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Parliamentary Counsel

TASMANIA

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STRATA TITLES AMENDMENT BILL 2026

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STRATA TITLES AMENDMENT BILL 2026

(Brought in by the Minister for Parks and Heritage, the Honourable Nicholas John Henry Duigan)

A BILL FOR

An Act to amend the *Strata Titles Act 1998*

Be it enacted by Her Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:

1. Short title

This Act may be cited as the *Strata Titles Amendment Act 2026*.

2. Commencement

The provisions of this Act commence on a day or days to be proclaimed.

3. Principal Act

In this Act, the *Strata Titles Act 1998** is referred to as the Principal Act.

4. Section 3 amended (Interpretation)

Section 3 of the Principal Act is amended as follows:

*No. 17 of 1998

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(a) by inserting the following definition after the definition of *boundary structure*:

certificate of approval means a certificate of approval issued by a council under Division 9 of Part 2;

(b) by omitting the definition of *developer* and substituting the following definitions:

developer means –

(a) the person by or on whose behalf a plan or scheme is lodged for registration; and

(b) any person who subsequently acquires the rights and assumes the obligations of the developer in relation to the scheme, but only to the extent of those rights and obligations;

disclosure statement, in relation to a scheme, means –

(a) in the case of a staged development scheme, a disclosure statement included in the scheme under section 34(b); and

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(b) in the case of a community development scheme, a disclosure statement for the scheme under section 51(1)(b);

(c) by inserting the following definitions after the definition of *lot*:

maintenance plan, in relation to a scheme, means a maintenance plan developed for that scheme by the body corporate for that scheme under section 83A;

management statement, in relation to a scheme, means the management statement registered for that scheme under Part 5A;

(d) by inserting the following definitions after the definition of *Recorder*:

records, in relation to a body corporate, includes any rolls, minutes, writings or other documents kept by the body corporate under this Act;

roll, of a body corporate, means the roll prepared and kept by the body corporate under section 88B;

(e) by omitting the definition of *service infrastructure* and substituting the following definition:

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service infrastructure means cables, wires, pipes, sewers, drains, ducts, plant and equipment by which more than one lot or the common property are provided with –

(a) water, gas, electricity, heating or conditioned or unconditioned air; or

(b) telephone, computer, television or other telecommunication services; or

(c) sewerage or drainage systems; or

(d) systems for the removal or disposal of garbage or waste; or

(e) systems designed for fire safety; or

(f) other systems or services designed to improve the amenity, or enhance the enjoyment, of the lots or common property;

(f) by inserting the following definition after the definition of *site*:

special unit entitlement – see section 16;

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(g) by inserting the following definition after the definition of *statutory easement*:

strata plan means a plan that is registered as a strata plan under this Act, and includes any information, certificate or other document required by this Act to be included with the plan before it may be registered;

(h) by omitting "complex of" from the definition of *strata scheme*;

(i) by inserting the following definition after the definition of *strata scheme*:

technology, in relation to participation in a meeting, includes the following types of technology:

(a) telephone;

(b) video-link;

(c) internet connection;

(d) other similar means of remote communication;

5. Section 3A substituted

Section 3A of the Principal Act is repealed and the following Part is substituted:

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PART 1A – COMMON PROPERTY

3A. Meaning of *common property*

(1) For the purposes of this Act, the common property in a scheme consists of the following:

(a) all land within the scheme that is not within the boundaries of a lot in the scheme;

(b) all other property administered by the body corporate for the relevant scheme;

(c) in a case where the roof of a building forms part of the common property, the guttering attached to the roof or part of the roof;

(d) subject to subsection (3), the service infrastructure;

(e) any other land or property identified in the plan for the scheme as common property.

(2) The common property in a scheme does not include land designated for future development in the master plan for a staged development scheme or a community development scheme.

(3) A part of the service infrastructure within a lot that is solely related to supplying

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services to the lot is common property only if it is within a boundary structure separating the lot from another lot or from common property.

3B. Identification of common property

(1) The developer under a scheme must clearly identify the common property in the plan for that scheme in accordance with any prescribed requirements.

(2) In identifying common property for the purposes of subsection (1), the developer is to take into consideration the intended use of the lots and the type of proposed development.

3C. Ownership of common property

(1) The body corporate for a scheme holds the common property for the scheme in trust for the owners of the lots.

(2) The owners of the lots are, in equity, tenants in common of the common property in shares proportionate to the unit entitlements of their respective lots.

(3) An owner's interest in a lot is inseparable from the owner's interest in the common property for the scheme so that –

(a) a dealing with the lot affects, without express mention, the

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owner's interest in the common property; and

(b) an owner cannot separately deal with or dispose of the owner's interest in the common property.

(4) The body corporate for a scheme may deal with the common property for the scheme on behalf of the owners of the lots in that scheme as authorised under this Act.

3D. Rights and responsibilities for common property

(1) The body corporate for a scheme may sue and be sued for rights and liabilities related to the common property for the scheme as if the body corporate were the owner and occupier of the common property.

(2) If the body corporate for a scheme grants rights of exclusive occupation of a particular part of the common property of the scheme to another person, the body corporate's rights and liabilities as occupier of that part of the common property are, while the right of exclusive occupation continues, vested in the other person.

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3E. Disposal of interest in common property

(1) If authorised by unanimous resolution, a body corporate for a scheme may –

(a) sell or otherwise dispose of part of the common property for the scheme; or

(b) grant or amend a lease over part of the common property for the scheme.

(2) A dealing to give effect to a transaction under this section may be registered only if accompanied by –

(a) a copy of the resolution authorising the transaction that is certified by the body corporate; and

(b) if the council's approval is required by law, a certificate issued under the authority of the council certifying that the council has approved the transaction; and

(c) if the transaction is for the sale or disposal of part of the common property which does not result in its removal from the scheme, an amendment to the plan showing the new boundaries; and

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(d) if the transaction is for any other sale or disposal of part of the common property –

(i) where the common property is to be removed from the site, an amendment to the plan showing the new boundaries of the site; and

(ii) a sealed plan.

