

## Notes

- <sup>1</sup> This is a compilation of the *Strata Titles Act 1985* and includes the amendments made by the other written laws referred to in the following table <sup>1a, 23</sup>. The table also contains information about any reprint.

### Compilation table

Short title	Number and year	Assent	Commencement
<i>Strata Titles Act 1985</i>	33 of 1985	6 May 1985	30 Jun 1985 (see s. 2 and <i>Gazette</i> 21 Jun 1985 p. 2188)
<i>Strata Titles Amendment Act 1986</i>	42 of 1986	1 Aug 1986	1 Aug 1986 (see s. 2)
<i>Acts Amendment (Water Authority Rates and Charges) Act 1987 Pt. IX</i>	24 of 1987	25 Jun 1987	14 Jul 1987 (see s. 2 and <i>Gazette</i> 14 Jul 1987 p. 2647)
<i>Acts Amendment (Heritage Council) Act 1990 Pt. 2</i>	97 of 1990	22 Dec 1990	25 Feb 1991 (see s. 2 and <i>Gazette</i> 22 Feb 1991 p. 868)
<i>Retirement Villages Act 1992 s. 86</i>	34 of 1992	19 Jun 1992	10 Jul 1992 (see s. 2 and <i>Gazette</i> 10 Jul 1992 p. 3185)
<i>Financial Administration Legislation Amendment Act 1993 s. 11</i>	6 of 1993	27 Aug 1993	1 Jul 1993 (see s. 2(1))
<i>Acts Amendment (Public Sector Management) Act 1994 s. 19</i>	32 of 1994	29 Jun 1994	1 Oct 1994 (see s. 2 and <i>Gazette</i> 30 Sep 1994 p. 4948)
<i>Planning Legislation Amendment Act (No. 2) 1994 s. 46(12)</i>	84 of 1994	13 Jan 1995	1 Mar 1995 (see s. 2 and <i>Gazette</i> 21 Feb 1995 p. 567)
<i>Caravan Parks and Camping Grounds Act 1995 s. 33</i>	34 of 1995	29 Sep 1995	1 Jul 1997 (see s. 2 and <i>Gazette</i> 20 Jun 1997 p. 2805)
<i>Strata Titles Amendment Act 1995</i> <sup>2, 5-10, 12, 13</sup>	58 of 1995	20 Dec 1995	14 Apr 1996 (see s. 2 and <i>Gazette</i> 15 Mar 1996 p. 981)
<i>Water Agencies Restructure (Transitional and Consequential Provisions) Act 1995 Pt. 13</i>	73 of 1995	27 Dec 1995	1 Jan 1996 (see s. 2 and <i>Gazette</i> 29 Dec 1995 p. 6291)
<b>Reprint of the <i>Strata Titles Act 1985</i> as at 22 Apr 1996</b> (includes amendments listed above except those in the <i>Caravan Parks and Camping Grounds Act 1995</i> )			
<i>Local Government (Consequential Amendments) Act 1996 s. 4</i>	14 of 1996	28 Jun 1996	1 Jul 1996 (see s. 2)
<i>Strata Titles Amendment Act 1996</i> <sup>3, 16, 17</sup>	61 of 1996	11 Nov 1996	20 Jan 1997 (see s. 2 and <i>Gazette</i> 17 Jan 1997 p. 405)
<i>Licensed Surveyors Amendment Act 1996 s. 28</i>	79 of 1996	14 Nov 1996	5 Apr 1997 (see s. 2 and <i>Gazette</i> 4 Apr 1997 p. 1750)

