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Department of primary Industries, Parks, Water and Environment
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ATTN: Mr. Craig Pursell

Via Email craig.pursell@dpipwe.tas.gov.au

16th June 2020

Dear Sir

Review of the Strata Titles Act 1998

Further to your request for submissions on the discussion paper I am forwarding this response as a registered Land Surveyor with PDA Surveyors and as a Certified Body Corporate manager with Stratum Title Management (Tasmania). I have over 30 years practical knowledge and experience working in both these fields.

I intend to address each area of focus in relation to your numbering as follows.

Area One – Planning and development of strata schemes;

1. Are the planning and development requirements in the Act effective?

As someone that works with both the planning and the development aspects of the current Act I believe that on the whole they do work satisfactorily.

2. What additional requirements, if any, should be included?

There are some aspects that should be clarified to ensure greater certainty for users. Currently there is a great deal of confusion between Councils in relation To Strata Developments. It is confusing referring to Strata as subdivision and then saying that strata it is not subdivision per Part 3 of the Local Government (Building and Miscellaneous Provisions) Act 1993. 31(6) further complicates matters for Council and creates uncertainty for developers. Why should the Act provide a clause stating that Council **MUST** refuse an application if it can also be achieved by conventional subdivision? This clause has led some Council to reject strata plans that do not provide an allocation of common property, purely so as they can differentiate it from a conventional subdivision despite the fact that the land was not capable of subdividing conventionally. This Clause needs further consideration. Approval of a strata plan by the authority under Section 31 of the Act also needs further

clarification as to what council is obliged to consider as there are very significant variations between councils when interpreting Councils responsibilities.

3. Are the current provisions in relation to community development schemes and staged development schemes easy to understand? If you find they are not, how do you suggest they be amended to provide further clarity?

Community development schemes do not appear to have been widely adopted in Tasmania and by their very nature will only rarely be used. Staged development schemes are something that I deal with regularly. I believe that it is easily understood however some Councils are still having trouble understanding the process and requirements. Noting that a number of Council's will not approve a residential staged development scheme of two lots suggesting that it cannot be approved as a staged development until there is a second dwelling constructed. In my opinion the Constituent documentation needs to be much more robust and must tie into an existing planning approval document that should be referenced. It needs to also show that the planning approval has been substantially commenced to ensure that the approval will not lapse, potentially halting the completion of the development.

4. Should the planning and development aspects of strata be dealt with in a legislation separate from legislation dealing with strata scheme management?

I believe that having all of the strata legislation together makes it easier to reference and clearer for someone trying to understand the strata process.

5. Should the planning and development aspects of strata be contained in the same legislation as the planning and development requirements of a subdivision?

Strata is not subdivision and unless there is going to be a new Land Development Act where Strata was going to be a separate Part or Division you would only be making the current situation even more confusing.

6. Should a review of the planning and development aspects of the Act form part of a more comprehensive review of all legislation dealing with land development?

A Land Development Act would be a worthwhile investigation but as previously mentioned it would need to be carefully constructed to ensure that the separate areas of land development

are kept separate. If such an investigation is not on the radar I would prefer to see the review of the Strata Titles Act in its own right completed as the first priority.

Area Two – Requirements for a strata plan;

1. Are the current requirements for a strata plan adequate?

Yes they work well. It would be good if there was greater consistency in boundary descriptions and if there was greater awareness of the importance of allocating units of entitlement and special units of entitlement in a fair and equitable manner.

As an aside I believe that the LTO should require easements on the parent title to be shown on the strata plan as in most cases property owners are not aware that they need to search the parent title to find any encumbrances or benefiting easements.

For many surveyors it is also unclear if all "buildings" must to be shown on the site plan, and if that includes carports and other non-habitable buildings that some Councils require. There is also uncertainty with showing offsets to boundaries. Building offsets are traditionally shown to the main wall of a building but very often eaves and gutters are closer to the boundary in question. Similarly there is no clarification as to what is considered inconsequential in relation to buildings or parts of building extending over a title boundary. In some potential strata properties inconsequential encroachments such as an ornate timber trimmings or capping stone on the top of a chimney can prevent a strata where the adjoining property will not provide authorization for the encroachment. Perhaps the Act can take into account "inconsequential" encroachments.