(3) If the Recorder is satisfied that –

(a) the sale or disposal is by way of an adjustment of boundaries; and

(b) an amendment to the plan is not necessary in view of the information in it –

the Recorder may, on application by a person interested in the transaction, dispense with the requirement to amend the plan.

6. Section 4 amended (Division of land by strata plan)

Section 4(1) of the Principal Act is amended by omitting "a strata plan" and substituting "a plan as a strata plan".

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7. Sections 5 and 6 substituted

Sections 5 and 6 of the Principal Act are repealed and the following section is substituted:

5. Lodgment of plan for registration

(1) A person may lodge a plan with the Recorder for registration as a strata plan.

(2) A plan lodged for registration under subsection (1) must –

(a) contain the prescribed information; and

(b) comply with any prescribed requirements; and

(c) contain such further information and features as required by the Recorder; and

(d) be endorsed with a certificate of approval issued under the authority of the council for the area in which the site is situated.

(3) A plan lodged for registration under subsection (1) must be accompanied by –

(a) any certificates of title for the site; and

(b) a management statement that conforms with the requirements of Part 5A; and

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(c) any documents and other information that the Recorder requires; and

(d) the prescribed fee.

(4) The Recorder must register a plan as a strata plan if satisfied that the requirements for the registration of that plan under this section have been complied with.

8. Section 7 amended (Mortgages)

Section 7(2)(a) of the Principal Act is amended as follows:

(a) by omitting "strata";

(b) by inserting "as a strata plan" after "registration".

9. Section 8 amended (Effect of registration)

Section 8(1) of the Principal Act is amended by omitting "registered".

10. Part 2, Division 3 repealed

Division 3 of Part 2 of the Principal Act is repealed.

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11. Section 14 amended (Creation, &c., of easements, covenants and profits a prendre)

Section 14(2)(a) of the Principal Act is amended by omitting "under the body corporate's common seal" and substituting "by the relevant body corporate".

12. Section 16 amended (Unit entitlements)

Section 16 of the Principal Act is amended as follows:

(a) by omitting paragraph (b) from subsection (2) and substituting the following paragraph:

(b) may be a special unit entitlement operating for such purposes as may be prescribed.

(b) by inserting the following subsection after subsection (2):

(2A) A body corporate for a scheme may, in addition to the purposes prescribed under subsection (2)(b), specify other purposes for which a special unit entitlement may operate under the scheme.

(c) by inserting the following subsection after subsection (6):

(7) For the purposes of subsection (6), the following

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factors may be taken into account when determining whether the unit entitlements of a lot or, if various classes of unit entitlements have been fixed, the unit entitlements of a particular class of lots have been fixed, on a fair and equitable basis:

(a) the size, nature and structure of the scheme;

(b) the size, nature and characteristics of the lot, or class of lots, within the scheme;

(c) the extent and nature of the common property and the use made by each lot of the common property within the scheme;

(d) any difference in market value between lots at the time at which the value of the unit entitlement is fixed;

(e) such other factors as may be prescribed.

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13. Section 17 amended (Change of unit entitlements)

Section 17 of the Principal Act is amended by inserting after subsection (1) the following subsection:

(1A) For the avoidance of doubt, section 16(6) applies to any change in unit entitlements under this section.

14. Section 19 amended (Application for amendment)

Section 19 of the Principal Act is amended as follows:

(a) by omitting from subsection (1) "ordinary" and substituting "unanimous";

(b) by omitting from subsection (2) "under the body corporate's common seal" and substituting "by the body corporate".

15. Section 20 amended (Acquisition of land)

Section 20(3)(b) of the Principal Act is amended by omitting "under the body corporate's common seal" and substituting "by the body corporate".

16. Section 23 amended (Application for consolidation)

Section 23(2) of the Principal Act is amended as follows:

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(a) by omitting from paragraph (a) "under the common seal of" and substituting "by";

(b) by omitting from paragraph (f) "the" and substituting "any";

(c) by omitting from paragraph (f) "all".

17. Section 27 amended (Application for cancellation)

Section 27(2) of the Principal Act is amended as follows:

(a) by omitting from paragraph (a) "under the common seal of" and substituting "by";

(b) by omitting from paragraph (c) "the" and substituting "any";

(c) by omitting from paragraph (c) "all".

18. Section 29 amended (Registration of cancellation)

Section 29(a) of the Principal Act is amended by inserting "any" after "folios and".

19. Section 34 amended (Staged development schemes)

Section 34 of the Principal Act is amended by omitting paragraph (b) and substituting the following paragraphs:

(b) in the case of a staged development scheme that has not been completed as

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required under the terms of the registered scheme, a disclosure statement that conforms with the requirements of this Part; and

(c) in the case of a staged development scheme that has been completed as required under the terms of the registered scheme, a management statement that conforms with the requirements of Part 5A.

20. Section 38 amended (Lodgment of staged development scheme)

Section 38(2)(c) of the Principal Act is amended by omitting "the" first occurring and substituting "any".

21. Section 42 amended (Application for variation of scheme)

Section 42(4) of the Principal Act is amended by omitting "must by" and substituting "must be".

22. Section 43 amended (Registration of variation)

Section 43(2)(c) of the Principal Act is amended by omitting "the certificates" second occurring and substituting "any certificates".

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23. Section 48 amended (Assignment of developer's interest)

Section 48(b) of the Principal Act is amended as follows:

(a) by inserting in subparagraph (i) "staged development" after "registered";

(b) by inserting in subparagraph (ii) "registered staged development" after "with the".