<b>Short title</b>	<b>Number and year</b>	<b>Assent</b>	<b>Commencement</b>
<i>Transfer of Land Amendment Act 1996</i> s. 153(1)	81 of 1996	14 Nov 1996	14 Nov 1996 (see s. 2(1))
<b>Reprint of the Strata Titles Act 1985 as at 20 Jan 1997</b> (includes amendments listed above except those in the <i>Caravan Parks and Camping Grounds Act 1995</i> and the <i>Licensed Surveyors Amendment Act 1996</i> )			
<i>Equal Opportunity Amendment Act (No. 3) 1997</i> s. 8	42 of 1997	9 Dec 1997	6 Jan 1998 (see s. 2)
<i>Statutes (Repeals and Minor Amendments) Act 1997</i> s. 115	57 of 1997	15 Dec 1997	15 Dec 1997 (see s. 2(1))
<i>Statutes (Repeals and Minor Amendments) Act (No. 2) 1998</i> s. 66	10 of 1998	30 Apr 1998	30 Apr 1998 (see s. 2(1))
<i>Acts Amendment and Repeal (Financial Sector Reform) Act 1999</i> s. 104	26 of 1999	29 Jun 1999	1 Jul 1999 (see s. 2 and <i>Gazette</i> 30 Jun 1999 p. 2905)
<b>Reprint of the Strata Titles Act 1985 as at 1 Jul 1999</b> (includes amendments listed above)			
<i>Statutes (Repeals and Minor Amendments) Act 2000</i> s. 40	24 of 2000	4 Jul 2000	4 Jul 2000 (see s. 2)
<i>Corporations (Consequential Amendments) Act 2001</i> Pt. 49	10 of 2001	28 Jun 2001	15 Jul 2001 (see s. 2 and <i>Gazette</i> 29 Jun 2001 p. 3257 and <i>Cwlth Gazette</i> 13 Jul 2001 No. S285)
<i>Planning Appeals Amendment Act 2002</i> s. 28	24 of 2002	24 Sep 2002	18 Apr 2003 (see s. 2 and <i>Gazette</i> 17 Apr 2003 p. 1243)
<i>Taxation Administration (Consequential Provisions) Act 2002</i> s. 23 <sup>18</sup>	45 of 2002	20 Mar 2003	1 Jul 2003 (see s. 2(1) and <i>Gazette</i> 27 Jun 2003 p. 2383)
<i>Acts Amendment (Equality of Status) Act 2003</i> Pt. 56	28 of 2003	22 May 2003	1 Jul 2003 (see s. 2 and <i>Gazette</i> 30 Jun 2003 p. 2579)
<b>Reprint 4: The Strata Titles Act 1985 as at 22 Aug 2003</b> (includes amendments listed above)			
<i>Acts Amendment and Repeal (Courts and Legal Practice) Act 2003</i> s. 67	65 of 2003	4 Dec 2003	1 Jan 2004 (see s. 2 and <i>Gazette</i> 30 Dec 2003 p. 5722)
<i>Statutes (Repeals and Minor Amendments) Act 2003</i> s. 112	74 of 2003	15 Dec 2003	15 Dec 2003 (see s. 2)
<i>Workers' Compensation Reform Act 2004</i> s. 174	42 of 2004	9 Nov 2004	4 Jan 2005 (see s. 2 and <i>Gazette</i> 31 Dec 2004 p. 7131)
<i>Courts Legislation Amendment and Repeal Act 2004</i> s. 141 (cl. 150 amendments to s. 15(5))	59 of 2004	23 Nov 2004	1 May 2005 (see s. 2 and <i>Gazette</i> 31 Dec 2004 p. 7128)

Short title	Number and year	Assent	Commencement
<i>State Administrative Tribunal (Conferral of Jurisdiction) Amendment and Repeal Act 2004</i> Div. 121 <sup>21, 22</sup>	55 of 2004	24 Nov 2004	1 Jan 2005 (see s. 2 and <i>Gazette</i> 31 Dec 2004 p. 7130)

1a On the date as at which this compilation was prepared, provisions referred to in the following table had not come into operation and are therefore not included in this compilation. For the text of the provisions see the endnote referred to in the table.

#### Provisions that have not come into operation

Short title	Number and year	Assent	Commencement
<i>State Superannuation (Transitional and Consequential Provisions) Act 2000</i> s. 67 <sup>15</sup>	43 of 2000	2 Nov 2000	To be proclaimed (see s. 2(2))
<i>Courts Legislation Amendment and Repeal Act 2004</i> s. 141 and 142 <sup>20, 24</sup>	59 of 2004	23 Nov 2004	s. 141 (the amendments to s. 116A(4)) and s. 142 cl. 48: to be proclaimed (see s. 2)

2 The *Strata Titles Amendment Act 1995* s. 5(5) reads as follows:

“

- (5) A plan registered under the principal Act before the provision inserted by subsection (3) came into operation is declared to be, and to have always been, valid if it would have been valid at the time of registration had that provision been then in operation.

”.

3 The *Strata Titles Amendment Act 1996* s. 12(2) and (3) reads as follows:

“

- (2) If —
- (a) a resolution without dissent has been passed by a strata company for a scheme during the relevant period consenting to a proposed re-subdivision and allocation of unit entitlement as mentioned in subparagraph (ii) of section 8A(a) of the principal Act; but
  - (b) the plan of re-subdivision was not registered before the expiry of the relevant period,
- the resolution without dissent is to be treated as if it were a unanimous resolution for the purposes of that paragraph.
- (3) In subsection (2) —
- “**relevant period**” means the period —

- (a) beginning on the day of the commencement of the *Strata Titles Amendment Act 1995*; and
- (b) ending with the day before the commencement of the *Strata Titles Amendment Act 1996*.

”.

4 The *Strata Titles Act 1966* is repealed by this Act, s. 131.

5 The *Strata Titles Amendment Act 1995* s. 93(2) reads as follows:

“

- (2) Any proceedings commenced under section 28, 29, 31, 50, 51 or 124 of the principal Act before the commencement of subsection (1) may be continued and determined, and any proceedings in the nature of an appeal arising from those proceedings may be taken and disposed of, as if subsection (1) had not been enacted.

