of a thing that has been forfeited to the Secretary. 34  
35
- (6) If the Secretary decides to destroy or dispose of a thing— 36
- (a) the thing immediately becomes the property of the State, and 37
- (b) compensation is not payable for— 38
- (i) the transfer of ownership, or 39
- (ii) the destruction or disposal of the thing, and 40
- (c) duty is not payable for the transfer, and 41

- (d) the Secretary must, as soon as practicable, tell the person who owned the thing immediately before its seizure about the destruction or disposal, unless—
- (i) the Secretary is not able to find the person after making reasonable inquiries, or
  - (ii) it is otherwise impracticable or unreasonable to tell the person.
- (7) This section does not limit the Secretary’s power to destroy a thing in the exercise of another power for an authorised purpose.

## **Division 5 Remedial actions**

### **188T Undertakings**

- (1) An owners corporation may enter into an undertaking under this section.
- (2) Before entering into an undertaking, the owners corporation must approve the undertaking by special resolution.
- (3) The Secretary may accept a written undertaking given by an owners corporation that the owners corporation will take action to do the following in relation to a breach of a duty under section 106(1) or (2)—
- (a) carry out maintenance and repair work,
  - (b) renew or replace fixtures or fittings.
- (4) A person who contravenes an undertaking accepted by the Secretary commits an offence.
- Maximum penalty for subsection (4)—
- (a) 200 penalty units, and
  - (b) for a continuing offence—20 penalty units for each day the offence continues.

### **188U Variation or withdrawal of undertaking**

- (1) An owners corporation that enters into an undertaking may, with the written agreement of the Secretary—
- (a) vary the undertaking, or
  - (b) withdraw the undertaking.
- (2) Before varying or withdrawing an undertaking under subsection (1), the owners corporation must approve the variation or withdrawal by special resolution.
- (3) The Secretary may—
- (a) vary an undertaking, with the written agreement of the owners corporation, or
  - (b) withdraw the Secretary’s acceptance of an undertaking, by written notice served on the owners corporation.
- (4) Before agreeing to vary an undertaking under subsection (3)(a), the owners corporation must approve the variation by special resolution.
- (5) The provisions of an undertaking may not be varied to provide for a different subject matter.
- (6) An undertaking ceases to have effect if—
- (a) the undertaking is withdrawn by the owners corporation, or

	(b) the acceptance of the undertaking is withdrawn by the Secretary.	1
(7)	In this section— <i>undertaking</i> means an undertaking under section 188T.	2 3
<b>188V</b>	<b>Applying for orders to restrain or remedy breaches of duty</b>	4
(1)	The Secretary may apply to the Tribunal for an order to remedy or restrain a breach of a duty under section 106(1) or (2).	5 6
(2)	An order may be made without the Secretary being required to show a likelihood of damage.	7 8
(3)	The Tribunal may grant an interim order pending the determination of the application if, in the Tribunal’s opinion, it is desirable to grant the order.	9 10
(4)	The Tribunal must not require the Secretary or another person, as a condition of granting an interim order, to give an undertaking as to damages.	11 12
(5)	The Tribunal may make the orders the Tribunal thinks fit to remedy or restrain a breach if satisfied a breach—	13 14
	(a) has been committed, or	15
	(b) will be committed unless restrained by an order of the Tribunal.	16
<b>188W</b>	<b>Complaints and investigations</b>	17
(1)	The Secretary may, whether or not the Secretary has received a complaint, investigate a breach or possible breach of a duty under section 106.	18 19
(2)	The Secretary may require that a complaint made to the Secretary about a matter referred to in subsection (1) be in a form approved by the Secretary.	20 21
(3)	However, the Secretary is not required to investigate a matter.	22
(4)	This section does not limit other powers the Secretary may have under another Act or law to receive a complaint or investigate a matter.	23 24
<b>Division 6</b>	<b>Compliance notices</b>	25
<b>188X</b>	<b>Secretary may give compliance notice</b>	26
(1)	The Secretary may give an owners corporation a notice (a <i>compliance notice</i> ) if the Secretary reasonably believes the owners corporation has breached a duty under section 106(1) or (2).	27 28 29
(2)	A compliance notice must not be given in relation to work for which a building work rectification order, within the meaning of the <i>Residential Apartment Buildings (Compliance and Enforcement Powers) Act 2020</i> , may be issued.	30 31 32
<b>188Y</b>	<b>Elements of compliance notice</b>	33
(1)	A compliance notice must state the reasons for the giving of the notice.	34
(2)	The compliance notice may do the following—	35
	(a) require the owners corporation to take action, specified in the notice, to remedy the breach,	36 37
	(b) describe the standard of work required to remedy the breach,	38
	(c) require work to be carried out by an appropriately qualified or licensed professional,	39 40
	(d) require that a person make good a building or work that has been damaged as a result of the person carrying out building work,	41 42

(e)	require the provision of documentary evidence to demonstrate compliance with the notice.	1 2
(3)	A compliance notice given in relation to a dispute may—	3
(a)	specify conditions about the payment of money due under a contract for the work, and	4 5
(b)	require the conditions to be complied with by the party who raised the dispute before the other requirements of the notice are complied with.	6 7
(4)	The compliance notice may specify the period in which the owners corporation must comply with the notice, including multiple periods to allow for different stages for compliance.	8 9 10
<b>188Z</b>	<b>Amendment and revocation of compliance notice</b>	11
	The Secretary may amend a compliance notice if the owners corporation given the notice agrees to the amendment.	12 13
<b>188ZA</b>	<b>Revocation of compliance notice</b>	14
(1)	A compliance notice is revoked if the notice has been complied with.	15
(2)	The Secretary must, when a compliance notice has been complied with, give a written notice to the owners corporation given the compliance notice confirming the revocation of the compliance notice.	16 17 18
(3)	The failure of the Secretary to give the written notice does not affect the revocation of the compliance notice.	19 20
<b>188ZB</b>	<b>Offence for failure to comply with compliance notice</b>	21
	An owners corporation given a compliance notice must not fail to comply with the notice.	22 23
	Maximum penalty—	24
(a)	200 penalty units, and	25
(b)	for a continuing offence—20 penalty units for each day the offence continues.	26 27
<b>188ZC</b>	<b>Administrative review of decision to give compliance notice</b>	28
(1)	An owners corporation may apply to the Tribunal for an administrative review under the <i>Administrative Decisions Review Act 1997</i> of the decision to give the owners corporation a compliance notice.	29 30 31
(2)	The application must be made no later than 28 days after the owners corporation receives the notice.	32 33
(3)	The <i>Administrative Decisions Review Act 1997</i> , Chapter 3, Part 2 does not apply to the application.	34 35
(4)	In determining the application, the Tribunal must take into account any matter that was required to be taken into account in making the decision to give the compliance notice.	36 37 38
<b>[52]</b>	<b>Section 256 Functions of Secretary</b>	39
	Omit “Act.” from section 256(e). Insert instead—	40
	Act,	41
(f)	investigating, monitoring and enforcing compliance with section 106.	42

