

[Act 1996 No 139]



New South Wales

# **Strata Schemes Management (Miscellaneous Amendments) Bill 1996**

## **Explanatory note**

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

This Bill is cognate with the *Strata Schemes Management Bill 1996*.

## **Overview of Bill**

The object of this Bill is to amend the *Community Land Management Act 1989* to include a number of provisions that are parallel to provisions included in the *Strata Schemes Management Bill 1996*. The Bill also amends various other Acts as a consequence of the *Strata Schemes Management Bill 1996*.

In particular, the Bill amends the *Strata Titles Act 1973* and the *Strata Titles (Leasehold) Act 1986* to change the names of those Acts and to remove the provisions relating to the management of strata schemes under those Acts and disputes concerning strata schemes. Those matters will be dealt with in the proposed *Strata Schemes Management Act 1996*.

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## 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 on a day or days to be proclaimed.

**Clause 3** gives effect to the amendments to the *Community Land Management Act 1989* as set out in Schedule 1.

**Clause 4** gives effect to the amendments to other Acts as set out in Schedule 2.

### **Schedule 1     Amendments to the Community Land Management Act 1989**

**Schedule 1** makes a number of amendments to the *Community Land Management Act 1989* to bring certain provisions of that Act into line with the proposed *Strata Schemes Management Act 1996*. Those amendments include the following:

- (a) changing the role of the Community Schemes Commissioner from an adjudicative role to a mediation role,
- (b) providing for the appointment of Community Schemes Adjudicators to take over the adjudicative role of the Commissioner,
- (c) enabling the Board to enforce orders of Adjudicators and the Board by imposing civil penalties of up to \$5,000,
- (d) enabling the Board to impose civil penalties of up to \$500 for a breach of the by-laws following a warning notice given by an association to a proprietor,
- (e) enabling an Adjudicator or the Board to award costs in certain circumstances,
- (f) enabling discounts to be given for early payment of levies and changing the provisions relating to the charging of interest for late payment of levies,
- (g) requiring valuations of buildings to be obtained at least once every 5 years for insurance purposes,
- (h) specifically allowing an association to take out office bearers liability insurance,

- (i) allowing an association to enter a lot in order to carry out work in a case where the occupier of the lot will not consent if an order of an Adjudicator has been obtained,
- (i) reducing the quorum required for meetings of associations and executive committees,
- (k) providing more detail relating to the appointment and voting of proxies.

## **Schedule 2      Amendment of other Acts**

**Schedule 2** contains amendments to a number of Acts as a consequence of the enactment of the proposed *Strata Schemes Management Act 1996*.