

– Review Of Strata Titles Act

Meeting Procedures

1. Should the Act specifically permit the use of technology to facilitate meetings? **Yes**
2. What limits, if any, should be imposed on the use of technology? **Any decision must be ratified at the next physical meeting.**
3. In respect of what specified subject matters should the Act require ordinary resolutions? **General management decisions.**
4. In respect of what specified subject matters should the Act require special resolutions (noting that special resolution needs to be defined)? **Any changes to the bylaws.**
5. In respect of what specified subject matters should the Act require unanimous resolutions? **Change of use of common property.**

Quorum

1. Should the quorum requirement be contained in the body of the Act rather than in the Model by-laws? 73
Proposed section 130 of the Strata Titles Amendment Bill 2016 (WA) Review of the Strata Titles Act 1998 Discussion Paper Department of Primary Industries, Parks, Water and Environment 51 **No, size of quorum should be in the bylaws.**
2. Should the Act include alternatives for when a quorum is not present at the commencement of a meeting as other jurisdictions have? If so, what should that alternative be? **Yes. Meeting to proceed owners to be notified of any decisions and given a period to object.**
3. Is 50% an appropriate requirement for a quorum in model by-law 10?
4. Should the percentage be different depending on the number of strata lots in a strata scheme

Access to and disclosure of body corporate records/information

1. Are the current requirements for the provision of information adequate? Review of the Strata Titles Act 1998 Discussion Paper Department of Primary Industries, Parks, Water and Environment 56
2. Should the Act specifically provide for the electronic provision of information? **Yes.**
3. Should a body corporate be able to charge a fee for the provision of information? **Yes**
4. Should a specific timeframe be included by which the information sought should be provided? **Yes**
5. Should a penalty be included for non-compliance? **Yes**

Roll or register for the body corporate

1. Should a body corporate be required to create and maintain a roll or register? **Yes**
2. If so, what information should be included in the roll or register? **Name, address and voting entitlement.**
3. Who should have access to the roll or register, and what fee should be payable? **Owners at no fee.**
4. Should a penalty be included for non-compliance? **Yes**
5. Should smaller developments be excluded from having to maintain a roll or register?
6. How does this proposal to create or maintain a roll or register relate to principles and legislation regulating privacy and personal safety? **Covered by Commonwealth Law.**

Dispute Resolution

1. Should each body corporate be required to establish an internal dispute resolution process?
2. What is the most appropriate external dispute resolution mechanism for dealing with strata-related disputes?

Strata Managers

1. Should strata managers be regulated and/or licenced in Tasmania and if so how and in what way?
2. If you have a preferred model of regulation, what matters should be regulated, for example qualifications, operation of a trust account, and sanctions for non-compliance?

Keeping of Animals

1. Should the reference to keeping animals be removed from the model by-laws thereby allowing individual bodies corporate to determine whether they are allowed or not?
2. Should Model by-law 7 be changed to permit the keeping of animals?
3. Should the provision regarding animals be in the body of the Act rather than the Model bylaws which can be changed? **No.**
4. If it is moved to the body of the Act, what should the provision be?

- Future Maintenance Schedules

1. Should a requirement be introduced that all or some strata schemes have a future maintenance plan or schedule, and if so, what time period should that plan cover? **Yes, five-year plan.**
2. What reporting, if any, should be required in relation to the maintenance plan or schedule and for what time period? **Owners should be made aware of its existence and made available upon request.**

– Funds established for various purposes

Your feedback is sought in respect of this area of focus including consideration of the following matters. It is not intended that feedback be limited to the matters below.

1. What funds, if any, should be mandated and if they are mandated should there be minimum and maximum amounts set either in legislation or bylaws? **Allocation of funds to the maintenance schedule should be part of the annual budget consideration. If a sinking fund has not been established there should be a five year plan to achieve the required funds.**
2. Should the funds established reflect the required costs identified in a maintenance schedule, management statement or disclosure statement? **Yes.**
3. Should smaller strata schemes (e.g. two-lot strata schemes) be exempt from the requirement to establish a fund to meet anticipated and actual costs, and have the choice of opting in?
4. Are the current sanctions for non-compliance with a legislative provision adequate and appropriate?
If the strata scheme does not have a strata manager and the scheme has established a fund, should an independent government agency similar to the Tasmanian Government Bond Authority be responsible for regulating the use of that money?

Compliance and Enforcement

1. How should non-compliance with legislative, orders by-laws and provisions be dealt with? What should the consequences of non-compliance be?
2. What are the legislative requirements in respect of which there should be an enforcement regime, and how should that enforcement regime operate?
3. What level of responsibility should a body corporate assume in relation to compliance and enforcement, and what should this involve?

Submission from OBO Body Corporate

4. Which external body should be responsible for enforcement if a body corporate is unsuccessful in dealing with non-compliance?