”.

6 The *Strata Titles Amendment Act 1995* s. 38(2) reads as follows:

“

- (2) A strata company does not commit an offence by contravening section 35A(1) of the principal Act during the period from the commencement of subsection (1) to the expiration of 12 months after that commencement.

”.

7 The *Strata Titles Amendment Act 1995* s. 43(5) and (6) reads as follows:

“

- (5) Subsection (4) of section 42 of the principal Act as in force immediately before the commencement of this section applies to any unrecorded by-laws, but the lodgment of notice under paragraph (a) of that subsection in respect of any unrecorded by-law shall be effected not later than —
  - (a) 2 years after the passing of the resolution for that by-law; or
  - (b) 12 months after the commencement of section 43(5) of the *Strata Titles Amendment Act 1995*,

whichever is the sooner.

- (6) In subsection (5) —  
“**unrecorded by-law**” means a by-law or an amendment or repeal of a by-law made, but not referred to on the strata/survey-strata plan as required by section 42(4) of the principal Act, before the commencement of this section.

”.

8 The *Strata Titles Amendment Act 1995* s. 45(3) reads as follows:

“

- (3) A strata company does not commit an offence by contravening section 43(1)(b)(ia) of the principal Act during the period from the commencement of subsection (1)(a)(i) to the expiration of 12 months after that commencement.

”.

9 The *Strata Titles Amendment Act 1995* s. 46(2) reads as follows:

“

- (2) Expenditure made by the council of a strata company at any time before the commencement of subsection (1) that would have been within paragraph (e) of section 47(2) of the principal Act if that section had then been in operation is declared to be, and to have always been, as valid as it would have been if that section had been then in operation.

”

10 The *Strata Titles Amendment Act 1995* s. 54(3) reads as follows:

“

- (3) Any insurance effected and maintained by a strata company at any time before the commencement of subsection (1)(b) that would have been within section 55(1)(b) of the principal Act if that section and subsection (1)(b) had then come into operation is declared to be, and to have always been, as valid as it would have been if that section and subsection (1)(b) had then come into operation.

”

11 Formerly referred to the *Water Authority Act 1984* the short title of which was changed to the *Water Agencies (Powers) Act 1984* by the *Water Agencies Restructure (Transitional and Consequential Provisions) Act 1995*. The reference was changed under the *Reprints Act 1984* s. 7(5)(a).

12 The *Strata Titles Amendment Act 1995* s. 57(2) and (3) reads as follows:

“

- (2) Section 60, as inserted by subsection (1), applies to a plan registered after the commencement of this section.
- (3) Section 60, as it existed before the commencement of this section, continues to apply, despite its repeal, to a plan registered before that commencement.

”

13 The *Strata Titles Amendment Act 1995* s. 66 reads as follows:

“

**66. Transitional provision**

Despite their repeal by section 63, sections 68 and 69 of the principal Act continue to apply to any contract, agreement or document entered into before the commencement of section 63 and the provisions inserted into the principal Act by that section do not apply to any such contract, agreement or document.

”

14 Under the *Public Sector Management Act 1994* s. 112(2) a reference in a written law to the Public Service Board is, unless the contrary intention appears or it is otherwise provided under the *Acts Amendment (Public Sector Management) Act 1994*, to be construed as if it had been amended to be a reference to the Minister for Public Sector Management (as defined in the *Interpretation Act 1984*). The reference was changed under the *Reprints Act 1984* s. 7(5)(a).

15 On the date on which this compilation was prepared, the *State Superannuation (Transitional and Consequential Provisions) Act 2000* s. 67 had not come into operation. It reads as follows:

“

**67. Strata Titles Act 1985 amended**

Section 73(1)(g)(i) of the *Strata Titles Act 1985* is amended by deleting “, and in particular his rights, if any, under the *Superannuation and Family Benefits Act 1938*.”

”.

16 The *Strata Titles Amendment Act 1996* s. 34(4) reads as follows:

“

- (4) Section 103L of the principal Act as amended by this section applies to the amount of a premium or other charge of which a proprietor received notice before the commencement of subsection (1) if —
- (a) under section 36A or 36B a fund for administrative purposes was not maintained under section 36(1)(a);
  - (b) the strata company was required to effect and maintain the insurance to which the premium or other charge related; and
  - (c) the proprietor —
    - (i) paid another proprietor’s share of the amount; and
    - (ii) applies to a referee for an order under section 103L within 3 months after the commencement of subsection (1).

”.

