

WESTERN AUSTRALIA
LEGISLATIVE COUNCIL
AMENDMENTS AND SCHEDULES
Supplementary Notice Paper No. 80
Issue No. 3
WEDNESDAY, 10 OCTOBER 2018

STRATA TITLES AMENDMENT BILL 2018 [80-2]

When in committee on the *Strata Titles Amendment Bill 2018*:

Clause 83

Minister for Environment representing the Minister for Lands: To move –

1/83 Page 134, lines 6 and 7 — To delete the lines and insert:

- (7) When a strata title for a lot in a freehold scheme comes into existence it confers on the owner of the lot —

Minister for Environment representing the Minister for Lands: To move –

2/83 Page 134, lines 21 and 22 — To delete the lines and insert:

- (8) When a strata title for a lot in a leasehold scheme comes into existence it confers on the owner of the lot, subject to Part 4 Division 5 —

Minister for Environment representing the Minister for Lands: To move –

3/83 Page 166, lines 13 and 14 — To delete “its function of managing and controlling” and insert:

section 91(1)(c) in relation to

Minister for Environment representing the Minister for Lands: To move –

4/83 Page 217, line 21 — To delete “monitoring” and insert:

enforcing

Minister for Environment representing the Minister for Lands: To move –

5/83 Page 225, line 17 — To insert before “14 days’ notice”:

for a resolution passed other than at a general meeting,

Hon Rick Mazza: To move –

7/83 Page 238, line 28 — To delete the line and insert:

regulations; and

- (d) if the regulations provide for a scheme for the licensing of strata managers, the strata manager —
 - (i) holds a licence under the scheme; or
 - (ii) is exempt under the scheme from a requirement to hold a licence.

Minister for Environment representing the Minister for Lands: To move –

9/83 Page 238, line 28 — To delete the line and insert:

regulations; and

- (d) if the regulations provide for a scheme for the licensing of strata managers, the strata manager —
 - (i) holds a licence under the scheme; or
 - (ii) is exempt under the scheme from a requirement to hold a licence.

Minister for Environment representing the Minister for Lands: To move –

10/83 Page 238, line 29 — To delete “Subsection (1)(c) does” and insert:

Subsection (1)(c) and (d) do

Hon Rick Mazza: To move –

8/83 Page 239, after line 3 — To insert:

144A. Licensing and registration scheme for strata managers and agents, employees and contractors of strata managers

- (1) The regulations may provide for a scheme for —
 - (a) the licensing, regulation and supervision of strata managers; and
 - (b) the registration, regulation and supervision of agents, employees and contractors of strata managers.
- (2) Without limitation, regulations made for the purposes of this section may provide for or regulate the following —
 - (a) the administration of the scheme;

- (b) the procedure to be followed in respect of applications;
- (c) the criteria for the grant of a licence or registration;
- (d) the grant, variation, renewal, transfer, surrender, suspension and cancellation of licences and registration;
- (e) exemptions under the scheme;
- (f) the creation of offences and the imposition of penalties not exceeding a fine of \$3 000.

Minister for Environment representing the Minister for Lands: To move –

11/83 Page 239, after line 3 — To insert:

144A. Licensing scheme for strata managers

- (1) The regulations may provide for a scheme for —
 - (a) the licensing, regulation and supervision of strata managers; and
 - (b) the registration, regulation and supervision of agents, employees and contractors of strata managers.
- (2) Regulations for the purposes of this section may provide that a contravention of a specified provision of Part 9 is an offence and may provide for the offence to be punishable on conviction by a penalty not exceeding a fine of \$3 000.
- (3) Without limitation, regulations for the purposes of this section may provide for or regulate the following —
 - (a) the designation of a person to be the licensing authority for the scheme;
 - (b) the functions of the licensing authority in connection with the scheme;
 - (c) an exemption for volunteer strata managers from any requirement to hold a licence under the scheme;
 - (d) applications for or in relation to licences including —
 - (i) the manner in which applications are to be dealt with; and
 - (ii) requirements as to the training, qualifications and experience of applicants; and
 - (iii) requirements for applicants to demonstrate good character, personal probity and financial probity; and
 - (iv) requirements for applicants to produce information relevant to an application;
 - (e) the grant, variation, renewal, transfer, surrender, suspension and cancellation of licences;
 - (f) the duration of licences;
 - (g) the imposition of conditions on licences, the kinds of conditions that can be imposed and the consequences of failing to comply with conditions;
 - (h) the conduct of licensed strata managers in relation to their functions under this Part, including —
 - (i) requirements to open and maintain trust accounts, and

- requirements as to the use and operation of those trust accounts; and
- (ii) requirements to have accounts audited, and to submit audit certificates to the licensing authority; and
 - (iii) requirements to furnish documents and information to the licensing authority;
- (i) the supervision by the licensing authority of licensed strata managers in relation to their functions under this Part, including —
- (i) power for the licensing authority to require persons to produce records, documents and information relevant to the activities of a licensed strata manager;
 - (ii) power for the licensing authority to enter onto premises and to inspect and take copies of records, documents and information;
 - (iii) power for the licensing authority to commence prosecutions for contraventions of the regulations or conditions of licences;
- (j) the appointment of persons authorised to act on behalf of the licensing authority for the purposes of the scheme.

Clause 166

Minister for Environment representing the Minister for Lands: To move –

6/166 Page 385, lines 20 to 23 — To delete the lines.

