

Notes

- ¹ This is a compilation of the *Strata Titles Act 1985* and includes the amendments effected by the other Acts referred to in the following Table. For amendments that had not come into operation on the date on which this compilation was prepared see endnote ^{1a}.

Compilation table

Short title	Number and Year	Assent	Commencement	Miscellaneous
<i>Strata Titles Act 1985</i>	33 of 1985	6 May 1985	30 June 1985 (see section 2 and <i>Gazette</i> 21 June 1985 p.2188)	
<i>Strata Titles Amendment Act 1986</i>	42 of 1986	1 August 1986	1 August 1986	
<i>Acts Amendment (Water Authority Rates and Charges) Act 1987, Part IX</i>	24 of 1987	25 June 1987	14 July 1987 (see section 2 and <i>Gazette</i> 14 July 1987 p.2647)	
<i>Acts Amendment (Heritage Council) Act 1990, Part 2</i>	97 of 1990	22 December 1990	25 February 1991 (see section 2 and <i>Gazette</i> 22 February 1991 p.868)	
<i>Retirement Villages Act 1992, section 86</i>	34 of 1992	19 June 1992	10 July 1992 (see section 2 and <i>Gazette</i> 10 July 1992 p.3185)	
<i>Financial Administration Legislation Amendment Act 1993, Part 4</i>	6 of 1993	27 August 1993	Deemed operative 1 July 1993 (see section 2(1))	
<i>Acts Amendment (Public Sector Management) Act 1994, section 19</i>	32 of 1994	29 June 1994	1 October 1994 (see section 2 and <i>Gazette</i> 30 September 1994 p.4948)	
<i>Planning Legislation Amendment Act (No. 2) 1994, section 46(12)</i>	84 of 1994	13 January 1995	1 March 1995 (see section 2 and <i>Gazette</i> 21 February 1995 p.567)	
<i>Caravan Parks and Camping Grounds Act 1995, section 33</i>	34 of 1995	29 September 1995	1 July 1997 (see section 2 and <i>Gazette</i> 20 June 1997 p.2805)	

Short title	Number and Year	Assent	Commencement	Miscellaneous
<i>Strata Titles Amendment Act 1995</i>	58 of 1995	20 December 1995	14 April 1996 (see section 2 and <i>Gazette</i> 15 March 1996 p.981)	Sections 5(5), 46(2) and 54(3): validation ^{2, 7, 8} ; Sections 38(2), 43(5) and (6), 45(3), 57(2) and (3), 66 and 93(2): transitional ^{4, 5} , 6, 9, 10, 11
<i>Water Agencies Restructure (Transitional and Consequential Provisions) Act 1995, Part 13</i>	73 of 1995	27 December 1995	1 January 1996 (see section 2 and <i>Gazette</i> 29 December 1995 p.6291)	
<i>Local Government (Consequential Amendments) Act 1996, section 4</i>	14 of 1996	28 June 1996	1 July 1996 (see section 2)	
<i>Strata Titles Amendment Act 1996</i>	61 of 1996	11 November 1996	20 January 1997 (see section 2 and <i>Gazette</i> 17 January 1997 p.405)	Section 12(2) and (3): transitional ¹⁵ ; section 30: transitional ¹⁶ ; section 34(4): transitional ¹⁷
<i>Licensed Surveyors Amendment Act 1996, section 28</i>	79 of 1996	14 November 1996	5 April 1997 (see section 2 and <i>Gazette</i> 4 April 1997 p.1750)	
<i>Transfer of Land Amendment Act 1996, section 153(1)</i>	81 of 1996	14 November 1996	14 November 1996 (see section 2(1))	
<i>Equal Opportunity Amendment Act (No. 3) 1997, section 8</i>	42 of 1997	9 December 1997	6 January 1998 (see section 2)	
<i>Statutes (Repeals and Minor Amendments) Act 1997, section 115</i>	57 of 1997	15 December 1997	15 December 1997 (see section 2)	

Short title	Number and Year	Assent	Commencement	Miscellaneous
<i>Statutes (Repeals and Minor Amendments) Act (No. 2) 1998,</i> section 66	10 of 1998	30 April 1998	30 April 1998 (see section 2(1))	
<i>Acts Amendment and Repeal (Financial Sector Reform) Act 1999,</i> section 104	26 of 1999	29 June 1999	1 July 1999 (see section 2 and <i>Gazette</i> 30 June 1999 p.2905)	
<i>Statutes (Repeals and Minor Amendments) Act 2000,</i> section 40	24 of 2000	4 July 2000	4 July 2000 (see section 2)	
<i>Corporations (Consequential Amendments) Act 2001 Pt. 49</i>	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)	

- 1a On the date on which this compilation was prepared, provisions referred to in the following table had not come into operation and are not included in this compilation. For the text of the provisions see the endnote referred to after the short title.