17 The *Strata Titles Amendment Act 1996* s. 30 reads as follows:

“

**30. Transitional provisions as to insurance**

- (1) If immediately before the day on which section 25 of the *Strata Titles Amendment Act 1996* commences (“the **commencement day**”) a strata company for a single tier strata scheme is maintaining insurance in respect of —
- (a) buildings in the scheme; and
  - (b) damage to property, death or bodily injury,
- that after the commencement day satisfies the requirements of new section 53D(3), the strata company is to be taken to have made a determination for the purposes of new section 53B(2).
- (2) Subsection (1) does not prevent the strata company exercising the power under new section 53B(2) to revoke a determination under that section.
- (3) If immediately before the commencement day a strata company for a single tier strata company is exempt from the requirements of section 54 or 55(1)(c) of the principal Act by order of a referee under section 103J of that Act, the order continues in force after the commencement day as if the order exempted the strata

company from the obligation to insure imposed on it by new section 53D.

- (4) An order to which subsection (3) applies ceases to have effect if —
- (a) at any time after the commencement day a proprietor serves notice in writing —
    - (i) on the strata company; or
    - (ii) in the case of a two-lot scheme, on the other proprietor,that he requires the termination of the order; and
  - (b) the notice is recorded on the strata/survey-strata plan by the Registrar of Titles.
- (5) It is for the person who has served a notice under subsection (4) to lodge a copy of the notice, accompanied by the prescribed form, with the Registrar of Titles for the purpose of subsection (4)(b).
- (6) In this section —  
“**new section**” refers to a section inserted in the principal Act by section 25 of this Act.

”.

18 The *Taxation Administration (Consequential Provisions) Act 2002* s. 3 and 4 and Pt. 4 read as follows:

“

**3. Relationship with other Acts**

The *Taxation Administration Act 2003* is to be read with this Act as if they formed a single Act.

**4. Meaning of terms used in this Act**

The Glossary at the end of the *Taxation Administration Act 2003* defines or affects the meaning of some of the words and expressions used in this Act and also affects the operation of other provisions.

## **Part 4 — Transitional provisions**

### **Division 1 — Interpretation**

**33. Definitions**

In this Part —

“**commencement day**” means the day on which the *Taxation Administration Act 2003* comes into operation;

“**old Act**” means —

- (a) an Act repealed by section 5;
- (b) the old Stamp Act; or
- (c) section 41 of the *Metropolitan Region Town Planning Scheme Act 1959* as in force immediately before the commencement day;

“old Stamp Act” means the *Stamp Act 1921* as in force immediately before the commencement day;

“substantive provisions”, in relation to an old Act, means the provisions of the old Act other than those dealing with matters dealt with in the *Taxation Administration Act 2003*.

## **Division 2 — General transitional provisions**

### **34. General transitional arrangements**

- (1) Section 37(1) of the *Interpretation Act 1984*, except paragraphs (a) and (b), does not apply in relation to the repeal of an old Act.
- (2) The repeal of an old Act does not, unless the contrary intention appears —
  - (a) affect any right, interest, title, power or privilege created, acquired, accrued, established or exercisable or any status or capacity existing prior to the repeal;
  - (b) affect any duty, obligation, liability, or burden of proof imposed, created, or incurred prior to the repeal;
  - (c) subject to section 11 of *The Criminal Code* and section 10 of the *Sentencing Act 1995*, affect any penalty or forfeiture incurred or liable to be incurred in respect of an offence committed against the old Act; or
  - (d) affect any investigation, legal proceeding or remedy in respect of any such right, interest, title, power, privilege, status, capacity, duty, obligation, liability, burden of proof, penalty or forfeiture.
- (3) Subject to subsections (4) and (5) —
  - (a) a right, interest, title, power, privilege, duty, obligation, liability or burden of proof referred to in subsection (2)(a) or (b) may be exercised or enforced;
  - (b) a penalty or forfeiture referred to in subsection (2)(c) may be imposed and enforced; and
  - (c) an investigation, legal proceeding or remedy referred to in subsection (2)(d) may be instituted, continued, or enforced,as if the substantive provisions of the relevant old Act —
  - (d) had not been repealed;
  - (e) were a taxation Act for the purposes of the *Taxation Administration Act 2003*; and
  - (f) had been amended to make any modifications necessary for this section to have effect.
- (4) If an objection, appeal or other legal proceeding (the “action”) was instituted under an old Act and was not finally determined before the commencement day  $\frac{3}{4}$ 
  - (a) the action may be continued;
  - (b) any requirement to pay interest on an amount of tax determined in the action to have been overpaid applies and may be enforced;
  - (c) any penalty may be imposed and enforced; and
  - (d) any decision, order or determination made in the action has effect, and may be enforced,

as if this Act and the taxation Acts had not commenced.