24. Section 51 amended (Community development schemes)

Section 51(1) of the Principal Act is amended by omitting paragraphs (b), (c) and (d) and substituting the following paragraphs:

(b) in the case of a community development scheme that has not been completed as required under the terms of the registered scheme, a disclosure statement that conforms with the requirements of this Part; and

(c) in the case of a community development scheme that has been completed as required under the terms of the registered scheme, a management statement that conforms with the requirements of Part 5A.

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25. Section 52 amended (Form and content of scheme)

Section 52 of the Principal Act is amended as follows:

(a) by omitting from subsection (2) "management" and substituting "disclosure";

(b) by omitting from subsection (3)(c) "administered." and substituting "administered; and";

(c) by inserting the following paragraph after paragraph (c) in subsection (3):

(d) the by-laws of the body corporate.

26. Section 55 amended (Registration of community development scheme)

Section 55(2)(c) of the Principal Act is amended by omitting "the" first occurring and substituting "any".

27. Section 58 amended (Application for variation of scheme)

Section 58(4) of the Principal Act is amended by omitting "must by" and substituting "must be".

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28. Section 59 amended (Registration of variation)

Section 59(2)(c) of the Principal Act is amended by omitting "the" first occurring and substituting "any".

29. Part 5: Heading amended

Part 5 of the Principal Act is amended by inserting in the heading to that Part "**DEVELOPMENT**" after "**COMMUNITY**".

30. Section 68 amended (Name of strata scheme or community development scheme)

Section 68(1) of the Principal Act is amended as follows:

(a) by inserting "scheme" after "strata";

(b) by inserting "development" after "community".

31. Section 69 amended (Reservation of name)

Section 69 of the Principal Act is amended as follows:

(a) by inserting in subsection (1) "scheme" after "strata";

(b) by inserting in subsection (1) "development" after "community";

(c) by omitting subsection (4) and substituting the following subsection:

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(4) Subject to any regulation about how the Reserved Names Register is to be kept, the Reserved Names Register may be kept in any form approved by the Recorder, including an electronic form.

32. Part 5A inserted

After section 70 of the Principal Act, the following Part is inserted:

PART 5A – MANAGEMENT STATEMENTS

70A. Requirements for management statements

(1) A management statement for a scheme must include particulars relating to the following:

(a) a description of the land and buildings which form part of the scheme;

(b) the name and address of the site in the plan for the scheme;

(c) the name and details of the body corporate for the scheme;

(d) the constituent documents for the body corporate for the scheme;

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(e) the schedule for unit entitlements for the scheme and the basis for their allocation;

(f) any special unit entitlements for the scheme and the basis for their allocation;

(g) contributions levied on lot owners and the basis for levying the contributions;

(h) any proposal regarding staged or community development schemes and the details associated with the proposal;

(i) clear identification of the common property and its allowed uses;

(j) information about service infrastructure;

(k) the maintenance plan for the scheme;

(l) such other information as may be prescribed.

(2) The constituent documents for the body corporate are the documents setting out –

(a) the basis of membership of the body corporate; and

(b) the powers and functions of the body corporate; and

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(c) how its affairs are to be administered; and

(d) the by-laws of the body corporate.

70B. Registration of management statement for staged development schemes and community development schemes

(1) The developer under a staged development scheme or community development scheme must, within 20 business days after completion of the scheme in accordance with the terms of the scheme, apply to the Recorder to register a management statement for that scheme.

Penalty: Fine not exceeding 50 penalty units.

(2) The registration of a management statement for a staged development scheme or community development scheme automatically revokes any disclosure statement for that staged development scheme or community development scheme.

70C. Review of management statements

A body corporate for a scheme must –

(a) review the management statement for that scheme at least once

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every 12 months to ensure that it contains correct and current information; and

(b) if the management statement requires amendment or replacement as a consequence of that review, amend or replace that statement under section 70D(1) within 20 business days after the completion of the review.

Penalty: Fine not exceeding 50 penalty units.

70D. Amendment of management statement

(1) A body corporate for a scheme may, by ordinary resolution –

(a) amend a management statement for that scheme; or

(b) replace the management statement for that scheme with a new management statement.

(2) If the body corporate for a scheme amends or replaces a management statement under subsection (1), the amended or replaced management statement must be registered with the Recorder within 3 months of the ordinary resolution.

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(3) If a management statement is not registered as required under this section, that management statement has no effect until it is registered.

33. Section 71 amended (Establishment of body or bodies corporate)

Section 71(3) of the Principal Act is amended as follows:

(a) by omitting from paragraph (a) "and a common seal";

(b) by inserting the following paragraph after paragraph (a):

(ab) may have a common seal; and

34. Section 72 amended (Merger and division of bodies corporate)

Section 72 of the Principal Act is amended as follows:

(a) by inserting the following subsection after subsection (1):

(1AA) If a body corporate passes a unanimous resolution under subsection (1), the body corporate must, within 3 months after passing the resolution, lodge an application for registration of the division with the Recorder.

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(b) by inserting in subsection (3) "if each of those bodies corporate passes a unanimous resolution approving the merger" after "body corporate";

(c) by inserting the following subsection after subsection (3):

(3A) If a body corporate passes a unanimous resolution under subsection (3), the body corporate must, within 3 months after passing the resolution, lodge an application for registration of the merger with the Recorder.

(d) by inserting the following subsections after subsection (4):

(4A) An application for registration lodged with the Recorder under this section –

(a) must be in a form approved by the Recorder; and

(b) must be accompanied by –

(i) a copy of the resolution authorising the division or merger certified by the body corporate; and

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(ii) a copy of the minutes of the meeting at which the resolution was passed, showing a list of the members of the body corporate present at the meeting; and

(iii) the prescribed fee.