<b>[53] Section 271 Regulations</b>	1
Omit “way.” from section 271(2)(o). Insert instead—	2
way,	3
(p) the procedures for entering into an undertaking under section 188T,	4
(q) the procedures for giving a compliance notice under section 188X,	5
(r) information that must be included in a compliance notice under section 188Y.	6
	7
<b>[54] Schedule 1 Meeting procedures of owners corporation</b>	8
Omit “electricity, gas or any other utility relevant to the scheme.” from clause 6(e).	9
Insert instead—	10
a utility relevant to the scheme,	11
(f) an item to consider environmental sustainability within the scheme, including consideration of the common property annual energy and water consumption and expenditure.	12
	13
	14
<b>[55] Schedule 1, clause 25A, heading</b>	15
Omit “company nominees and”.	16
<b>[56] Schedule 1, clause 25A(1)</b>	17
Omit the subclause. Insert instead—	18
(1) A person acting under a power of attorney may, if authorised by the power of attorney, exercise voting rights at a general meeting of the owners corporation on behalf of the owner of a lot.	19
	20
	21
<b>[57] Schedule 1, clause 25A(2)</b>	22
Omit “company nominee, or a person acting under a power of attorney,”.	23
Insert instead “person acting under a power of attorney”.	24
<b>[58] Schedule 3 Savings, transitional and other provisions</b>	25
Insert at the end of the schedule, with appropriate part and clause numbering—	26
<b>Part Provisions consequent on enactment of Strata Schemes Legislation Amendment Act 2024</b>	27
	28
<b>Definition</b>	29
In this part—	30
<i>amending Act</i> means the <i>Strata Schemes Legislation Amendment Act 2024</i> .	31
<b>Payment for legal services</b>	32
Section 103(3)(c), as substituted by the amending Act, is taken to have been in force from the beginning of 30 November 2016.	33
	34

<b>Schedule 2</b>	<b>Amendment of Community Land Management Act 2021 No 7</b>	1
		2
<b>[1] Section 5 Resolutions of associations</b>		3
	Omit “resolution.” from section 5(1)(b)(ii). Insert instead—	4
	resolution, or	5
	(iii) if the resolution is an accessibility infrastructure resolution—less than 50% are against the resolution.	6 7
<b>[2] Section 12 First AGM must be held within 2 months after initial period</b>		8
	Omit section 12(1), penalty. Insert instead—	9
	Maximum penalty—	10
	(a) 100 penalty units, and	11
	(b) for a continuing offence—a further 2 penalty units for each day the offence continues.	12 13
<b>[3] Section 13 Matters to be determined at first AGM</b>		14
	Insert “(2)” before “The agenda”.	15
<b>[4] Section 13(1)</b>		16
	Insert before section 13(2), as amended by item [3]—	17
	(1) The agenda for the first annual general meeting of an association must be set by the original owner.	18 19
<b>[5] Section 14 Documents and records to be provided to association at first AGM</b>		20
	Omit section 14(1), penalty. Insert instead—	21
	Maximum penalty—	22
	(a) 100 penalty units, and	23
	(b) for a continuing offence—a further 2 penalty units for each day the offence continues.	24 25
<b>[6] Section 14(1A)</b>		26
	Insert after section 14(1)—	27
	(1A) An original owner of a multi-storey scheme who is required to convene a meeting under this division must deliver evidence of the following matters required under section 115(2A) to the association at least 14 days before the first annual general meeting of the association—	28 29 30 31
	(a) that the initial maintenance schedule has been prepared in accordance with the prescribed form,	32 33
	(b) that the estimates of contributions to the administrative fund and capital works fund meet the expected expenditure for the year ahead, based on the expenses provided by the original owner,	34 35 36
	(c) that the person who reviewed and certified the initial maintenance schedule is an independent surveyor,	37 38
	(d) that the person who reviewed and certified the estimates of contributions to the administrative fund and capital works fund is an independent surveyor or a person of a prescribed class.	39 40 41
	Maximum penalty—	42



	(a) for an individual—100 penalty units, or	1
	(b) otherwise—500 penalty units.	2
<b>[7]</b>	<b>Section 41</b>	3
	Omit the section. Insert instead—	4
	<b>41 Duties of association committee members</b>	5
	(1) Each member of an association committee of an association has the following duties—	6
	(a) to exercise the member’s functions—	7
	(i) with honesty and fairness, and	8
	(ii) with due care and diligence, and	9
	(iii) for the benefit, as far as practicable, of the association,	10
	(b) to comply with this Act and the regulations,	11
	(c) to only use or disclose information obtained as a member, including information about an owner of a lot—	12
	(i) as required to carry out association committee functions, or	13
	(ii) as authorised or required by law,	14
	(d) to not behave in a way that unreasonably affects a person’s lawful use or enjoyment of a lot in the scheme or the association property.	15
	(2) Each member of an association committee of an association must complete the training prescribed by the regulations.	16
	(3) A member of an association committee of an association who fails to complete the required training ceases to be a member of the association committee.	17
<b>[8]</b>	<b>Section 46 Functions of chairperson of association</b>	18
	Omit “of the association and the association committee” from section 46(a).	19
<b>[9]</b>	<b>Section 46(b)–(f)</b>	20
	Omit section 46(b). Insert instead—	21
	(b) to make determinations, in accordance with this Act, as to quorums and procedural matters at meetings,	22
	(c) to ensure the agenda is followed at meetings,	23
	(d) to maintain order at meetings,	24
	(e) to facilitate the fair, constructive and open discussion of matters at meetings,	25
	(f) to encourage discussion by meeting attendees.	26
<b>[10]</b>	<b>Section 46(2)</b>	27
	Insert at the end of the section—	28
	(2) In this section—	29
	<i>meetings</i> means meetings of the association and the association committee.	30
<b>[11]</b>	<b>Section 49 Vacation of office by officer</b>	31
	Omit “office.” from section 49(1)(c). Insert instead—	32
	office, or	33

	(d) if the association, by resolution, declares that the person's office is vacated, or	1 2
	(e) if the person dies.	3
<b>[12]</b>	<b>Section 59 Managing agent to record exercise of functions</b>	4
	Omit section 59(2). Insert instead—	5
	(2) The managing agent must, every 6 months, give the association a copy of the records kept for the preceding 6 months.	6 7
<b>[13]</b>	<b>Section 61 Breaches by managing agent</b>	8
	Insert after section 61(1)—	9
	(1A) It is a defence to a prosecution under subsection (1) if the agent establishes that—	10 11
	(a) the breach of the duty was caused by the association, and	12
	(b) the agent took all reasonable steps to prevent the breach of the duty.	13
<b>[14]</b>	<b>Section 66, heading</b>	14
	Omit the heading. Insert instead—	15
	<b>66 Offences for managing agent failing to give information</b>	16
<b>[15]</b>	<b>Part 4, Division 4, heading</b>	17
	Omit the heading. Insert instead—	18
	<b>Division 4 Appointment and functions of facilities managers</b>	19
<b>[16]</b>	<b>Section 70 Facilities managers</b>	20
	Omit section 70(2). Insert instead—	21
	(2) However, a person is not a facilities manager if—	22
	(a) the person exercises the functions of a facilities manager only—	23
	(i) on a voluntary or casual basis, or	24
	(ii) as a member of the association committee, or	25
	(b) the person, or a class of persons to which the person belongs, is prescribed as not being a facilities manager.	26 27
<b>[17]</b>	<b>Section 74A</b>	28
	Insert after section 74—	29
	<b>74A Duties of facilities managers</b>	30
	(1) A facilities manager must not, without reasonable excuse—	31
	(a) fail to act in the best interests of the association, or	32
	(b) breach a duty prescribed by the regulations.	33
	Maximum penalty—	34
	(a) for an individual—100 penalty units, or	35
	(b) otherwise—200 penalty units.	36
	(2) A facilities manager is not required to act in the association's best interests if it would be—	37 38

