

# **Community Titles Act 2018**

Compare between:

[19 Nov 2018, 00-a0-01] and [06 Nov 2019, 00-b0-01]



#### Western Australia

## **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:

s. 1

### 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 $^{2}$ .]

[Pt.Parts 2-14. Have not come into operation<sup>2</sup>.]

#### **Notes**

This is a compilation of the *Community Titles Act 2018*. The following table contains information about that Act <sup>1a</sup>.

#### **Compilation table**

Short title	Number and year	Assent	Commencement
Community Titles Act 2018	<del>32 of 2018</del>	<del>19 Nov 2018</del>	s. 1 and 2: 19 Nov 2018
			(see s. 2(a))

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

#### **Provisions that 12** have not come into operation.]

3. Terms used

Short title	Number and year	Assent	Commencement
Community Titles Act 2018 s. 3-5 and Pts. 2-14 <sup>2</sup>	<del>32 of 2018</del>	<del>19 Nov 2018</del>	To be proclaimed (see s. 2(b))
Community Titles Amendment (Consistency of Charging) Act 2018 s. 3 and 4 <sup>3</sup>		<del>19 Nov 2018</del>	Operative on commencement of Community Titles Act 2018 s. 188 (see s. 2(b))

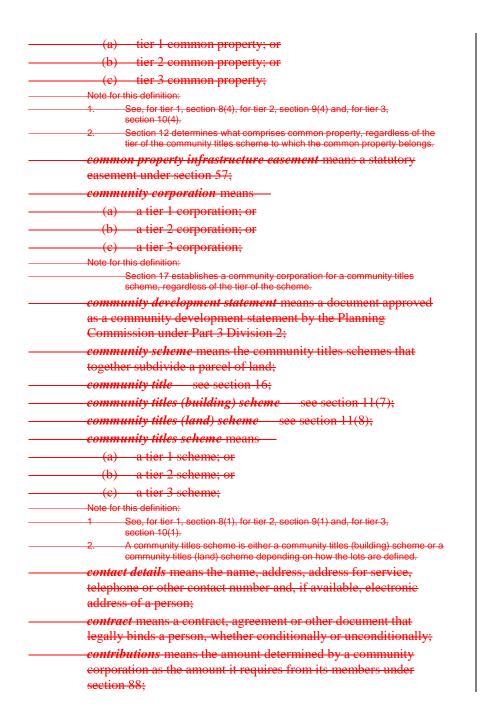
On the date as at which this compilation was prepared, the *Community Titles*Act 2018 s. 3 5 and Pts. 2 14 had not come into operation. They read as follows:

# (1) In this Act, unless the contrary intention appears address for service — see section 177; ADI means an authorised deposit taking institution within the meaning given in the Banking Act 1959 (Commonwealth) section 5(1); administrative fund — see section 85(1)(a);

administrator of a community corporation means a person appointed by the Tribunal as an administrator of the community corporation under section 165(2)(q);

<del>ame</del>	endment of a community titles scheme see section 15(2);
	endment in relation to common property or a lot in a
	nmunity titles scheme — see subsection (2);
	roved form a document, evidence or information is in an
	roved form only if it is in the form approved under the
	stations or Transfer of Land Act requirements and it complies
	any requirements of the regulations or Transfer of Land Act
	stance animal has the meaning given in the Disability
	crimination Act 1992 (Commonwealth) section 9(2);
	viate 2 persons are associates if
(	a) 1 is the spouse or de facto spouse of the other; or
(	b) 1 is the child or grandchild of the other; or
(	c) they have a parent or grandparent in common; or
(	d) they are partners; or
(	e) they are directors of the same body corporate; or
(	f) 1 is employed by the other; or
(	g) 1 is a body corporate and the other is a director, officer or
	employee of the body corporate or a person who is
	otherwise in a position to control or substantially
	influence the conduct of the body corporate; or
(	h) they are bodies corporate and the same person is a director of both bodies corporate;
	tralian legal practitioner has the meaning given in the Legal fession Act 2008 section 3;
	hority means the Western Australian Land Information
	hority established by the <i>Land Information Authority Act</i> 2006
	ion 5;
<del>belo</del>	ongs see section Part 13 —
(	a) for when a lot, tier parcel or common property belongs to a community titles scheme; and
(	b) for when a community titles scheme belongs to another community titles scheme;
buil	ding includes structure;
<del>cap</del>	ital value has the meaning given in the Valuation of Land
	1978 section 4(1);
Con	nmissioner of Titles means the person holding or acting in the
<del>offi</del>	ce of the Commissioner of Titles under the <i>Transfer of Land</i> 1893;
<del>con</del>	umon property means

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council means the governing body of a community corporation
established under section 111;
development has the meaning given in the Planning and
Development Act 2005 section 4(1);
development period for a community scheme means the period
after registration of the tier 1 scheme that applies under section 26;
disability has the meaning given in the Disability Discrimination
Act 1992 (Commonwealth) section 4(1);
disposition statement see section 185;
electronic address means
(a) an email address; or
(b) anything included in this definition by the regulations;
encumbrance has the meaning given in the Transfer of Land
Act 1893 section 4(1);
financial year for a community corporation means
(a) if the scheme by laws are silent on the matter, the period
of 12 months ending on 30 June; or
(b) if the scheme by laws specify a period of 12 months
ending on a different date as the financial year for the
scheme, the period specified in the by laws;
floor includes a stairway or ramp;
- infrastructure include public or private access ways, lifts,
swimming pools, gymnasiums, other recreational facilities, shared
carparks, loading bays, infrastructure for utility services and other
fixtures and, in each case, associated equipment;
infrastructure contract see section 57(1)(a);
infrastructure owner see section 57(1)(a);
insurable asset of a community titles scheme
<del>(a) means</del>
(i) the common property of the scheme (including
the fixtures and improvements on the common
<del>property); or</del>
(ii) the parts of scheme buildings that comprise lots
in the scheme (including the paint and
<del>wallpaper); or</del>
(iii) anything included in this definition by the
<del>regulations;</del>
but
(b) does not include

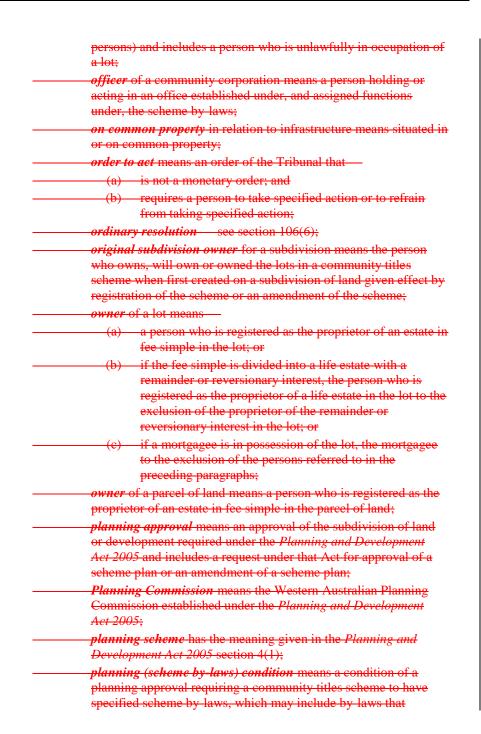
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	(i) fixtures or improvements on the common property that are not themselves common
	property; or  (ii) carpet and temporary wall, floor and ceiling coverings in a scheme building; or
	(iii) fixtures removable by a lessee at the expiration of a tenancy; or
	(iv) anything excluded from this definition by the regulations;
interested communi section 1-	ity corporations for a termination proposal—see 41(1);
	Revelopment order has the meaning given in the <i>Planning</i> elopment Act 2005 section 4(1);
section 5:  Note for this	e definition: r example, an item may comprise an estate, interest, right, encumbrance,
<del>judicial r</del>	nember has the meaning given in the State rative Tribunal Act 2004 section 3(1);
	ment in relation to a subdivision of land by a community eme means each of the following—
<del>(a)</del>	the application for registration of the scheme or amendment of the scheme to give effect to the subdivision and everything that accompanies the application;
	the scheme documents, or amendments of the scheme documents, as registered for the subdivision;
	planning approvals for the subdivision and development associated with the scheme;
	occupancy permits and building approval certificates under the <i>Building Act 2011</i> relating to development associated with the subdivision;
	official notices relating to the subdivision or development associated with the subdivision;
	specifications, diagrams and drawings relating to the tier parcel or a building on the tier parcel affected by the subdivision (including any specifications, diagrams and drawings that show utility conduits, utility infrastructure or sustainability infrastructure);

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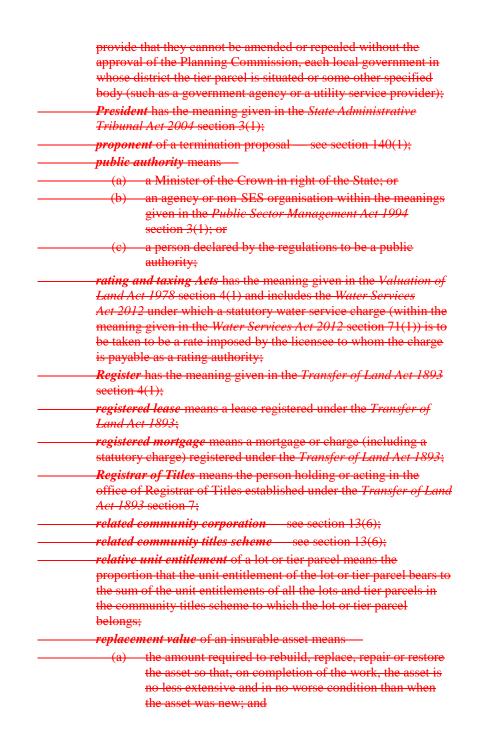
(g)	warranty documents and operational and servicing
<i>\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\</i>	manuals for infrastructure that ought reasonably to be
	given to the community corporation;
<del>(h)</del>	certificates and schedules relating to the insurance
	required for, or relating to, the scheme taken out or
	arranged by the original subdivision owner;
<del>(i)</del>	any contracts for the provision of services or amenities to
	the community corporation or to members of the
	community corporation entered into or arranged by the
	original subdivision owner or by the community corporation;
(i)	•
<del>(j)</del>	any leases or licences over the common property of the scheme;
<del>(k)</del>	- accounting records and other documents that ought reasonably to be given to the community corporation;
<del>(1)</del>	anything included in this definition by the regulations;
legally	qualified member has the meaning given in the State
<u>Adminis</u>	strative Tribunal Act 2004 section 3(1);
	I surveyor has the meaning given in the Licensed
•	ors Act 1909 section 3;
	I valuer has the meaning given in the Land Valuers
	ag Act 1978 section 4;
	overnment means a local government, regional local
	ment or regional subsidiary;
lot mea	
\ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \	a tier 1 lot; or
<u>(b)</u>	a tier 2 lot; or
(e)	<del>a tier 3 lot;</del>
Notes for	this definition:
	See, for tier 1, section 8(3), for tier 2, section 9(3) and, for tier 3, section 10(3).
	Section 11 determines how a lot may be defined, regardless of the tier of the
	community titles scheme to which the lot belongs.
<del>membei</del>	r of a community corporation—see section 17;
	ry order has the meaning given in the State Administrative
	al Act 2004 section 3(1);
<del>mortga</del> į	ge includes a charge for securing money or money's worth;
<del>notifiab</del>	<del>le variation means</del>
<del>(a)</del>	a type 1 notifiable variation; or
<del>(b)</del>	a type 2 notifiable variation;
	r of a lot means a person who occupies the lot on a
	ary or permanent basis (either solely or jointly with other

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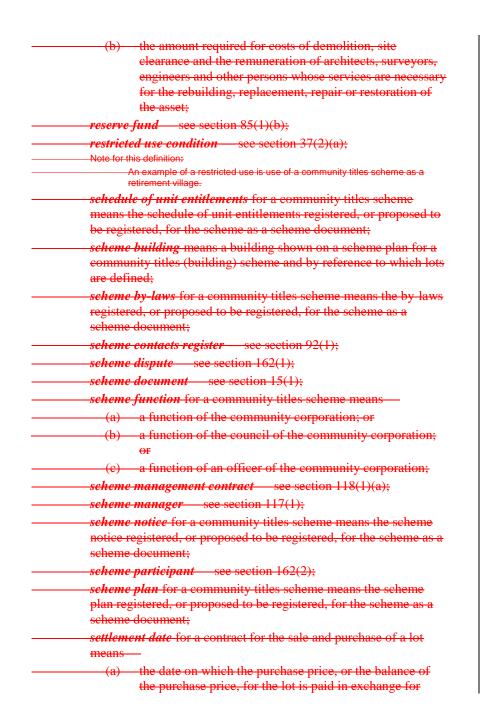


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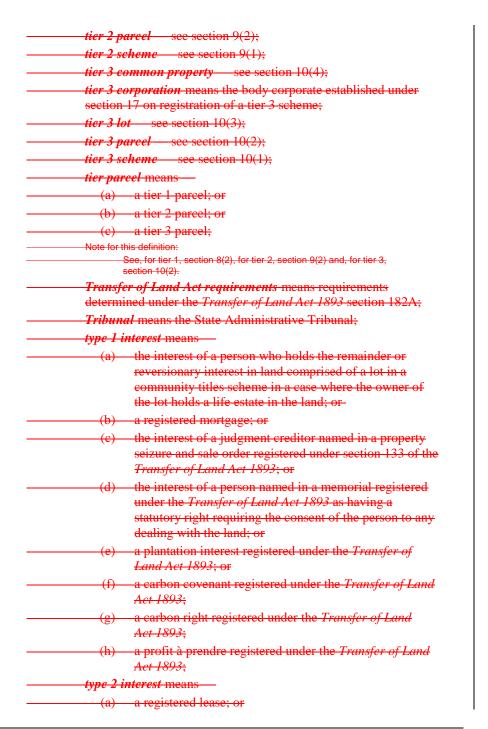
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documents that enable the buyer to be registered as thoward owner of the lot; or	e
(b) if the contract for the lot is a terms contract within the meaning given in the Sale of Land Act 1970 section 5 the date on which the buyer becomes entitled to possession or occupation of the lot;	
short form easement or restrictive covenant—see section 38;	<del>;</del>
site value has the meaning given in the Valuation of Land	
Act 1978 section 4(1);	
special common property see section 46(1);	
special lot see section 46(1);	
special resolution see section 106(7);	
State planning policy has the meaning given in the Planning a	<del>nd</del>
Development Act 2005 section 4(1);	
statutory easement means an easement under Part 5 Division 2	<del>'.</del>
subdivision of land by a community scheme see section 14:	<del>,</del>
sustainability infrastructure means infrastructure that is design	ned
or is likely to avoid, remedy or mitigate adverse effects on the	
environment;	
Example for this definition:	
Sustainability infrastructure includes solar panels, clothes lines and rainv	vater
temporary common property means land leased by a communi	tv
corporation under section 78(1) and registered as temporary	
common property in the community titles scheme as a result of	
inclusion in the description of temporary common property in t	<del>he</del>
<del>scheme plan;</del>	
termination infrastructure report see section 147(2);	
termination proposal see section 141(1);	
termination resolution see section 149;	
termination valuation report see section 147(3);	
tier 1 common property see section 8(4);	
tier 1 corporation means the body corporate established under	
section 17 on registration of a tier 1 scheme;	
tier 1 lot see section 8(3);	
tier 1 parcel see section 8(2);	
tier 1 scheme see section 8(1);	
tier 2 common property see section 9(4);	
tier 2 corporation means the body corporate established under	
section 17 on registration of a tier 2 scheme;	
tier 2 lot see section 9(3);	
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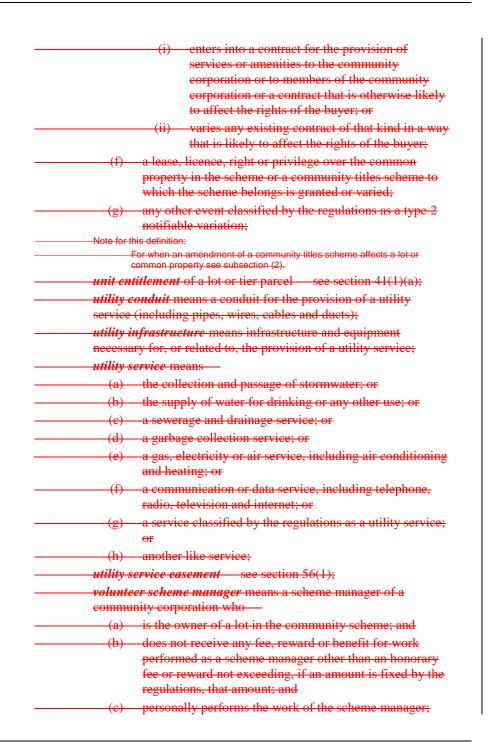


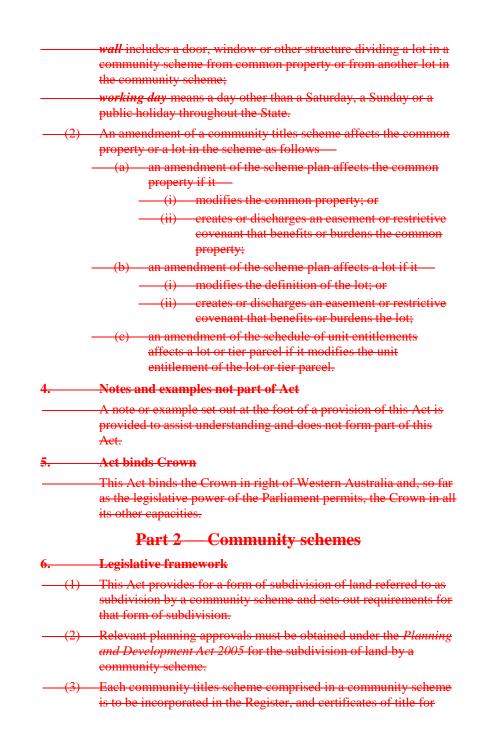
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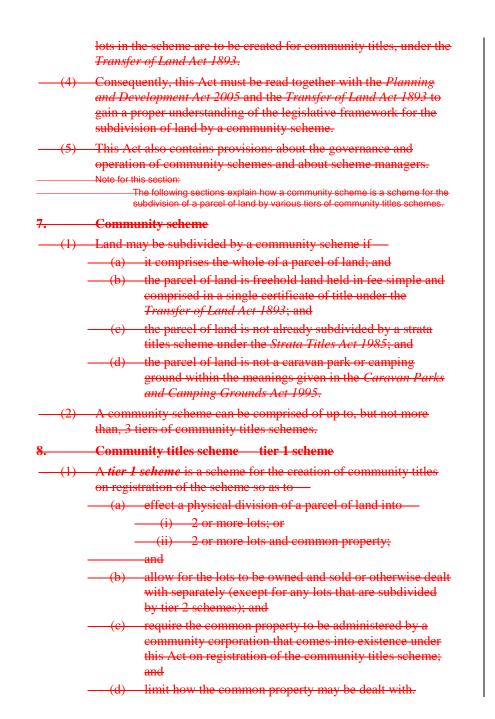
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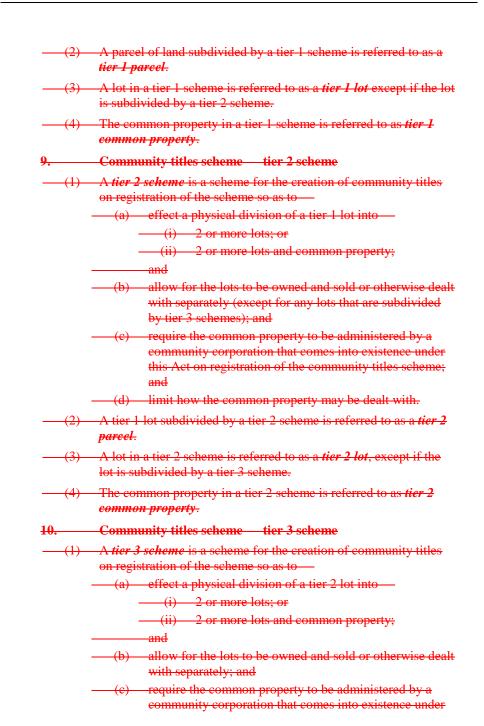
<del>(b)</del>	a caveat recorded under the Transfer of Land Act 1893;
	notifiable variation means any of the following that occur
	contract for the sale and purchase of a lot in a community
	heme is entered into but before the settlement date for the
contrac	<del></del>
<del>(a)</del>	the area or size of the lot or proposed lot is reduced by
	5% or more from the area or size notified to the buyer
	before the buyer entered into the contract;
(b)	the relative unit entitlement, or a reasonable estimate of
	the relative unit entitlement, of the lot is increased by 5% or more, or decreased by 5% or more, from the relative
	unit entitlement, or the estimate of the relative unit
	entitlement, of the lot notified to the buyer before the
	buyer entered into the contract;
<del>(c)</del>	anything relating to a proposal for the termination of the
	community titles scheme is served on the seller by the
	community corporation;
<del>(d)</del>	any other event classified by the regulations as a type 1
	notifiable variation;
	notifiable variation means any of the following that occur
. C	
	contract for the sale and purchase of a lot in a community
titles sc	heme is entered into but before the settlement date for the
titles sc contract	heme is entered into but before the settlement date for the tand that do not give rise to a type 1 notifiable variation
titles sc contract	heme is entered into but before the settlement date for the and that do not give rise to a type 1 notifiable variation—the community development statement or proposed
titles sc contract	heme is entered into but before the settlement date for the and that do not give rise to a type 1 notifiable variation—the community development statement or proposed community development statement or amendment of the
titles se contract (a)	heme is entered into but before the settlement date for the tand that do not give rise to a type 1 notifiable variation—the community development statement or proposed community development statement or amendment of the community development statement is modified;
titles se contract (a)	heme is entered into but before the settlement date for the tand that do not give rise to a type 1 notifiable variation—the community development statement or proposed community development statement or amendment of the community development statement is modified;  the scheme plan, or proposed scheme plan or amendment
titles se contract (a)	heme is entered into but before the settlement date for the and that do not give rise to a type 1 notifiable variation—the community development statement or proposed community development statement or amendment of the community development statement is modified;—the scheme plan, or proposed scheme plan or amendment of a scheme plan, for the scheme or a community titles
titles se contract (a)	heme is entered into but before the settlement date for the and that do not give rise to a type 1 notifiable variation—the community development statement or proposed community development statement or amendment of the community development statement is modified;—the scheme plan, or proposed scheme plan or amendment of a scheme plan, for the scheme or a community titles scheme to which the scheme belongs is modified in a
titles se contract (a)	heme is entered into but before the settlement date for the and that do not give rise to a type 1 notifiable variation—the community development statement or proposed community development statement or amendment of the community development statement is modified;  the scheme plan, or proposed scheme plan or amendment of a scheme plan, for the scheme or a community titles scheme to which the scheme belongs is modified in a way that affects the lot or the common property in which
titles se contract (a) (b)	heme is entered into but before the settlement date for the and that do not give rise to a type 1 notifiable variation—the community development statement or proposed community development statement or amendment of the community development statement is modified;—the scheme plan, or proposed scheme plan or amendment of a scheme plan, for the scheme or a community titles scheme to which the scheme belongs is modified in a way that affects the lot or the common property in which the owner of the lot has an undivided share;
titles se contract (a) (b)	heme is entered into but before the settlement date for the and that do not give rise to a type 1 notifiable variation—the community development statement or proposed community development statement or amendment of the community development statement is modified;  the scheme plan, or proposed scheme plan or amendment of a scheme plan, for the scheme or a community titles scheme to which the scheme belongs is modified in a way that affects the lot or the common property in which the owner of the lot has an undivided share;  the schedule of unit entitlements, or proposed schedule of
titles se contract (a) (b)	heme is entered into but before the settlement date for the and that do not give rise to a type I notifiable variation—the community development statement or proposed community development statement or amendment of the community development statement is modified;  the scheme plan, or proposed scheme plan or amendment of a scheme plan, for the scheme or a community titles scheme to which the scheme belongs is modified in a way that affects the lot or the common property in which the owner of the lot has an undivided share;  the schedule of unit entitlements, or proposed schedule of unit entitlements or amendment of the schedule of unit
titles se contract (a) (b)	heme is entered into but before the settlement date for the tand that do not give rise to a type 1 notifiable variation—the community development statement or proposed community development statement or amendment of the community development statement is modified; the scheme plan, or proposed scheme plan or amendment of a scheme plan, for the scheme or a community titles scheme to which the scheme belongs is modified in a way that affects the lot or the common property in which the owner of the lot has an undivided share; the schedule of unit entitlements or amendment of the schedule of unit entitlements, for the scheme is modified in a way that
titles se contract (a) (b)	heme is entered into but before the settlement date for the tand that do not give rise to a type 1 notifiable variation—the community development statement or proposed community development statement or amendment of the community development statement is modified;  the scheme plan, or proposed scheme plan or amendment of a scheme plan, for the scheme or a community titles scheme to which the scheme belongs is modified in a way that affects the lot or the common property in which the owner of the lot has an undivided share;  the schedule of unit entitlements, or proposed schedule of unit entitlements or amendment of the schedule of unit entitlements, for the scheme is modified in a way that affects the lot;
titles se contract (a) (b)	heme is entered into but before the settlement date for the and that do not give rise to a type 1 notifiable variation—the community development statement or proposed community development statement or amendment of the community development statement is modified;  the scheme plan, or proposed scheme plan or amendment of a scheme plan, for the scheme or a community titles scheme to which the scheme belongs is modified in a way that affects the lot or the common property in which the owner of the lot has an undivided share;  the schedule of unit entitlements, or proposed schedule of unit entitlements or amendment of the schedule of unit entitlements, for the scheme is modified in a way that affects the lot;  the scheme by laws, or proposed scheme by laws, for the
titles se contract (a) (b)	heme is entered into but before the settlement date for the and that do not give rise to a type 1 notifiable variation—the community development statement or proposed community development statement or amendment of the community development statement is modified;  the scheme plan, or proposed scheme plan or amendment of a scheme plan, for the scheme or a community titles scheme to which the scheme belongs is modified in a way that affects the lot or the common property in which the owner of the lot has an undivided share;  the schedule of unit entitlements, or proposed schedule of unit entitlements or amendment of the schedule of unit entitlements, for the scheme is modified in a way that affects the lot;  the scheme by laws, or proposed scheme by laws, for the scheme or a community titles scheme to which the
titles se contract (a) (b)	heme is entered into but before the settlement date for the and that do not give rise to a type I notifiable variation—the community development statement or proposed community development statement or amendment of the community development statement is modified; the scheme plan, or proposed scheme plan or amendment of a scheme plan, for the scheme or a community titles scheme to which the scheme belongs is modified in a way that affects the lot or the common property in which the owner of the lot has an undivided share; the schedule of unit entitlements, or proposed schedule of unit entitlements, for the scheme is modified in a way that affects the lot; the scheme by laws, or proposed scheme by laws, for the scheme or a community titles scheme to which the scheme belongs are modified;
titles se contract (a) (b)	heme is entered into but before the settlement date for the and that do not give rise to a type 1 notifiable variation—the community development statement or proposed community development statement or amendment of the community development statement is modified;  the scheme plan, or proposed scheme plan or amendment of a scheme plan, for the scheme or a community titles scheme to which the scheme belongs is modified in a way that affects the lot or the common property in which the owner of the lot has an undivided share;  the schedule of unit entitlements, or proposed schedule of unit entitlements or amendment of the schedule of unit entitlements, for the scheme is modified in a way that affects the lot;  the scheme by laws, or proposed scheme by laws, for the scheme or a community titles scheme to which the