(4B) If an application lodged with the Recorder under this section is not lodged within 3 months of the passing of the relevant resolution, the resolution lapses.

35. Part 6, Division 2 substituted

Division 2 of Part 6 of the Principal Act is repealed and the following Division is substituted:

Division 2 – Execution of documents

73. Execution of documents by body corporate

(1) If a body corporate has a common seal, it may execute a document by –

(a) attaching the seal to the document, as authorised by a resolution of the body corporate; and

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(b) the attachment of the seal being witnessed and signed by –

(i) at least 2 members of the body corporate; or

(ii) if the body corporate has only one member, that member.

(2) If a body corporate does not have a common seal it may execute a document by having –

(a) at least 2 members of the body corporate, as authorised by a resolution of the body corporate, sign the document; or

(b) if the body corporate has only one member, that member sign the document.

(3) If a body corporate has a common seal –

(a) that common seal must include the name of the body corporate; and

(b) the body corporate must take reasonable steps to prevent unauthorised use of the seal.

(4) If a document appears to have been executed as required by this section –

(a) a person dealing with the body corporate without notice of

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irregularity is entitled to assume that the document has been properly executed; and

(b) in any legal proceedings or proceedings before an official of the government or a council, it is to be presumed, in the absence of evidence to the contrary, that the document was properly executed.

(5) Nothing in this section is to be taken to imply that a body corporate cannot act through agents without the use of its seal.

36. Section 74 amended (Membership of body corporate)

Section 74(2) of the Principal Act is amended by inserting "development" after "community".

37. Section 75 amended (General meetings of body corporate)

Section 75 of the Principal Act is amended as follows:

(a) by omitting from subsection (1) "It is the duty of the original proprietor to" and substituting "The original proprieter must";

(b) by omitting subsection (1A) and substituting the following subsections:

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(1A) On giving notice for the first annual general meeting of the body corporate, the original proprietor must specify in the notice –

(a) the nature of the business to be transacted at the meeting; and

(b) such other matters as are prescribed.

Penalty: Fine not exceeding 50 penalty units.

(1B) The business to be transacted at the first annual general meeting of a body corporate is to include –

(a) the election of a committee for the body corporate or the appointment of a body corporate manager; and

(b) consideration of the insurance policies to be taken out by the body corporate; and

(c) a review of the contributions to be levied on lot owners, and the determination of any

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variation or amendment to those contributions; and

(d) consideration of whether there should be any change to the by-laws; and

(e) consideration of whether an auditor should be appointed for accounting purposes; and

(f) the consideration and determination of matters requiring general meetings in the future, including the voting procedures to apply at such meetings.

(1C) The original proprietor must produce at the first annual general meeting of the body corporate –

(a) any policy or policies of insurance taken out by the body corporate; and

(b) such other information or documents as are prescribed.

Penalty: Fine not exceeding 50 penalty units.

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(1D) If the original proprietor does not call and convene the first annual general meeting of a body corporate as required under subsection (1), a member of that body corporate may call the first general meeting by giving at least 7 days' written notice of that meeting to each member of the body corporate.

(c) by inserting the following subsection after subsection (5):

(6) The secretary to the body corporate must keep full and accurate minutes of general meetings of the body corporate and must make them available on request for inspection by any member of the body corporate.

38. Section 75A inserted

After section 75 of the Principal Act, the following section is inserted in Division 3:

75A. Attending general meetings remotely

(1) A body corporate may permit members (including a proxy of a member of a body corporate) to participate in a particular general meeting or all general meetings of the body corporate using technology if –

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(a) that means of participation reasonably allows members to hear and take part in discussions at the meeting as they happen; and

(b) the use of that type of technology is authorised by the by-laws.

(2) A body corporate must permit members of the body corporate to participate in a meeting of the body corporate using a type of technology if –

(a) without the use of the type of technology, a member of the body corporate is not able to participate in the meeting; and

(b) the type of technology proposed to be used meets the requirements of subsection (1)(a) and (b).

(3) A person permitted by a body corporate to participate in a general meeting using technology is taken to be present at that meeting.

39. Section 76 amended (Voting at general meeting)

Section 76 of the Principal Act is amended by omitting subsections (2) and (3) and substituting the following subsections:

(2) Voting at a general meeting may occur by such means as is permitted by the

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body corporate and authorised by the scheme by-laws and is to –

(a) be proportionate to the unit entitlement of the member's lot; or

(b) in any other case, be in accordance with the constituent documents of the relevant body corporate.

(3) Co-owners may vote by proxy jointly appointed by them and, in the absence of such a proxy, are entitled to voting rights proportionate to the co-owner's interest in the lot.

(4) A proxy cannot exercise a vote in relation to a matter if the person who appointed the proxy is personally exercising a power to vote on that matter.

40. Section 76A inserted

After section 76 of the Principal Act, the following section is inserted in Division 3:

76A. Limit on number of proxies that may be held and exercised

(1) The total number of proxies that may be held and exercised by a person voting on a resolution is as follows:

(a) if the strata scheme has 20 lots or fewer, one;

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(b) if the strata scheme has more than 20 lots, a number that is equal to not more than 5% of the total number of lots.

(2) A person must neither hold nor exercise more than the number of proxy votes permitted under subsection (1) at a meeting of a body corporate.

(3) If a person holds or exercises more than the number of proxy votes permitted under subsection (1), any vote cast by that person is invalid and a new vote is to be taken.

41. Section 77 amended (Voting on behalf of persons under disability)

Section 77(1) of the Principal Act is amended by omitting "is not of full age and capacity" and substituting "lacks legal capacity (including because the member is a minor)".