2. Do they provide for proper boundary definition?

Current boundary definitions are adequate. However the reliance on physical features on strata plans does create problems when those features no longer exist. Surveyors are not required to retain their original survey information meaning that scaling off the plan is often the only way to reestablish strata boundaries that have been altered. Perhaps there should be a requirement for a survey accurate 3D electronic file to be lodged in support of the hard copy strata plan.

3. What additional requirements should be introduced?

On some large strata plans where there are multiple parts to a lot it can be difficult to know if you have identified all of the parts of a lot. It would be beneficial to state somewhere on the plan the number of parts that constitute a lot or to say Part 1 of X parts of lot Y, Part 2 of X parts of lot Y etc.

4. Should a location plan and floor plan be added to the requirements?

Location and floor plans are not necessary for most strata plans but should be allowed for more complicated plans that require some background information to provide the spatial relationship of lots.

5. What role does the Council play in relation to the approval of strata plans and what role should it play if you believe it should be different?

There is significantly different approaches to approving Strata Plans by Councils. Section 31 of the Act is not clear enough for the different types of applications. Some council's interpretation of 31(2) is that the applicant must supply the council with all planning, plumbing and building records to ensure that the current building does not have any incomplete permits or works that are non-compliant. This is particularly onerous for older buildings where there is no change of use proposed but Council do not have a multiple tenancy use for the property as that use predates the planning records. With new strata developments most Council will approve readily provided the certificate of completion has been issued and all works are completed. With converting old multiple tenancy buildings Councils struggle to understand the extent of their responsibility when approving a strata plan.

There are also Councils that are forcing conditions on applicants by stating that they require works to be done before they will approve the strata. The Act should be clear that this is not part of the approval process.

Area Three – Different regulatory frameworks depending on the number of lots, use of lots and/or the configuration of the development (conjoined, high-rise or villas);

1. Should different rules apply to strata developments, based on the number of residential lots in the strata development, the use of the lots, or the configuration of the development?

The use of a lot should not be a determinant of the legislative controls, nor should the number of lots.

2. If you agree that different rules should apply based on size, use or configuration of the development, which rules should lots be exempted from and how is that exemption applied?

The number of lots should not be a differentiation in regards to the legislation. It is accepted that two lot strata developments can often be problematic if both owners cannot agree. Some suggestions to consider are:

- 2 lot strata subdivisions that are separate dwellings with no shared common property could be exempt from the requirement for body corporate insurance having meetings and electing a secretary and treasurer.

3. Should Tasmania adopt a similar model to that in Queensland where regulatory modules have been developed for different types of strata developments?

Adding another layer differentiating types of strata developments is just adding another step in the process which for most is already complicated enough. The current system works for small and large developments no matter what the use of the building is.

4. Given the increased need for affordable and social housing, moves towards increased density, inclusionary zoning, use of density bonus and the like (in Tasmania and in other jurisdictions), are there any considerations or specific provisions relating to social and affordable housing that should be considered?

Special provisions for social and affordable housing could be considered but often these type of developments change over time and there would need to be some trigger that once the percentage of full ownership within the development got to a certain level it would trigger a review of the special provisions. Again it is adding another layer of complexity that for the vast majority of developments is not required.

5. Should different rules apply to strata developments that are in part or whole designed to encourage and deliver social and affordable housing? What might this look like?

I do not think that the Strata Titles Act can assist in the delivery of more affordable housing. There could however be reduced regulatory requirements for affordable housing and this may include a reduction in some provisions of the Strata Titles Act. Again the issue is that the ongoing requirements would need to be flexible to allow for a change in the social structure of the development over time as more owners own their own property. Again it is just another complexity that will deliver no benefit to the majority of strata developments.

<u>Area Four – Management or disclosure statements;</u>

1. Should a management statement or disclosure statement be required for all strata developments, and if so, what should that statement cover?

A management or disclosure statement is not required for a standard strata scheme. A disclosure statement is required for a staged development scheme to provide purchaser certainty. Given the very limited use of community development schemes, I do not have experience to comment on management statements.

2. What additional requirements would you suggest be included in a disclosure statement or management statement for a staged development scheme and community development scheme respectively?