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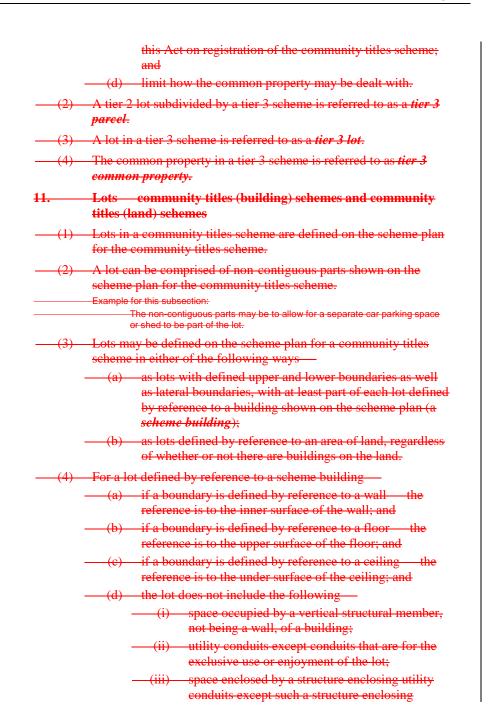




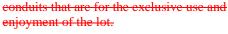


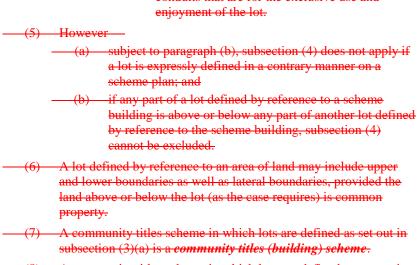


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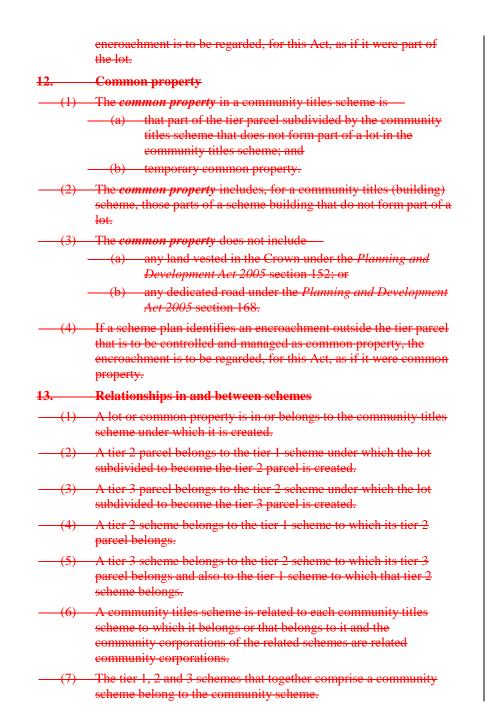
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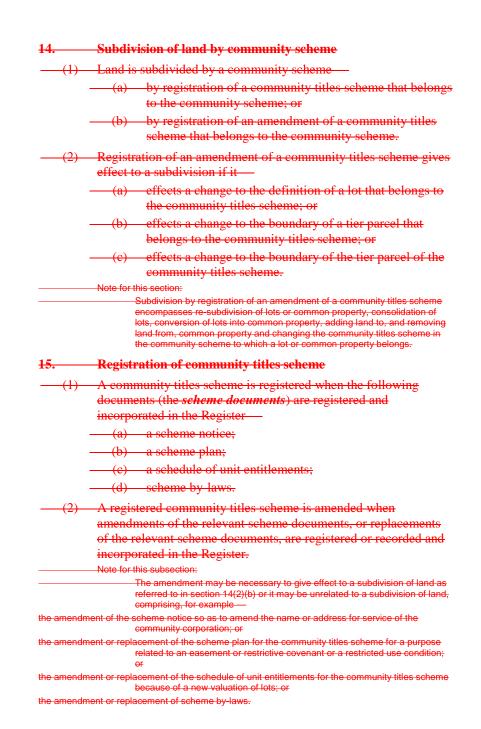
- A community titles scheme in which lots are defined as set out in subsection (3)(b) is a community titles (land) scheme.
- All lots and parts of lots in a community titles scheme must be defined in the same way, that is, the way described in subsection (3)(a) or the way described in subsection (3)(b).
- A lot in a community titles (building) scheme cannot be subdivided by a community titles scheme that is a community titles (land) scheme.
- A tier 1 lot or tier 2 lot in a community titles (land) scheme can be subdivided by a community titles scheme that is either a community titles (building) scheme or a community titles (land) scheme.
- A change in the definition of a lot in a community titles scheme does not, of itself, affect any item registered or recorded for the scheme in the Register (even if the lot is assigned a new identifying number).
- Damage to, or destruction or removal of a wall, floor, ceiling or other structural element by reference to which a lot in a community titles (building) scheme is defined does not of itself affect the definition of the boundaries of the lot (which remain as defined on the scheme plan).
- If a scheme plan identifies an encroachment outside the tier parcel that is to be controlled and managed as part of a lot, the

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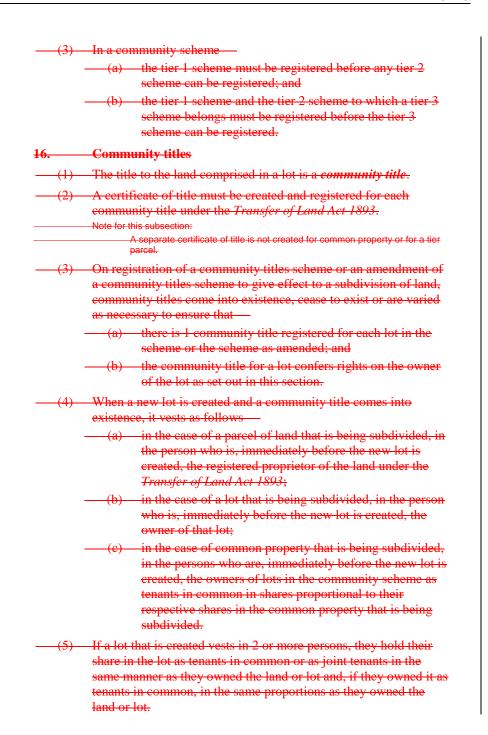


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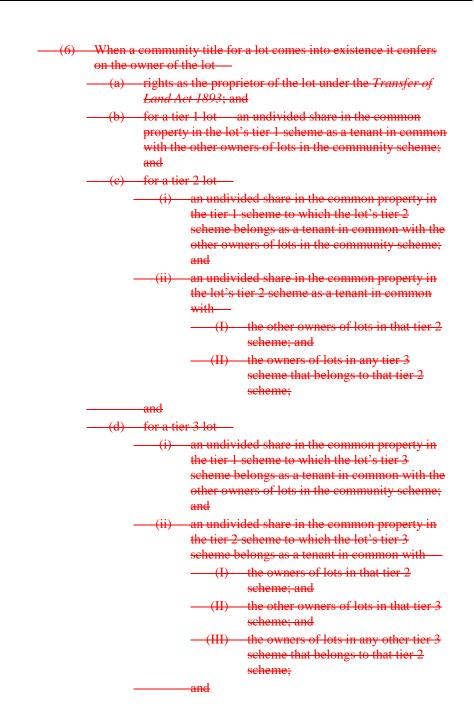
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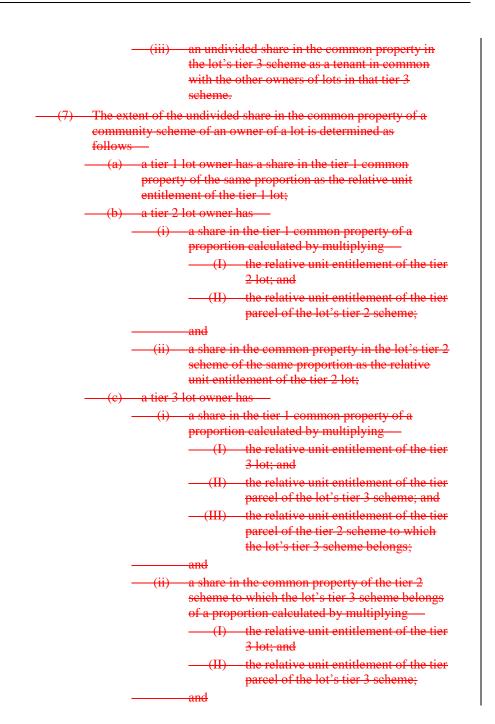
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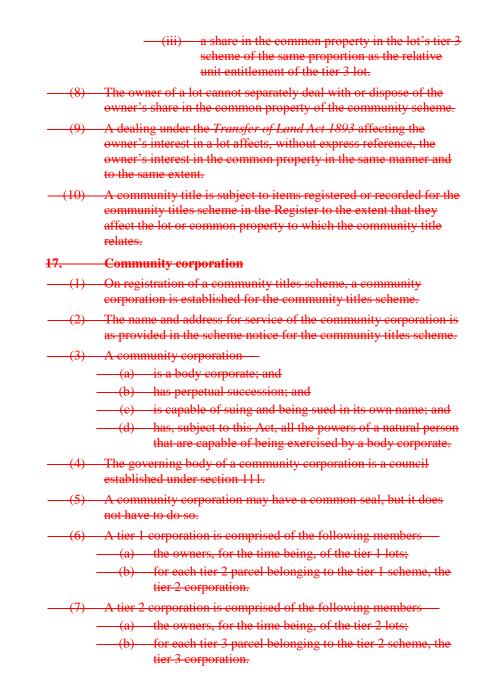
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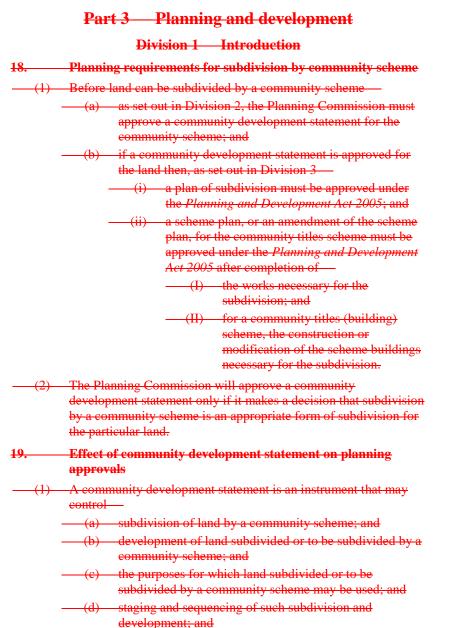
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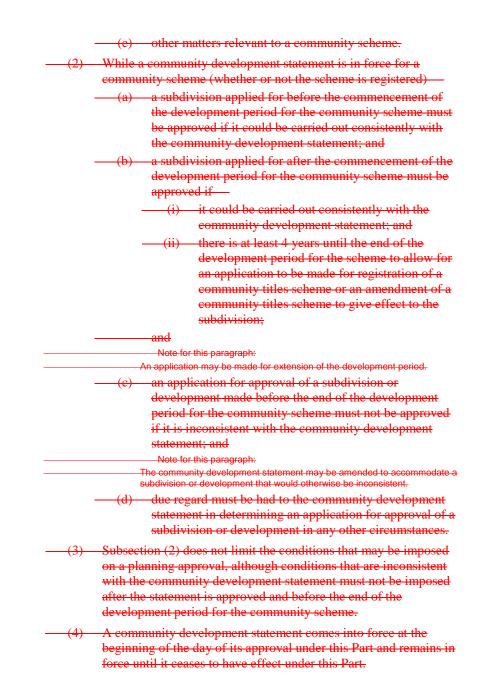


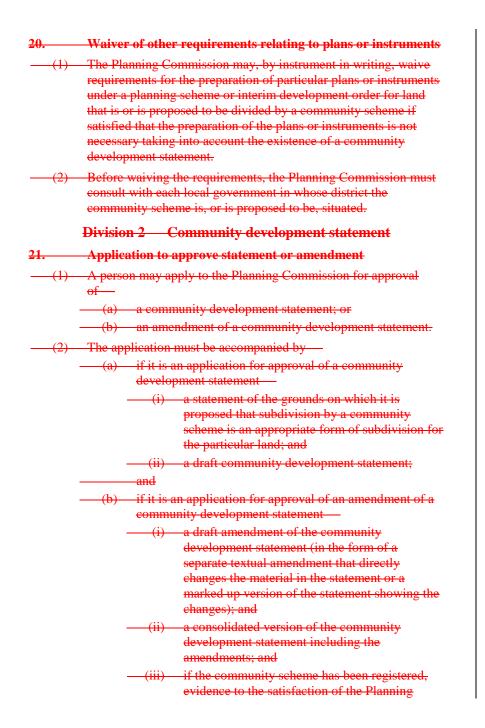
— (8) A tier 3 corporation is comprised of the owners, for the time being, of the tier 3 lots (who are the members of the community corporation).



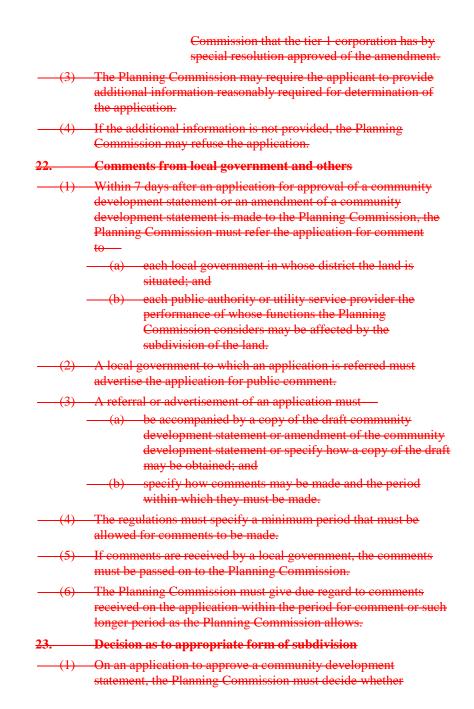
Compare 19 Nov 2018 [00-a0-01] / 06 Nov 2019 [00-b0-01] page 27

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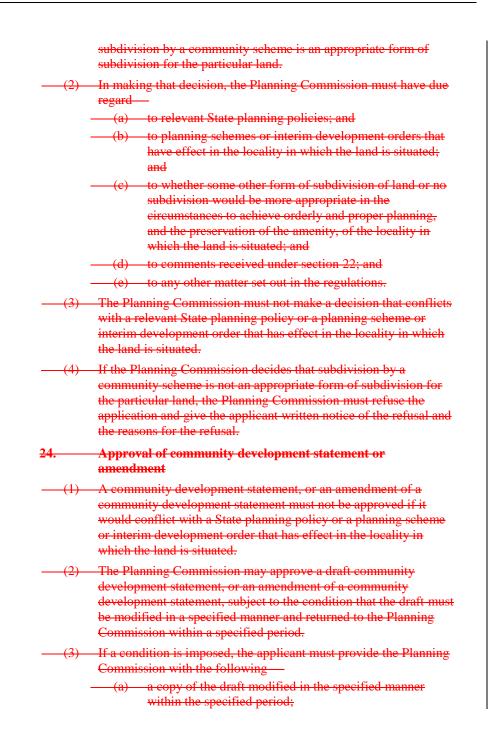




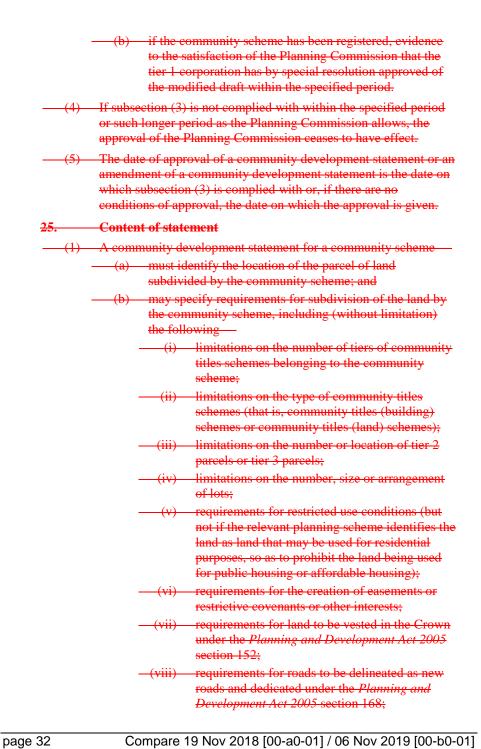
Compare 19 Nov 2018 [00-a0-01] / 06 Nov 2019 [00-b0-01] page 29 Extract from www.slp.wa.gov.au, see that website for further information



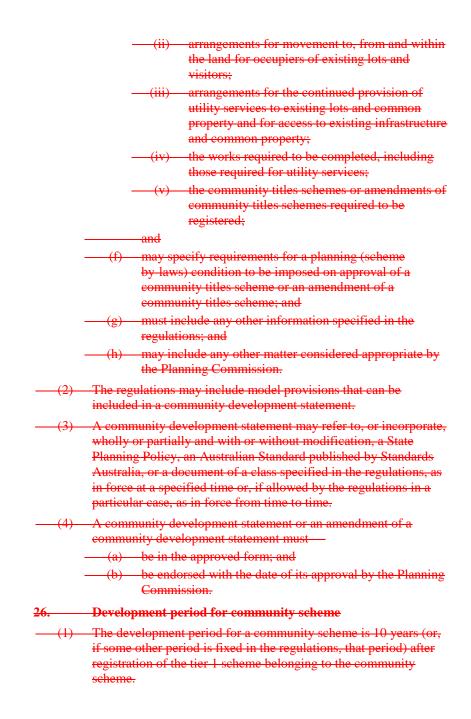
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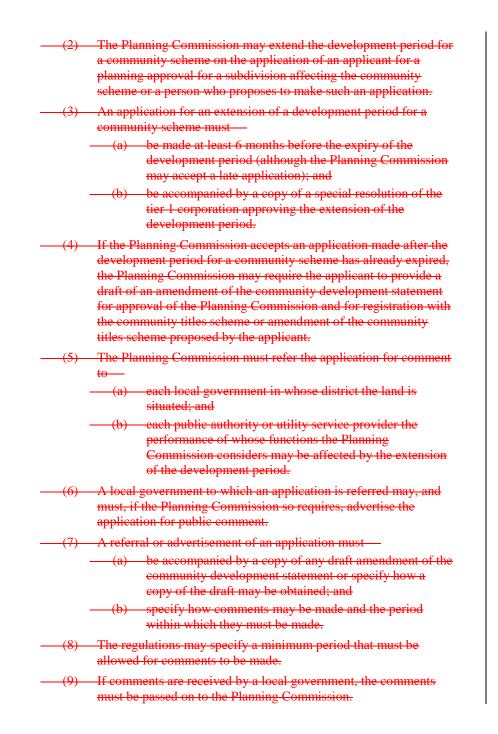
Compare 19 Nov 2018 [00-a0-01] / 06 Nov 2019 [00-b0-01] page 31 Extract from www.slp.wa.gov.au, see that website for further information



	(ix) other arrangements for acquisition or
	management of land by a local government or
	<del>public authority;</del>
	— (x) open space requirements;
	(xi) requirements for money to be paid to local
	government in lieu of setting aside land and
	vesting it in the Crown for parks, recreation
	grounds or open spaces under the Planning and
	Development Act 2005 section 153;
	(xii) requirements for development contributions to
	fund public infrastructure;
	(xiii) requirements that will or may apply under the
	Planning and Development Act 2005;
	<del>and</del>
<del>(c)</del> -	may specify requirements for development of the land as
	a community scheme, including (without limitation) the
	<del>following</del>
	(i) limitations as to the location and scale of
	improvements (including the number of levels
	in, and heights of, scheme buildings);
	(ii) requirements for the provision of utility
	infrastructure, sustainability infrastructure or
	other infrastructure;
	— (iii) requirements for landscaping;
	(iv) architectural and design themes;
	(v) requirements for the collection and disposal of
	waste;
	<del>and</del>
<del> (d)</del>	may specify requirements for a plan for the provision of
	utility services in the community scheme and for utility
	infrastructure to be constructed, commissioned and
	maintained in accordance with standards or documents
	specified by utility service providers; and
<del>(e)</del>	may specify requirements for the staging and sequencing
	of subdivision and development of the land by the
	community scheme, including (without limitation) for
	each stage the following
	(i) requirements for when the stage must be
	<del>commenced or completed;</del>



s. 26



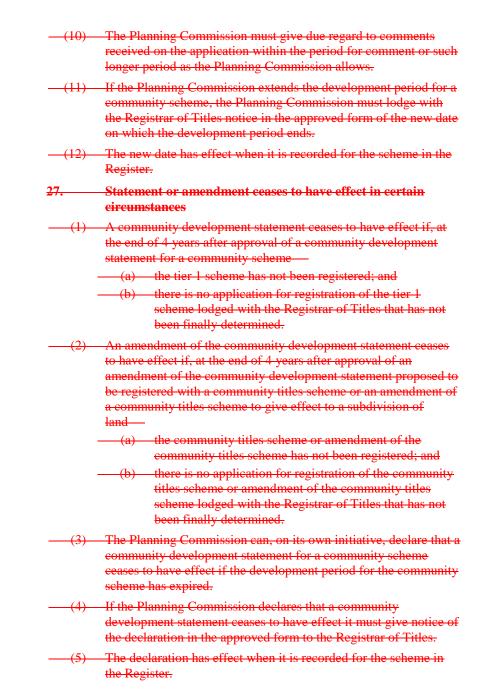
Compare 19 Nov 2018 [00-a0-01] / 06 Nov 2019 [00-b0-01] page 35

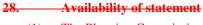
Extract from www.slp.wa.gov.au, see that website for further information

Part 3 Planning and development

**Division 2** Community development statement

s. 27





- The Planning Commission must ensure that an up to date version of each community development statement as approved by the Planning Commission (consolidated so as to include any amendments) is available to members of the public free of charge from an official location on the internet.
- To the extent of any inconsistency between a community development statement published under this section and a community development statement incorporated in the Register, the statement incorporated in the Register prevails.

# **Division 3** Planning approvals

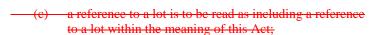
# Planning approvals

- (1) For subdivision of land by a community scheme, an application must be made under the Planning and Development Act 2005
  - (a) approval of a plan of subdivision as if it were an application for approval to subdivide land under that Act;
  - as necessary in the circumstances, approval of development.
- A person may submit to the Planning Commission a scheme plan, or an amendment of a scheme plan, for a community titles scheme giving effect to a subdivision of land for which there is an approval of a plan of subdivision under the Planning and Development Act 2005 and request the Planning Commission to approve the plan or amendment.
- Such a request is to be dealt with under the Planning and Development Act 2005 as if it were a request for approval of a diagram or plan of survey of the subdivision under section 145 of that Act.