42. Section 77A inserted

After section 77 of the Principal Act, the following section is inserted in Division 3:

77A. Quorum

(1) Subject to section 78, a motion submitted at a body corporate meeting must not be considered, and an election must not be held at a meeting, unless there is a quorum of members entitled to vote

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attending that meeting either personally or by duly appointed proxy.

(2) Subject to subsection (4), a quorum for the purposes of a meeting of a body corporate is constituted by –

(a) 50% of the total number of members of the body corporate; or

(b) such other percentage of the total number of members as is specified in the by-laws for the body corporate.

(3) For the purposes of subsection (2)(b), the by-laws for a strata scheme may only specify a percentage of the total number of members that is –

(a) not less than 25%; and

(b) not more than 50%.

(4) At a general meeting of a strata scheme in which there are 2 lots, a quorum is constituted if there are present persons who are entitled to cast the vote attached to each of the lots.

(5) If a quorum is not present at a body corporate meeting within 30 minutes after the time appointed for the meeting (the ***initial meeting***) –

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(a) the chairperson of the meeting must adjourn the meeting to be held 7 days later at the same time of day and at the same place as the initial meeting; and

(b) the secretary to the body corporate must provide all members of the body corporate with written notice of the adjourned meeting within one day after the initial meeting.

(6) If a quorum is not present at a body corporate meeting within 30 minutes after the time appointed for the adjourned meeting under subsection (5), the persons who are in attendance, either personally or by duly appointed proxy, and who are entitled to vote on the motion or election, constitute a quorum for considering that motion or business and any subsequent motion or business at the meeting.

(7) The regulations may make further provision in relation to the procedures to be followed at body corporate meetings.

(8) A member of a body corporate who is concerned that the quorum specified in the by-laws for a strata scheme is inappropriate may make an application to the Recorder for relief under Part 9.

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43. Section 79 amended (Committee of management)

Section 79(4) of the Principal Act is amended by omitting "in" first occurring and substituting "at a".

44. Section 80 amended (Appointment of manager)

Section 80 of the Principal Act is amended by inserting after subsection (1) the following subsection:

(1A) An appointment under subsection (1) is to be made by instrument in writing and is to contain any particulars prescribed by the regulations.

45. Section 81 amended (Functions of body corporate)

Section 81 of the Principal Act is amended as follows:

(a) by omitting from subsection (1) "strata";

(b) by omitting from subsection (2) "strata";

(c) by inserting in subsection (3) "development" after "community".

46. Section 83 amended (Contributions)

Section 83(2) of the Principal Act is amended as follows:

(a) by inserting in paragraph (a) "or a staged development scheme" after "scheme";

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(b) by inserting in paragraph (b) "development" after "community";

(c) by omitting from paragraph (b) "registered under this Act".

47. Sections 83A and 83B inserted

After section 83 of the Principal Act, the following sections are inserted in Division 5:

83A. Maintenance plans

(1) A body corporate for a scheme must develop and maintain a maintenance plan for that scheme.

(2) A maintenance plan for a scheme is to be in respect of a 5-year period and is to set out –

(a) the common property of the body corporate that is anticipated to require maintenance, repair, renewal or replacement (other than of a routine nature) in the period covered by the plan; and

(b) the estimated costs for the maintenance, repairs, renewal or replacement of that property; and

(c) such other information, if any, required to be included by the regulations.

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(3) A body corporate for a scheme must ensure that the maintenance plan for that scheme is reviewed once every 12 months.

83B. Financial requirements

(1) A body corporate must –

(a) maintain a trust account in an authorised deposit-taking institution; and

(b) deposit any money received for, or on behalf of, the body corporate in that trust account; and

(c) maintain separate administrative and maintenance funds within that account.

Penalty: Fine not exceeding 20 penalty units.

(2) A body corporate must –

(a) cause correct financial accounts to be kept of –

(i) the income and expenditure of the body corporate; and

(ii) the property, assets and liabilities of the body corporate; and

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(b) cause those financial accounts to be audited by the auditors of the body corporate at the end of each financial year.

Penalty: Fine not exceeding 20 penalty units.

(3) The body corporate must submit, to the next annual general meeting of the body corporate that occurs after an audit –

(a) the financial accounts audited in accordance with subclause (2)(b); and

(b) the anticipated expenditure detailed in the maintenance plan and management plan for that scheme for the financial year immediately following the financial year in respect of which the accounts were audited.

Penalty: Fine not exceeding 20 penalty units.

(4) The body corporate must, at the request of a member of the body corporate, produce for inspection by the member the financial accounts currently kept by the body corporate under this section.

Penalty: Fine not exceeding 20 penalty units.

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(5) The regulations may make further provision in respect of –

(a) the management and control of trust accounts by bodies corporate; and

(b) financial records and other financial information required to be kept by bodies corporate.

(6) Subsections (1), (2), (3) and (4) do not apply in relation to conduct occurring within 12 months after the commencement of this section.

48. Section 88 substituted

Section 88 of the Principal Act is repealed and the following sections are substituted:

88. Correspondence

(1) A body corporate must –

(a) maintain a mailbox clearly showing the body corporate's name in a suitable position at or near the street alignment of the parcel to which the body corporate relates; or

(b) make suitable alternative arrangements for the receipt of documents and notices that are in paper form.

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(2) The regulations may –

(a) make provision for, and with respect to, the means by which a body corporate may communicate, including by electronic means; and

(b) prescribe requirements in relation to keeping of, and access to, such communication.

88A. Records and information

(1) In this section –

eligible person means the following persons:

(a) a member of the body corporate;

(b) a registered mortgagee of a lot in the scheme;

(c) a trustee, executor, administrator, guardian, agent, or other personal representative for a member of the body corporate;

(d) a tenant of a lot under a lease of the lot for a term of 6 months or more;

(e) a person authorised in writing by a person referred to in paragraphs (a), (b), (c) or (d);

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(f) such other persons as may be prescribed.