	(a) contrary to this Act or the regulations, or	1
	(b) otherwise unlawful.	2
	(3) The regulations may prescribe additional duties of facilities managers.	3
<b>[18]</b>	<b>Section 76 Managing agent and facilities manager agreements may be terminated or varied by Tribunal</b>	4
	Omit “unreasonable.” from section 76(3)(f). Insert instead—	5
	unreasonable,	6
	(g) that the managing agent or facilities manager is carrying on a business involving the supply of services to the association, owners or occupiers of lots if carrying on the business is contrary to law.	7
		8
		9
		10
<b>[19]</b>	<b>Section 83 Estimates to be prepared of contributions to administrative and capital works funds</b>	11
	Insert after section 83(2)(e)—	12
	(e1) to install, replace or repair infrastructure, fixtures and fittings that are part of the association property for the purposes of the sustainable use of the scheme, and	13
		14
		15
		16
	<b>Examples—</b> electricity meters, solar panels and sustainable building materials	17
<b>[20]</b>	<b>Section 88 Levying of contributions</b>	18
	Insert after section 88(1)—	19
	(1A) The written notice must be accompanied by the information approved by the Secretary.	20
		21
<b>[21]</b>	<b>Section 90 Interest, discounts on contributions and payment plans</b>	22
	Omit “at a general meeting” from section 90(5).	23
<b>[22]</b>	<b>Section 90(5A) and (5B)</b>	24
	Insert after section 90(5)—	25
	(5A) A request by an owner to enter into a payment plan (the <i>request</i> ) may be reasonably refused by the association.	26
		27
	(5B) The regulations may prescribe what constitutes a reasonable refusal in relation to payment plans.	28
		29
<b>[23]</b>	<b>Section 90(7)</b>	30
	Omit the subsection. Insert instead—	31
	(7) The regulations may prescribe requirements for payment plans, including the following—	32
		33
	(a) eligibility,	34
	(b) the form of the request,	35
	(c) evidence that must or must not be included in the request,	36
	(d) how information supporting the request must be stored, secured, used, disclosed or disposed of,	37
		38
	<b>Example of information—</b> financial records relating to the owner	39
	(e) maintaining the confidentiality of the owner’s information given in support of the request,	40
		41

	(f) the form of the payment plan or minimum requirements,	1
	(g) requirements for the association committee to report on payment plans to the association,	2 3
	(h) requirements for the association to give written reasons to the owner if the owner's request is refused,	4 5
	(i) the termination of a payment plan.	6
<b>[24]</b>	<b>Section 90(8)</b>	7
	Omit the subsection.	8
<b>[25]</b>	<b>Section 90(10)</b>	9
	Insert after section 90(9)—	10
	(10) The Tribunal may, on application by the owner, order that the association agree to the owner's request if the Tribunal is satisfied that the refusal by the association of the request was not reasonable.	11 12 13
<b>[26]</b>	<b>Section 91 Recovery of unpaid contributions and interest</b>	14
	Omit "21 days" from section 91(5). Insert instead "30 days".	15
<b>[27]</b>	<b>Section 91(7)–(9)</b>	16
	Insert after section 91(6)—	17
	(7) An association must not take action to recover an amount under this section from an owner if—	18 19
	(a) the amount is being dealt with under a payment plan, and	20
	(b) the payment plan is being complied with by the owner.	21
	(8) Payments by an owner in arrears must be applied in the following order—	22
	(a) to contributions, in order of due date,	23
	(b) to interest,	24
	(c) to expenses of the association in recovering contributions ordered to be paid under this section.	25 26
	(9) Subsection (8) does not apply to the extent that—	27
	(a) a court or the Tribunal has made an order specifying how payments must be applied, or	28 29
	(b) the owner in arrears specifies how payments must be applied.	30
<b>[28]</b>	<b>Section 106 Legal services to be approved by general meeting</b>	31
	Omit section 106(1). Insert instead—	32
	(1) An association or association committee must not obtain legal services requiring payment unless a resolution passed at a general meeting of the association approves the obtaining of the services—	33 34 35
	(a) with unlimited costs for the services, or	36
	(b) up to a maximum amount of costs for the services.	37
<b>[29]</b>	<b>Section 106(3)(c)</b>	38
	Omit the paragraph. Insert instead—	39
	(c) to obtain legal services prescribed by the regulations.	40

<b>[30] Section 109 Duty of association to maintain and repair property</b>	1
Omit section 109(4). Insert instead—	2
(4) An association may defer compliance with this section in relation to damage to association property until after the taking of action if—	3
(a) the action is taken by the association against an owner or another person in relation to the damage, and	4
(b) the deferment will not affect—	5
(i) the safety of buildings, structures or association property in the association scheme, or	6
(ii) a person’s access to or use of the association property or a lot in the association scheme.	7
<b>[31] Section 109(6)</b>	8
Omit “2 years”. Insert instead “6 years”.	9
<b>[32] Section 115 Initial maintenance schedule must be prepared</b>	10
Omit section 115(2). Insert instead—	11
(2) The initial maintenance schedule must be in the form prescribed by the regulations.	12
Maximum penalty—	13
(a) for an individual—100 penalty units, or	14
(b) otherwise—500 penalty units.	15
(2A) For a multi-storey scheme—the original owner must, before the first annual general meeting of the association, engage—	16
(a) an independent surveyor to—	17
(i) review the initial maintenance schedule, and	18
(ii) certify that the initial maintenance schedule has been prepared in accordance with the prescribed form, and	19
(b) an independent surveyor or a person of a class prescribed by the regulations to—	20
(i) review the estimates of contributions to the administrative fund and capital works fund, and	21
(ii) certify that the estimates meet the expected expenditure for the year ahead, based on the expenses provided by the original owner.	22
(2B) The original owner must not engage a person under subsection (2A) who is connected with the original owner.	23
Maximum penalty—	24
(a) for an individual—100 penalty units, or	25
(b) otherwise—500 penalty units.	26
<b>[33] Section 124, heading</b>	27
Omit “electricity, gas or other”.	28
<b>[34] Section 124(1)–(3)</b>	29
Omit “electricity, gas or any other utility” wherever occurring. Insert instead “a utility”.	30