# **Modification of Planning and Development Act**

- For this Division, the *Planning and Development Act* 2005 applies subject to the following modifications
  - a reference to subdivision is to be read as including subdivision of land by a community titles scheme as referred to in section 14;
  - a reference to a diagram or plan of survey of the subdivision is to be read as a reference to the scheme plan, or an amendment of the scheme plan, for the community titles scheme;

Planning approvals

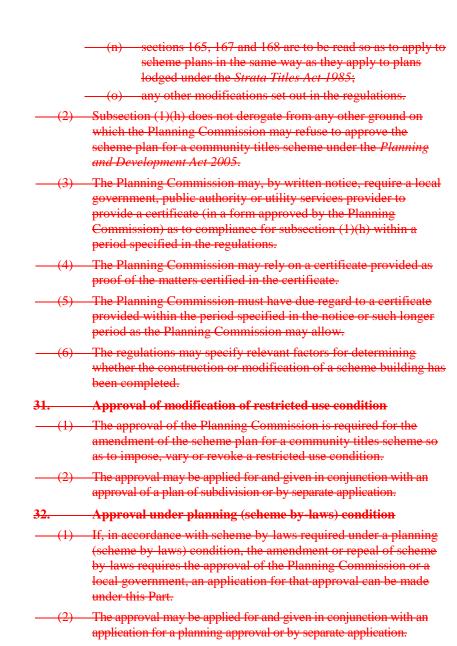


- the Act is to be read as requiring the applicant to provide a copy of an application for a planning approval for a community titles scheme made after the community corporation for the scheme has come into existence to be given to the community corporation;
- without limiting the conditions of an approval of a plan of subdivision or a development approval, the Act is to be read as providing that the conditions may include a planning (scheme by laws) condition;
- the Act is to be read as if the Tribunal has jurisdiction to carry out a review in accordance with the Planning and Development Act 2005 Part 14 of a refusal of a body to approve the amendment or revocation of scheme by laws as required by a planning (scheme by laws) condition;
- the Act is to be read as requiring an application for approval of a scheme plan or an amendment of the scheme plan to be accompanied by
  - the scheme notice or any amendment of the scheme notice proposed to be submitted for registration with the scheme plan or amendment of the scheme plan; and
  - any existing scheme by laws made under a planning (scheme by laws) condition; and
  - for subdivision of land by a community titles (building) scheme, an occupancy permit or building approval certificate granted under the Building Act 2011 Part 4 Division 3 for each scheme building constructed or modified for the subdivision (as the case requires);
- the Act is to be read as providing that the Planning Commission may refuse to endorse the scheme plan, or an amendment of the scheme plan, for a community titles scheme with the approval of the subdivision unless the Planning Commission is satisfied that
  - the scheme plan or amendment of the scheme plan is an accurate depiction of the subdivision that has been prepared after completion of the works necessary for the subdivision and, for a community titles (building) scheme, the

	construction or modification of the scheme
	buildings necessary for the subdivision; and
	(ii) the subdivision and development has been
	undertaken consistently with—
	— (I) the community development
	statement; and
	— (II) any utility services plan required by that statement; and
	— (III) — the approval of the plan of subdivision under the <i>Planning and</i>
	Development Act 2005 (including its conditions); and
	— (IV) — any relevant approval of development
	under the <i>Planning and Development</i> Act 2005 (including its conditions);
	and
	(iii) the requirements of the <i>Building Act 2011</i> have
	been complied with for the development; and
	(iv) any restricted use condition proposed to be
	imposed by the scheme plan or amendment of
	the scheme plan is suitable for the community titles scheme; and
	(v) scheme by laws have been or are proposed to be
	made in accordance with any planning (scheme
	by laws) condition;
<del>(i)</del>	section 145(2) of the Act is to be read as if the prescribed
	period were defined as 4 years;
<del>(j)</del>	section 145(6) of the Act is to be read as not applying to a community scheme until the end of the development
	period for the scheme;
<del>(k)</del>	section 146(2) of the Act is to be read as if a title
	application were an application for registration of a
	community titles scheme or an amendment of a
	community titles scheme to give effect to the subdivision:
(1)	,
<del>(l)</del>	section 152(3) of the Act is to be read as if it provided that land vested under section 152(1) does not form part
	of a tier parcel;
<del>(m)</del>	section 159 of the Act is to be read as if a reference to a
(111)	lot or lots were a reference to a lot, tier parcel or common
	<del>property;</del>

Part 3 Planning and development Division 3 Planning approvals

s. 31



# **Division 4** — Miscellaneous

	Division i miscentineous
33.	Applications under Part
<del>(1)</del>	An application under this Part must
	(a) be made in writing to the Planning Commission or local government (as the case requires); and
	(b) be in the form approved by the Planning Commission or local government (as the case requires); and
	(c) be accompanied by any information required by the Planning Commission or local government (as the case requires); and
	— (d) be accompanied by the fee fixed by the regulations.
<del>(2)</del>	The Planning Commission or local government may require the applicant to provide additional information reasonably required for determining the application.
<del>(3)</del>	An application may be refused if the applicant does not comply with a requirement for additional information.
34.	Review of decisions
<del>(1)</del>	A person who has made an application under this Part may apply to the Tribunal for a review of —
	— (a) a decision to refuse to approve the application, including by—
	(i) making a decision that subdivision by a community scheme is not an appropriate form of subdivision for the land the subject of the application; or
	— (ii) refusing to extend the development period for a community scheme; or
	<ul> <li>(iii) refusing to approve an amendment or repeal of scheme by laws;</li> </ul>
	<del></del>
	(b) a decision to approve a draft community development statement or an amendment of a community development statement subject to conditions.
<del>(2)</del>	
<del>(3)</del>	Part 12 does not apply to a proceeding under this section (which is a proceeding within the Tribunal's review jurisdiction).

Part 4 Scheme documents **Division 1** Scheme notice

s. 35

- If at the end of 120 days after an application is made under section 21 (or any longer period agreed with an applicant), the Planning Commission has not made a decision under section 23 or 24, the applicant may give written notice of default to the Planning Commission.
- If at the end of 28 days after an application is made under section 26(2) (or any longer period agreed with an applicant), the Planning Commission has not made a decision on the application, the applicant may give written notice of default to the Planning Commission.
- If a notice of default is given to the Planning Commission, the applicant may apply to the Tribunal for a review, in accordance with the Planning and Development Act 2005 Part 14, as if the Planning Commission had refused to approve the application on the day on which the notice of default was given to the Planning Commission.

# Part 4 Scheme documents

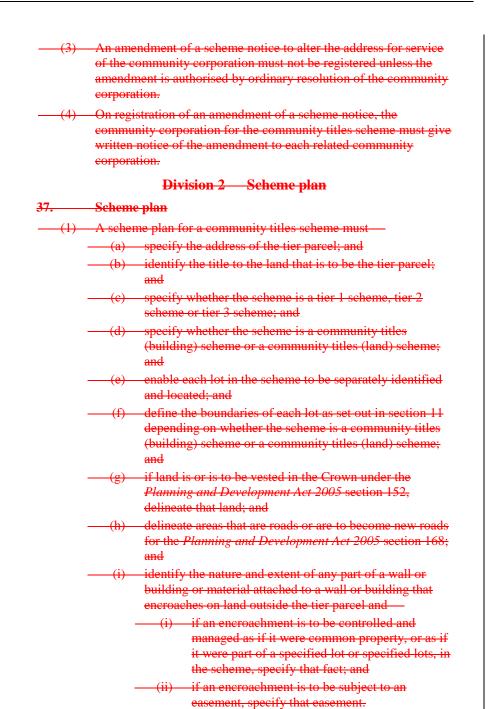
# **Division 1** Scheme notice

#### Scheme notice

- (1) A scheme notice for a community titles scheme must
  - (a) specify the name of the community corporation; and
  - specify the address for service of the community corporation.
- (2) A scheme notice, or an amendment of a scheme notice, for a community titles scheme must be in the approved form.
- On registration of a scheme notice, the community corporation for the community titles scheme must give a copy of the scheme notice to each related community corporation.

# Name and address for service of community corporation

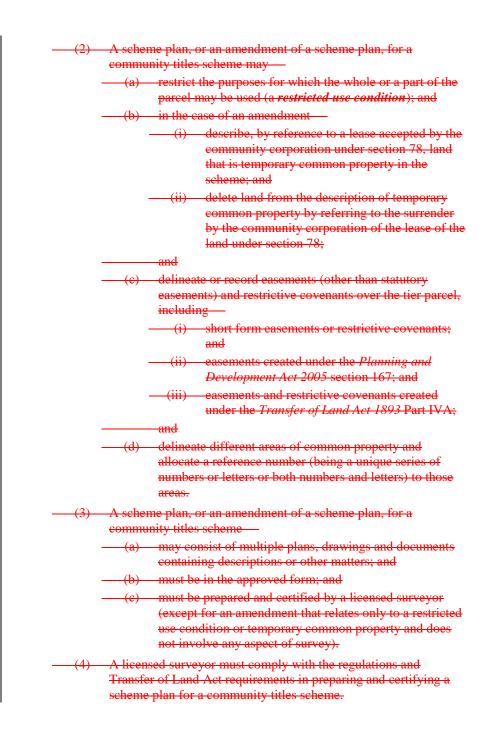
- (1) A scheme notice, or an amendment of a scheme notice to alter the name of the community corporation, must not be registered if the Registrar of Titles is satisfied that the name of the community corporation is undesirable or does not comply with a naming convention set out in the regulations.
- An amendment of a scheme notice to alter the name of the community corporation must not be registered unless the amendment is authorised by special resolution of the community corporation.



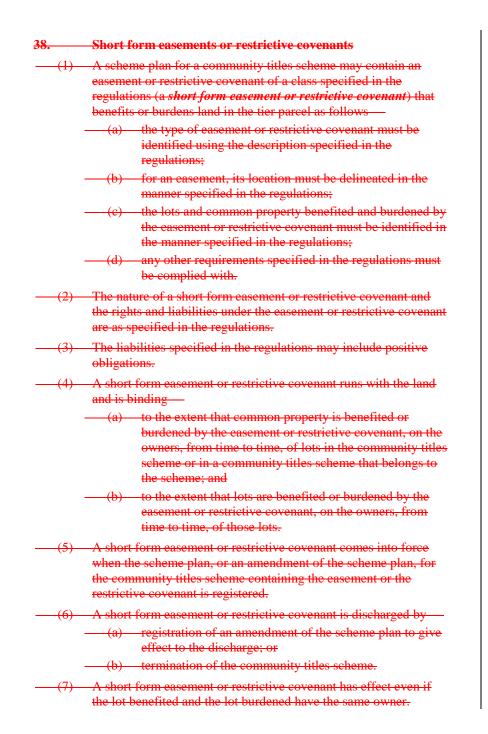
Compare 19 Nov 2018 [00-a0-01] / 06 Nov 2019 [00-b0-01] page 43

Extract from www.slp.wa.gov.au, see that website for further information

s. 38



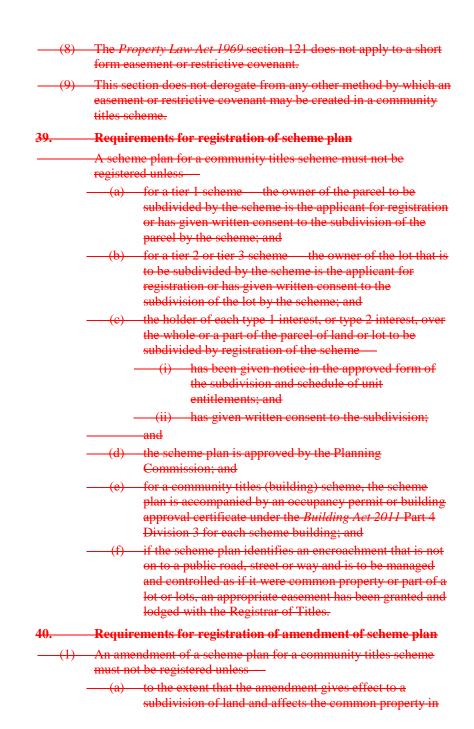
Part 4

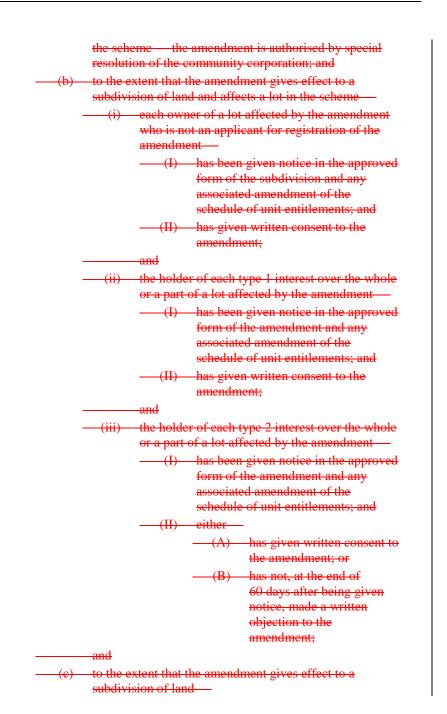


Compare 19 Nov 2018 [00-a0-01] / 06 Nov 2019 [00-b0-01] page 45
Extract from www.slp.wa.gov.au, see that website for further information

Part 4 Scheme documents **Division 2** Scheme plan

s. 39

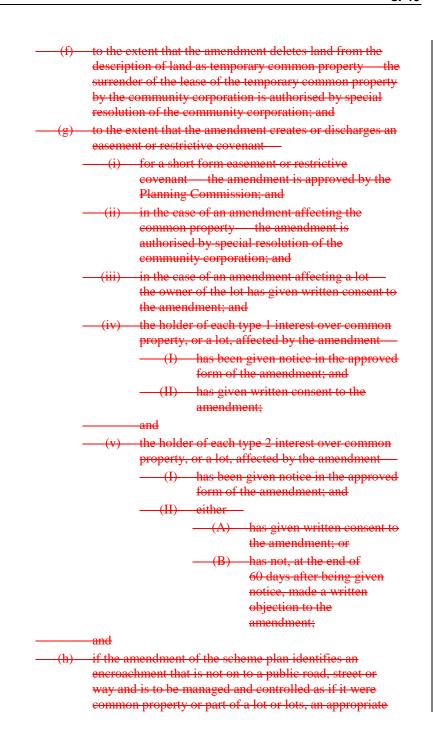




Compare 19 Nov 2018 [00-a0-01] / 06 Nov 2019 [00-b0-01] page 47
Extract from www.slp.wa.gov.au, see that website for further information



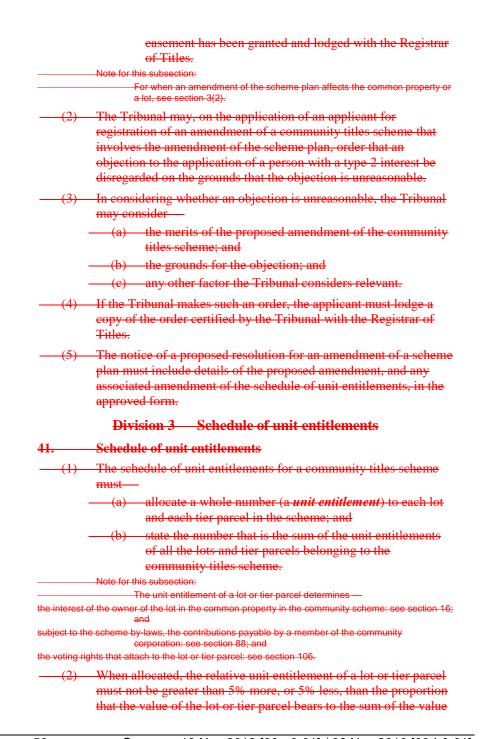
Compare 19 Nov 2018 [00-a0-01] / 06 Nov 2019 [00-b0-01] page 48 Extract from www.slp.wa.gov.au, see that website for further information



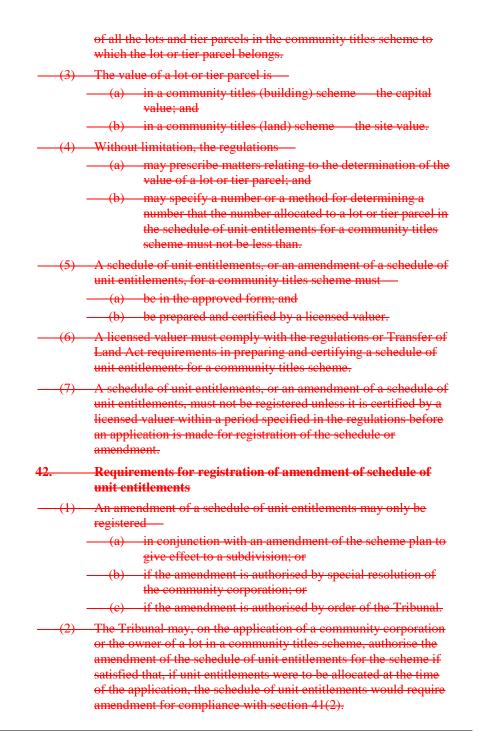
Part 4 Scheme documents

**Division 3** Schedule of unit entitlements

s. 41



Compare 19 Nov 2018 [00-a0-01] / 06 Nov 2019 [00-b0-01] Extract from www.slp.wa.gov.au, see that website for further information



Compare 19 Nov 2018 [00-a0-01] / 06 Nov 2019 [00-b0-01] page 51 Extract from www.slp.wa.gov.au, see that website for further information

If the Tribunal makes an order under this section, the applicant for the order must lodge a copy of the order certified by the Tribunal with the Registrar of Titles for registration of the amendment of the schedule of unit entitlements.

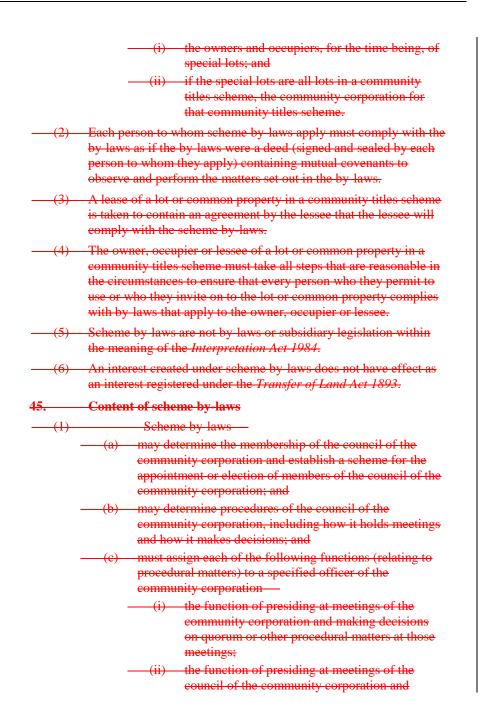
### **Division 4** Scheme by-laws

### Scheme by-laws

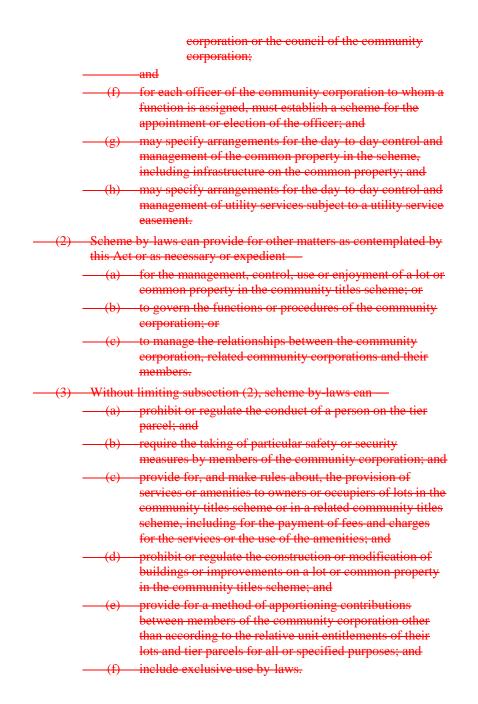
- (1) Scheme by laws registered when a community titles scheme is registered will be taken to have been made by the community corporation for the community titles scheme.
- Subject to this Act, the community corporation may make further scheme by laws by special resolution.
- The power to make scheme by laws includes power to amend or repeal scheme by laws in the same manner and on the same conditions as they are made.
- If scheme by laws purport to be made in exercise of a particular power or powers, they are also taken to be made in exercise of all powers under which they can be made.
- Scheme by laws may refer to, or incorporate, wholly or partially and with or without modification, scheme by-laws for any other community titles scheme in the community scheme as in force from time to time.
- (6) Scheme by laws must be in the approved form.

# **Application of scheme by-laws**

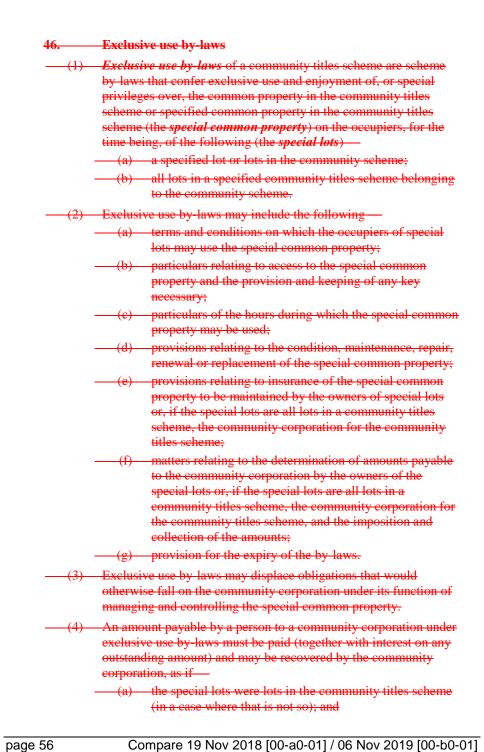
- (1) Scheme by laws may apply to the following
  - (a) the community corporation for the community titles scheme;
  - a member, for the time being, of the community <del>(b)</del> corporation for the community titles scheme;
  - the members of a community corporation for a community titles scheme that belongs to the community titles scheme;
  - an occupier or lessee, for the time being, of a lot in the community titles scheme;
  - an occupier or lessee, for the time being, of common property in the community titles scheme or in a community titles scheme that belongs to the community titles scheme;
  - in the case of exclusive use by laws

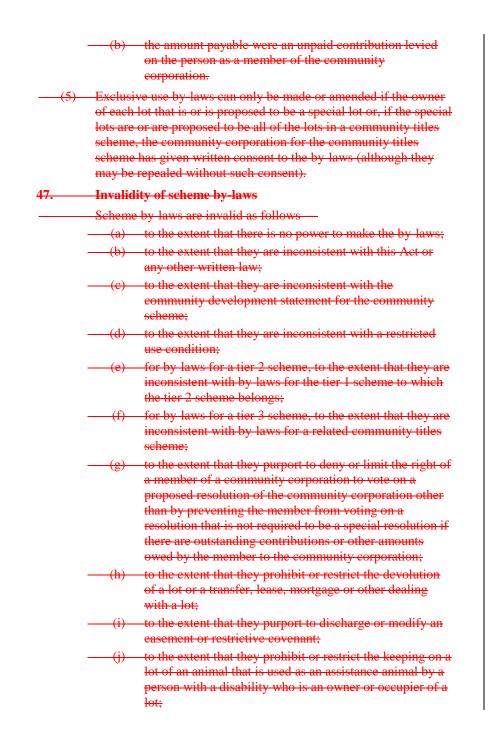




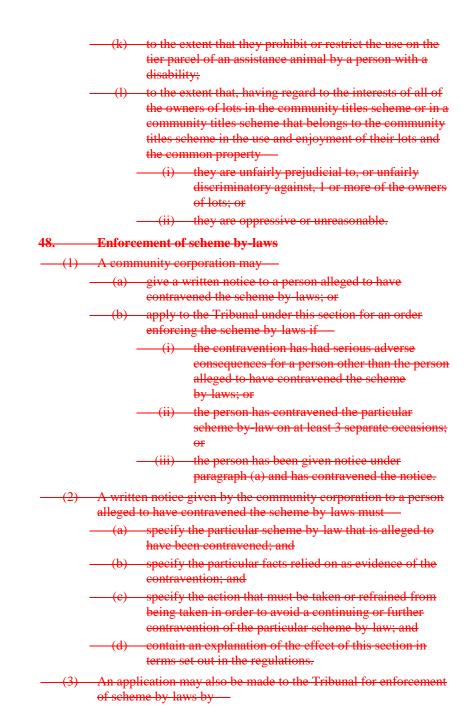


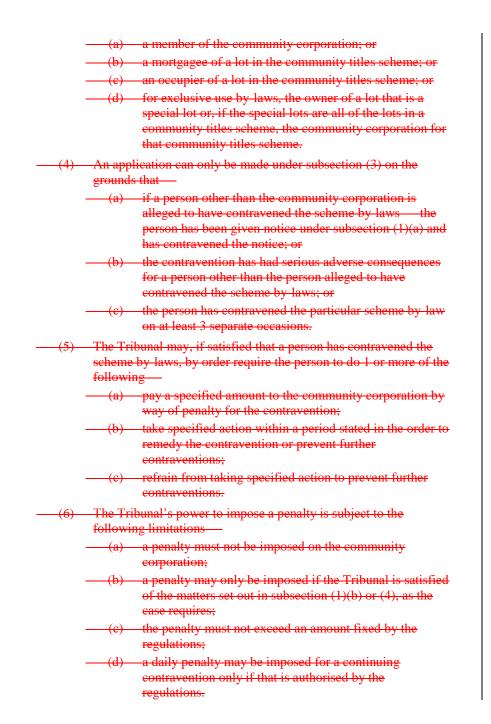
Compare 19 Nov 2018 [00-a0-01] / 06 Nov 2019 [00-b0-01] page 55 Extract from www.slp.wa.gov.au, see that website for further information





Compare 19 Nov 2018 [00-a0-01] / 06 Nov 2019 [00-b0-01] page 57 Extract from www.slp.wa.gov.au, see that website for further information