(2) An eligible person may make a written request that a body corporate for a scheme provide that person with access to such records of the scheme as are specified in the request.

(3) A request under subsection (2) must contain any prescribed information.

(4) Within 7 days after receiving a request from an eligible person under subsection (1), the body corporate must do either or both of the following as requested by the eligible person:

(a) permit the person to inspect the body corporate's records;

(b) give the person a copy of a record kept by the body corporate.

Penalty: Fine not exceeding 20 penalty units.

(5) Subsection (4) does not apply to a body corporate in the following circumstances:

(a) the request is vexatious or repetitive;

(b) the request relates to information that is confidential to a third party or subject to legal professional privilege;

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(c) compliance with the request would impose an unreasonable administrative burden;

(d) such other circumstances as may be prescribed.

(6) The regulations may make provision in respect of –

(a) the making and keeping of information and records by the body corporate of a scheme; and

(b) the form in which that information and those records are to be kept; and

(c) methods for accessing information and records and any fees that may be charged for such access; and

(d) the period of retention and subsequent disposal of information and records.

88B. Rolls to be kept by body corporate

(1) A body corporate must prepare and keep a roll containing the information required by subsections (3) and (5).

Penalty: Fine not exceeding 20 penalty units.

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(2) A roll may be kept in any form, including electronic form, determined by the body corporate.

(3) The body corporate for a scheme must record on the roll the following information for each lot in the scheme:

(a) the name, emergency contact details, residential or business address, and an address for service of the current owner, or the current co-owners, of the lot;

(b) the name and address for service of any occupier of a lot notified to the body corporate;

(c) if the lot is leased under an agreement –

(i) the length of the lease; and

(ii) the tenant's name and address for service; and

(iii) the letting agent's name and contact details (if applicable);

(d) the name and address for service of any mortgagee of a lot notified to the body corporate;

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(e) the insurance details for the lot, including the policy number, insurer, and policy expiry date;

(f) the unit entitlement allocated to the lot;

(g) whether the owner has given written consent to receive notices or other communications by electronic means.

(4) For the purposes of subsection (3), an address for service may include the following:

(a) a postal address;

(b) an email address.

(5) The body corporate for a scheme must also record on the roll the following information:

(a) the names of the current chairperson, secretary and treasurer of the body corporate;

(b) the name and address for service of any strata manager employed by the body corporate;

(c) such other information, if any, required to be included in the roll under the by-laws made by the body corporate;

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(d) such other information as may be prescribed.

(6) The owner of the lot in a scheme must notify the relevant body corporate of the following events within 14 days of their occurrence:

(a) a change in the name or address for service of the owner;

(b) a change in lot ownership;

(c) a change in occupancy of the lot, where that new occupancy will last for a period of 6 months or more;

(d) a change in mortgagee.

Penalty: Fine not exceeding 20 penalty units.

(7) The body corporate must record information required to be contained on the roll under this section within 14 days after the body corporate receives the information.

Penalty: Fine not exceeding 20 penalty units.

(8) Subsections (1) and (6) do not apply in relation to conduct occurring within 12 months after the commencement of this section.

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88C. Access to roll

(1) An eligible person in respect of a scheme may make a written request to the body corporate for the scheme for access to information on the body corporate's roll.

(2) A request under subsection (1) must specify –

(a) the information from the body corporate's roll that is required by the eligible person; and

(b) the reason for which the eligible person is requesting the information.

(3) For the purposes of subsection (1), the following persons are eligible persons in respect of a scheme:

(a) the owner or a registered mortgagee of a lot;

(b) a person authorised in writing by a person mentioned in paragraph (a);

(c) a trustee, executor, administrator, guardian, agent, or other personal representative for a person referred to in paragraph (a);

(d) such other persons or classes of persons, if any, as are prescribed.

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(4) A body corporate must, within 7 days of receiving a request under this section, give a copy of the requested information to the eligible person that requested the information.

Penalty: Fine not exceeding 20 penalty units.

(5) Subsection (4) does not apply to a body corporate in the following circumstances:

(a) the request lacks sufficient details;

(b) compliance with the request would impose an unreasonable administrative burden;

(c) such other circumstances as may be prescribed.

49. Section 89 amended (Appointment of administrator)

Section 89(6) of the Principal Act is amended by omitting "the administrator." and substituting "an administrator appointed by the Court under this section or by the Recorder under section 127.".

50. Section 90 amended (Power to make by-laws)

Section 90 of the Principal Act is amended by inserting after subsection (6) the following subsections:

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(7) Without limiting subsection (1), the by-laws of a body corporate may specify the type of technology that may or may not be used by a member to participate in meetings of the body corporate, including voting at the meetings.

(8) A body corporate may only make a by-law under subsection (7) that permits the use of a type of technology for the participation in meetings of a body corporate if the use of that type of technology –

(a) is reasonably accessible to all members of the body corporate; and

(b) does not require unreasonable costs to be paid by a member of the body corporate.

(9) If a member of a body corporate is only able to participate in meetings of the body corporate using a type of technology and the body corporate has refused unreasonably to make a by-law that authorises the use of that type of technology, the member of the body corporate may make an application to the Recorder for relief under Part 9.

51. Sections 93A and 93B inserted

After section 93 of the Principal Act, the following sections are inserted in Division 1:

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93A. Internal dispute resolutions procedures for schemes

(1) A body corporate for a scheme may establish in the by-laws for the scheme a process for the resolution of disputes between any one or more owners of lots in the scheme, other interested persons, the body corporate, the committee of management, and any manager employed by the body corporate.

(2) If the body corporate for a scheme establishes a process for resolving disputes under subsection (1), a person bound by the by-laws (the ***complainant***) is to make reasonable attempts to resolve a dispute or matter by using that process before making –

(a) an application to the Recorder for relief under Part 9 in relation to that dispute or matter; or

(b) an application to the Recorder or the Tribunal for an order under section 133 in relation to that dispute or matter.