<b>[35] Section 124(1)</b>	1
Omit “neighbourhood association”.	2
Insert instead “community or neighbourhood association”.	3
<b>[36] Section 124(4)</b>	4
Omit the subsection. Insert instead—	5
(4) In this section—	6
<i>utility</i> includes—	7
(a) communication services, and	8
<b>Examples of communication services</b> — the installation and supply of telephone, intercom, computer data and television services	9
(b) domestic services.	10
<b>Examples of domestic services</b> — electricity, gas, water, waste removal, air conditioning and heating, stormwater retention and filtration, hot water, recycling, sewerage and electric vehicle charging	11
	12
	13
	14
<b>[37] Section 125A</b>	15
Insert after section 125—	16
<b>125A Financing and installation of accessibility infrastructure</b>	17
Before approving an accessibility infrastructure resolution, the association must consider the following—	18
	19
(a) the cost and financing of the accessibility infrastructure and works, including expected running and maintenance costs,	20
	21
(b) who will own, install and maintain the accessibility infrastructure,	22
(c) the extent to which the use of the accessibility infrastructure will be available to all or some of the lots in the scheme,	23
	24
(d) the extent to which not installing the accessibility infrastructure will cause or be likely to cause detriment to be suffered by—	25
	26
(i) the person requesting the installation of the accessibility infrastructure, or	27
	28
(ii) a person on behalf of whom the installation of the accessibility infrastructure is requested,	29
	30
(e) whether the building can support the type of infrastructure required to provide access,	31
	32
(f) other matters prescribed by the regulations.	33
<b>[38] Section 130B</b>	34
Insert after section 130A—	35
<b>130B Restrictions on by-laws—sustainability infrastructure</b>	36
(1) A by-law of an association scheme has no force or effect to the extent it would prevent the installation of sustainability infrastructure solely for the purpose of preserving the external appearance of a lot or the association property.	37
	38
	39
(2) This section does not apply to association property that is—	40
(a) heritage-listed, or	41
(b) within a heritage conservation area.	42

<b>[39] Section 135 Requirements for association property rights by-laws</b>	1
Omit “or changed” from section 135(1). Insert instead “, amended or repealed”.	2
<b>[40] Section 135(1A)</b>	3
Insert after section 135(1)—	4
(1A) A person must not unreasonably fail to give consent under subsection (1)(b) to the amendment or repeal of a by-law.	5 6
<b>[41] Section 173 Inspection of association documents</b>	7
Insert “secure” before “electronic access” in section 173(3).	8
<b>[42] Section 173(3A)</b>	9
Insert after section 173(3)—	10
(3A) The regulations may prescribe the maximum fee that may be charged for inspecting documents—	11 12
(a) in person, or	13
(b) through secure electronic access to the documents, or	14
(c) by another means agreed on or fixed under this section.	15
<b>[43] Section 174 Certificate by association as to financial and other matters relating to lot</b>	16
Insert after section 174(1)(h)—	17
(h1) whether or not the scheme includes an exclusive supply network,	18
(h2) if the scheme includes an exclusive supply network—the nature of the relevant services provided by the exclusive supply network,	19 20
<b>[44] Section 174(4)</b>	21
Insert after section 174(3)—	22
(4) In this section—	23
<i>exclusive supply network</i> means an arrangement under which—	24
(a) the delivery of a relevant service to lots in the scheme is arranged by or on behalf of the association, and	25 26
(b) the owner of a lot in the scheme—	27
(i) is unable to choose an alternative supplier of the relevant service, or	28 29
(ii) would be required to install infrastructure outside of the lot to be able to choose an alternative supplier.	30 31
<b>Note—</b> An exclusive supply network is sometimes referred to as an embedded network.	32 33
<i>relevant service</i> means the following—	34
(a) electricity,	35
(b) gas,	36
(c) hot water,	37
(d) chilled water,	38
(e) internet access,	39
(f) another service prescribed by the regulations.	40

<b>[45] Part 10A</b>	1
Insert after Part 10—	2
<b>Part 10A Investigation and enforcement powers</b>	3
<b>Division 1 Preliminary</b>	4
<b>177A Definitions</b>	5
In this part—	6
<i>authorised purposes</i> —see section 177B.	7
<i>compliance notice</i> —see section 177X(1).	8
<b>177B Purposes for which functions under part may be exercised</b>	9
The Secretary may exercise the functions conferred under this part for the following purposes ( <i>authorised purposes</i> )—	10
(a) investigating, monitoring and enforcing compliance with the requirements of section 109,	12
(b) obtaining information or records connected with the administration of this part,	14
(c) administering or executing this part, including regulations made under this part.	16
<b>Division 2 Information gathering powers</b>	18
<b>177C Exercise in conjunction with other powers</b>	19
A power conferred by this division may be exercised whether or not a power of entry under Division 3 is being exercised.	20
<b>177D Power to require documents</b>	22
(1) The Secretary may direct a person to give a document to the Secretary.	23
(2) The direction may be given if the Secretary requires the document for an authorised purpose.	24
(3) The direction must be given by written order given to the person.	25
(4) The order must specify—	26
(a) the way the document must be given, and	27
(b) the form in which the document must be given, and	28
(c) a reasonable date by which the document must be given.	29
(5) The order may only require a person to give existing documents that are—	30
(a) in the person’s possession, or	31
(b) within the person’s power to obtain lawfully.	32
(6) The Secretary may make copies of the document.	33
(7) A document in electronic, mechanical or other form must be given in written form unless otherwise stated in the order.	34
(8) A person must not fail to comply with an order under this section.	35
Maximum penalty for subsection (8)—	36