- (5) If the time limited by an old Act for doing anything is longer than the time limited by a taxation Act for doing the equivalent thing under that Act, then in relation to a matter to which subsection (3) applies, the time limited under the old Act applies in relation to the doing of the thing under the taxation Act.
- (6) If the time limited by an old Act for commencing proceedings in relation to an offence under that Act is shorter than the 5 year period limited by section 111 of the Taxation Administration Act 2003, then despite section 111, proceedings in relation to an offence under the old Act (including an offence under a provision of the old Act that is continued in force under this Part) cannot be commenced after the expiry of the shorter period provided for by the old Act.
- (7) In this section a reference, in relation to the Stamp Act 1921, to the repeal of the old Act is a reference to the amendment of the Act by the Stamp Amendment Act 2003.

**35. Commissioner not to increase tax liability**

Despite Part 3 Division 1 of the Taxation Administration Act 2003, the Commissioner must not make a reassessment that increases the amount of tax a person is liable to pay in relation to anything that happened before the commencement day if the reassessment could not have been made under the relevant old Act.

**36. Delegations**

A delegation made under an old Act and in force immediately before the commencement day continues in force on and after that day as a delegation made under section 10 of the Taxation Administration Act 2003.

**Division 3 — Debits tax**

**37. Certificates of exemption from tax (*Debits Tax Assessment Act 1990, s. 11*)**

- (1) A certificate issued under section 11 of the *Debits Tax Assessment Act 1990* and in force immediately before the commencement day continues in force on and after that day as a certificate issued under section 10 of the *Debits Tax Assessment Act 2002*.
- (2) Where section 13(1) of the *Debits Tax Assessment Act 2002* applies in relation to a certificate issued under section 11 of the *Debits Tax Assessment Act 1990* the Commissioner cannot make a reassessment of the amount of debits tax payable on a debit for the purpose of giving effect to that section more than 3 years after —
  - (a) if the financial institution has recovered the amount of the debits tax paid on the debit from the customer — the date on which that amount was recovered; or
  - (b) otherwise — the date on which the debits tax on the debits was paid.

#### Division 4 — Land tax

**38. Exemptions for certain home unit owners (*Land Tax Assessment Act 1976, s. 19*)**

If the amount of land tax payable on land for the financial year commencing on 1 July 2001 was assessed under section 19 of the *Land Tax Assessment Act 1976*, then on and after the commencement day section 16 of the *Land Tax Assessment Act 2002* applies in relation to that land as if that assessment had been made under section 16.

**39. Inner city residential property rebate (*Land Tax Assessment Act 1976, s. 23AB*)**

A notice given by the Commissioner under section 23AB(7) of the *Land Tax Assessment Act 1976* and in force immediately before the commencement day continues in force on and after that day as a notice under section 28(4) of the *Land Tax Assessment Act 2002*.

**40. Land tax relief Acts**

Despite —

- (a) the repeal of the *Land Tax Assessment Act 1976* and *Land Tax Act 1976*; and
- (b) the amendment of section 41 of the *Metropolitan Region Town Planning Scheme Act 1959*,

on and after the commencement day the *Land Tax Relief Act 1991* and *Land Tax Relief Act 1992* apply as if the substantive provisions of the Acts mentioned in paragraphs (a) and (b) —

- (c) had not been repealed;
- (d) were a taxation Act for the purposes of the *Taxation Administration Act 2003*; and
- (e) had been amended to make any modifications necessary for this section to have effect.

#### Division 5 — Pay-roll tax

**41. Treatment of certain contributions (*Pay-roll Tax Assessment Act 1971, Sch. 2 cl. 5*)**

Despite the repeal of the *Pay-roll Tax Assessment Act 1971*, Schedule 2 clause 5 of that Act continues to apply on and after the commencement day in relation to contributions wholly or partly in respect of services performed or rendered before 1 July 1997 as if that Act had not been repealed.

**42. Reassessments and refunds (*Pay-roll Tax Assessment Act 1971, s. 19*)**

Despite sections 16(3), 20(3) and 22(4) of the *Pay-roll Tax Assessment Act 2002* and section 16(1)(a) of the *Taxation Administration Act 2003*, the Commissioner is not required to make a reassessment of the amount of pay-roll tax payable by an employer in respect of wages paid or payable before the commencement day unless an application for a reassessment is made within 2 years after the tax was paid.