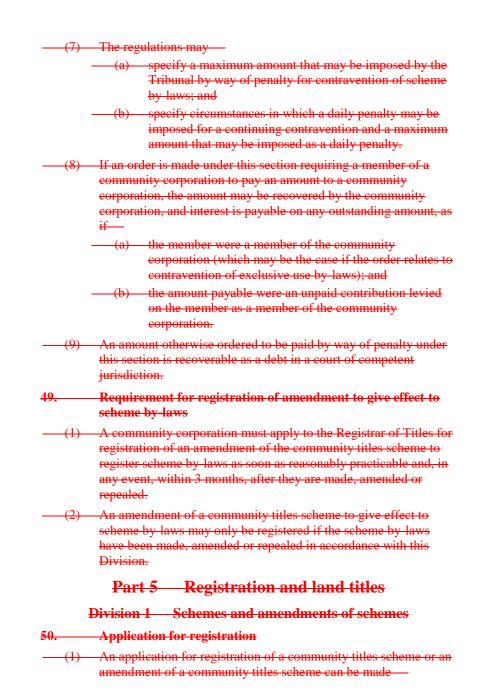


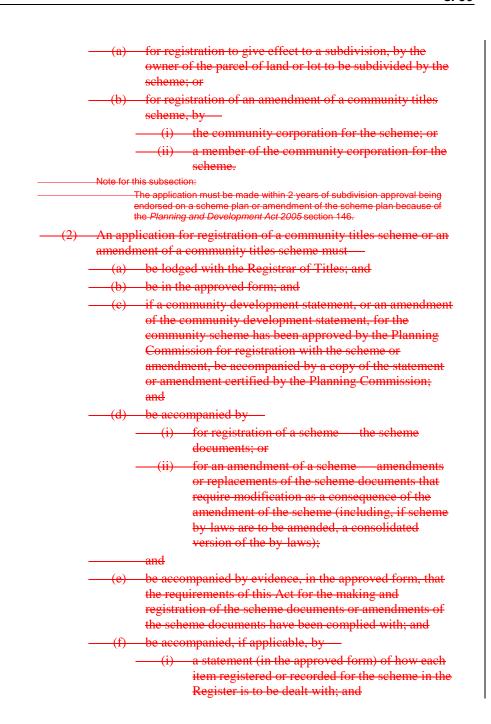


Part 5 Registration and land titles

**Division 1** Schemes and amendments of schemes

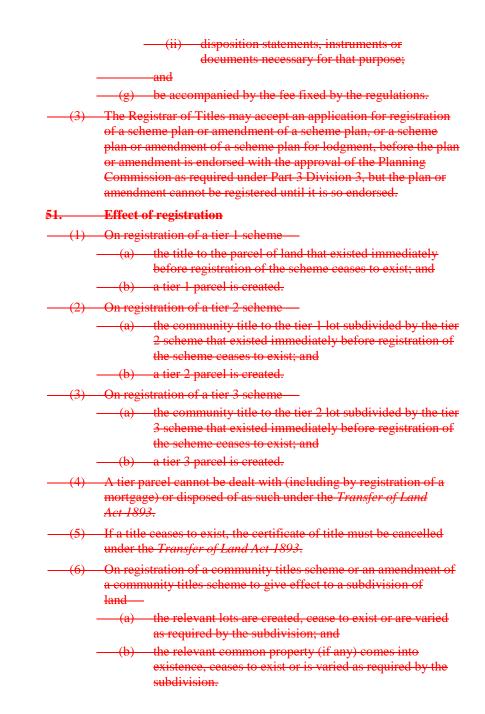
s. 49



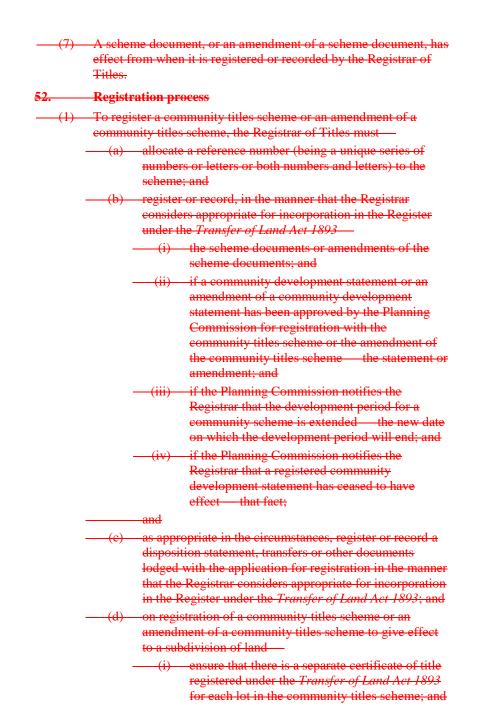


Compare 19 Nov 2018 [00-a0-01] / 06 Nov 2019 [00-b0-01] page 61

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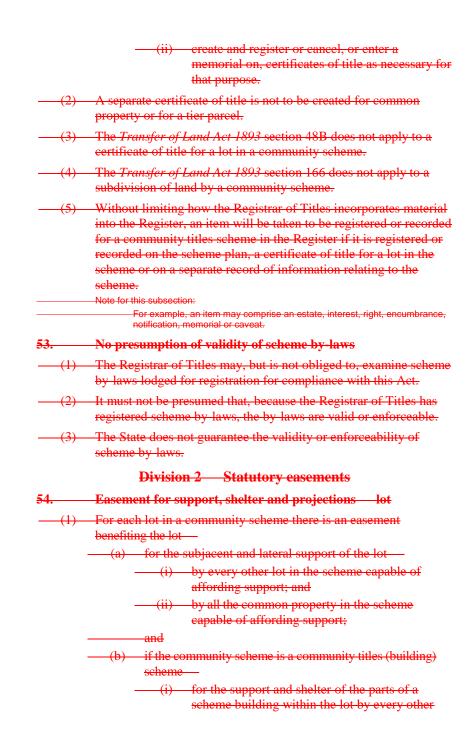
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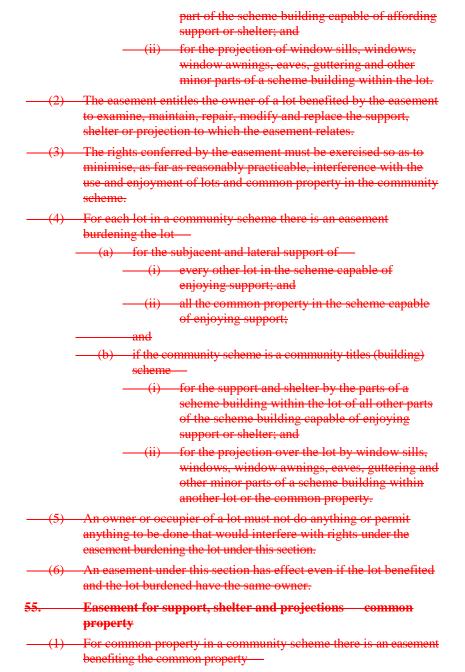
Compare 19 Nov 2018 [00-a0-01] / 06 Nov 2019 [00-b0-01] page 63 Extract from www.slp.wa.gov.au, see that website for further information

Part 5 Registration and land titles **Division 2** Statutory easements

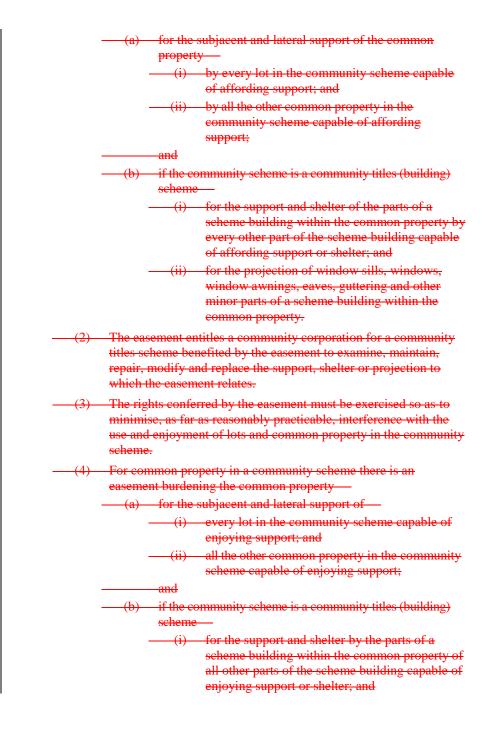
s. 53



s. 55

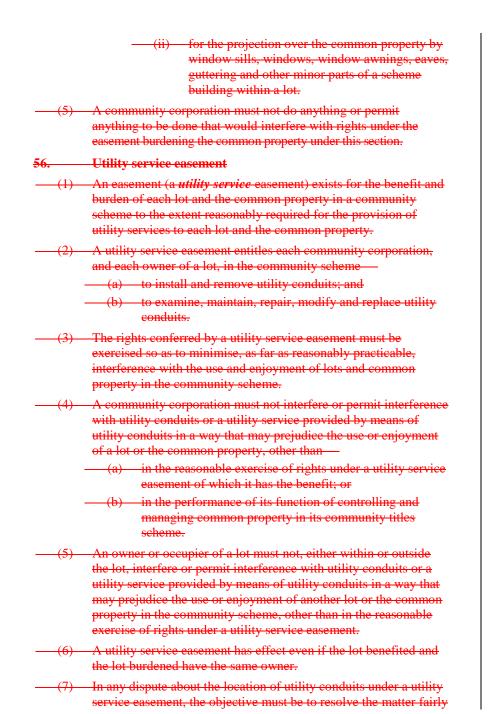


Compare 19 Nov 2018 [00-a0-01] / 06 Nov 2019 [00-b0-01] page 65
Extract from www.slp.wa.gov.au, see that website for further information



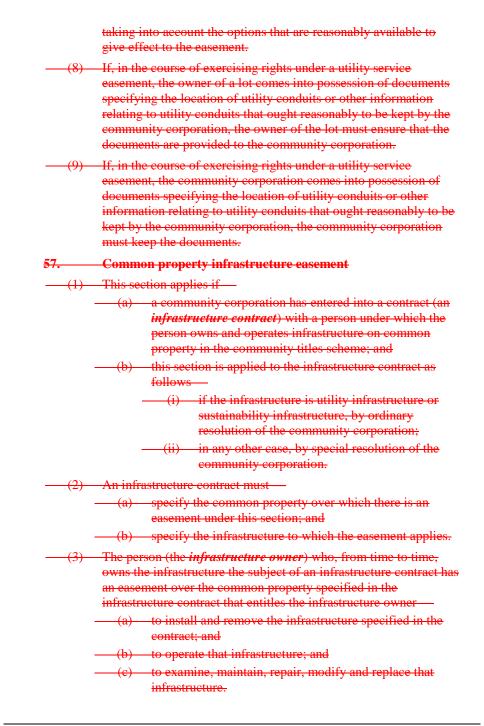
Compare 19 Nov 2018 [00-a0-01] / 06 Nov 2019 [00-b0-01] page 66 Extract from www.slp.wa.gov.au, see that website for further information

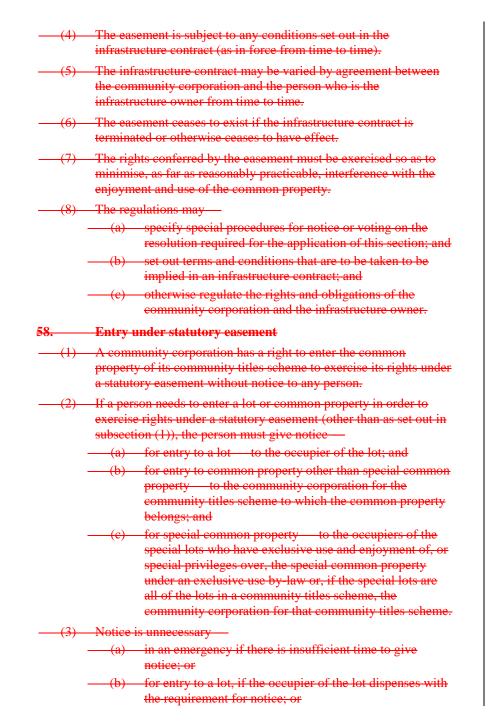
s. 56



Part 5 Registration and land titles **Division 2** Statutory easements

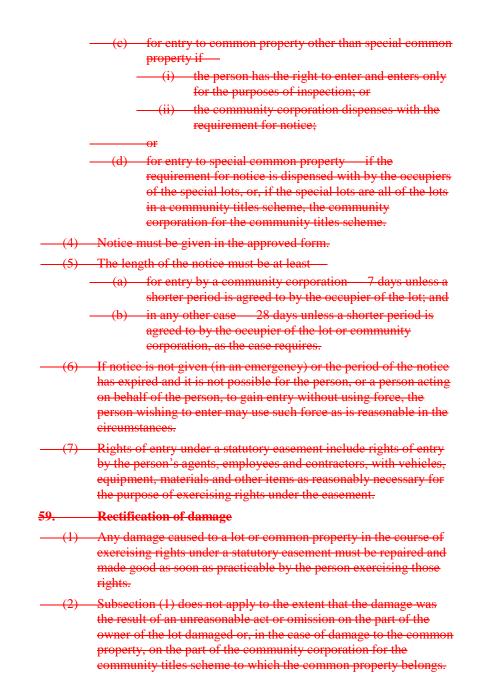
s. 57





Part 5 Registration and land titles
Division 3 Rates, taxes and charges

s. 59



# **Division 3** Rates, taxes and charges

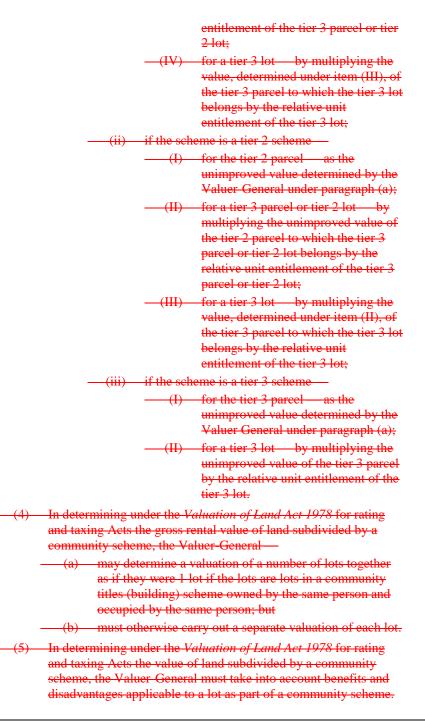
# Arrangements for sharing of information

The Registrar of Titles must enter into arrangements with the Valuer General and rating and taxing authorities (within the meaning of the Valuation of Land Act 1978 section 4(1)) for the sharing of information about community schemes as reasonably required for the administration of rating and taxing Acts.

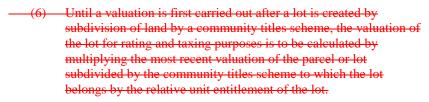
## Valuation for rating and taxing

- In determining under the Valuation of Land Act 1978 for rating and taxing Acts the unimproved value of land subdivided by a community titles (land) scheme, the Valuer General must carry out a separate valuation of each lot as a separate parcel of land owned by the owner of the lot.
- However, if a tier 1 or tier 2 community titles (land) scheme includes a tier parcel that is subdivided by a community titles (building) scheme, the valuation of lots in that community titles (building) scheme for rating and taxing Acts is to be governed by subsection (3).
- In determining under the Valuation of Land Act 1978 for rating and taxing Acts the unimproved value of land subdivided by a community titles (building) scheme
  - the Valuer General must value the tier parcel of the community titles (building) scheme as if it were a separate parcel of land owned by the community corporation; and
  - the value of tier parcels and lots is to be determined as
    - (i) if the scheme is a tier 1 scheme
      - (I) for the tier 1 parcel as the unimproved value determined by the Valuer General under paragraph (a);
      - (II) for a tier 2 parcel or tier 1 lot by multiplying the unimproved value of the tier 1 parcel by the relative unit entitlement of the tier 2 parcel or tier 1 lot;
      - for a tier 3 parcel or tier 2 lot by multiplying the value, determined under item (II), of the tier 2 parcel to which the tier 3 parcel or tier 2 lot belongs by the relative unit

Compare 19 Nov 2018 [00-a0-01] / 06 Nov 2019 [00-b0-01] page 71



page 72 Compare 19 Nov 2018 [00-a0-01] / 06 Nov 2019 [00-b0-01] Extract from www.slp.wa.gov.au, see that website for further information



#### **Objections**

- For an objection to a valuation of a tier parcel of a community titles scheme under the Valuation of Land Act 1978, the community corporation is to be regarded as a person liable to pay a rate or tax assessed in respect of the tier parcel.
- On receiving an objection made by the owner of a lot in a community scheme under the Valuation of Land Act 1978 to a valuation, the Valuer General
  - (a) must inform the community corporation for the community titles scheme to which the lot belongs of the objection and the grounds on which it has been made;
  - may consolidate the objection with any other objection made in respect of the valuation of other land subdivided by the community scheme and may deal with the objections together.
- An objection made by the owner of a lot in a community scheme under the Valuation of Land Act 1978 to a valuation may involve an objection to a valuation of the tier parcel of the community titles scheme to which the lot belongs or to any community titles scheme to which that scheme belongs.

## Rating and taxing

- (1) For rating and taxing Acts
  - (a) the owner of a lot is liable for the rate or tax as if the lot were a separate parcel of land (subject to any exemptions or concessions); and
  - (b) no rate or tax is payable by a community corporation.
- (2) If part of a tier parcel is rateable for rates for water, sewerage or drainage services, the rateable value of that part is to be the value of the tier parcel after deducting the value of any lot assessed and rated separately and in which the water, sewerage or drainage service, as the case may be, is exclusively for the use and benefit of the lot.

Compare 19 Nov 2018 [00-a0-01] / 06 Nov 2019 [00-b0-01] page 73 Extract from www.slp.wa.gov.au, see that website for further information

(3) If part only of a lot is liable to a rate or tax, that rate or tax is to be applied to an amount that bears the same proportion to the value of the lot as the gross rental value of the part so liable bears to the gross rental value of the lot.

#### 64. Charges for water supplied

If an authority (including a licensee within the meaning given in the *Water Services Act 2012* section 3(1)) provides 1 water supply connection to a tier parcel and the quantity of water used by each lot belonging to the tier parcel is not measured, the charges that may become payable according to the quantity of water used are payable by the community corporation to the authority and are recoverable as a debt in a court of competent jurisdiction.

## Part 6 Original subdivision owner

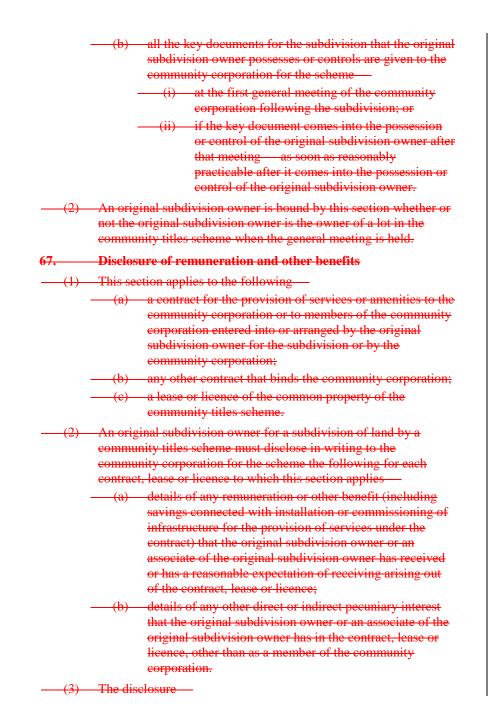
## 65. First statutory general meeting

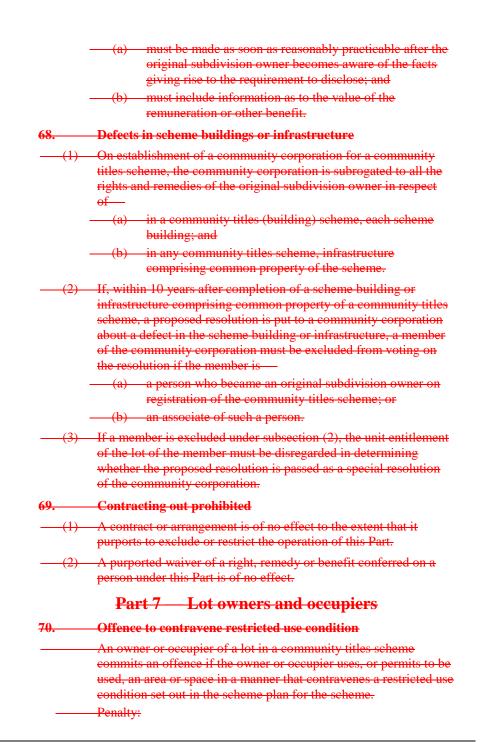
- (1) An original subdivision owner for the initial subdivision of land by registration of a community titles scheme must, within 3 months after that registration, convene a general meeting of the community corporation for the scheme.
- (2) The original subdivision owner must do so even if the original subdivision owner is no longer a member of the community corporation and even if there are no other members of the community corporation.
- (3) If there is another member of the community corporation, a member of the community corporation may convene the meeting if the original subdivision owner fails to do so.
- (4) The first statutory general meeting is to be conducted as an annual general meeting of the community corporation and the obligations that would usually fall on the community corporation fall instead on the original subdivision owner.
- (5) The person who convenes the meeting is to preside at the meeting or nominate someone to preside at the meeting.

#### 66. Key documents

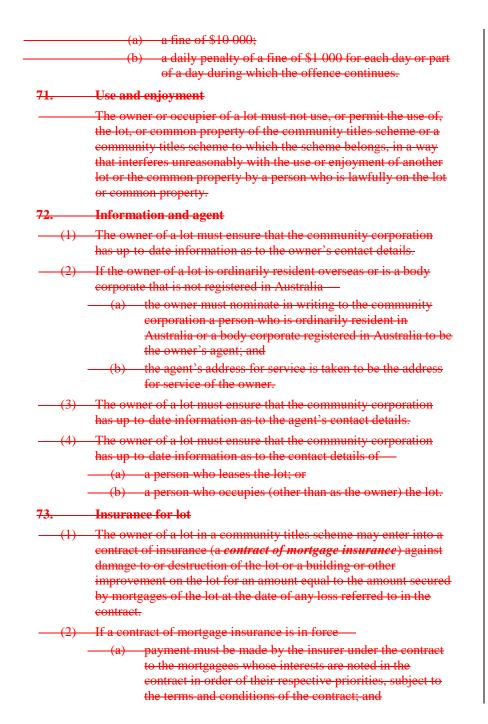
- (1) An original subdivision owner for a subdivision of land by a community titles scheme must ensure that
  - (a) all the key documents for the subdivision that come into the possession or control of the original subdivision owner are retained; and

page 74 Compare 19 Nov 2018 [00-a0-01] / 06 Nov 2019 [00-b0-01] Extract from www.slp.wa.gov.au, see that website for further information





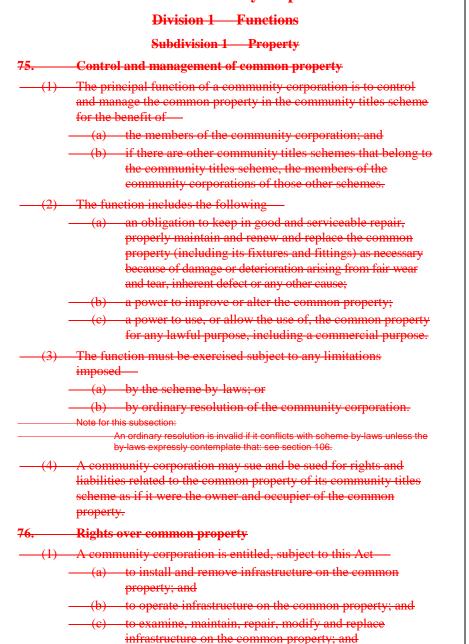
Compare 19 Nov 2018 [00-a0-01] / 06 Nov 2019 [00-b0-01] page 76 Extract from www.slp.wa.gov.au, see that website for further information



Compare 19 Nov 2018 [00-a0-01] / 06 Nov 2019 [00-b0-01] page 77
Extract from www.slp.wa.gov.au, see that website for further information

	(b) subject to the terms and conditions of the contract, the insurer is liable to pay the lesser of the following
	— (i) the value stated in the contract;
	— (ii) the amount of the loss;
	— (iii) the amount sufficient, at the date of the loss, to
	discharge mortgages of the lot;
	<del>and</del>
	(c) if the amount so paid by the insurer equals the amount
	necessary to discharge a mortgage of the lot, the insurer
	is entitled to an assignment of that mortgage; and
	— (d) if the amount so paid by the insurer is less than the
	amount necessary to discharge a mortgage of the lot, the
	insurer is entitled, in order to secure the amount so paid,
	to have the mortgage transferred to the insurer and the mortgagee as tenants in common in undivided shares
	proportional to the amount paid by the insurer and the
	balance necessary to discharge the mortgagee's interest.
<del>(3)</del>	A contract of mortgage insurance is not liable to be brought into contribution with any other contract of mortgage insurance unless both contracts cover the same lot and relate to the same mortgage debt.
<del>(4)</del>	Nothing in this Act limits the right of the owner of a lot to effect insurance for the lot.
<del>74.</del>	Person to act for lot owner in certain circumstances
<del>(1)</del>	If the owner of a lot cannot be located after reasonable enquiry or
	the owner lacks the capacity to vote or consent to a matter under
	this Act, an application for an order under this section may be
	made to the Tribunal by the community corporation or a person who the Tribunal considers has a proper interest in the matter.
<del>- (2)</del>	The Tribunal may, on an application under this section, by order—
	(a) dispense with the requirement for the owner to vote or
	consent on a particular matter; or
	(b) authorise the Public Trustee under the Public Trustee
	Act 1941 or another specified person (with that person's
	consent) to exercise all or specified powers of the person under this Act as the owner of a lot.
	under this Act as the owner of a fot.