(a)	for an individual—	1
(i)	20 penalty units, and	2
(ii)	for a continuing offence—2 penalty units for each day the offence continues, or	3
		4
(b)	otherwise—	5
(i)	100 penalty units, and	6
(ii)	for a continuing offence—10 penalty units for each day the offence continues.	7
		8
<b>177E</b>	<b>Power of Secretary to require answers</b>	9
(1)	The Secretary may direct a person to answer questions about a matter if the Secretary—	10
		11
(a)	reasonably suspects the person to have knowledge of the matter, and	12
(b)	reasonably requires information about the matter for an authorised purpose.	13
		14
(2)	The direction may require the answers to be—	15
(a)	written, or	16
(b)	given verbally—	17
(i)	in person, or	18
(ii)	by audio link or audio visual link.	19
(3)	The Secretary may direct a body corporate to nominate an individual to answer questions on behalf of the body corporate.	20
		21
(4)	The nomination must be—	22
(a)	in writing, and	23
(b)	given to the Secretary within the time required in the direction.	24
(5)	The individual must be a director or other officer of the body corporate.	25
(6)	Answers given by the individual bind the body corporate.	26
(7)	The Secretary may direct the person or nominated individual to attend at a specified place and time to answer questions if—	27
		28
(a)	the answers must be given verbally, and	29
(b)	attendance at the place is reasonably required for the questions to be properly put and answered.	30
		31
(8)	The place and time must be reasonable in the circumstances.	32
(9)	A direction under this section must be in writing.	33
(10)	A person must not fail to comply with a direction under this section.	34
	Maximum penalty for subsection (10)—	35
(a)	for an individual—	36
(i)	20 penalty units, and	37
(ii)	for a continuing offence—2 penalty units for each day the offence continues, or	38
		39
(b)	otherwise—	40
(i)	100 penalty units, and	41
(ii)	for a continuing offence—10 penalty units for each day the offence continues.	42
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<b>177F</b>	<b>Recording of evidence</b>	1
(1)	The Secretary may record a person answering questions under this division if the Secretary—	2
	(a) informs the person that the record will be made, and	3
	(b) gives a copy of the record to the person as soon as practicable after the record is made.	4
(2)	The record may be made using—	5
	(a) sound recording apparatus, or	6
	(b) audio visual apparatus, or	7
	(c) another method decided by the Secretary.	8
(3)	The record may be made despite the provisions of another law.	9
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(6)	Without limiting the <i>Law Enforcement (Powers and Responsibilities) Act 2002</i> , section 71, a police officer may—	1 2
(a)	accompany the Secretary when executing the search warrant, and	3
(b)	take all reasonable steps to assist the Secretary in the exercise of the Secretary’s functions.	4 5
(7)	In this section—	6
	<i>issuing officer</i> means an authorised officer under the <i>Law Enforcement (Powers and Responsibilities) Act 2002</i> .	7 8
<b>Subdivision 2 Powers exercised on premises</b>		9
<b>177I</b>	<b>Exercise of powers on premises</b>	10
(1)	The Secretary may exercise a power specified in this subdivision when on premises the Secretary entered lawfully.	11 12
(2)	A power may be exercised in relation to a thing without the consent of the owner of the thing.	13 14
(3)	A power to do something includes a power to arrange for the thing to be done, whether at the premises or elsewhere.	15 16
<b>177J</b>	<b>Powers of Secretary—records</b>	17
	The Secretary may—	18
(a)	examine and inspect records, and	19
(b)	copy records, and	20
(c)	direct a person to produce records for inspection.	21
<b>177K</b>	<b>Powers of Secretary—examinations, inspections and tests</b>	22
(1)	The Secretary may—	23
(a)	examine and inspect a thing, and	24
(b)	take and remove samples of a thing, and	25
(c)	make examinations, inquiries, measurements or tests the Secretary considers necessary, and	26 27
(d)	take photographs or other recordings the Secretary considers necessary.	28
(2)	The power to examine and inspect a thing includes a power to use reasonable force to break open or otherwise access a thing, including a floor or wall containing the thing.	29 30 31
(3)	The power to test a thing includes a power to destructively test a thing, or a sample of a thing, if that is a reasonable test in the circumstances.	32 33
<b>177L</b>	<b>Powers of Secretary—opening or demolishing building work</b>	34
(1)	The Secretary may open up, cut open or demolish building work if the Secretary reasonably believes it is necessary because there is, or there is likely to be, a contravention of section 109.	35 36 37
(2)	The power to open up, cut open or demolish building work may be exercised by an appropriately qualified person at the direction of the Secretary.	38 39
<b>177M</b>	<b>Powers of Secretary—seizure</b>	40
(1)	The Secretary may—	41

(a)	seize a thing the Secretary has reasonable grounds to believe is connected with a contravention of section 109, and	1 2
(b)	move a seized thing from the place where it is seized or leave it at the place where it is seized and take reasonable action to restrict access to the thing, and	3 4 5
(c)	direct the occupier of the premises where a thing is seized to keep the thing—	6 7
(i)	at the premises, or	8
(ii)	at another place under the control of the occupier.	9
(2)	The power to seize a thing connected with an offence includes a power to seize—	10 11
(a)	a thing in relation to which the offence has been committed, and	12
(b)	a thing that will afford evidence of the commission of the offence, and	13
(c)	a thing that was used for the purpose of committing the offence.	14
(3)	In this section, a reference to an offence includes a reference to an offence that there are reasonable grounds to believe has been committed.	15 16
<b>177N</b>	<b>Powers of Secretary—other powers</b>	17
	The Secretary may do anything that, in the Secretary’s opinion, is reasonably necessary to be done for an authorised purpose.	18 19
	<b>Subdivision 3</b>	
	<b>Miscellaneous</b>	20
<b>177O</b>	<b>Provision of assistance to Secretary</b>	21
(1)	The Secretary may direct a person to provide reasonable assistance, as specified by the Secretary, if the direction—	22 23
(a)	is for the purposes of the Secretary exercising functions under this division in relation to premises, and	24 25
(b)	is given to—	26
(i)	the owner or occupier of the premises, or	27
(ii)	if the premises are not a public place—a person on the premises.	28
(2)	The direction may be given—	29
(a)	orally to the person, or	30
(b)	by written notice given to the person.	31
(3)	A person must not fail to comply with a direction under this section.	32
	Maximum penalty for subsection (3)—	33
(a)	for an individual—	34
(i)	20 penalty units, and	35
(ii)	for a continuing offence—2 penalty units for each day the offence continues, or	36 37
(b)	otherwise—	38
(i)	100 penalty units, and	39
(ii)	for a continuing offence—10 penalty units for each day the offence continues.	40 41