## Division 6 — Stamp duty

- 43. Adhesive stamps (*Stamp Act 1921*, s. 15, 21 and 23)**
- (1) Despite its repeal by the *Stamp Amendment Act 2003*, section 15 of the old Stamp Act continues in force for 12 months after the commencement day in relation to adhesive stamps that were affixed on instruments before that day.
  - (2) Despite their repeal by the *Stamp Amendment Act 2003*, sections 21 and 23 of the old Stamp Act continue in force for 3 months after the commencement day in relation to adhesive stamps that were affixed on instruments before that day.
  - (3) If adhesive stamps affixed to an instrument have been cancelled in accordance with the old Stamp Act (including the provisions of the old Stamp Act continued in force by subsections (1) and (2)) the instrument is taken to have been endorsed in accordance with section 17C of the *Stamp Act 1921*.
- 44. Printing of “Stamp Duty Paid” on cheques (*Stamp Act 1921*, s. 52)**
- (1) An authorisation of a financial institution granted under section 52 of the old Stamp Act and in force immediately before the commencement day continues in force on and after that day as a special tax arrangement made under the *Taxation Administration Act 2003*.
  - (2) Any requirement that applied, immediately before the commencement day, to a person to whom an authorisation continued by subsection (1) had been granted (whether imposed by the old Stamp Act or as a condition to which the authorisation was subject), continues as a condition to which the special tax arrangement referred to in subsection (1) is subject.
- 45. First home owners — reassessment (*Stamp Act 1921*, s. 75AG)**
- Despite section 17(1) of the *Taxation Administration Act 2003*, if property that included a dwellinghouse was conveyed or transferred before the commencement day, an application for a reassessment of the duty payable on the conveyance or transfer on the basis that a rebate under section 75AG of the old Stamp Act should have been, but was not, allowed cannot be made more than 12 months after the date of the original assessment.
- 46. Reassessment of duty on grant or transfer of vehicle licences (*Stamp Act 1921*, s. 76C(18) and (19), 76CA(3a) and 76CB(9))**
- (1) This section applies in relation to a grant or transfer of a licence that occurred before the commencement day.
  - (2) Despite section 17(1) of the *Taxation Administration Act 2003*, an application for a reassessment of the duty payable on the grant or transfer of a licence on the basis that the duty should not have been paid because —
    - (a) in the case of a grant — no vehicle licence fee was payable under the *Road Traffic Act 1974* in respect of the licence; or
    - (b) in the case of a transfer — had the transferee applied for the licence on the date of the transfer no vehicle licence

fee would have been payable under the *Road Traffic Act 1974*,

cannot be made more than 15 months after the licence was granted or transferred.

- (3) Despite section 17(1) of the *Taxation Administration Act 2003*, an application for a reassessment of the duty paid on the transfer of a licence on the basis that the duty should have been, but was not, charged in accordance with item 6 of the Second Schedule to the old Stamp Act because the transfer did not pass a beneficial interest, cannot be made more than 12 months after the licence was transferred.
- (4) Despite section 17(1) of the *Taxation Administration Act 2003*, an application for a reassessment of the duty payable on the grant or transfer of a licence on the basis that the duty should have been, but was not, assessed on the net market value of the vehicle (as defined in section 76CB of the old Stamp Act), cannot be made more than 12 months after the licence was granted or transferred.

**47. Alternative to stamping individual insurance policies (*Stamp Act 1921*, s. 95A)**

- (1) A permission granted under section 95A of the old Stamp Act and in force immediately before the commencement day continues in force on and after that day as a special tax arrangement made under the *Taxation Administration Act 2003*.
- (2) Any requirement that applied, immediately before the commencement day, to a person to whom a permission continued by subsection (1) had been granted (whether imposed by the old Stamp Act or as a condition to which the permission was subject), continues as a condition to which the special tax arrangement referred to in subsection (1) is subject.

**48. Workers' compensation insurance (*Stamp Act 1921*, s. 97 and item 16 of the Second Schedule)**

- (1) Despite section 17(1) of the *Taxation Administration Act 2003*, an application for a reassessment of the duty payable on the issue or renewal of a policy of insurance that occurred before the commencement day on the basis that the duty was assessed under item 16(1)(a)(i) of the Second Schedule to the old Stamp Act but should have been assessed under item 16(1)(a)(ii), cannot be made more than 2 years after the beginning of the insurance policy's cover period.
- (2) Despite the amendment of Schedule 2 item 16(1)(a) of the *Stamp Act 1921*, on and for 12 months after the commencement day —
  - (a) the reference in Schedule 2 item 16(1)(a)(i)(A) to the *Pay-roll Tax Assessment Act 2002* includes a reference to the *Pay-roll Tax Assessment Act 1971*; and
  - (b) the reference in Schedule 2 item 16(1)(a)(i)(B) to section 39 or 40 of the *Pay-roll Tax Assessment Act 2002* includes a reference to section 10 of the *Pay-roll Tax Assessment Act 1971*.

**49. Payment of duty by returns (*Stamp Act 1921, s. 112V*)**

- (1) A permission granted under section 112V of the old Stamp Act and in force immediately before the commencement day continues in force on and after that day as a special tax arrangement under the *Taxation Administration Act 2003*.
- (2) Any requirement that applied, immediately before the commencement day, to a person to whom a permission continued by subsection (1) had been granted (whether imposed by the old Stamp Act or as a condition to which the permission was subject), continues as a condition to which the special tax arrangement referred to in subsection (1) is subject.