## Part 8 Community corporation

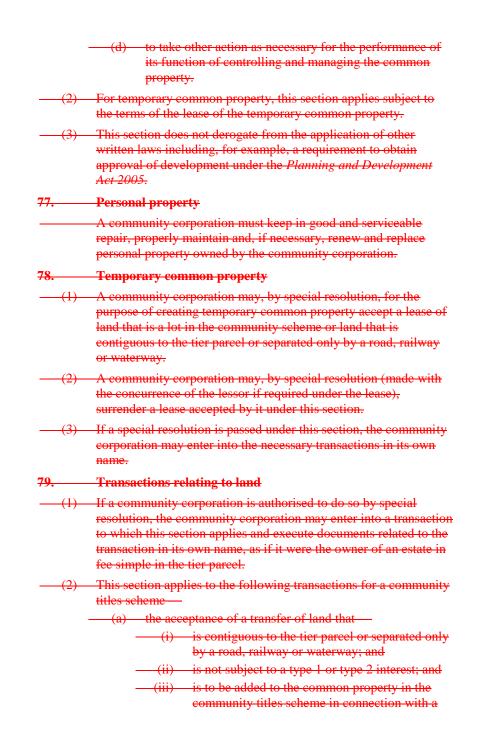


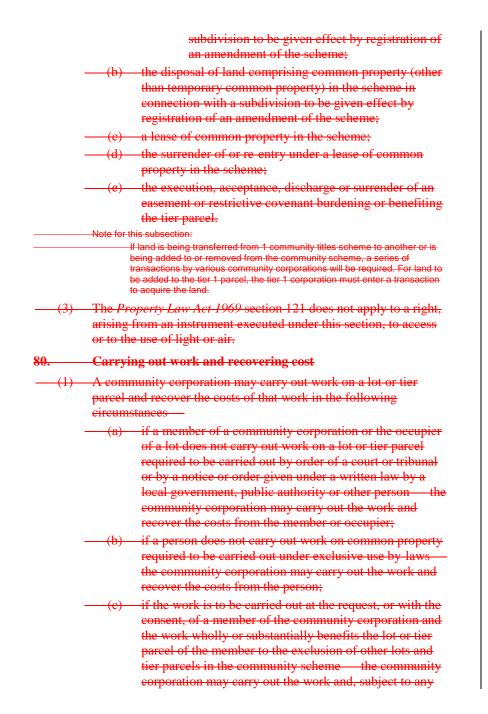
## **Community Titles Act 2018**

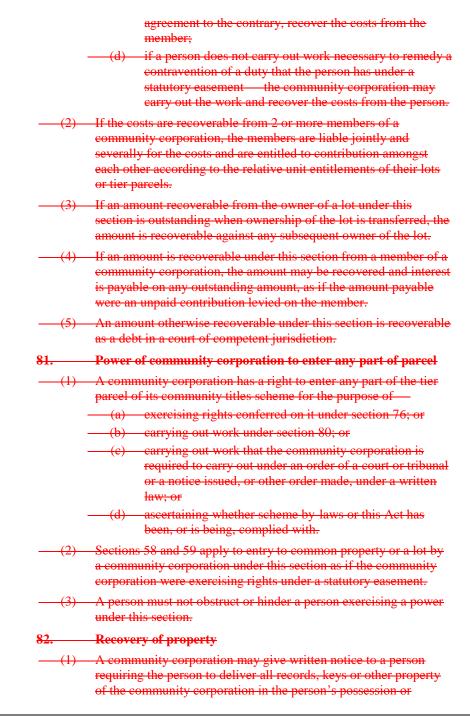
Part 8 Community corporation

Division 1 Functions

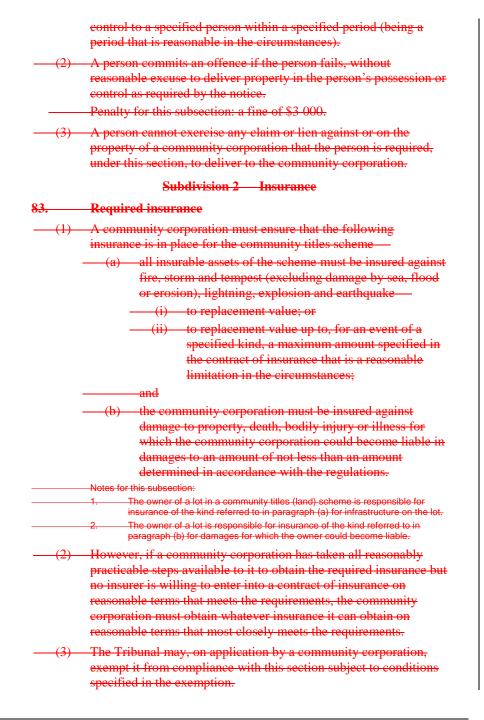
s. 77



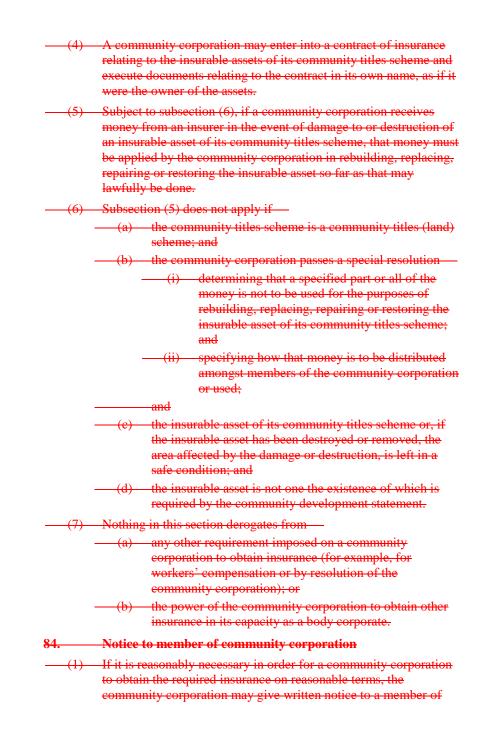


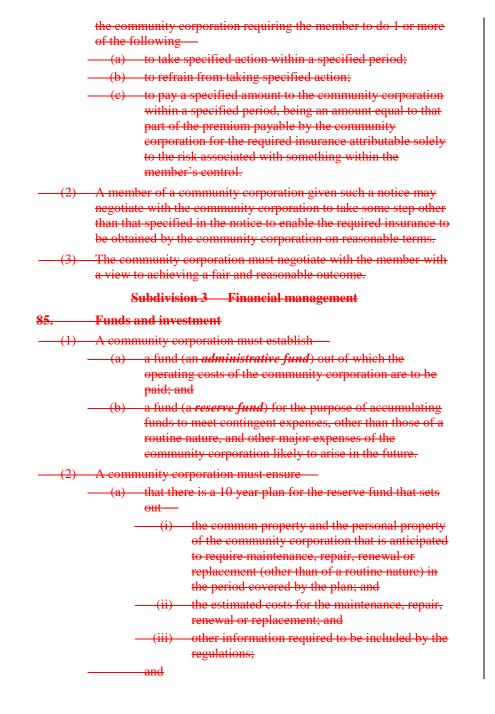


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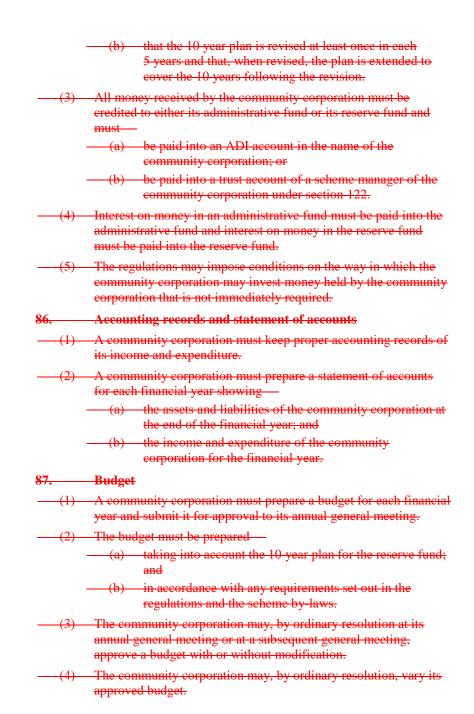


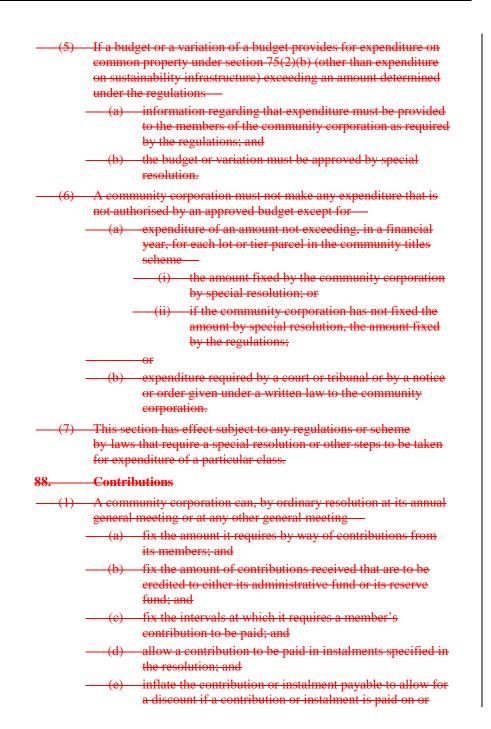
Compare 19 Nov 2018 [00-a0-01] / 06 Nov 2019 [00-b0-01] page 83 Extract from www.slp.wa.gov.au, see that website for further information

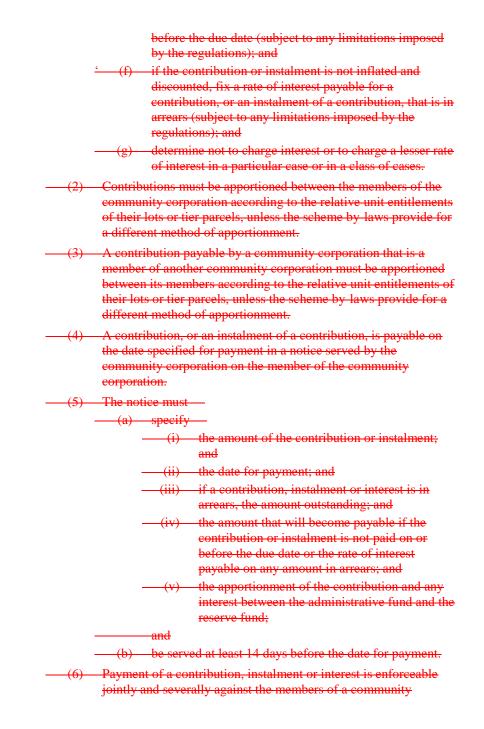




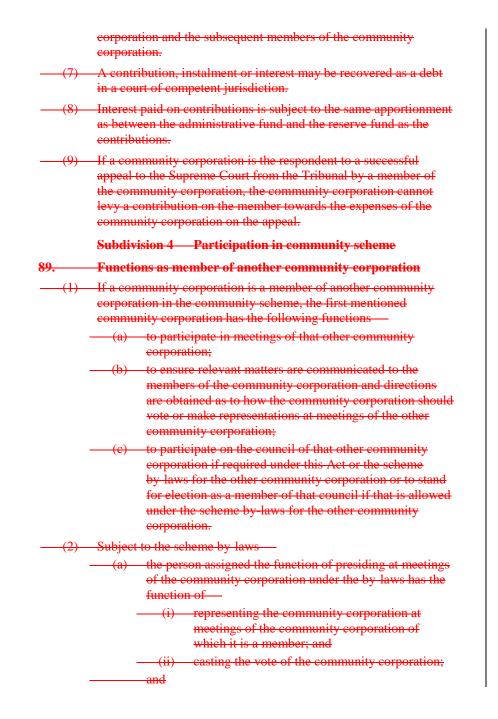
Compare 19 Nov 2018 [00-a0-01] / 06 Nov 2019 [00-b0-01] page 85
Extract from www.slp.wa.gov.au, see that website for further information

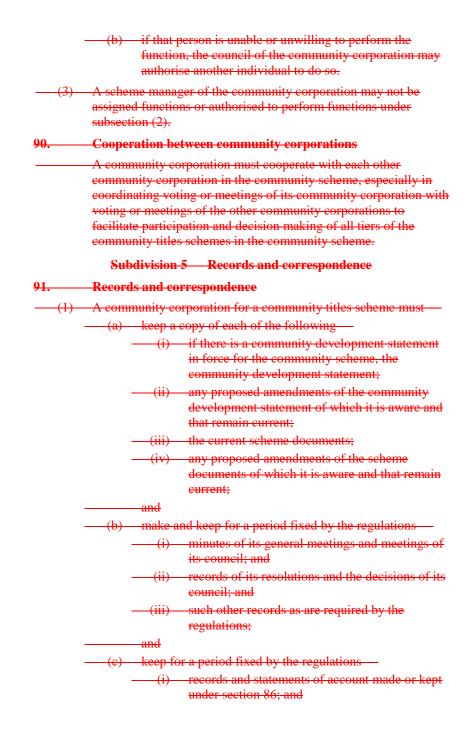




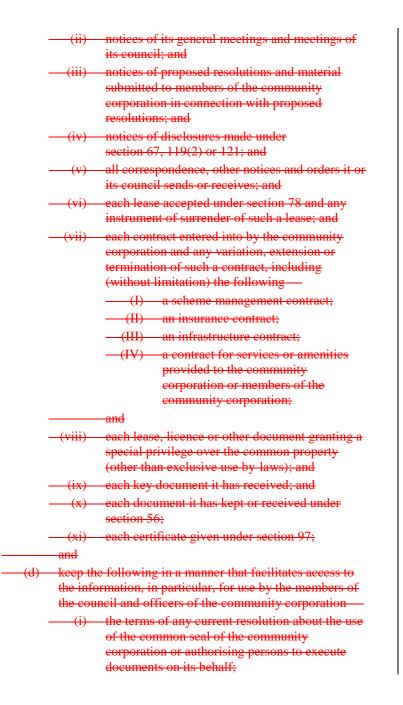


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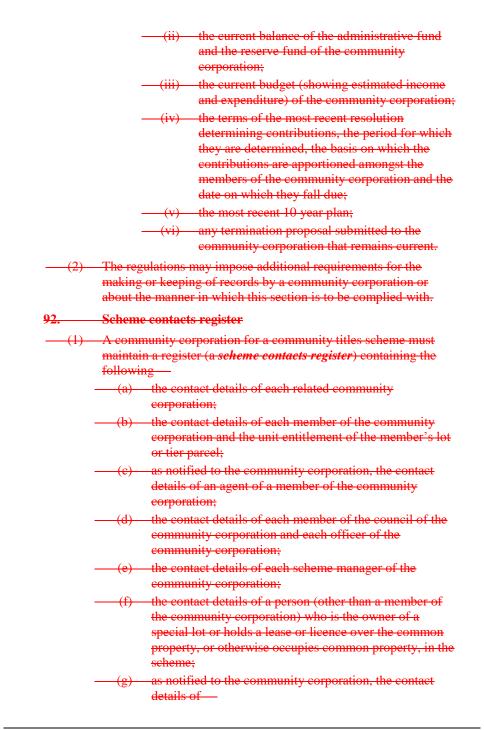


Compare 19 Nov 2018 [00-a0-01] / 06 Nov 2019 [00-b0-01]

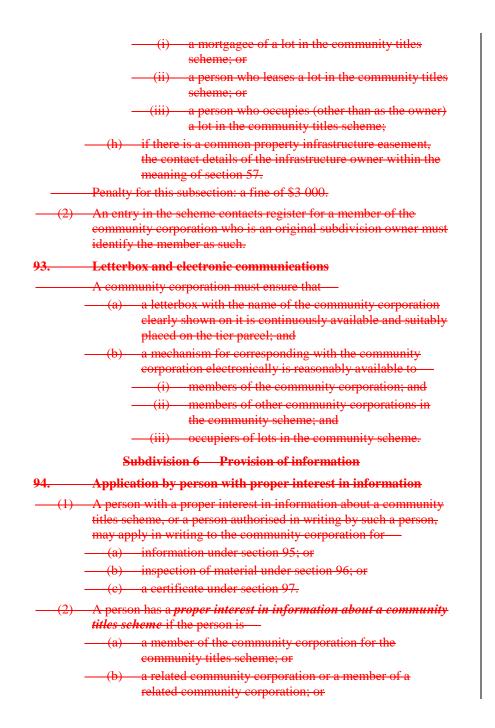


Compare 19 Nov 2018 [00-a0-01] / 06 Nov 2019 [00-b0-01] page 91

Extract from www.slp.wa.gov.au, see that website for further information



Compare 19 Nov 2018 [00-a0-01] / 06 Nov 2019 [00-b0-01]



Compare 19 Nov 2018 [00-a0-01] / 06 Nov 2019 [00-b0-01] page 93 Extract from www.slp.wa.gov.au, see that website for further information

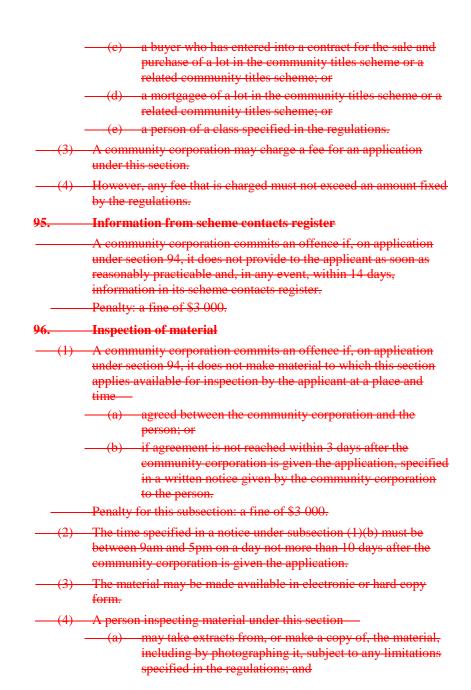
## **Community Titles Act 2018**

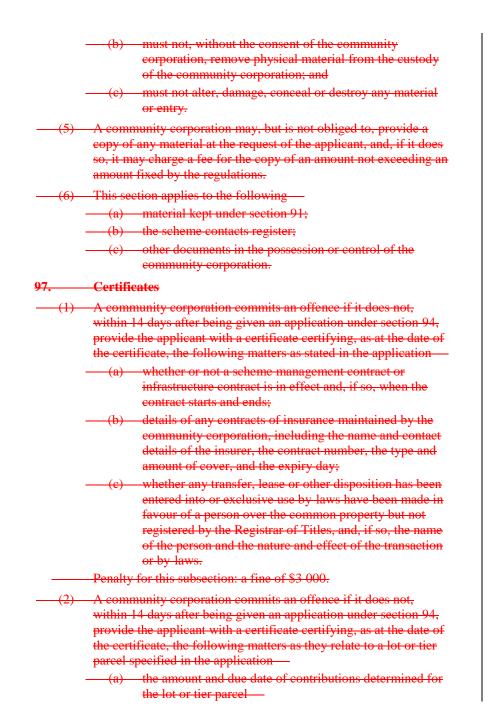
Part 8 Community corporation

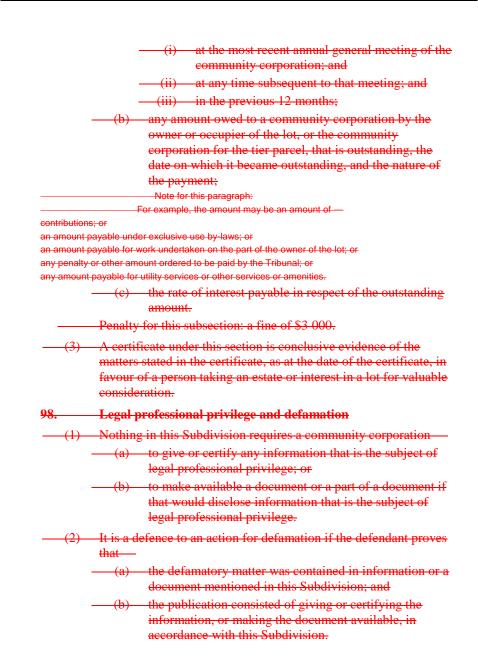
**Functions** 

s. 95

**Division 1** 







# **Subdivision 7** Miscellaneous powers Compliance with scheme by-laws A community corporation has the function of complying with the scheme by laws and enforcing compliance with those by laws by others to whom they apply. <del>100.</del> Enforcement of road laws A community corporation may enter into a contract or arrangement with a local government about the enforcement of laws relating to roads on the tier parcel of its community titles scheme. Enforcement of local laws A community corporation may enter into a contract or arrangement with a local government about the enforcement of a local law on the tier parcel of its community titles scheme. Termination of certain services or amenities contracts (1) This section applies to a contract if (a) it relates to the provision of services or amenities to a community corporation or members of the community corporation; and it was made before registration of the community titles scheme or when (i) the lots in the community titles scheme of 1 member of the community corporation had a relative unit entitlement of 50% or more; or the relative unit entitlement of 1 tier parcel in the community titles scheme had a relative unit entitlement of 50% or more and the lots of 1 member of the community corporation for the community titles scheme for that parcel had a relative unit entitlement of 50% or more; or 1 person otherwise controlled 50% or more of the voting power of the members of the community corporation. There is implied in a contract to which this section applies a provision that the community corporation may terminate the contract, by written notice to every other party to the contract, after 5 years have passed since the contract was made. No cause of action against a person arises from the exercise of the

Compare 19 Nov 2018 [00-a0-01] / 06 Nov 2019 [00-b0-01] page 97
Extract from www.slp.wa.gov.au, see that website for further information

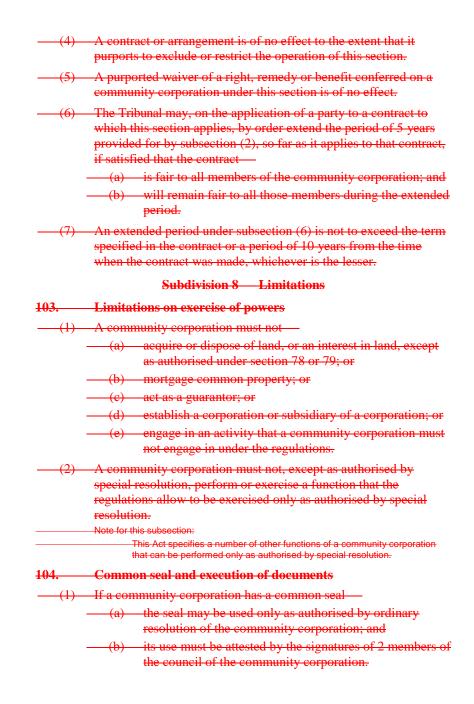
power referred to in subsection (2).