As a disclosure statement should provide certainty as to how a proposed development will be completed. The disclosure statement must relate to a planning approval or building approval that has been substantially commenced or staged otherwise there is a possibility that the permit will expire and the development may not be re approved in the same form.

3. Should a statement be used to establish what is common property, service infrastructure and respective maintenance responsibilities?

Common property is well defined in section 3A of the Act. The disclosure statement and/or master plan should incorporate a clear description of what is proposed to be common property on any staged strata scheme so as future purchasers are correctly informed.

4. Should a penalty apply for non-compliance?

There should be compulsion within the Strata Titles Act for compliance with all the regulated requirements of the Act. Having said that I have not come across a disclosure statement that has not been complied with. There is an existing process for affected parties to lodge and

application for relief under section 132 to require compliance with the disclosure statement which I would have thought would work satisfactorily.

Area Five – Unit entitlements;

1. What do you think should be used as the basis for determining unit entitlements?

The reality is that units of entitlement and special units of entitlement are usually only ever set at the creation of a strata plan. The requirement of a unanimous resolution to create or change is logical provided they have been fairly and logically allocated in the first instance. It would be beneficial if the Act sets out the procedure to be used for allocating units of entitlement and special units of entitlement. It is clear that many surveyors are not aware of the rationale provided in the LTO procedure book for allocating.

Units of entitlement should be allocated in proportion to the relative market value of the lots at the time of development.

2. For what additional circumstances, if any, could a special unit entitlement be established?

Special units of entitlement should not be limited to the four areas as detailed in the Act they should be available for any defined scenario where, within reason, the general unit entitlement allocation is not fair or equitable. The LTO will accept SUE for any clearly defined purpose and the Act should provide clear direction in this area.

Area Six – Common property;

1. Should the option of having no common property be introduced in Tasmania, and if so, how would this be implemented?

I cannot see how this can be implemented without completely redefining common property and that would have ramifications on thousands of existing strata plans.

Common property is clearly defined in the existing Act and a competent Land surveyor or Lawyer should be able to provide advice to any owner or purchaser about their ownership

including the common property. In most Strata developments even if there is no common property as such there is very often Service infrastructure that is common property within a lot and land below the lots and airspace above the lots that is also common property.

2. Should the strata plan and associated management or disclosure statements include further definition and/or information regarding common property (i.e. describing further what it includes and excludes?)

The existing definition of common property clearly defines the extent of common property. There would be a benefit in defining the extent of common property in staged Strata developments either using a mandatory statement in the disclosure statement and or depicting it on the Master Plan.

3. Is a single comprehensive definition of common property required? If so, what should it include?

I do not see how you can improve on the existing definition without complicating matters.

4. Are the current provisions clear as to when service infrastructure is common property? If it is unclear, what changes need to be made?

All service infrastructure that is solely related to supplying services to a lot should be private no matter if it is within a boundary structure. This definition makes it complicated in multi-story apartment buildings where a boundary wall runs around a service shaft and the private service connection for a lot is private within the lot, common property in the wall (boundary structure) and then private again in the service shaft until it connects into the shared main. There is no justification for having all service infrastructure within a boundary structure as common property.

Area Seven – Activation of and functions of a body corporate;

1. Who should be responsible for activation of a body corporate in existence prior to the current provisions requiring the original owner/developer to hold the first Annual General meeting, and who should be notified of its activation?

If it is not being enforced by anyone, it does not matter what is in the legislation. From a practical point of view the developer should be responsible however what if all of the lots are sold and settled on the one day and the developer no longer has an interest in the development. There needs to be an alternative provision that in the event that the developer has not called a meeting within 3 months of registration of the strata plan it is the owner's responsibility to call a meeting. Unless a reporting system is introduced that requires a Body Corporate to report to a governing entity within 3 months of the registration of the Strata plan that they have held their first Annual General meeting. This entity would also need the power to enforce compliance by the bodies corporate.

2. Should the Act provide what items should be included on the Agenda for the first Annual General Meeting?

No, any competent Body Corporate manager can provide this service.

3. What documents should be required to be presented by the original owner/developer at the first Annual General Meeting?