”.

19 On the date as at which this compilation was prepared, the *Workers’ Compensation Reform Act 2004* s. 174 had not come into operation. It reads as follows:

“

**174. *Workers’ Compensation and Rehabilitation Act 1981* replaced with *Workers’ Compensation and Injury Management Act 1981***

The provisions of written laws that are set out in the Table to this section are amended in each case by deleting “*Workers’ Compensation and Rehabilitation Act 1981*” and inserting instead —

“

*Workers’ Compensation and Injury Management Act 1981*

”.

**Table**

<b>Written law</b>	<b>Provisions</b>
<i>Strata Titles Act 1985</i>	s. 55(1)(a)

”.

20 On the date as at which this compilation was prepared, the *Courts Legislation Amendment and Repeal Act 2004* s. 141 (the amendments to s. 116A(4)) and 142, which give effect to Sch. 1 and 2, had not come into operation. They read as follows:

“

**141. Various Acts amended**

Each Act listed in Schedule 1 is amended as set out in that Schedule immediately below the short title of the Act.

”.

Schedule 1 cl. 150 reads as follows:

“

**Schedule 1 — Amendments to various Acts**

**150. *Strata Titles Act 1985***

s. 116A(4) Delete paragraphs (a), (b) and (c) and insert instead —

“

- (a) the time for commencing an appeal under Part VIII of the *Criminal Procedure (Summary) Act 1902* against the conviction referred to in subsection (1)(b) has expired without an appeal being commenced; or
- (b) any such appeal that is commenced has been determined, withdrawn or discontinued.

”  
”

“

**142. Other amendments to various Acts**

Each Act listed in Schedule 2 is amended as set out in that Schedule immediately below the short title of the Act.

”

Schedule 2 cl. 48 reads as follows:

“

**Schedule 2 — Other amendments to Acts**

**48. *Strata Titles Act 1985***

s. 72	Delete “stipendiary”.
s. 118	Delete “office of a Clerk of a Local Court” and insert instead — “ Magistrates Court ”. Delete “by a Local Court” and insert instead — “ by the Magistrates Court ”.

21

The *State Administrative Tribunal (Conferral of Jurisdiction) Amendment and Repeal Act 2004* Pt. 5, the *State Administration Tribunal Act 2004* s. 167 and 169, and the *State Administrative Tribunal Regulations 2004* r. 28 and 42 deal with certain transitional issues some of which may be relevant for this Act.

22

The *State Administrative Tribunal Regulations 2004* r. 39 and 63 read as follows:

“

**39. *Strata Titles Act 1985***

- (1) In this regulation —  
“**commencement day**” means the day on which the *State Administrative Tribunal (Conferral of Jurisdiction) Amendment and Repeal Act 2004* Part 2 Division 121 comes into operation.
- (2) Subregulations (3) and (4) apply if —
  - (a) before the commencement day a person was given a notice under the *Strata Titles Act 1985* section 79(1)(a); and
  - (b) the person had not before the commencement day made a written submission under section 79(1)(b) of that Act.
- (3) If this subregulation applies, on or after the commencement day, the person given the notice may, within the time specified in the notice, or any longer time allowed under the *Strata Titles Act 1985* section 79(1)(c), make a written submission to the Tribunal and the Tribunal is to take account of the submission as if the

submission were a document provided in proceedings to be conducted in whole or part on the basis of documents under the Act section 60(2).

- (4) If this subregulation applies, the Tribunal is not to make an order under the *Strata Titles Act 1985* Part VI Division 3, other than under section 82, until after the expiration of the time specified for the making of written submissions in the notice given under section 79(1)(a) of that Act, or where a further notice has been given under section 79(1)(c) of that Act, the expiration of the longer time specified in that notice.
- (5) If —
  - (a) before the commencement day a matter was being dealt with by the Strata Titles Referee under the *Strata Titles Act 1985* and the Referee had made a requirement under section 80C(a) or (b) of that Act but that requirement had not been complied with before that day; and
  - (b) the matter is transferred to the Tribunal under the Act section 167(4)(a) or (b),

the Tribunal has, in relation to that matter, the power that the Strata Titles Referee had under the *Strata Titles Act 1985* section 80C(c) immediately before the commencement day.