## Community Titles Act 2018

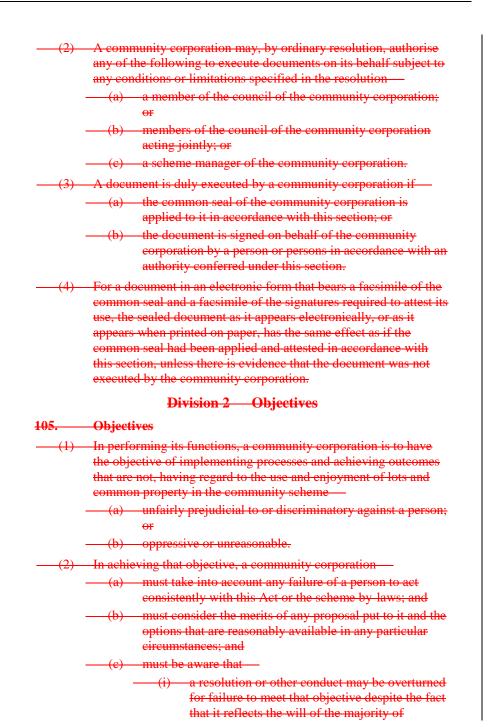
Part 8 Community corporation

**Division 1 Functions** 

s. 103



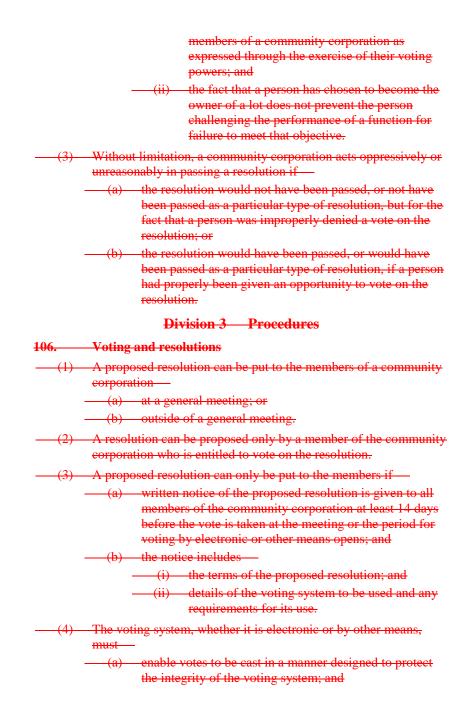
page 98

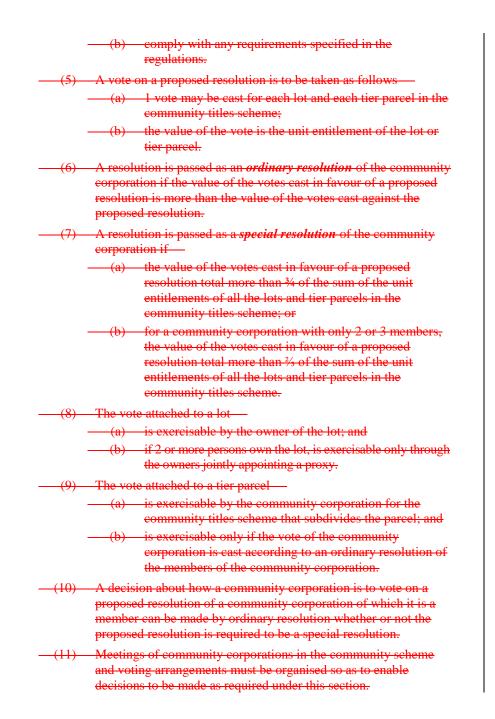


Part 8 Community corporation

**Division 3 Procedures** 

s. 106



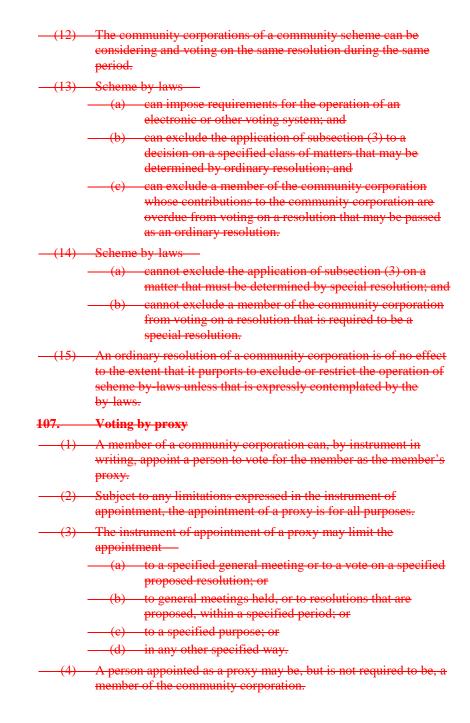


## Community Titles Act 2018

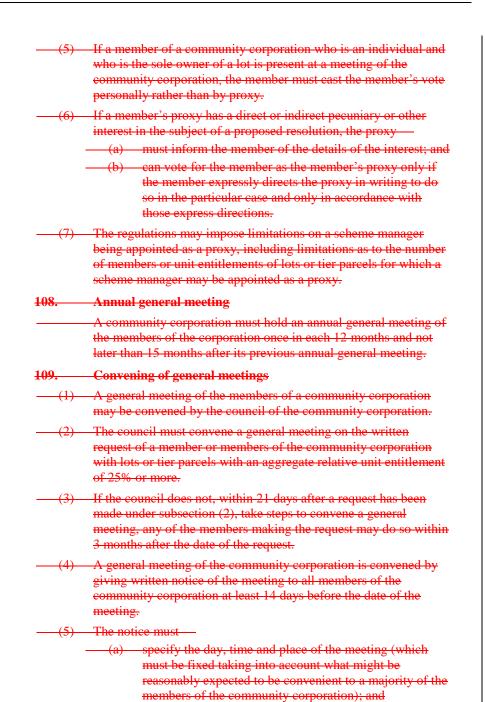
Part 8 Community corporation

**Division 3 Procedures** 

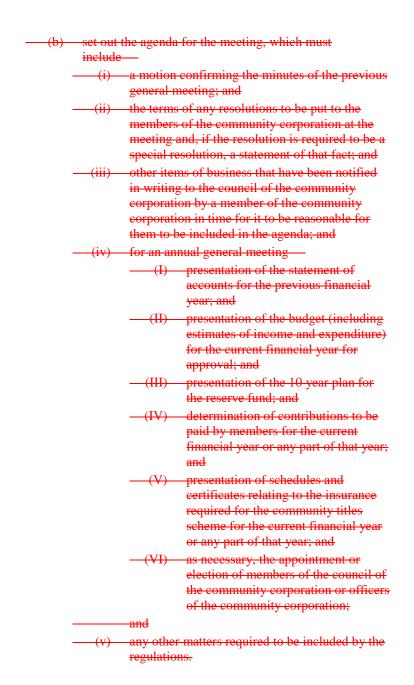
s. 107



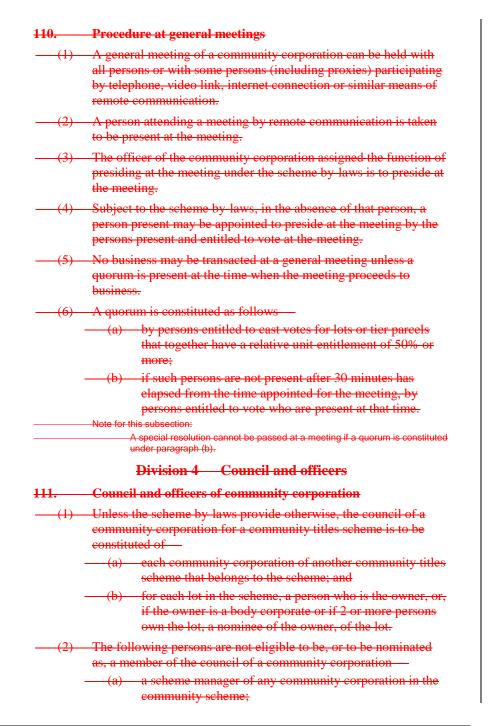
Compare 19 Nov 2018 [00-a0-01] / 06 Nov 2019 [00-b0-01]

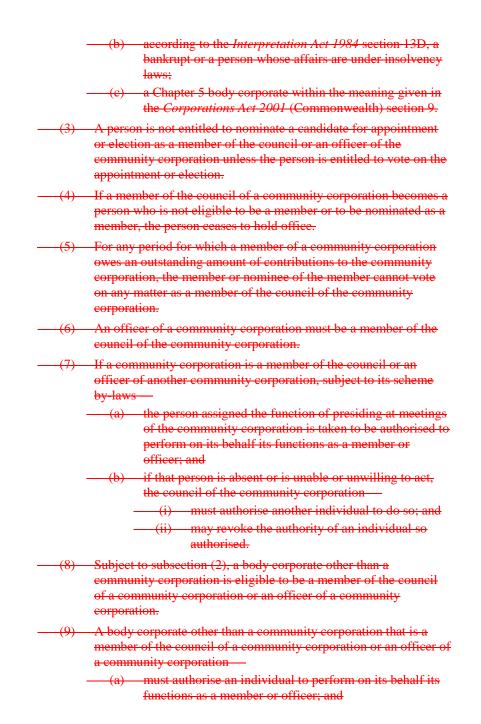


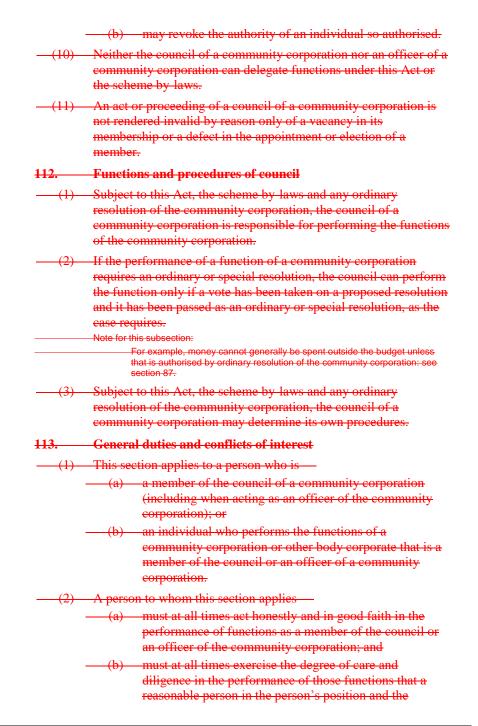
Compare 19 Nov 2018 [00-a0-01] / 06 Nov 2019 [00-b0-01] page 103 Extract from www.slp.wa.gov.au, see that website for further information



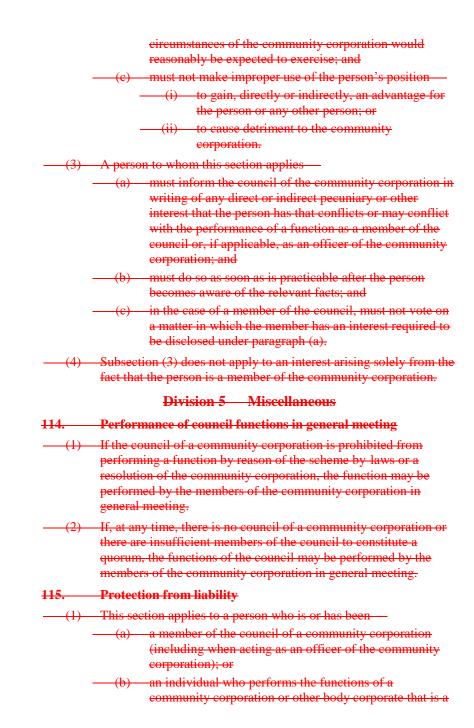
page 104 Compare 19 Nov 2018 [00-a0-01] / 06 Nov 2019 [00-b0-01]



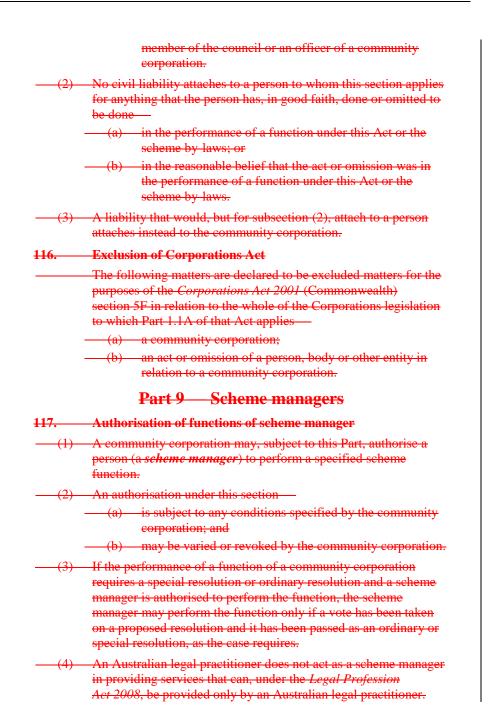




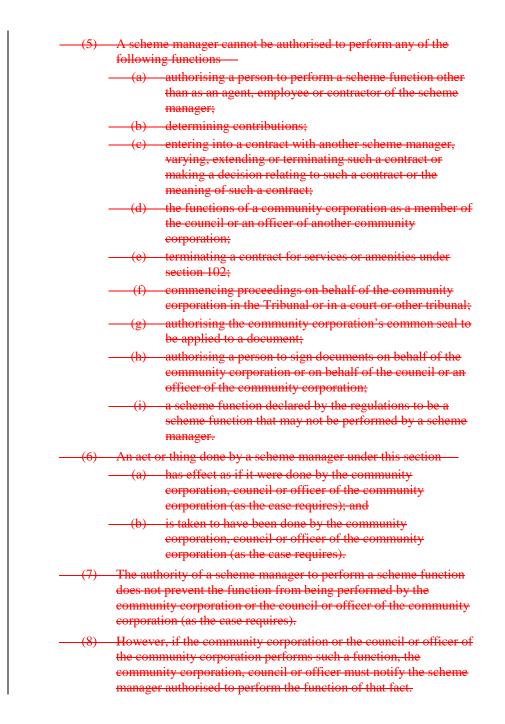
Compare 19 Nov 2018 [00-a0-01] / 06 Nov 2019 [00-b0-01] page 107 Extract from www.slp.wa.gov.au, see that website for further information



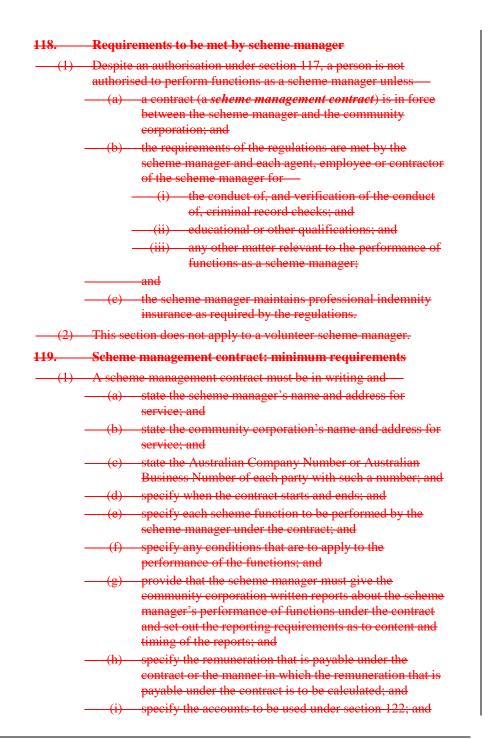
Compare 19 Nov 2018 [00-a0-01] / 06 Nov 2019 [00-b0-01] Extract from www.slp.wa.gov.au, see that website for further information



### s. 118

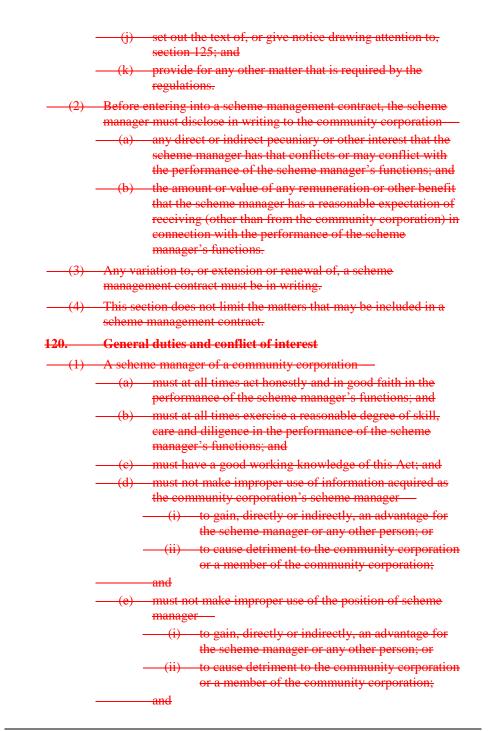


Compare 19 Nov 2018 [00-a0-01] / 06 Nov 2019 [00-b0-01] page 110 Extract from www.slp.wa.gov.au, see that website for further information

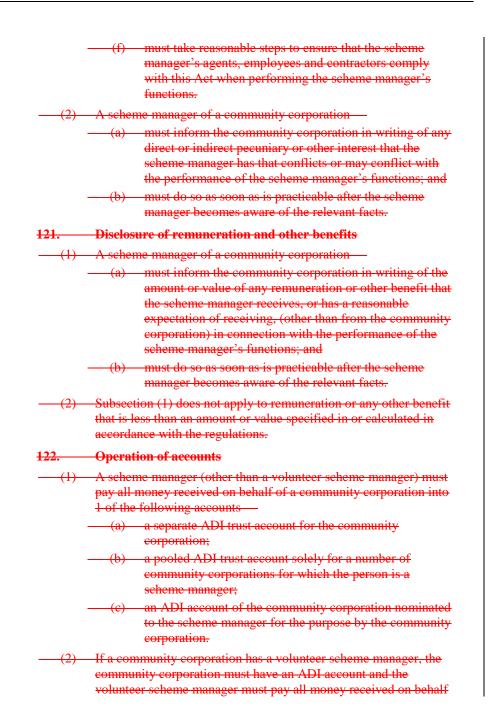


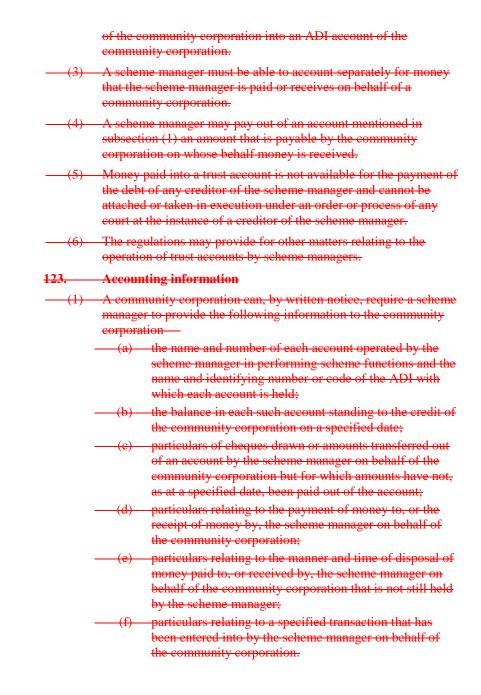
Compare 19 Nov 2018 [00-a0-01] / 06 Nov 2019 [00-b0-01] page 111 Extract from www.slp.wa.gov.au, see that website for further information

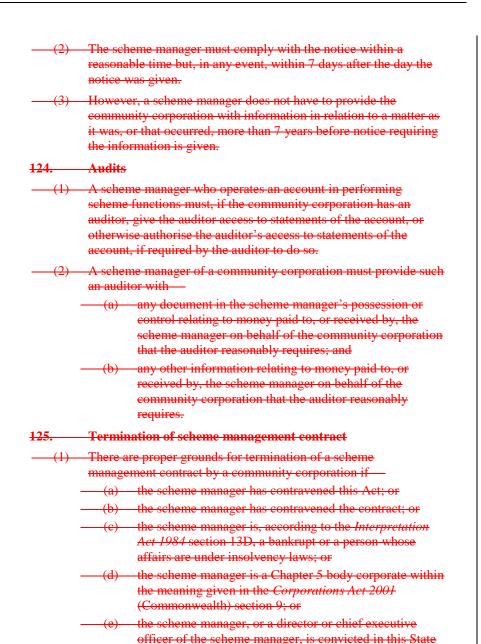
### s. 120



Compare 19 Nov 2018 [00-a0-01] / 06 Nov 2019 [00-b0-01] page 112 Extract from www.slp.wa.gov.au, see that website for further information





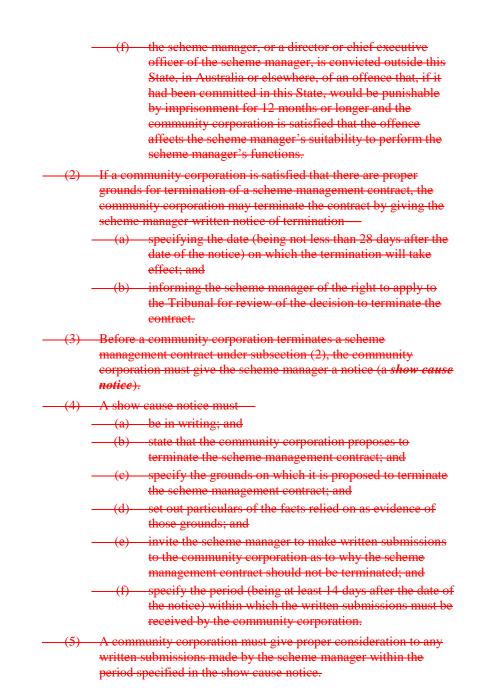


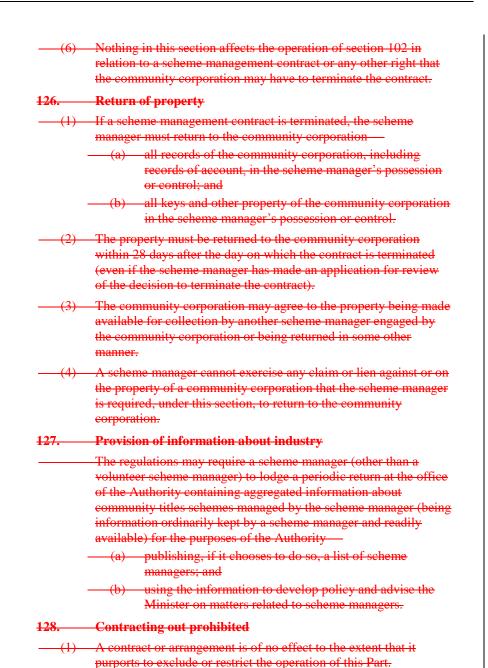
Compare 19 Nov 2018 [00-a0-01] / 06 Nov 2019 [00-b0-01] page 115

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perform the scheme manager's functions; or

of an offence punishable by imprisonment for 12 months or longer and the community corporation is satisfied that the offence affects the scheme manager's suitability to



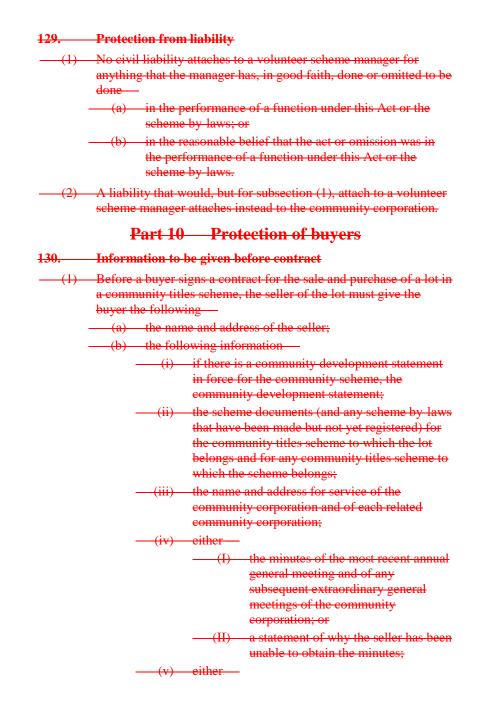


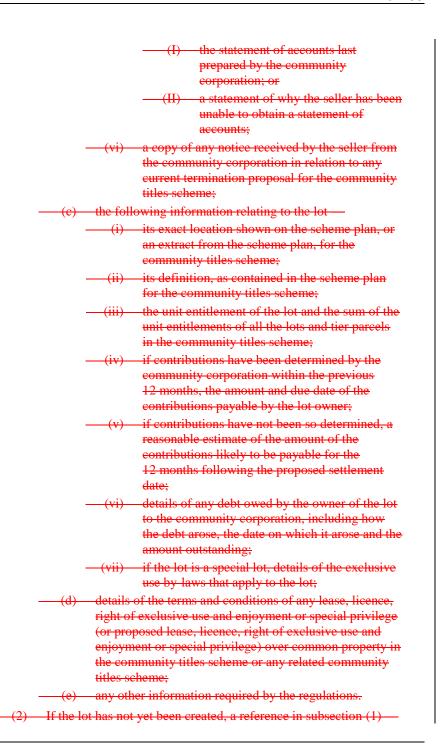
Compare 19 Nov 2018 [00-a0-01] / 06 Nov 2019 [00-b0-01] page 117

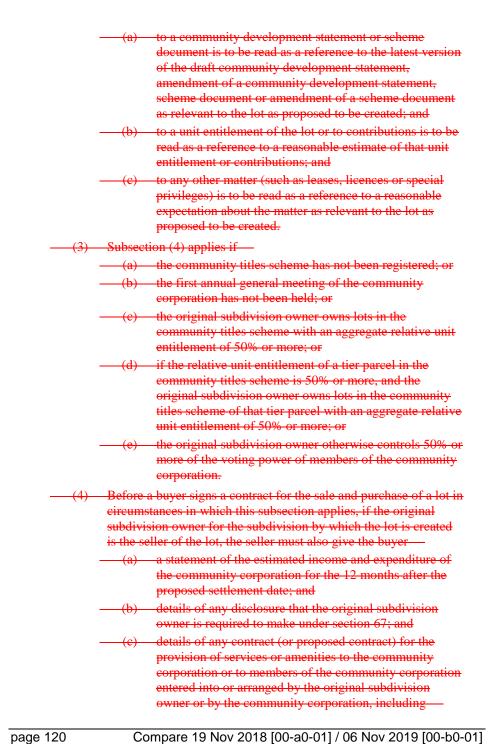
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person under this Part is of no effect.

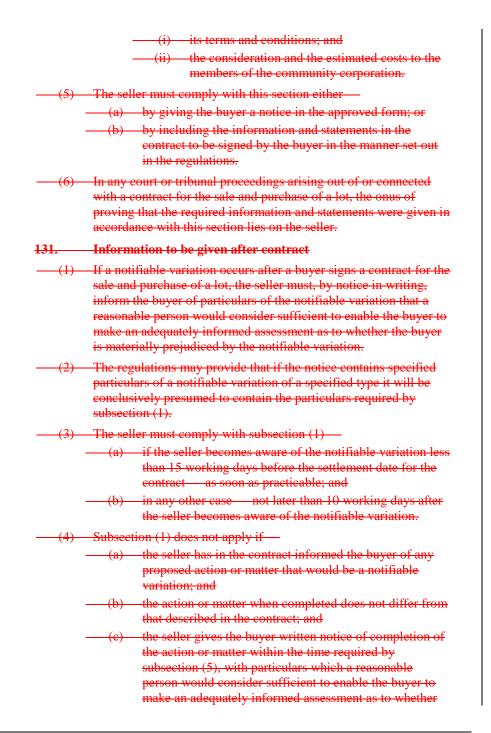
A purported waiver of a right, remedy or benefit conferred on a



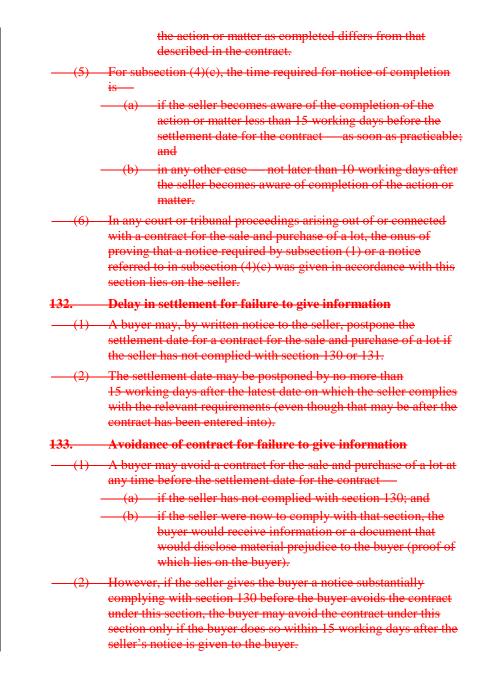


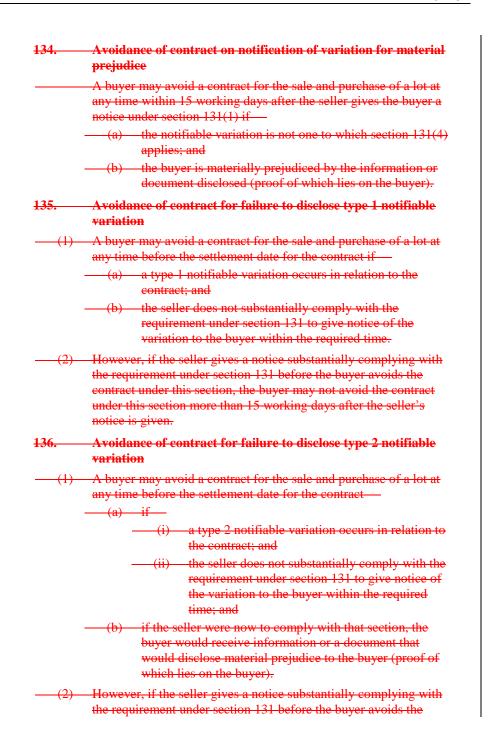


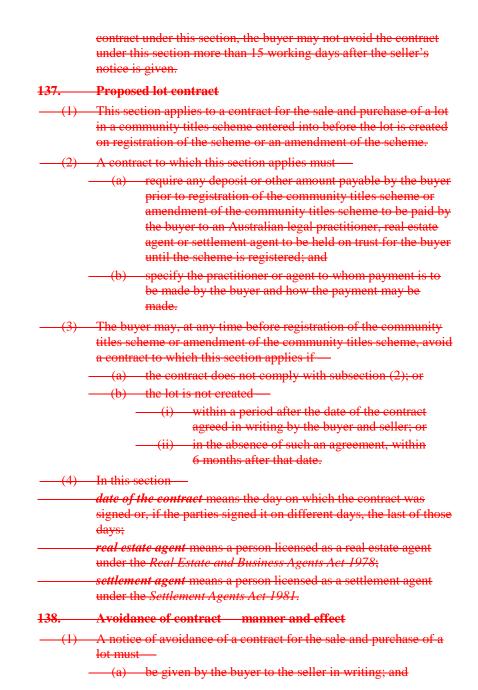
Compare 19 Nov 2018 [00-a0-01] / 06 Nov 2019 [00-b0-01] Extract from www.slp.wa.gov.au, see that website for further information



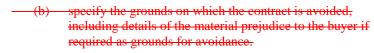
Compare 19 Nov 2018 [00-a0-01] / 06 Nov 2019 [00-b0-01] page 121 Extract from www.slp.wa.gov.au, see that website for further information







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- On the avoidance under this Part of a contract for the sale and purchase of a lot
  - the buyer may recover from the seller as a debt all money paid by the buyer under the contract; and
  - a person who is holding a deposit or other amount on behalf of the buyer for the contract must repay the deposit or other amount to the buyer, minus any amount due to the seller as rent for any period during which the buyer was in occupation of the lot or entitled to receive the rents and profits of the lot.