There are no documents that are not readily available in the public domain that need to be provided by the developer. Helpful things are a list of new owners and their contact details along with a copy of the strata plan and insurance details. Most competent body corporate managers are used too sourcing this information if it is not able to be provided.

4. Are the current sanctions for non-compliance with a legislative provision adequate and appropriate?

While the penalties are more than adequate there is no compulsion for compliance when it is common knowledge that the Act is a Toothless Tiger with no enforcement. Even penalties imposed for an application for relief are only enforceable by pursuing them through the magistrate's court. Most Body corporates will not pursue financial penalties as the process for collecting often outweighs the amount being claimed.

5. Should there be certain disclosures or requirements in relation to the strata scheme on a sale of property within that scheme? If so, how should this be mandated and effected?

These are usually fairly well addressed in the standardised requisition on title that purchaser's solicitors require a vendor to complete. The law society has put significant effort into standardising their requisition questions.

Caveat Emptor!

<u>Area Eight – Meeting procedures;</u>

1. Should the Act specifically permit the use of technology to facilitate meetings?

If the Act is open on the subject which I think it is then it is up to the body corporate to decide what technologies can be used to run meetings. Perhaps the Act could provide for the use of technology for meetings under Part 5 Division 3. The Acts interpretation Act can be used to clarify the situation.

2. What limits, if any, should be imposed on the use of technology?

None! Even with the recent Covid restrictions body corporate managers have successfully run, meetings by Skype, Zoom, Teams and Teleconference.

3. In respect of what specified subject matters should the Act require ordinary resolutions?

All decisions other than those requiring a unanimous resolution should be passed by an ordinary resolution, being a majority decision of those entitled to vote.

4. In respect of what specified subject matters should the Act require special resolutions (noting that special resolution needs to be defined)?

A special resolution is not required in general and if it was written into a particular set of body corporate by-laws by definition it would be for the purpose for which it was defined. I do not believe that it is necessary to be defined in the Act.

5. In respect of what specified subject matters should the Act require unanimous resolutions?

In general, unanimous resolution should be required for any matter that alters or changes the common property on the strata plan or the ownership in the common property. This includes selling or buying land or altering the relative allocations of units of entitlement or special units of entitlement.

I do not believe that a unanimous resolution should be required if the body corporate leases or licenses part of its common property.

Area Nine – Quorum;

1. Should the quorum requirement be contained in the body of the Act rather than in the Model by-laws?

By having it in the By-laws it does allow the body corporate flexibility to alter or change the percentage. As a body corporate manager it is often very difficult to achieve a representation of more than 50% of the owners at a meeting. The definition should go onto state that if a scheduled meeting does not obtain a quorum those owners attending the rescheduled meeting will constitute a quorum provided that all owners are provided the necessary notification of the rescheduled meeting.

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 alterative be?

The definition of quorum should go onto state that if a scheduled meeting does not obtain a quorum the meeting must be postponed and that those owners attending the rescheduled meeting will constitute a quorum provide that all owners are provided the necessary notification of the rescheduled meeting.

3. Is 50% an appropriate requirement for a quorum in mode by-law 10?

Yes it is appropriate as a starting point that can be varied if required provided that its definition is kept in the by-laws.

4. Should the percentage be different depending on the number of strata lots in a strata scheme?

No, it should be up to the particular body corporate to amend it if required not a mandatory blanket for all strata's up to a certain size.

<u>Area 10 – Access to and disclosure of body corporate records/information;</u>

1. Are the current requirements for the provision of information adequate?

Yes and they work satisfactorily for all concerned.

2. Should the Act specifically provide for the electronic provision of information?

If it does not preclude it then surely it is already an option. Certainly STM provides nearly all of it its communications electronically and has done for many years.

3. Should a body corporate be able to charge a fee for the provision of information?

Yes of course it should. There is a cost of holding and maintain records as to there is a cost for providing them that most prudent purchasers are prepared to pay knowing that they are getting the correct information. This is something that most competent body corporate managers already do.

4. Should a specific timeframe be included by which the information sought should be provided?

While there is no current timeframe in our business we aim to turn around such requests with 7 days but are often asked by solicitors to provide this information the same day so as settlements can take place. There is a premium paid for this reduced time. I would have thought that provided the request is a valid request then 10 days should be reasonable if a timeframe was to be written into the Act.