<b>177P</b>	<b>Obstruction of Secretary</b>	1
	A person must not, without reasonable excuse, obstruct, hinder or interfere with the Secretary in the exercise of the Secretary's functions under this part.	2
	Maximum penalty—	3
	(a) for an individual—20 penalty units, or	4
	(b) otherwise—100 penalty units.	5
<b>177Q</b>	<b>Failure to comply with direction</b>	6
	A person must not, without reasonable excuse, fail to comply with a direction of the Secretary under this part.	7
	Maximum penalty—	8
	(a) for an individual—	9
	(i) 20 penalty units, and	10
	(ii) for a continuing offence—2 penalty units for each day the offence continues, or	11
	(b) otherwise—	12
	(i) 100 penalty units, and	13
	(ii) for a continuing offence—10 penalty units for each day the offence continues.	14
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	<b>Division 4 Seizure and destruction</b>	19
<b>177R</b>	<b>Dealing with seized things</b>	20
(1)	The Secretary, when seizing a thing at premises under this part, must give the person apparently in charge of the premises a written receipt for the thing seized.	21
(2)	The Secretary may keep the seized thing for evidence in court proceedings until—	22
(a)	the court in which the proceedings are commenced orders its return, or	23
(b)	if no order is made—the completion of the proceedings, including an appeal.	24
(3)	A record may be kept under this section if, within a reasonable time—	25
(a)	a copy of the record is made, and	26
(b)	the Secretary certifies that the copy is a true copy, and	27
(c)	the person from whom the record was seized is given the certified copy.	28
(4)	The certified copy is, as evidence, of equal validity to the record.	29
<b>177S</b>	<b>Power to destroy seized things</b>	30
(1)	The Secretary may destroy or dispose of a thing if—	31
(a)	the thing was seized under this division, and	32
(b)	the thing is no longer required as evidence in proceedings.	33
(2)	The Secretary must not destroy a thing under this division unless—	34
(a)	before destroying the thing, the Secretary gives written notice of the proposed destruction to the owner or person in charge of the thing, or	35
(b)	the Secretary is satisfied that the owner or person in charge of the thing has already been given written notice of the proposed destruction.	36
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(3)	Notice must be given at least 7 days before the thing is destroyed.	1
(4)	A requirement to give notice does not apply to the destruction of a thing if—	2
(a)	there does not appear to be an individual immediately in control of the thing, and the owner or person in charge cannot be located after making reasonable inquiries, and	3 4 5
(b)	the Secretary considers that, in the circumstances, the thing must be destroyed without notice to the owner or person in charge.	6 7
(5)	This section does not apply to the destruction of a thing that has been forfeited to the Secretary.	8 9
(6)	If the Secretary decides to destroy or dispose of a thing—	10
(a)	the thing immediately becomes the property of the State, and	11
(b)	compensation is not payable for—	12
(i)	the transfer of ownership, or	13
(ii)	the destruction or disposal of the thing, and	14
(c)	duty is not payable for the transfer, and	15
(d)	the Secretary must, as soon as practicable, tell the person who owned the thing immediately before its seizure about the destruction or disposal, unless—	16 17 18
(i)	the Secretary is not able to find the person after making reasonable inquiries, or	19 20
(ii)	it is otherwise impracticable or unreasonable to tell the person.	21
(7)	This section does not limit the Secretary's power to destroy a thing in the exercise of another power for an authorised purpose.	22 23
<b>Division 5 Remedial actions</b>		24
<b>177T</b>	<b>Undertakings</b>	25
(1)	An association may enter into an undertaking under this section.	26
(2)	Before entering into an undertaking, the association must approve the undertaking by special resolution.	27 28
(3)	The Secretary may accept a written undertaking given by an association that the association will take action to do the following in relation to a breach of a duty under section 109(1) or (2)—	29 30 31
(a)	carry out maintenance and repair work,	32
(b)	renew or replace fixtures or fittings.	33
(4)	A person who contravenes an undertaking accepted by the Secretary commits an offence.	34 35
	Maximum penalty for subsection (4)—	36
(a)	200 penalty units, and	37
(b)	for a continuing offence—20 penalty units for each day the offence continues.	38 39
<b>177U</b>	<b>Variation or withdrawal of undertaking</b>	40
(1)	An association that enters into an undertaking may, with the written agreement of the Secretary—	41 42
(a)	vary the undertaking, or	43

(b)	withdraw the undertaking.	1
(2)	Before varying or withdrawing an undertaking under subsection (1), the association must approve the variation or withdrawal by special resolution.	2 3
(3)	The Secretary may—	4
(a)	vary an undertaking, with the written agreement of the association, or	5
(b)	withdraw the Secretary’s acceptance of an undertaking, by written notice served on the association.	6 7
(4)	Before agreeing to vary an undertaking under subsection (3)(a), the association must approve the variation by special resolution.	8 9
(5)	The provisions of an undertaking may not be varied to provide for a different subject matter.	10 11
(6)	An undertaking ceases to have effect if—	12
(a)	the undertaking is withdrawn by the association, or	13
(b)	the acceptance of the undertaking is withdrawn by the Secretary.	14
(7)	In this section—	15
	<i>undertaking</i> means an undertaking under section 177T.	16
<b>177V</b>	<b>Applying for orders to restrain or remedy breaches of duty</b>	17
(1)	The Secretary may apply to the Tribunal for an order to remedy or restrain a breach of a duty under section 109(1) or (2).	18 19
(2)	An order may be made without the Secretary being required to show a likelihood of damage.	20 21
(3)	The Tribunal may grant an interim order pending the determination of the application if, in the Tribunal’s opinion, it is desirable to grant the order.	22 23
(4)	The Tribunal must not require the Secretary or another person, as a condition of granting an interim order, to give an undertaking as to damages.	24 25
(5)	The Tribunal may make the orders the Tribunal thinks fit to remedy or restrain a breach if satisfied a breach—	26 27
(a)	has been committed, or	28
(b)	will be committed unless restrained by an order of the Tribunal.	29
<b>177W</b>	<b>Complaints and investigations</b>	30
(1)	The Secretary may, whether or not the Secretary has received a complaint, investigate a breach or possible breach of a duty under section 109.	31 32
(2)	The Secretary may require that a complaint made to the Secretary about a matter referred to in subsection (1) be in a form approved by the Secretary.	33 34
(3)	However, the Secretary is not required to investigate a matter.	35
(4)	This section does not limit other powers the Secretary may have under another Act or law to receive a complaint or investigate a matter.	36 37

<b>Division 6</b>	<b>Compliance notices</b>	1
<b>177X</b>	<b>Secretary may give compliance notice</b>	2
(1)	The Secretary may give an association a notice (a <i>compliance notice</i> ) if the Secretary reasonably believes the association has breached a duty under section 109(1) or (2).	3 4 5
(2)	A compliance notice must not be given in relation to work for which a building work rectification order, within the meaning of the <i>Residential Apartment Buildings (Compliance and Enforcement Powers) Act 2020</i> , may be issued.	6 7 8
<b>177Y</b>	<b>Elements of compliance notice</b>	9
(1)	A compliance notice must state the reasons for the giving of the notice.	10
(2)	The compliance notice may do the following—	11
(a)	require the association to take action, specified in the notice, to remedy the breach,	12 13
(b)	describe the standard of work required to remedy the breach,	14
(c)	require work to be carried out by an appropriately qualified or licensed professional,	15 16
(d)	require that a person make good a building or work that has been damaged as a result of the person carrying out building work,	17 18
(e)	require the provision of documentary evidence to demonstrate compliance with the notice.	19 20
(3)	A compliance notice given in relation to a dispute may—	21
(a)	specify conditions about the payment of money due under a contract for the work, and	22 23
(b)	require the conditions to be complied with by the party who raised the dispute before the other requirements of the notice are complied with.	24 25
(4)	The compliance notice may specify the period in which the association must comply with the notice, including multiple periods to allow for different stages for compliance.	26 27 28
<b>177Z</b>	<b>Amendment and revocation of compliance notice</b>	29
	The Secretary may amend a compliance notice if the association given the notice agrees to the amendment.	30 31
<b>177ZA</b>	<b>Revocation of compliance notice</b>	32
(1)	A compliance notice is revoked if the notice has been complied with.	33
(2)	The Secretary must, when a compliance notice has been complied with, give a written notice to the association given the compliance notice confirming the revocation of the compliance notice.	34 35 36
(3)	The failure of the Secretary to give the written notice does not affect the revocation of the compliance notice.	37 38
<b>177ZB</b>	<b>Offence for failure to comply with compliance notice</b>	39
	An association given a compliance notice must not fail to comply with the notice.	40 41
	Maximum penalty—	42
(a)	200 penalty units, and	43