Provisions that have not come into operation

Short title	Number and year	Assent	Commencement
<i>State Superannuation (Transitional and Consequential Provisions) Act 2000 s. 67</i> ²⁰	43 of 2000	2 Nov 2000	To be proclaimed (see s. 2(2))
<i>Planning Appeals Amendment Act 2002</i> ²¹ s. 28	24 of 2002	24 Sep 2002	To be proclaimed (see s. 2)

- 2 Section 5(5) of the *Strata Titles Amendment Act 1995* (No. 58 of 1995) 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 Footnote no longer applicable.

4 Section 38(2) of the *Strata Titles Amendment Act 1995* (No. 58 of 1995) 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.

”.

5 Section 43(5) and (6) of the *Strata Titles Amendment Act 1995* (No. 58 of 1995) 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.

”.

6 Section 45(3) of the *Strata Titles Amendment Act 1995* (No. 58 of 1995) 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.

”.

7 Section 46(2) of the *Strata Titles Amendment Act 1995* (No. 58 of 1995) 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.

”.

8 Section 54(3) of the *Strata Titles Amendment Act 1995* (No. 58 of 1995) 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.

”.

9 Section 57(2) and (3) of the *Strata Titles Amendment Act 1995* (No. 58 of 1995) 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.

”.

10 Section 66 of the *Strata Titles Amendment Act 1995* (No. 58 of 1995) 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.

”.

11 Section 93(2) of the *Strata Titles Amendment Act 1995* (No. 58 of 1995) 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.

”.

- 12 The *Strata Titles Act 1966* is repealed by this Act, s.131.
- 13 Now see the *Water Agencies (Powers) Act 1984* (No. 3 of 1984).
- 14 Section 112(2) of the *Public Sector Management Act 1994* (No. 31 of 1994) allows references to the Public Service Board to be read as references to the Minister for Public Sector Management.
- 15 Section 12(2) and (3) of the *Strata Titles Amendment Act 1996* (No. 61 of 1996) 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*.

”.

- 16 Section 30 of the *Strata Titles Amendment Act 1996* (No. 61 of 1996) 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.

”.

17 Section 34(4) of the *Strata Titles Amendment Act 1996* (No. 61 of 1996) 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).

”.

18 Renumbered as section 3AC by the *Strata Titles Amendment Act 1996* (No. 61 of 1996 section 5).

19 Now known as Commissioner of State Revenue.

20 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:

“

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*”.

”.

21 On the date as at which this compilation was prepared, the *Planning Appeals Amendment Act 2002* s. 28 had not come into operation. It reads as follows:

“

28. *Strata Titles Act 1985*

- (1) The amendments in this section are to the *Strata Titles Act 1985*.
- (2) Section 25B(3) is repealed and the following subsection is inserted instead —

“

(3) If the Town Planning Appeal Tribunal upholds an appeal under section 26 of the *Town Planning and Development Act 1928* against the refusal or failure of the Commission to give an approval referred to in subsection (2) —

- (a) the Tribunal shall issue to the applicant a certificate certifying that the appeal has been upheld; and
- (b) the certificate shall be deemed to be the approval of the Commission.

”.

- (3) Section 26(5) is amended by deleting “to the Minister to whom the administration of the *Town Planning and Development Act 1928* is for the time being committed by the Governor or to the Town Planning Appeal Tribunal constituted under that Act” and inserting instead —

“

under Part V of the *Town Planning and Development Act 1928*

”.

- (4) Section 26(6) is repealed.
- (5) Section 26(7) is amended as follows:

- (a) by deleting “this section, other than an appeal to the Town Planning Appeal Tribunal,” and inserting instead —
“ subsection (4) ”;
- (b) by deleting “or (5)”.
- (6) Section 26(8) is amended by deleting “(4) or”.
- (7) Section 26(9) is amended by deleting “relevant”.
- (8) Section 26(10) is amended by deleting “a Minister” and inserting instead —
“ the Minister ”.
- (9) Section 26(11) is amended by deleting “a Minister” and inserting instead —
“ the Minister ”.
- (10) Section 27(3) is amended by deleting “to the Minister to whom the administration of the *Town Planning and Development Act 1928* is for the time being committed by the Governor or to the Town Planning Appeal Tribunal constituted under that Act” and inserting instead —

“

under Part V of the *Town Planning and Development Act 1928*

”.

- (11) Section 27(4) and (5) are repealed.
- (12) Section 27(7) is amended as follows:
 - (a) by deleting “Minister or the” in the 4 places where it occurs;
 - (b) by deleting “, as the case may be,”.
- (13) Section 27(8) is amended by deleting “Minister or the”.
- (14) Section 27(9) is amended as follows:
 - (a) by deleting “Minister or the” in the 3 places where it occurs;
 - (b) by deleting “, as the case requires,”.
- (15) Section 27(10)(a) is amended by deleting “Minister or the”.

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