5. Should a penalty be included for non-compliance?

There is no reason why the body corporate should not make reasonable information available to a person with a bona fide request. I do not believe a penalty is required but the Act could be worded the a body Corporate must provide information to reasonable requests provided that the information is relevant to the purpose of the request.

Area Eleven – Roll or register for a body corporate;

1. Should a body corporate be required to create and maintain a roll or register?

Yes, as it is important and it should include other important information such as; Agent and tenant details, powers of attorney details and enduring proxies as well as the owner details.

2. If so, what information should be included in the roll or register?

Full contact details, address, phone numbers, email addresses etc.

3. Who should have access to the roll or register, and what fee should be payable?

The roll should be held by the secretary and available to the management committee.

Personal contact details should only be made available to others with the owners consent.

4. Should a penalty be included for non-compliance?

Yes. All competent body corporate managers see this information as crucial to their ability to manage a property.

5. Should smaller developments be excluded from having to maintain a roll or register?

No, this information is equally crucial for all developments, small or large.

6. How does this proposal to create or maintain a roll or register relate to principles and legislation regulating privacy and personal safety?

This matter can be dealt with easily if it is a professional managed property. Alternatively owners must provide their consent to the release of their personal contact details.

<u>Area Twelve – Insurance;</u>

1. Should smaller strata schemes (eg. two-lot strata schemes) be exempt from the requirement for the body corporate to take out insurance (bearing in mind that where there is common property, they will be personally responsible for any damage arising out of the use of that common property)?

I appreciate that some small bodies corporate do struggle to get agreement but there is compulsion in the Act that requires insurance and it makes allowance for differing scenarios. I do not see a valid reason for differentiating the insurance requirements depending on the number of lots. In our experience with properly managed bodies corporate, small and large there has not been a problem with obtaining insurance in accordance with the Act.

2. If so, should this exemption be limited to certain circumstances, including where a unanimous resolution of the body corporate has been obtained?

I cannot see how this would work without making the procedures very complicated to account for various scenarios. Anything that currently requires unanimous agreement in the Act should apply to all developments no matter what the size. In my opinion it is even more important for smaller developments that if there is to be any major change that both or all parties approve.

3. What should be insured (e.g. improvements on the lots and on the common property, only improvements on the common property, etc.)?

It makes sense that if the body corporate is taking out insurance it is best to have one comprehensive policy that covers the whole of the site. The alternative of multiple policies will always result in uncertainty of the extent of the policy coverage and the complexity of dealing with multiple insurance providers in the event of a claim.

4. Should a monetary penalty apply for non-compliance?

Unless the requirement to take out insurance is going to be enforced there is no point in applying a penalty. Clearly the reason for the requirement in the Act is that it is there to protect the owners, if they fail to comply then they are putting their own asset at risk. If there was a system put in place requiring a body corporate to report on their insurance cover then this could provide an enforcement procedure for non-compliance.

<u>Area Thirteen – Dispute resolution;</u>

1. Should each body corporate be required to establish an internal dispute resolution process?

Most body corporate managers are trained in dealing with disputes and the necessary procedures that can be utilized. The Act provides for an Application for Relief which does give any interested party a process for dealing with disputes. There could be a pre-requirement to this process which provides properly organised mediation in an attempt to resolve differences prior to lodging an application for relief.

2. What is the most appropriate external dispute resolution mechanism for dealing with strata-related disputes?

Most competent body corporate managers are experienced in mediating an outcome between parties with differing points of view. However we all know that some individuals will not be receptive to compromise and will always need to have an enforcement order to comply. An independent mechanism with a simple process such as that which is currently available through the application for relief procedure.

Area Fourteen – Strata Managers;

1. Should strata managers be regulated and/or licensed in Tasmania and if so how and in what way?

All the professionally run body corporate management businesses in Tasmania are members of Strata Communities Australia (SCA) and abide by their code of practice. If managers are to be regulated then they should be required to be members of a nationally recognized organization representing the body corporate management profession and they should also be required to have professional indemnity insurance.

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?

SCA has its own requirements for qualifications and disciplinary actions for non-compliance. As for operating a trust account, there is no need for a Body Corporate manager to operate a trust account.

Area Fifteen – 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?