(3) Subsection (2) does not apply in relation to the resolution of a dispute or matter in the following circumstances:

(a) if a party to the dispute or matter is uncooperative or unwilling to participate in the process established under subsection (1);

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(b) if the dispute or matter is urgent or serious in nature;

(c) if there are urgent health and safety risks requiring immediate intervention;

(d) if there are clear breaches of by-laws with documented evidence and previous warnings;

(e) if one party is uncontactable or has refused to engage;

(f) if the matter has already been addressed through external mediation within the past 6 months;

(g) such other circumstances as may be prescribed.

93B. Duty to inform of by-laws

The body corporate for a scheme must ensure, so far as is reasonably practicable, that each owner and occupier of a lot on the scheme is made aware of –

(a) the content of the by-laws for the scheme; and

(b) any amendments to the by-laws for the scheme; and

(c) the person's rights and obligations under this Act.

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Penalty: Fine not exceeding 20 penalty units.

52. Section 94 amended (Exclusive use by-laws)

Section 94 of the Principal Act is amended as follows:

(a) by omitting from subsection (1) "ordinary" and substituting "unanimous";

(b) by omitting subsection (5) and substituting the following subsections:

(5) An exclusive use by-law is taken, in the absence of other specific provision in the by-law for maintenance, to make the owner of the lot responsible for –

(a) the maintenance, repair or replacement of the part of the common property over which the rights are conferred by the by-law; and

(b) any money payable under, for or towards the maintenance or upkeep of the part of the common property over which the rights are conferred by the by-law.

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(5A) To the extent to which an exclusive use by-law makes a person personally responsible for the proper maintenance of, and the keeping in a state of good and serviceable repair of, any common property, it discharges the body corporate from its obligations to maintain and repair the property under this Act.

(c) by omitting from subsection (8)(a) "ordinary" and substituting "unanimous";

(d) by omitting from subsection (8)(b) "ordinary" and substituting "unanimous".

53. Section 95 substituted

Section 95 of the Principal Act is repealed and the following sections are substituted:

95. Compliance notices

(1) If the body corporate for a scheme reasonably believes that the owner or occupier of a lot in the scheme has contravened a by-law, the body corporate must give a written notice to the owner or occupier requiring the owner or occupier to –

(a) in the case of a continuing contravention, refrain from further contravention; and

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(b) in any case, take specified action to remedy the contravention within a specified period (which must be at least 30 days) stated in the notice.

(2) If a compliance notice is given to a person following a request under section 95A, the body corporate must, not later than 14 days after the day on which the request was received, tell the person who made the request that the notice has been given.

95A. Request for compliance notice

(1) This section applies if –

(a) a dispute exists between the owner or occupier of a lot in a scheme (***the complainant***) and the owner or occupier of another lot in the scheme (***the accused person***); and

(b) the dispute arises because the complainant reasonably believes that –

(i) the accused person has contravened a provision of the scheme's by-laws; and

(ii) the circumstances of the contravention make it likely that the

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contravention will continue or be repeated.

(2) The complainant may request that the body corporate give the accused person a compliance notice for the contravention.

(3) A complainant may apply for relief under Part 9 if –

(a) the body corporate does not issue a compliance notice to the accused person as requested by the complainant; or

(b) the complainant is aggrieved by a decision made by the body corporate in relation to the dispute.

(4) The complainant is to make reasonable attempts to resolve the dispute with the accused person before –

(a) making a request to the body corporate under this section; or

(b) applying for relief under Part 9.

54. Section 99 amended (Insurance of buildings, &c., by body corporate)

Section 99(3) of the Principal Act is amended by inserting "development" after "community".

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55. Section 105AA amended (Application to certain buildings in Hobart)

Section 105AA of the Principal Act is amended by inserting ", in addition to applying in relation to schemes," after "This Part".

56. Section 105 amended (Application for relief)

Section 105 of the Principal Act is amended as follows:

(a) by inserting the following paragraph after paragraph (c) in subsection (1):

(ca) must include information as to the attempts, if any, that were made to resolve the dispute or matter using the relevant dispute resolution process under section 93A; and

(b) by inserting the following subsection after subsection (1):

(1A) An application for relief under this Part may be made by the following persons:

(a) a body corporate;

(b) a member of the body corporate;

(c) the occupier of a lot;

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(d) the registered mortgagee of a lot;

(e) a trustee, executor, administrator, guardian, agent, or other personal representative for a person referred to in paragraphs (a), (b), (c) or (d);

(f) any other person who appears to the Recorder to have a sufficient interest in the matter.

57. Section 110 amended (Powers to obtain information)

Section 110 of the Principal Act is amended as follows:

(a) by inserting the following subsection before subsection (1):

(1A) In this regulation –

electronic communication has the meaning it has in the *Electronic Transactions Act 2000*;

information includes books, documents, records, recordings, registers, data

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and electronic communications.

(b) by omitting from subsection (1)(b) "books, papers and documents" and substituting "information";

(c) by omitting subsection (2) and substituting the following subsection:

(2) The Recorder may inspect any information produced, retain the information for such reasonable time as the Recorder thinks fit, and make copies of the information.

58. Section 120 amended (Order relating to by-laws)

Section 120 of the Principal Act is amended by omitting subsection (4).

59. Section 122 amended (Order making by-laws)

Section 122 of the Principal Act is amended by inserting after subsection (1) the following subsection:

(1A) If, on an application for relief under this Part, the Recorder is satisfied that the body corporate has unreasonably refused to make a by-law that authorises the use by members of the body corporate of a type of technology to attend and participate in meetings of the body corporate, the Recorder may make an

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order in the terms on which, in the Recorder's opinion, the by-law should have been made.