#### 139. Contracting out prohibited

- (1) A contract or arrangement is of no effect to the extent that it purports to exclude or restrict the operation of this Part.
- No penalty is payable by a buyer under a contract or arrangement for exercising a right under this Part.
- A purported waiver of a right, remedy or benefit conferred on a buyer by this Part is of no effect.

### Part 11 Termination

## **Division 1** Termination proposals

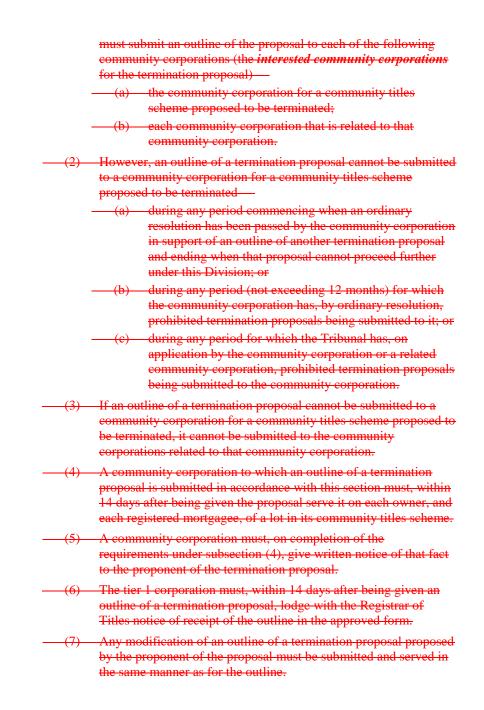
#### - Introduction

- (1) The termination of a community titles scheme may be proposed by a person (the *proponent*) who is
  - (a) the owner of a lot in the community scheme; or
  - (b) a person who has a contractual right to purchase a lot in the community scheme; or
  - a body corporate formed by 2 or more such persons.
- If it is proposed to terminate a tier 2 scheme, the proposal must include a proposal to terminate each tier 3 scheme that belongs to the tier 2 scheme.
- If it is proposed to terminate a tier 1 scheme, the proposal must include a proposal to terminate each tier 2 scheme that belongs to the tier 1 scheme.

# Outline of termination proposal

(1) The proponent of a proposal to terminate 1 or more community titles schemes in a community scheme (a termination proposal)

Compare 19 Nov 2018 [00-a0-01] / 06 Nov 2019 [00-b0-01] page 125 Extract from www.slp.wa.gov.au, see that website for further information

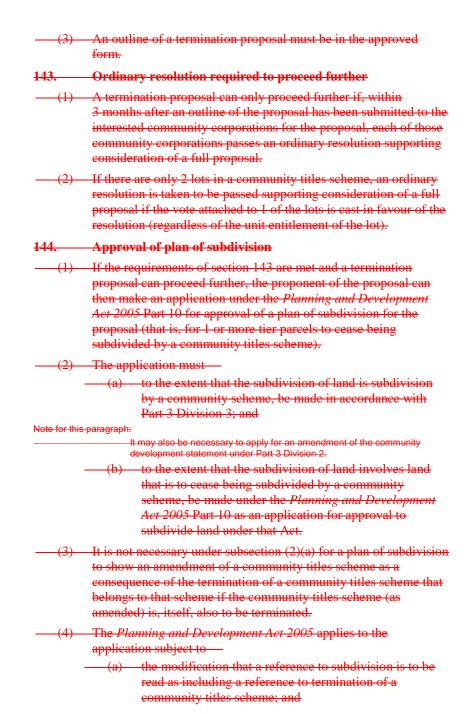


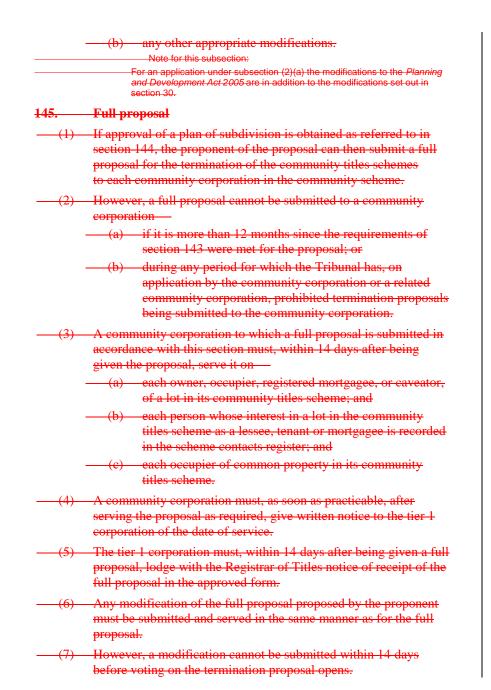
Compare 19 Nov 2018 [00-a0-01] / 06 Nov 2019 [00-b0-01] page 127

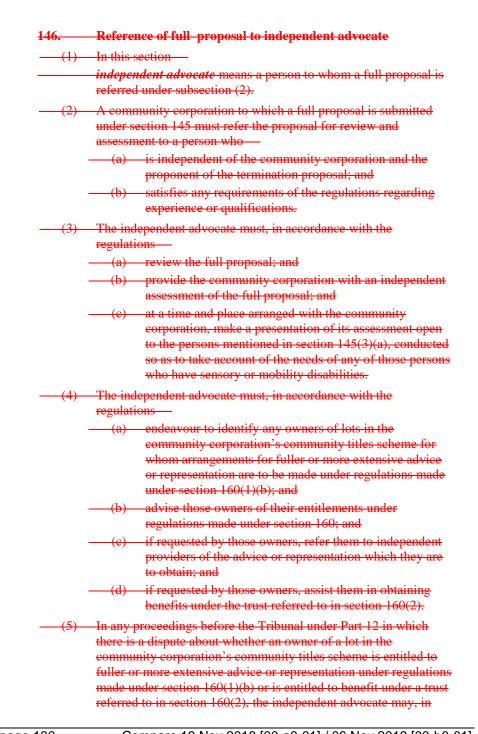
This section does not limit the matters that can be included in an

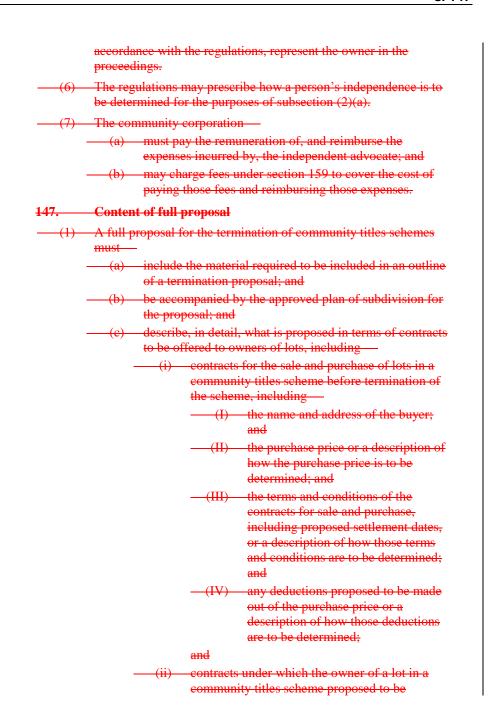
regulations.

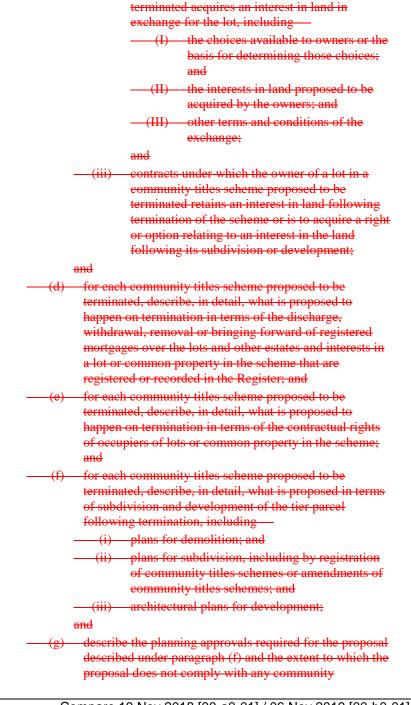
outline of a termination proposal.



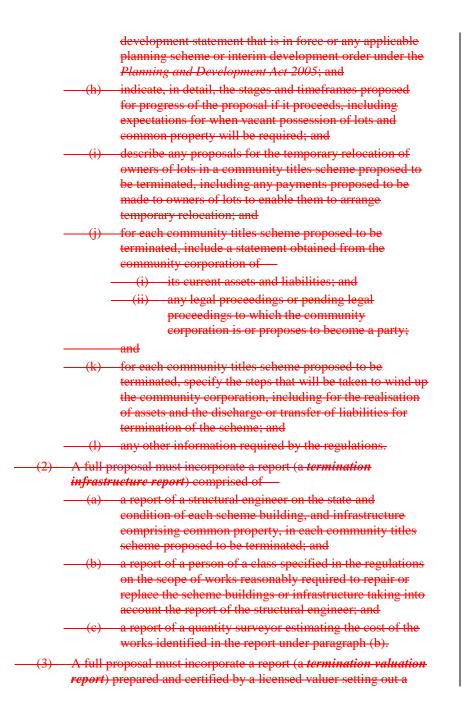








Compare 19 Nov 2018 [00-a0-01] / 06 Nov 2019 [00-b0-01] Extract from www.slp.wa.gov.au, see that website for further information

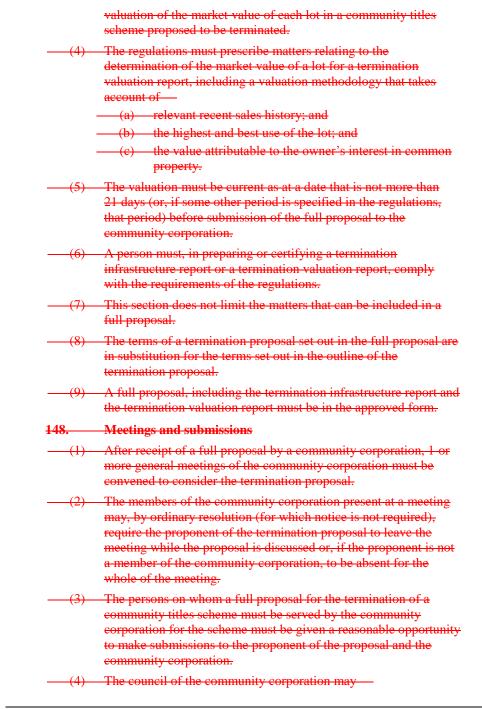


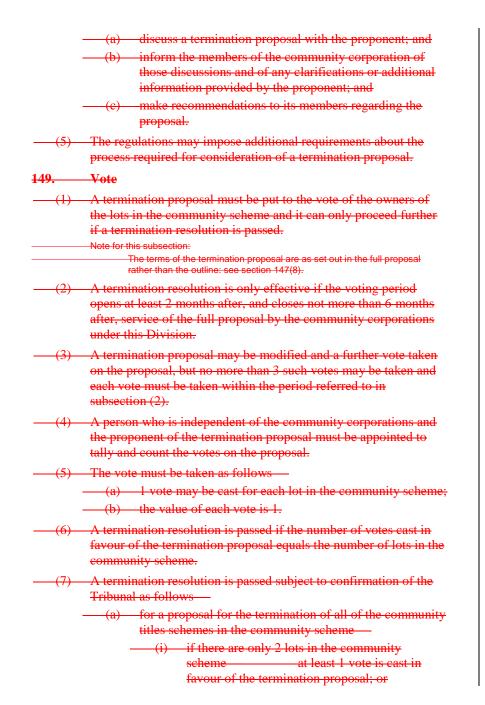
Compare 19 Nov 2018 [00-a0-01] / 06 Nov 2019 [00-b0-01] page 133 Extract from www.slp.wa.gov.au, see that website for further information

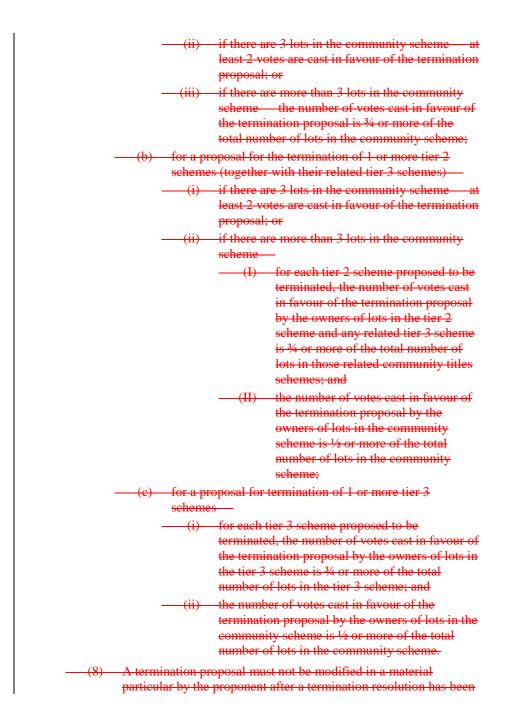
**Division 1** 

Termination proposals

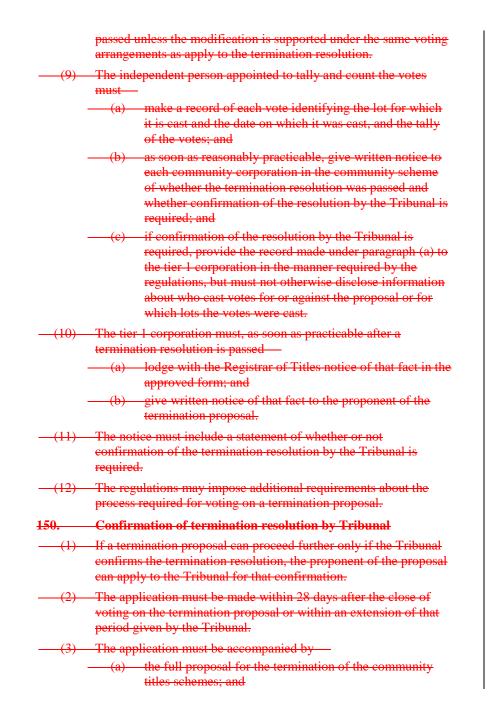
s. 148







Compare 19 Nov 2018 [00-a0-01] / 06 Nov 2019 [00-b0-01]



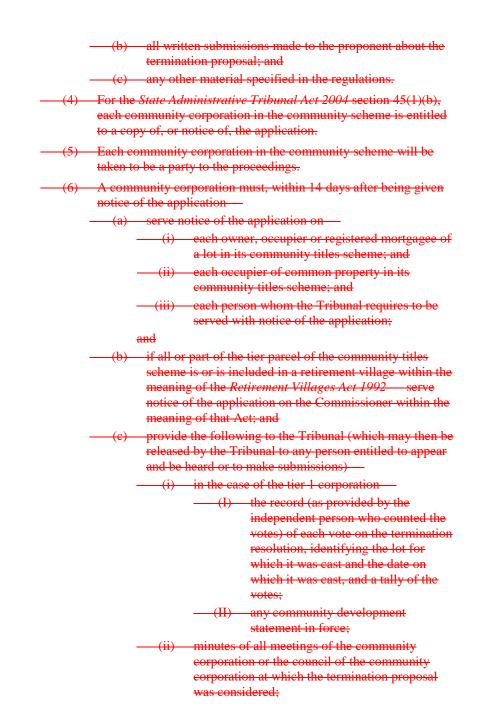
Compare 19 Nov 2018 [00-a0-01] / 06 Nov 2019 [00-b0-01] page 137

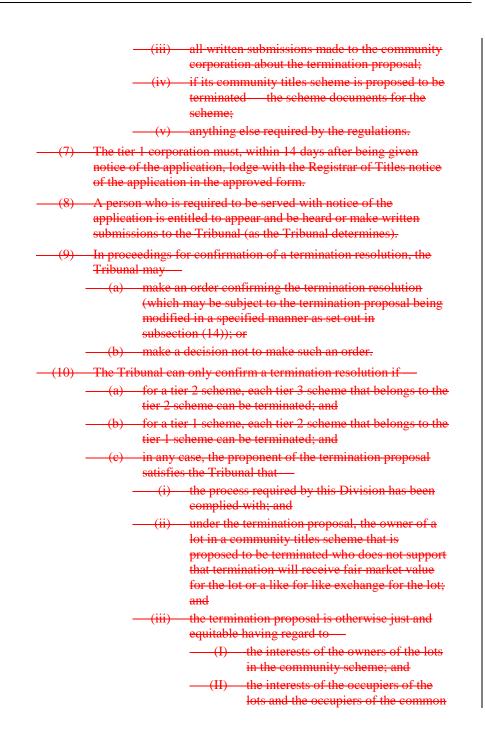
Extract from www.slp.wa.gov.au, see that website for further information

**Division 1** 

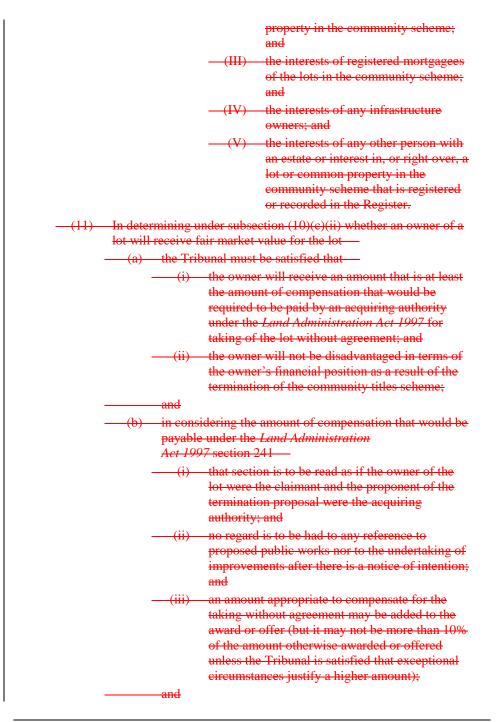
Termination proposals

s. 150

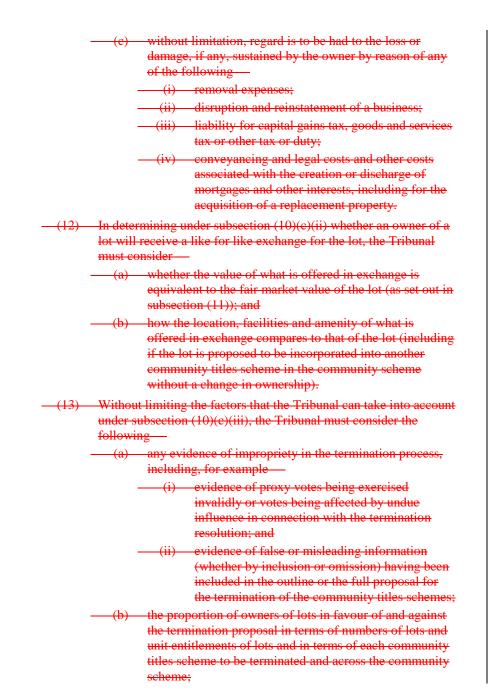




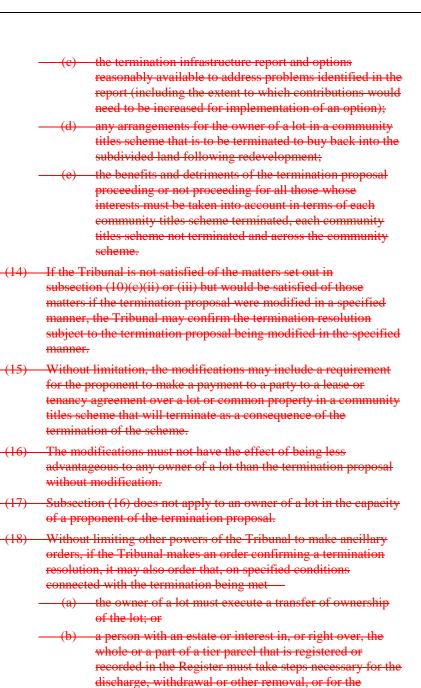
Compare 19 Nov 2018 [00-a0-01] / 06 Nov 2019 [00-b0-01] page 139 Extract from www.slp.wa.gov.au, see that website for further information



page 140 Compare 19 Nov 2018 [00-a0-01] / 06 Nov 2019 [00-b0-01] Extract from www.slp.wa.gov.au, see that website for further information

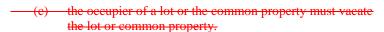


Compare 19 Nov 2018 [00-a0-01] / 06 Nov 2019 [00-b0-01] page 141 Extract from www.slp.wa.gov.au, see that website for further information



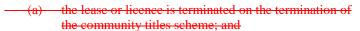
page 142 Compare 19 Nov 2018 [00-a0-01] / 06 Nov 2019 [00-b0-01] Extract from www.slp.wa.gov.au, see that website for further information

bringing forward, of the estate, interest or right; or



- If the Tribunal orders a person under subsection (18)(b) to take steps for the discharge, withdrawal or removal of an estate, interest or right the Tribunal may order the proponent or the owner of a lot in the community titles scheme to make a payment to that person in respect of the discharge, withdrawal or removal of the estate, interest or right.
- (20)If the whole or part of the tier parcel of a community titles scheme is subject to a residential tenancy agreement within the meaning given in the Residential Tenancies Act 1987 section 3, the Tribunal may order that on the termination of the community titles scheme
  - <del>(a)</del> the tenant and the lessor must terminate the residential tenancy agreement under that Act; and
  - the premises subject to the residential tenancy agreement are taken for the purposes of section 69 of that Act to cease to be lawfully usable as a residence; and
  - if the tenant is given notice of termination under section 69 of that Act, then despite section 69(2) of that Act the period of notice must be not less than a period specified by the Tribunal; and
  - the proponent or the owner of a lot in the scheme is to make a payment to the tenant under the residential tenancy agreement in respect of the termination of the residential tenancy agreement.
- If the whole or part of the tier parcel of a community titles scheme is subject to a retail shop lease within the meaning given in the Commercial Tenancy (Retail Shops) Agreements Act 1985 section 3(1), then despite anything in that Act the Tribunal may order that
  - the retail shop lease is terminated on the termination of <del>(a)</del> the community titles scheme; and
  - the proponent or the owner of a lot in the scheme is to make a payment to the tenant under the retail shop lease in respect of the termination of the retail shop lease.
- If the whole or part of the tier parcel of a community titles scheme is subject to a lease or licence not referred to in subsection (20) or (21), the Tribunal may, subject to any other written law, order that \_\_\_

Compare 19 Nov 2018 [00-a0-01] / 06 Nov 2019 [00-b0-01] page 143 Extract from www.slp.wa.gov.au, see that website for further information

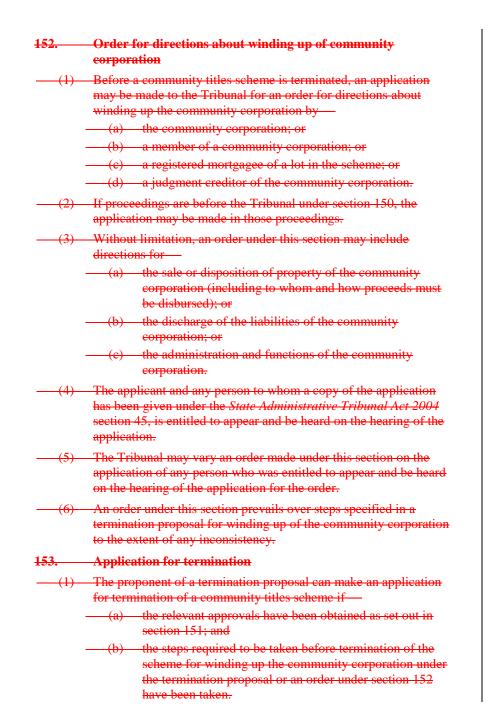


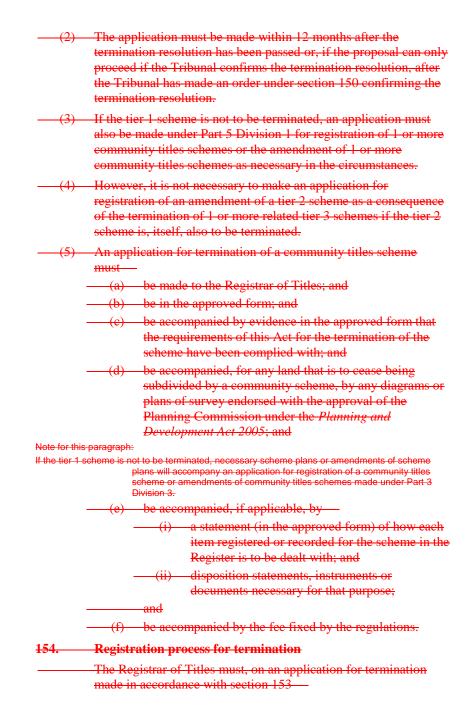
- the proponent or the owner of a lot in the scheme is to make a payment to the lessee or licensee in respect of the termination of the lease or licence.
- The Tribunal's powers under this section are exercisable only by a judicial member (or by the Tribunal constituted of a judicial member and other members).
- A community corporation must, as soon as practicable after being given notice of the decision of the Tribunal on an application under this section
  - lodge with the Registrar of Titles notice of the decision in the approved form; and
  - give written notice of the decision to each person entitled to receive notice of the application.