	(b) for a continuing offence—20 penalty units for each day the offence continues.	1 2
<b>177ZC</b>	<b>Administrative review of decision to give compliance notice</b>	3
	(1) An association may apply to the Tribunal for an administrative review under the <i>Administrative Decisions Review Act 1997</i> of the decision to give the association a compliance notice.	4 5 6
	(2) The application must be made no later than 28 days after the association receives the notice.	7 8
	(3) The <i>Administrative Decisions Review Act 1997</i> , Chapter 3, Part 2 does not apply to the application.	9 10
	(4) In determining the application, the Tribunal must take into account any matter that was required to be taken into account in making the decision to give the compliance notice.	11 12 13
<b>[46]</b>	<b>Section 217 Functions of Secretary</b>	14
	Omit “Act.” from section 217(e). Insert instead—	15
	Act,	16
	(f) investigating, monitoring and enforcing compliance with section 109.	17
<b>[47]</b>	<b>Section 233 Regulations</b>	18
	Omit “way.” from section 233(2)(j). Insert instead—	19
	way,	20
	(k) the procedures for entering into an undertaking under section 177T,	21
	(l) the procedures for giving a compliance notice under section 177X,	22
	(m) information that must be included in a compliance notice under section 177Y.	23 24
<b>[48]</b>	<b>Schedule 1 Meeting procedures of associations</b>	25
	Omit “electricity, gas or any other utility relevant to the scheme.” from clause 5(b).	26
	Insert instead—	27
	utilities relevant to the scheme,	28
	(c) an item to consider environmental sustainability within the scheme, including consideration of the association property annual energy and water consumption and expenditure.	29 30 31
<b>[49]</b>	<b>Schedule 1, clause 24A, heading</b>	32
	Omit “company nominees and”.	33
<b>[50]</b>	<b>Schedule 1, clause 24A(1)</b>	34
	Omit the subclause. Insert instead—	35
	(1) A person acting under a power of attorney may, if authorised by the power of attorney, exercise voting rights at a general meeting of the association on behalf of the owner of one or more development lots or neighbourhood lots.	36 37 38
<b>[51]</b>	<b>Schedule 1, clause 24A(2)</b>	39
	Omit “company nominee, or a person acting under a power of attorney,”.	40

Insert instead “person acting under a power of attorney”.	1
<b>[52] Schedule 3 Savings, transitional and other provisions</b>	2
Insert at the end of the schedule, with appropriate part and clause numbering—	3
<b>Part Provisions consequent on enactment of Strata Schemes Legislation Amendment Act 2024</b>	4
<b>Definition</b>	6
In this part—	7
<i>amending Act</i> means the <i>Strata Schemes Legislation Amendment Act 2024</i> .	8
<b>Payment for legal services</b>	9
Section 106(3)(c), as substituted by the amending Act, is taken to have been in force from the beginning of 30 November 2016.	10
<b>[53] Dictionary</b>	12
Insert in alphabetical order—	13
<i>accessibility infrastructure</i> means changes made—	14
(a) to part of the association property, including by installing, removing, modifying or replacing anything on or forming part of the association property, and	15
(b) to facilitate a person with a disability having access to—	16
(i) the association property, or	17
(ii) the lot in the association scheme in which the person resides.	18
<i>accessibility infrastructure resolution</i> means a resolution to do one or more of the following that is specified to be an accessibility infrastructure resolution—	19
(a) to finance accessibility infrastructure,	20
(b) to add to the association property, alter the association property or erect a new structure on the association property for the purpose of installing accessibility infrastructure,	21
(c) to amend a management statement to include a by-law for the purposes of the installation or use, or both, of accessibility infrastructure.	22
<i>administrative fund</i> , of an association, means the fund established by the association under section 77.	23
<i>disability</i> has the same meaning as in the <i>Disability Discrimination Act 1992</i> of the Commonwealth, section 4(1).	24
<i>independent surveyor</i> means a person who is not connected to the original owner and who—	25
(a) is a member of the Australian Institute of Quantity Surveyors and holds the designation Certified Quantity Surveyor, or	26
(b) is a member of the Royal Institution of Chartered Surveyors and a Chartered Quantity Surveyor.	27
<i>multi-storey scheme</i> —	28
(a) means an association scheme—	29
(i) that comprises at least 1 building with more than 2 storeys above ground level, and	30
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- (ii) where the whole or a part of at least 1 lot in that building is located above the whole or a part of another lot, and 1
- (b) includes a scheme of a type prescribed by the regulations. 2
- storey**, of a building, includes the following— 3
- (a) the ground level, 4
- (b) a level of a split level. 5

<b>Schedule 3</b>	<b>Amendment of other legislation</b>	1
<b>3.1</b>	<b>Community Land Management Regulation 2021</b>	2
<b>[1]</b>	<b>Section 6, heading</b>	3
	Omit “s 13(o)”. Insert instead “s 13(2)(o)”.	4
<b>[2]</b>	<b>Section 26B</b>	5
	Insert after section 26A—	6
<b>26B</b>	<b>Restrictions on by-laws—evidence animal is assistance animal</b>	7
	For the Act, section 130A(2)(c), other evidence to show the animal is an assistance animal includes the following—	8 9
	(a) an assistance animal identity card, pass or permit from an assistance animal training organisation,	10 11
	(b) a document as evidence that the animal has completed a training program that meets the standards of Assistance Dogs International,	12 13
	(c) a document as evidence that the animal has been accepted as an assistance animal by a government agency in Australia,	14 15
	<b>Examples of documents—</b> a government-issued access card, transport pass or permit	16 17
	(d) a document issued by a local council recognising the animal as an assistance animal,	18 19
	(e) an assistance dog badge, medallion, harness, cape, coat or vest supplied for the animal by an assistance dog training organisation,	20 21
	(f) a written statement that the animal is an assistance animal from a registered health practitioner, within the meaning of the <i>Health Practitioner Regulation National Law (NSW)</i> , but only if the health practitioner is registered under that Law, Part 7, Division 1 or 2.	22 23 24 25
<b>[3]</b>	<b>Schedule 1 Fees</b>	26
	Omit item 1. Insert instead—	27
	1 For making records available for inspection under the Act, section 171, including GST—	
	(a) to an owner or mortgagee of a lot or the association or strata corporation constituted under the subsidiary scheme for a subsidiary scheme—	
	(i) for the first hour,	\$31
	(ii) for each half-hour or part of half-hour after the first hour	\$16
	(b) to a person authorised by an owner or mortgagee of a lot or to a person authorised by the association or strata corporation constituted under the subsidiary scheme for a subsidiary scheme—	
	(i) for the first hour,	\$60
	(ii) for each half-hour or part of half-hour after the first hour	\$30