60. Section 124 amended (Order reallocating unit entitlements)

Section 124 of the Principal Act is amended as follows:

(a) by renumbering the wording of the section as subsection (1);

(b) by inserting the following subsection after subsection (1):

(2) For the purposes of subsection (1), the following factors may be taken into account by the Recorder when determining whether the unit entitlements of a lot or, if various classes of unit entitlements have been fixed, the unit entitlements of a particular class of lots have been fixed, on a fair and equitable basis:

(a) the size, nature and structure of the scheme;

(b) the size, nature and characteristics of the lot, or class of lots, within the scheme;

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(c) the extent and nature of the common property, and the use made by each lot in the scheme of the common property within the scheme;

(d) any difference in market value between lots at the time when the value of the unit entitlement is fixed;

(e) such other factors as may be prescribed.

61. Section 127 amended (Appointment of administrator)

Section 127(1) of the Principal Act is amended by inserting "for such term as is specified in the order" after "appoint an administrator".

62. Section 133 amended (Imposition of penalties specified in by-laws)

Section 133 of the Principal Act is amended by inserting after subsection (2) the following subsections:

(2A) If the occupier of a lot breaches the by-laws, the owner of the lot and the occupier are jointly and severally liable for satisfying any penalty payable as a consequence of the occupier's breach.

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(2B) If the invitee of the owner of a lot breaches the by-laws, the owner of the lot and the invitee are jointly and severally liable for satisfying any penalty payable as a consequence of the invitee's breach.

(2C) If the invitee of the occupier of a lot breaches the by-laws, the invitee and the occupier are jointly and severally liable for satisfying any penalty payable as a consequence of the invitee's breach.

63. Section 140 amended (Registry)

Section 140 of the Principal Act is amended by omitting subsection (2) and substituting the following subsection:

(2) Subject to any regulation about how the Relief Register is to be kept, the Relief Register may be kept in any form approved by the Recorder, including in electronic form.

64. Section 147A inserted

Before section 148 of the Principal Act, the following section is inserted in Part 11:

147A. Exemption by regulations

(1) The regulations may exempt from the operation of this Act, or a provision of this Act or the regulations –

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(a) a person, or a class of persons; or

(b) a scheme, or a class or type of schemes.

(2) Without limiting subsection (1), an exemption under that subsection may –

(a) be expressed to apply subject to conditions specified in the regulations; or

(b) modify the application of a provision of this Act or the regulations; or

(c) provide that a provision of this Act or the regulations does not apply and that a specified provision of the regulations applies instead; or

(d) provide for alternative requirements.

(3) A person must not contravene a condition of an exemption under subsection (1).

Penalty: Fine not exceeding 50 penalty units.

65. Section 149 amended (Certificates issued by body corporate)

Section 149 of the Principal Act is amended as follows:

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(a) by omitting "is issued under the common seal of a body corporate" and substituting "executed by a body corporate in accordance with section 73 ";

(b) by omitting from paragraph (a) "certifying" and substituting "certifies";

(c) by omitting from paragraph (b) "certifying" and substituting "certifies".

66. Section 149A inserted

After section 149 of the Principal Act, the following section is inserted in Part 11:

149A. Inconsistency between strata documents

Subject to this Act, if there is an inconsistency between the following documents for a scheme:

(a) the strata plan;

(b) the management statement;

(c) the maintenance plan –

the document listed earlier prevails to the extent of the inconsistency.

67. Section 154 amended (Service, &c., of notices)

Section 154(1) of the Principal Act is amended as follows:

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(a) by inserting "or other document" after "notice";

(b) by omitting from paragraph (b) "business." and substituting "business; or";

(c) by inserting the following paragraphs after paragraph (b):

(c) by sending it by electronic transmission to an email address nominated by the person (in correspondence or otherwise) as an email address or location for the giving or service of documents of that kind; or

(d) by sending it by any other means of electronic transmission nominated by the person (in correspondence or otherwise) as a means of giving or serving documents of that kind.

68. Section 159 amended (Regulations)

Section 159 of the Principal Act is amended as follows:

(a) by inserting the following subsection after subsection (1):

(1A) The regulations may –

(a) be of general or limited application; and

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(b) apply differently according to matters, limitations or restrictions, whether as to time, circumstance or otherwise, specified in the regulations; and

(c) differ in their application to different classes or types of strata schemes; and

(d) authorise any matter or thing to be determined, applied or regulated by the Recorder.

(b) by inserting the following subsection after subsection (2):

(3) The regulations may either wholly or in part and with or without modification, and either specifically or by reference, incorporate any standards, rules, codes or specifications, whether the standards, rules, codes or specifications are published or issued before or after the commencement of a provision of this Act.

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69. Section 160B inserted

After section 160A of the Principal Act, the following section is inserted in Part 11:

160B. Transitional provisions consequent on *Strata Titles Amendment Act 2026*

(1) In this section –

commencement day means the day on which the *Strata Titles Amendment Act 2026* commences.

(2) If a strata scheme was registered before the commencement day, the body corporate for that strata scheme must, within 12 months of the commencement day, apply to the Recorder to register a management statement for that strata scheme that complies with section 70B.

Penalty: Fine not exceeding 50 penalty units.

(3) If a strata scheme registered before 1 January 2006 has not held its first annual general meeting before the commencement day, any lot owner may convene and hold that meeting in accordance with this Act, and for that purpose may exercise the functions of the original proprietor in relation to convening and holding the meeting.

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70. Schedule 1 amended (Model by-laws)

Schedule 1 to the Principal Act is amended by omitting clause 10.

71. Repeal of Act

This Act is repealed on the first anniversary of the day on which its last uncommenced provision commenced.

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