



Western Australia

Community Titles Act 2018

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Community Titles Act 2018

An Act —

- **to provide for the subdivision of land by community schemes, the creation of community titles, and the governance and operation of community schemes; and**
- **to make consequential and related amendments to other Acts; and**
- **for related purposes.**

The Parliament of Western Australia enacts as follows:

Part 1 — Preliminary

1. Short title

This is the *Community Titles Act 2018*.

2. Commencement

This Act comes into operation as follows —

- (a) sections 1 and 2 — on the day on which this Act receives the Royal Assent;
- (b) the rest of the Act — on a day fixed by proclamation, and different days may be fixed for different provisions.

[3-5. Have not come into operation.]

[Parts 2-12 have not come into operation.]

Part 13 — Miscellaneous

[176-187. Have not come into operation.]

188. Certain prescribed fees may exceed cost recovery

- (1) Regulations prescribing a fee payable to the Registrar of Titles may prescribe a fee that is more than the amount, or an estimate of the amount, needed to allow recovery of expenditure —
 - (a) incurred in connection with the matter in relation to which the fee is charged; or
 - (b) that is relevant to —
 - (i) the scheme or system under which the action to which the fee relates is taken; or
 - (ii) the performance of any function to which the fee relates.
- (1A) To the extent that regulations to which subsection (1) applies prescribe a fee that includes an amount that is a tax, the regulations may impose the tax.
- (2) This section does not limit the *Interpretation Act 1984* section 45A.

[Section 188 amended: No. 33 of 2018 s. 4.]

189. Expiry of section 188

- (1) Section 188 expires at the end of 31 December 2019¹.
- (2) However, the Governor, on the recommendation of the Minister, may, by proclamation made before section 188 expires, postpone the expiry of section 188 until the end of a date specified in the proclamation, and in that case section 188 expires at the end of that date.
- (3) The Minister cannot make a recommendation under subsection (2) unless the Minister is satisfied, on the basis of the most recent report laid before each House of Parliament under

s. 189

the *Land Information Authority Act 2006* section 93(2), that the expiry of section 188 should be postponed.

- (4) There is no limit on the number of times the expiry of section 188 may be postponed, but each postponement cannot be for longer than 5 years beginning on the day after the most recent date on which section 188 would expire if that expiry were not postponed.
- (5) The *Interpretation Act 1984* section 42 applies to and in relation to a proclamation made under subsection (2) as if the proclamation were a regulation.
- (6) The expiry of section 188 does not affect the validity of any regulations in effect immediately before that expiry.

[190. Has not come into operation.]

[Part 14 has not come into operation.]

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Notes

This is a compilation of the *Community Titles Act 2018* and includes amendments made by other written laws. For provisions that have come into operation see the compilation table. For provisions that have not yet come into operation see the uncommenced provisions table.

Compilation table

Short title	Number and year	Assent	Commencement
<i>Community Titles Act 2018</i>	32 of 2018	19 Nov 2018	s. 1 and 2: 19 Nov 2018 (see s. 2(a)); Pt. 13 (but only s. 188 and 189); 6 Nov 2019 (see s 2(b) and <i>Gazette</i> 5 Nov 2019 p. 3877)
<i>Community Titles Amendment (Consistency of Charging) Act 2018</i>	33 of 2018	19 Nov 2018	6 Nov 2019 (see s. 2(b) and <i>Gazette</i> 5 Nov 2019 p. 3877)

Uncommenced provisions table

To view the text of the uncommenced provisions see *Acts as passed* on the WA Legislation website.

Short title	Number and year	Assent	Commencement
<i>Community Titles Act 2018</i> s. 3-5, Pt. 2-12, s. 176-187 and 190 and Pt. 14	32 of 2018	19 Nov 2018	To be proclaimed (see s. 2(b))
<i>Planning and Development Amendment Act 2020</i> Pt. 12 Div. 2	26 of 2020	7 Jul 2020	To be proclaimed (see s 2(1)(b))

Other notes

- ¹ The *Community Titles Act 2018 (Postponement of Expiry) Proclamation 2019* published in *Gazette* 5 Nov 2019 p. 3877-8 provides that the expiry of section 188 is postponed until the end of 31 December 2024.