

STRATA TITLES.

No. 34 of 1969.

AN ACT to amend the Strata Titles Act, 1966.

[Assented to 19th May, 1969.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the *Strata Titles Act Amendment Act, 1969.* Short title and citation.

(2) In this Act the Strata Titles Act, 1966, is referred to as the principal Act.

(3) The principal Act as amended by this Act may be cited as the Strata Titles Act, 1966-1969.

Commence-
ment.

2. This Act shall come into operation on a date to be fixed by proclamation.

Amendment
to s. 3.
Interpreta-
tion.)

3. Section 3 of the principal Act is amended—

(a) by adding after the word “building” where secondly occurring in the definition “building” the words “or buildings”;

(b) by substituting for the definition “Registrar of Titles” the following definition—

“Registrar of Titles” means the person appointed Registrar of Titles under the Transfer of Land Act, 1893, and includes any person appointed an Assistant Registrar under that Act; ; and

(c) by substituting for paragraph (b) of the definition “strata plan” the following paragraph—

(b) shows the whole or any part of the land comprised therein as being divided into two or more lots; .

Amendment
to s. 4.
(Subdivi-
sion.)

4. Section 4 of the principal Act is amended by adding after subsection (5) a subsection as follows—

(6) Subject to this section, any transfer, lease, mortgage or other dealing affecting a lot has the same effect in relation to the lot as a similar dealing affecting a lot on a plan of subdivision lodged pursuant to section one hundred and sixty-six of the Transfer of Land Act, 1893, has in relation to such a lot. .

Amendment
to s. 5.
(Strata plan.)

5. Section 5 of the principal Act is amended—

(a) by repealing paragraph (b) of subsection (6);

(b) by repealing subparagraph (ii) of paragraph (c) of subsection (6);

- (c) by repealing subparagraph (iii) of paragraph (c) of subsection (6) and re-enacting it as follows—

(iii) the building, in the opinion of the local authority, is of sufficient standard and suitable to be divided into lots pursuant to this Act. ; and

- (d) by adding after subsection (7) a subsection as follows—

(8) Sections twenty and twenty-one of the Town Planning and Development Act, 1928, do not apply to a strata plan. .

6. Section 10 of the principal Act is amended—

Amendment
to s. 10.
(Disposition
of common
property.)

- (a) by substituting for the word “The” in line one of subsection (3) the passage “Subject to subsection (8) of this section, the”; and

- (b) by adding after subsection (7) a subsection as follows—

(8) Except with the prior approval in writing of the Town Planning Board constituted under the Town Planning and Development Act, 1928, and of the appropriate local authority,

- (a) a transfer or mortgage of the common property or part thereof; or

- (b) a lease or licence or lease and licence to use or occupy the common property or part thereof, for any term or terms in the aggregate exceeding ten years including an option to extend or renew the term of a lease or licence granted in respect of the common property or part thereof,

shall not be valid and effective. .

Amendment
to s. 17.
(Insurance.)

7. Subsection (3) of section 17 of the principal Act is amended by substituting for the word "insured" in line one, the word "uninsured".

Amendment
to s. 20.
(Certificates
relating to
subdivision
strata plan.)

8. Section 20 of the principal Act is amended—

(a) by repealing and re-enacting subsection (2) as follows—

(2) Upon any refusal by—

(a) the appropriate local authority to direct the issue of a certificate under paragraph (c) of subsection (6) of section five of this Act or to give its approval under subsection (8) of section ten of this Act; or

(b) the Town Planning Board to give its approval under that subsection,

or upon the failure of that local authority or that Board to do so within forty days after application for the certificate or the approval, as the case may be, the applicant may, within thirty days of the refusal or failure, appeal in manner prescribed and on payment of the prescribed fees—

(i) in any case of a refusal or failure by the local authority, to the Minister of the Crown to whom the administration of the Local Government Act, 1960 is for the time being committed by the Governor; and

(ii) in any case of a refusal or failure by the Town Planning Board, to the Minister of the Crown to whom the administration of the Town Planning and Development Act, 1928 is for the time being committed by the Governor. ; and

- (b) by adding after subsection (4) the following subsections—

(5) Where the Minister upholds an appeal under this section, the Minister shall issue to the appellant a certificate under his hand certifying that the appeal has been upheld by him and if the appeal is against the refusal or failure of—

- (a) the appropriate local authority to direct the issue of a certificate under paragraph (c) of subsection (6) of section five of this Act or to give its approval under subsection (8) of section ten of this Act, the certificate of the Minister shall, as the case requires, be deemed to be such certificate of the local authority under and for the purposes of the first mentioned subsection or the approval of that local authority under and for the purposes of the last mentioned subsection;
- (b) the Town Planning Board to give its approval under the last mentioned subsection, the certificate of the Minister shall be deemed to be the approval of that Board under and for the purposes of that subsection.

(6) The Registrar of Titles may accept for registration a strata plan that relates to the building in respect of which the local authority refused or failed to give a certificate under paragraph (c) of subsection (6) of section five of this Act, notwithstanding that the

strata plan is not endorsed with or accompanied by such a certificate, if the strata plan—

- (a) is accompanied by the appropriate certificate of the Minister referred to in subsection (5) of this section; and
- (b) otherwise complies with the provisions of this Act. .

Amendment
to s. 28.
(Regula-
tions.)

9. Paragraph (b) of section 28 of the principal Act is amended by substituting for the word “and” in line one, the word “any”.