<b>[4] Schedule 2 Penalty notice offences</b>	1	
Insert in appropriate order under the heading <b>Offences under the Act</b> —	2	
Section 12(1)	\$2,200	\$2,200
Section 14(1)	\$2,200	\$2,200
Section 14(1A)	\$1,100	\$5,500
Section 115(2)	\$1,100	\$5,500
Section 115(2B)	\$1,100	\$5,500
Section 177T(4)	\$2,200	\$2,200
Section 177ZB	\$2,200	\$2,200
<b>3.2 Conveyancing Act 1919 No 6</b>	3	
<b>[1] Section 7 Definitions</b>	4	
Insert in alphabetical order in section 7(1)—	5	
<i>association scheme</i> has the same meaning as in the <i>Community Land Management Act 2021</i> .	6	
<i>exclusive supply network</i> has the same meaning as in—	7	
(a) for a strata scheme—the <i>Strata Schemes Management Act 2015</i> , section 184, or	8	
(b) for an association scheme—the <i>Community Land Management Act 2021</i> , section 174.	9	
<i>strata scheme</i> has the same meaning as in the <i>Strata Schemes Management Act 2015</i> .	10	
<b>[2] Section 66ZL Definitions</b>	15	
Insert after section 66ZL(1), definition of <i>material particular</i> , paragraph (d)—	16	
(d1) the subject lot is or will be in an association scheme or strata scheme that includes or is likely to include an exclusive supply network,	17	
	18	
<b>3.3 Conveyancing (Sale of Land) Regulation 2022</b>	19	
<b>Schedule 2 Prescribed warranties</b>	20	
Insert after item 23—	21	
<b>23A</b> If the contract relates to land that includes a lot the subject of a strata scheme or association scheme, the existence of an exclusive supply network included in the scheme.	22	
	23	
	24	
<b>3.4 Fair Trading Act 1987 No 68</b>	25	
<b>[1] Section 32A</b>	26	
Insert after section 32—	27	
<b>32A Application of Australian Consumer Law to owners corporations and associations</b>	28	
	29	
(1) The following provisions of the ACL apply to a relevant contract as if it were a consumer contract—	30	
	31	

(a)	Part 2-3,	1
(b)	Part 5-2.	2
(2)	In this section—	3
	<i>association</i> has the same meaning as in the <i>Community Land Management Act 2021</i> .	4
	<i>owners corporation</i> has the same meaning as in the <i>Strata Schemes Management Act 2015</i> .	5
	<i>relevant contract</i> is a contract for the following—	6
(a)	a supply of goods or services to an owners corporation or association,	7
(b)	a sale or grant of an interest in land to an owners corporation or association.	8
[2]	<b>Schedule 5 Savings and transitional provisions</b>	9
	Insert at the end of the schedule, with appropriate part and clause numbering—	10
	<b>Part Provisions consequent on enactment of Strata Schemes Legislation Amendment Act 2024</b>	11
	<b>Application of amendment relating to unfair strata and community land contract terms</b>	12
(1)	Section 32A does not apply to a contract in force immediately before the commencement (an <i>existing contract</i> ).	13
(2)	Section 32A applies to an existing contract that is renewed after the commencement, but only in relation to conduct occurring after the renewal.	14
(3)	Section 32A applies to a term of an existing contract that is varied or inserted after the commencement, but only in relation to conduct occurring after the variation or insertion.	15
(4)	In this clause—	16
	<i>commencement</i> means the day on which section 32A commences.	17
<b>3.5</b>	<b>Law Enforcement (Powers and Responsibilities) Act 2002 No 103</b>	18
[1]	<b>Schedule 2 Search warrants under other Acts</b>	19
	Insert in alphabetical order—	20
	<i>Community Land Management Act 2021</i> , section 177H	21
[2]	<b>Schedule 2</b>	22
	Omit “ <i>Strata Schemes Management Act 2015</i> , section 211H”.	23
	Insert instead “ <i>Strata Schemes Management Act 2015</i> , sections 188H and 211H”.	24
<b>3.6</b>	<b>Property and Stock Agents Regulation 2022</b>	25
	<b>Schedule 12 Terms specific to agency agreement for management of strata or community title land</b>	26
	Insert after section 2—	27

<b>2A</b>	<b>Terms excluded from agency agreement</b>	1
(1)	The agency agreement must not include a term or terms to the effect of the following—	2
		3
(a)	the owners corporation or association must pay for the agent’s professional indemnity liability, including insurance excess,	4
		5
(b)	the agent’s liability is limited to a specified monetary amount.	6
(2)	Subsection (1)(b) does not apply to an agreement covered by a professional standards scheme that has been approved by the Professional Standards Council, within the meaning of the <i>Professional Standards Act 1994</i> , and that is in force.	7
		8
		9
		10
<b>3.7</b>	<b>Strata Schemes Management Regulation 2016</b>	11
<b>[1]</b>	<b>Clause 5 Agenda for first AGM</b>	12
	Omit “section 15(p)”. Insert instead “section 15(2)(p)”.	13
<b>[2]</b>	<b>Clause 37A</b>	14
	Insert after clause 37—	15
<b>37A</b>	<b>Restrictions on by-laws—evidence animal is assistance animal</b>	16
	For the Act, section 139A(2)(c), other evidence to show the animal is an assistance animal includes the following—	17
		18
(a)	an assistance animal identity card, pass or permit from an assistance animal training organisation,	19
		20
(b)	a document as evidence that the animal has completed a training program that meets the standards of Assistance Dogs International,	21
		22
(c)	a document as evidence that the animal has been accepted as an assistance animal by a government agency in Australia,	23
		24
	<b>Examples of documents—</b> a government-issued access card, transport pass or permit	25
		26
(d)	a document issued by a local council recognising the animal as an assistance animal,	27
		28
(e)	an assistance dog badge, medallion, harness, cape, coat or vest supplied for the animal by an assistance dog training organisation,	29
		30
(f)	a written statement that the animal is an assistance animal from a registered health practitioner, within the meaning of the <i>Health Practitioner Regulation National Law (NSW)</i> , but only if the health practitioner is registered under that Law, Part 7, Division 1 or 2.	31
		32
		33
		34
<b>[3]</b>	<b>Schedule 4 Fees</b>	35
	Omit item 2. Insert instead—	36
2	For making records available for inspection under the Act, section 182, including GST—	
(a)	to an owner, mortgagee or covenant chargee of a lot—	
(i)	for the first hour,	\$31
(ii)	for each half-hour or part of half-hour after the first hour	\$16

- (b) to a person authorised by an owner, mortgagee or covenant chargee of a lot—
  - (i) for the first hour, \$60
  - (ii) for each half-hour or part of half-hour after the first hour \$30

**[4] Schedule 5 Penalty notice offences**

1

Insert in appropriate order under the heading **Offences under the Act**—

2

Section 14(1)	\$2,200
Section 16(1)	\$2,200
Section 16(1A)	\$1,100 for an individual or \$5,500 for a corporation
Section 115(2)	\$1,100 for an individual or \$5,500 for a corporation
Section 115(2B)	\$1,100 for an individual or \$5,500 for a corporation
Section 188T(4)	\$2,200
Section 188ZB	\$2,200

**3.8 Uncollected Goods Act 1995 No 68**

3

**Section 5 When goods uncollected for purposes of Act**

4

Insert after section 5(2)(e)—

5

- (e1) an owners corporation reasonably believes the goods have been abandoned or left behind on the lot of an owner in a strata scheme, within the meaning of the *Strata Schemes Management Act 2015* and acts with the consent of the owner, or

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