The current model by-law 7 works well and does not cause a problem for the hundreds of properties that we look after. Potential purchasers are aware of the by–law and seek approval for a pet prior to settlement of their purchase. From experience it is much better to have the situation of a body corporate providing approval (with or without conditions) to the keeping of a pet rather than trying to have a nuisance pet removed.

2. Should Model by-law 7 be changed to permit the keeping of animals?

Definitely not.

3. Should the provision regarding animals be in the body of the Act rather than the Model by-laws which can be changed?

Having it in the by-laws provides an opportunity for pet friendly body corporates to alter or change the by-laws if they so wish.

4. If it is moved to the body of the Act, what should the provision be?

It should not be in the body of the Act!

Area Sixteen – 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?

A competent body corporate manager would always recommend to the body corporate that they establish a maintenance or sinking fund to cover major property maintenance costs as they arise. I do not believe that you can nominate a time period. The process we use is to look at the life cycle of all the aspects of the property and the likely replacement cost and ensure that the body corporate budgets a sufficient contribution to the maintenance fund each year that will allow them to replace infrastructure as scheduled. I would think that this would be difficult to legislate other than the something basic such as “a sinking fund must be established sufficient to meet the forecast ongoing commitments of the body corporate and to repair and replace the infrastructure of the body corporate”.

2. What reporting, if any, should be required in relation to the maintenance plan or schedule and for what time period?

Who would it be reported to?? A competent body corporate manager would educate the body corporate of its short and long term commitments and ensure that they had a plan in place.

Area Seventeen – Capital Funds and Sinking Funds;

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?

This relates to the maintenance schedule comments above. The amount cannot be regulated as every body corporate is different and will have varying and individual requirements. I believe that the Act should require the establishment of a maintenance fund but not regulate the dollar amount or how it is to be calculated.

2. Should the funds established reflect the required costs identified in a maintenance schedule, management statement or disclosure statement?

Yes if the Body corporate has prepared a maintenance plan. Currently there is no requirement for a management statement or a disclosure statement to provide a maintenance plan or maintenance budget. In my opinion this is not necessary.

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?

From a professional body corporate management perspective the main reason for creating a maintenance fund is so as all owners contribute to the fund over the life of the asset. In other words a user pays scenario which is applicable to all strata developments no matter what the size.

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?

The clear preference is to have professionally managed body corporates to ensure that owners are aware of their responsibilities and that the property is managed in a way that minimises the risk of all owners and maintains the infrastructure. Spending of any accumulated funds can only be approved by a management committee or by ordinary resolution at a properly convened body corporate meeting. It does not require another level of government control.

Area Eighteen – 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?

Having managed body Corporates for over 30 years the number of disputes and blatant noncompliance issues appear to be increasing and I would suggest that the number of applications for relief would possibly also be increasing. Clearly the consequences are not a disincentive. It would seem that there needs to be a simpler way of imposing and collecting a monetary penalty.

2. What are the legislative requirements in respect of which there should be an enforcement regime, and how should that enforcement regime operate?

Payment of body corporate levies and compliance with body corporate by-laws must be enforceable through a simple and binding, quick mechanism. Perhaps the appointment of an arbitrator that had the power to intervene and provide mediation and or an enforcement procedure.

3. What level of responsibility should a body corporate assume in relation to compliance and enforcement, and what should this involve?

It is always the decision of the body corporate whether to pursue the enforcement of a by-law or noncompliance. Thus the body corporate or their manager must take full responsibility.

If there was mandatory enforcement then it removes the discretion that these matters often require to resolve.

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

The whole issue why the Strata Titles Act is often referred to as a Toothless Tiger is that there are mandatory matter that must be complied with in the Act BUT there is no one enforcing them. Clearly there is no existing body that could be resourced to fulfill this role. The appointment of a Commissioner of Strata Titles or similar properly resourced with the required powers to arbitrate and enforce matters could be a good solution that would alleviate the Recorder of Title from its current role.

The above comments and opinions are based on my 30+ years of experience and the experiences of my staff involved in Body Corporate management and strata developments.

I would be more than happy to discuss my submission in more detail should you wish to.

Yours Faithfully

Craig Terry

Manger of Stratum Title Management and Managing Director PDA Surveyors.