**63. *Strata Titles Act 1985***

- (1) In this regulation —

**“commencement day”** means the day on which the *State Administrative Tribunal (Conferral of Jurisdiction) Amendment and Repeal Act 2004* Part 2 Division 121 comes into operation;

**“referee”** means a Strata Titles Referee appointed and holding office before the commencement day under the ST Act section 71;

**“the ST Act”** means the *Strata Titles Act 1985*.
- (2) If —
  - (a) a special resolution authorising an application to a Land Valuation Tribunal under the ST Act section 16(1) for an order that the Schedule of unit entitlement be amended was passed before the commencement day; or
  - (b) a certificate under seal of a strata company certifying that the strata company has by special resolution authorised such an application,

and an application has not been made to a Land Valuation Tribunal before the commencement day or an application to the Land Valuation Tribunal is transferred to the State Administrative Tribunal under the Act section 167, on and after the commencement day, the reference to a Land Valuation Tribunal in the special resolution and the certificate is to be read and construed as a reference to the State Administrative Tribunal.

- (3) On and after the commencement day, a copy of an order certified under the ST Act by a referee as being a true copy is to be taken to have been certified by the executive officer of the State Administrative Tribunal.

- (4) A certificate of a local government made before the commencement day which complies with the ST Act section 23(1)(a) or (3), as in force at the time the certificate was made, is to be taken, on and after the commencement day, to comply with the ST Act section 23(1)(a) or (3).
- (5) A certificate issued before the commencement day by the Town Planning Appeal Tribunal under the ST Act section 27(9) or 25B(3)(a) certifying that an appeal has been upheld, is to be taken, on and after the commencement day, to be a certificate of the executive officer of the State Administrative Tribunal to the effect that a successful application has been made to the State Administrative Tribunal for a review of the Commission's refusal or failure to give an approval referred to in the ST Act section 25B(2).
- (6) If a notice of refusal has been given under the ST Act section 26 before the commencement day, on or after the commencement day the notice is to be taken to inform the applicant of the right conferred by that section to apply for a review of the refusal.
- (7) If, before the commencement day, the Minister or the Town Planning Appeal Tribunal has upheld an appeal under the ST Act section 26 but has not under section 26(11) of the ST Act issued to the applicant a certificate certifying that the appeal has been upheld, on or after the commencement day, the President of the State Administrative Tribunal may issue to the applicant a certificate certifying that the appeal has been upheld and that certificate has the same effect as a certificate issued under section 26(11) would have had if the certificate had been issued by the Minister or the Town Planning Appeal Tribunal before the commencement day.
- (8) If a referee has determined under the ST Act section 39A(4)(c)(ii) (as in force at the time of the determination) that an agreement is unfair to the proprietors of 25% or more of the aggregate unit entitlement of the lots, on or after the commencement day that determination is to be taken to be a determination of the State Administrative Tribunal under the ST Act section 39A(4)(c)(ii).
- (9) If before the commencement day —
  - (a) an application for an order was made to a referee in relation to a matter of a type referred to in the ST Act section 77A(1) (as in force at the time of the application); and
  - (b) the referee did not refer the application to the Retirement Villages Disputes Tribunal,on the commencement day the application is to be taken to be an application by an applicant for review to the State Administrative Tribunal under the *State Administrative Tribunal Act 2004* and the applicant for the order of the referee is to be taken to be an applicant under that Act.
- (10) If an appeal is commenced before the commencement day under the ST Act section 105 and a strata company is the respondent to a successful appeal under that section, section 111(1) is to be taken to apply to that strata company as if that subsection had not been



amended by the *State Administrative Tribunal (Conferral of Jurisdiction) Amendment and Repeal Act 2004*.

- (11) If an order is made by the District Court under the ST Act section 113(1) (as in force immediately before the commencement day), on or after the commencement day the District Court must not cause the order and the records of the District Court relating to the appeal, including records forwarded to it by the referee when referring that appeal to the District Court, to be sent to the referee but must cause the order and those records to be sent to the executive officer of the State Administrative Tribunal.
- (12) If an order is sent to the executive officer under subregulation (11), the executive officer must serve a copy of the order, certified by him or her to be a true copy, on —
  - (a) the strata company for the Scheme to which the order relates;
  - (b) the appellant;
  - (c) any person who was given notice under the ST Act section 105(6) (as in force immediately before the commencement day) of the time and place for the determination of the appeal; and
  - (d) any person who, by the order, is required to do or to refrain from doing a specified act.

”.

23 The amendment in the *Criminal Procedure and Appeals (Consequential and Other Provisions) Act 2004* s. 78 to amend s. 116A is not included because the section it sought to amend had been repealed by the *State Administrative Tribunal (Conferral of Jurisdiction) Amendment and Repealed Act 2004* s. 1151.

24 The amendment in the *Courts Legislation Amendment and Repeal Act 2004* s. 141 to amend s. 116A(4) had not been proclaimed and will not be because the amendments they propose cannot operate due to the amendments made by the *State Administrative Tribunal (Conferral of Jurisdiction) Amendment and Repealed Act 2004* s. 1151).