### **Endorsement of subdivision approval on plan**

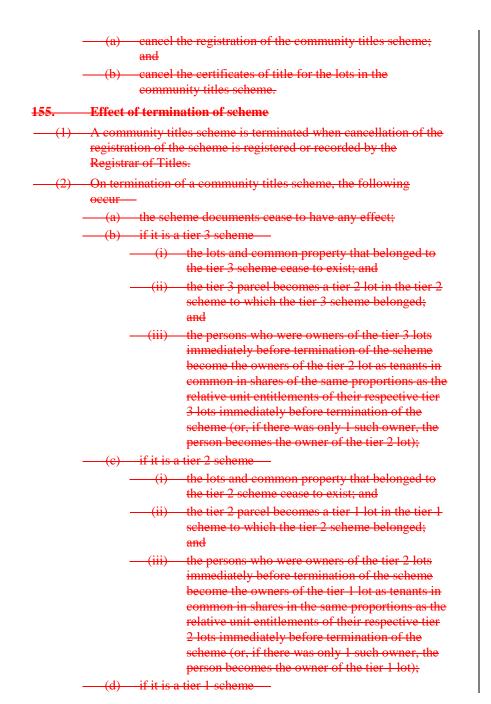
- (1) If the termination proposal can proceed further under section 149 (including, if required, because the Tribunal confirms the termination resolution under section 150), the proponent of the proposal can then request the Planning Commission
  - to the extent that the subdivision of land is subdivision by a community scheme, to approve a scheme plan or an amendment of a scheme plan in accordance with Part 3 Division 3 and to endorse the approval of the plan of subdivision for the proposal obtained under section 144 on the plan or amendment; and
  - to the extent that the subdivision of land will result in land no longer being subdivided by a community scheme, to approve a diagram or plan of survey under the Planning and Development Act 2005 section 145 and to endorse the approval of the plan of subdivision for the proposal obtained under section 144 on the diagram or plan of survey.
- It is not necessary under subsection (1) for an amendment of a scheme plan for a tier 1 or tier 2 scheme to be prepared to show an amendment of the scheme as a consequence of the termination of a community titles scheme that belongs to the scheme if the tier 1 or tier 2 scheme is, itself, also to be terminated.
- The Planning and Development Act 2005 applies to a request under subsection (1) subject to any appropriate modifications.

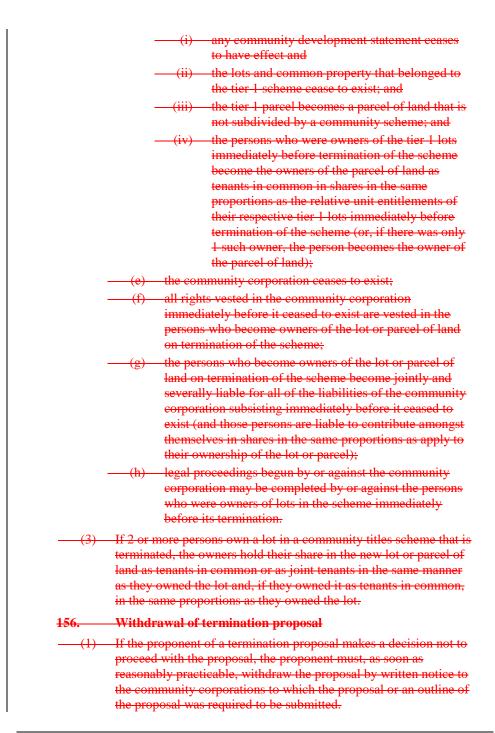
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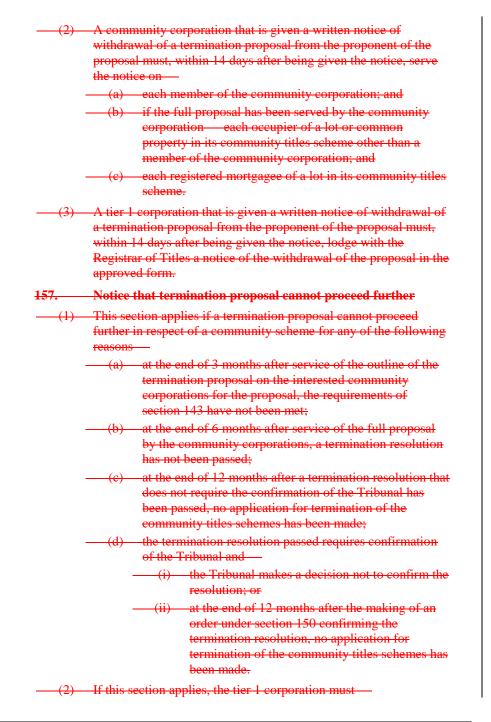




Compare 19 Nov 2018 [00-a0-01] / 06 Nov 2019 [00-b0-01]







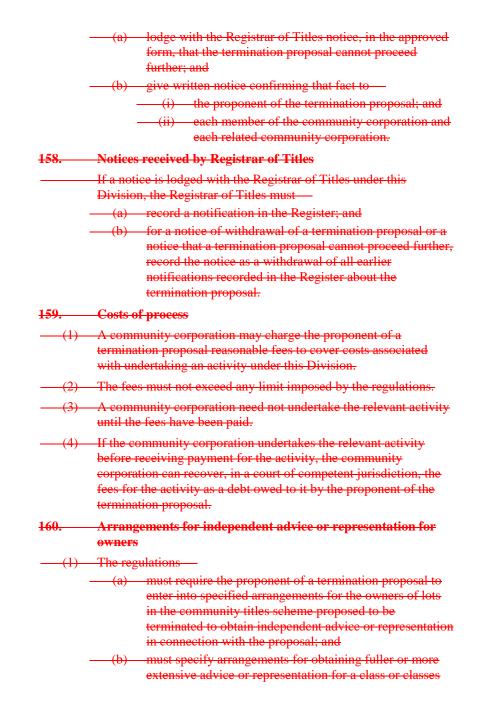
Compare 19 Nov 2018 [00-a0-01] / 06 Nov 2019 [00-b0-01] page 149 Extract from www.slp.wa.gov.au, see that website for further information

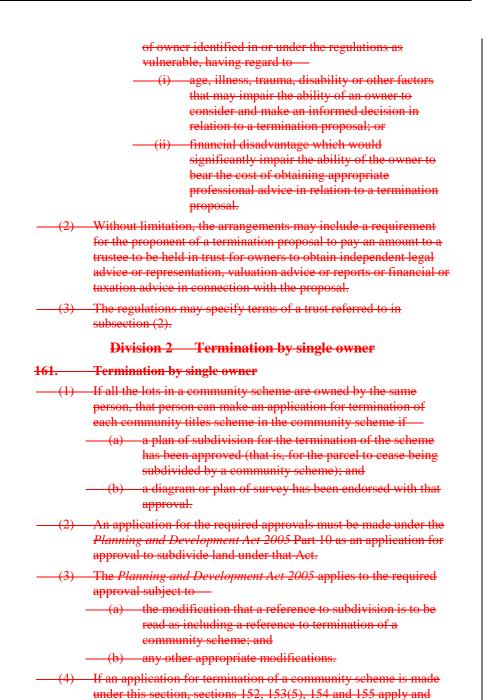
Part 11 Termination

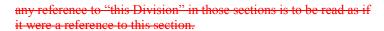
Division 1

Termination proposals

s. 158







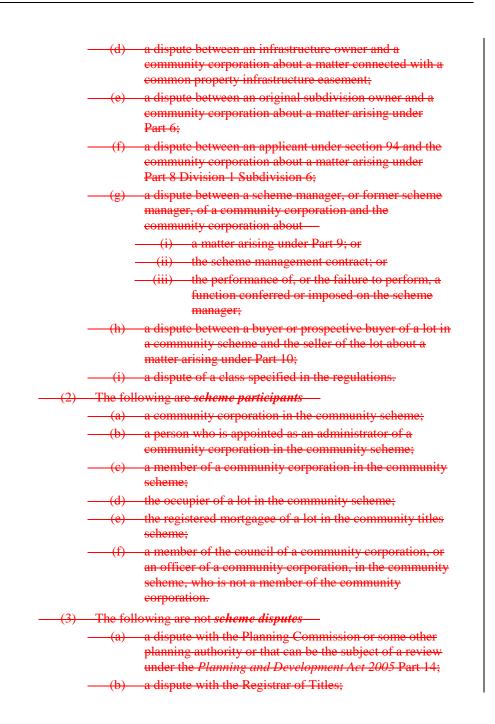
The regulations may modify the application of Division 1 if all the lots in a community titles scheme proposed to be terminated (but not all of the lots in the community scheme) are owned by the same person.

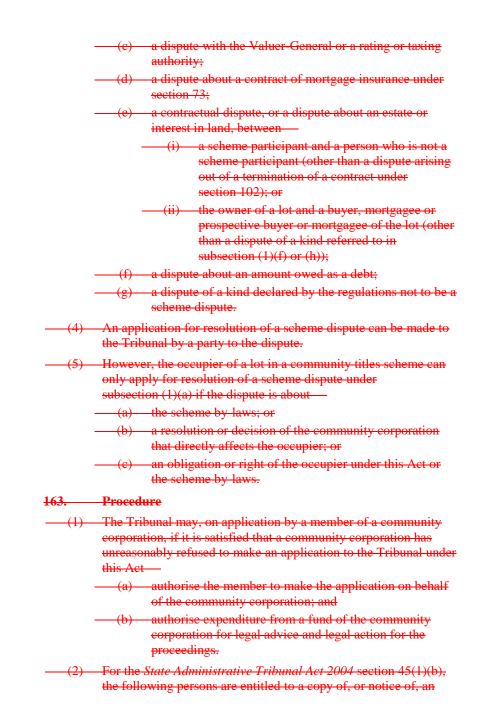
## Part 12 — Tribunal proceedings

### Scheme disputes

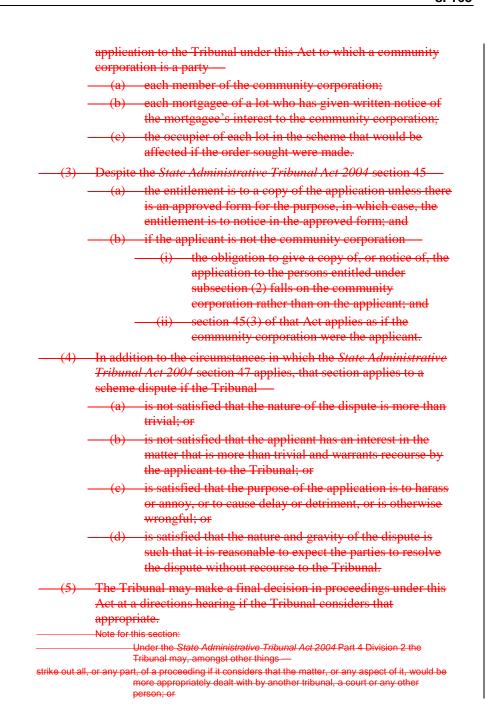
- (1) This Part provides for resolution by the Tribunal of the following disputes (scheme disputes)
  - (a) a dispute between scheme participants about
    - (i) the community development statement; or
    - the scheme documents, including the validity of scheme by laws; or
    - the performance of, or the failure to perform, a function conferred or imposed on a person by this Act or scheme by laws; or
    - (iv) an alleged contravention of this Act (other than an offence); or
    - a resolution or decision of a community corporation or the council of a community corporation, including its validity; or
    - the appointment or election of a member of the council or an officer of a community corporation, including its validity; or
    - any other matter arising under this Act or the scheme by laws;
  - (b) a dispute between an applicant for the registration of a community titles scheme or amendment of a community titles scheme and a person whose consent to the application is required, or who may object to the application, relating to the consent or objection;
  - if the scheme by laws (other than exclusive use by laws) require the approval or consent of a person (other than the Planning Commission or a local government) to the amendment or repeal of certain scheme by-laws, a dispute between that person and the community corporation about a refusal to give an approval or consent;

page 152 Compare 19 Nov 2018 [00-a0-01] / 06 Nov 2019 [00-b0-01]

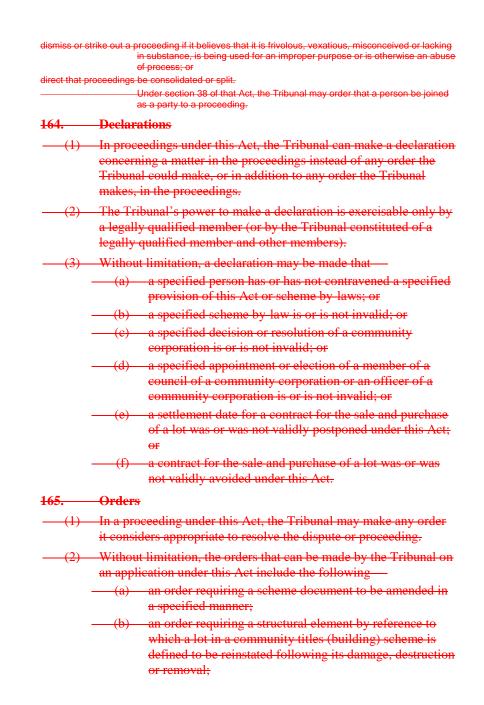




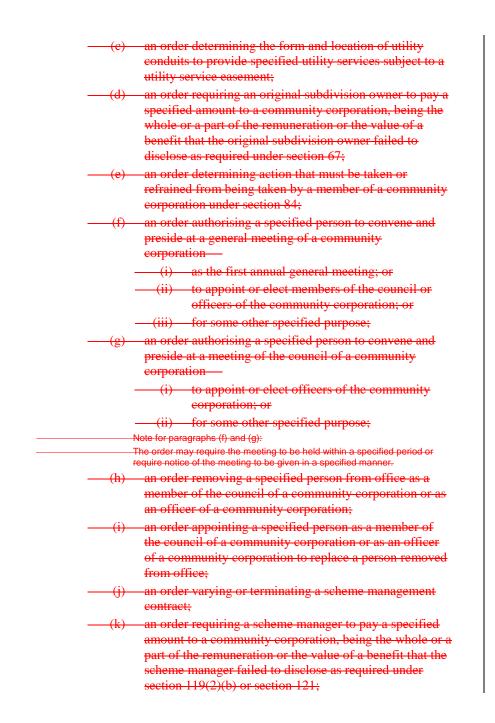
page 154 Compare 19 Nov 2018 [00-a0-01] / 06 Nov 2019 [00-b0-01] Extract from www.slp.wa.gov.au, see that website for further information

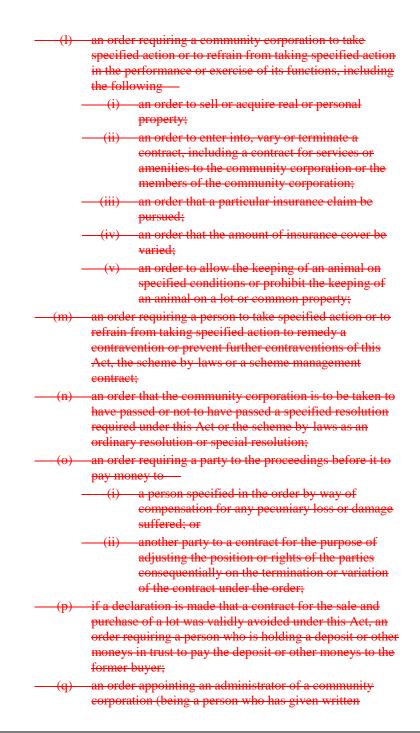


Compare 19 Nov 2018 [00-a0-01] / 06 Nov 2019 [00-b0-01] page 155 Extract from www.slp.wa.gov.au, see that website for further information

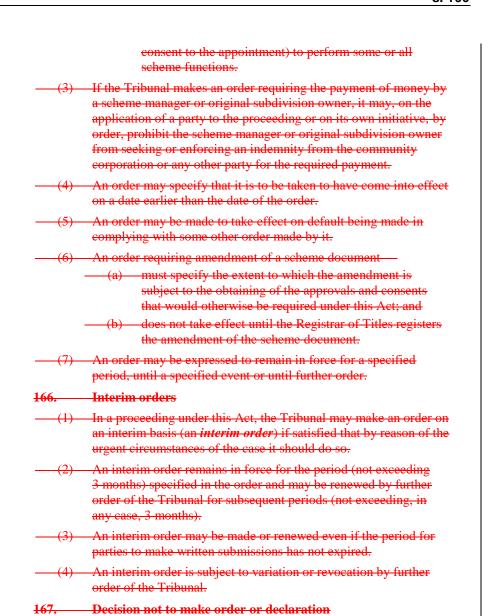


page 156 Compare 19 Nov 2018 [00-a0-01] / 06 Nov 2019 [00-b0-01] Extract from www.slp.wa.gov.au, see that website for further information





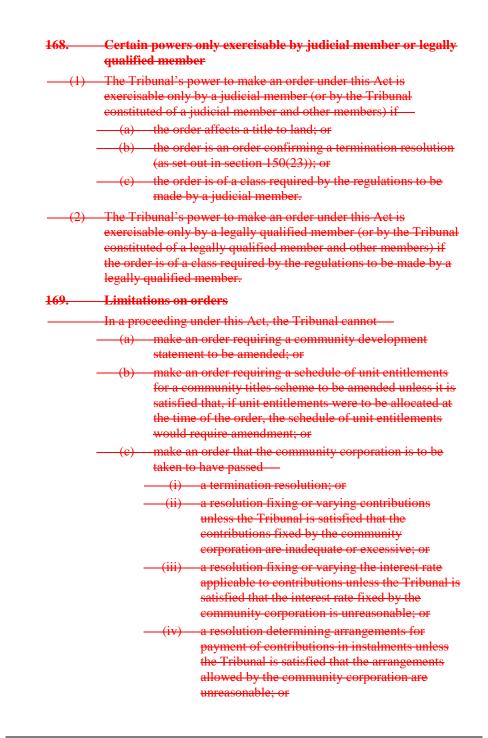
page 158 Compare 19 Nov 2018 [00-a0-01] / 06 Nov 2019 [00-b0-01]



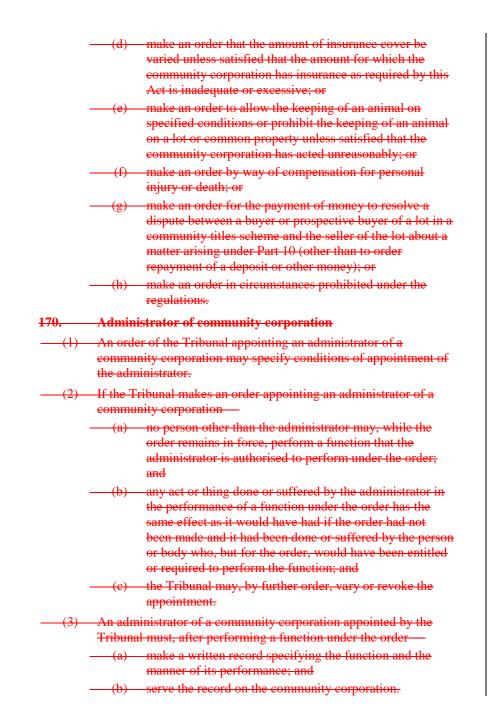
Compare 19 Nov 2018 [00-a0-01] / 06 Nov 2019 [00-b0-01] page 159 Extract from www.slp.wa.gov.au, see that website for further information

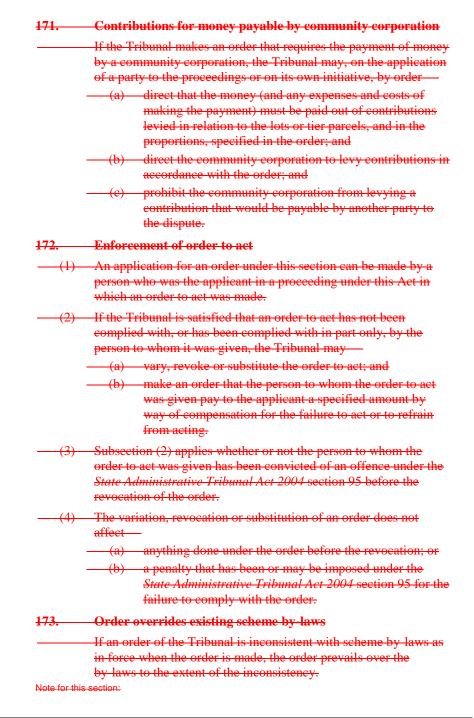
not to make an order or declaration.

In a proceeding under this Act, the Tribunal may make a decision



page 160 Compare 19 Nov 2018 [00-a0-01] / 06 Nov 2019 [00-b0-01] Extract from www.slp.wa.gov.au, see that website for further information





page 162 Compare 19 Nov 2018 [00-a0-01] / 06 Nov 2019 [00-b0-01] Extract from www.slp.wa.gov.au, see that website for further information

Compare 19 Nov 2018 [00-a0-01] / 06 Nov 2019 [00-b0-01] page 163

Extract from www.slp.wa.gov.au, see that website for further information

The regulations may modify the operation of the *State*Administrative Tribunal Act 2004 for an internal review of an

order or declaration.

Administrative Tribunal Act 2004 Part 3 Division 3 Subdivision 3 applies in relation to an internal review of an order or declaration.

## Part 13 — Miscellaneous

## Refusal or failure to perform function

In any court or tribunal proceedings, if a written application is made to a community corporation, the council of a community corporation or a scheme manager for the performance of a function, the community corporation is to be taken to have refused or failed to perform that function if

- the community corporation, council or scheme manager gives the applicant written notice that it has decided not to perform the function in accordance with the application; or
- the community corporation, council or scheme manager does not, before the end of 2 months after the making of the application
  - (i) perform the function in accordance with the application; or
  - give the applicant written notice that it has decided to perform or not to perform the function in accordance with the application.

### Address for service

- An address for service provided under this Act must be an address of a place within Australia.
- An electronic address may be provided as an additional address for service under this Act.

## Termination or amendment of community titles scheme as consequence of compulsory acquisition

- A person who compulsorily acquires the whole or a part of a tier parcel under a written law must, before or as soon as is practicable after the acquisition takes effect, make an application for registration of the termination or amendment of community titles schemes as necessary to give effect to the acquisition and any consequential adjustment of the community scheme to which the tier parcel belongs.
- This Act applies to an application for the registration of an amendment of a community titles scheme as if it had been made under Part 5 Division 1 and to an application for termination of a community titles scheme as if it had been made under Part 11, subject to any modifications specified in the regulations.

page 164 Compare 19 Nov 2018 [00-a0-01] / 06 Nov 2019 [00-b0-01] Extract from www.slp.wa.gov.au, see that website for further information

Part 13

## <del>179.</del> **Entry to common property** In exercising or performing functions, police officers, and officers engaged in providing emergency services or other government or local government services, may enter common property (other than common property to which neither owners of lots nor the public usually has access) as if it were land to which the public has access, whether on payment or not. <del>180.</del> Court or tribunal may refer matters to Tribunal A court or tribunal may, on application of a party to a proceeding before it or on its own initiative, refer a matter to the Tribunal and strike out all or part of the proceeding before it if the court or tribunal considers that the matter would be more appropriately dealt with by the Tribunal under this Act. Service of documents on community corporations, members and others (1) A document required or authorised by this Act, another written law or scheme by laws to be served on a community corporation, the members of a community corporation or on all owners of lots in a community titles scheme may be served (a) by serving it on a member of the council of the community corporation; or by sending it to the community corporation's address for service (by post if it is a postal address or by electronic

(2) Subsection (1) applies even if the document is required to be served personally on a community corporation.

corporation under section 93(a).

(3) A document required or authorised by this Act or scheme by laws to be served on the owner of a lot may be served

(a) by serving it on the owner or the owner's agent personally; or

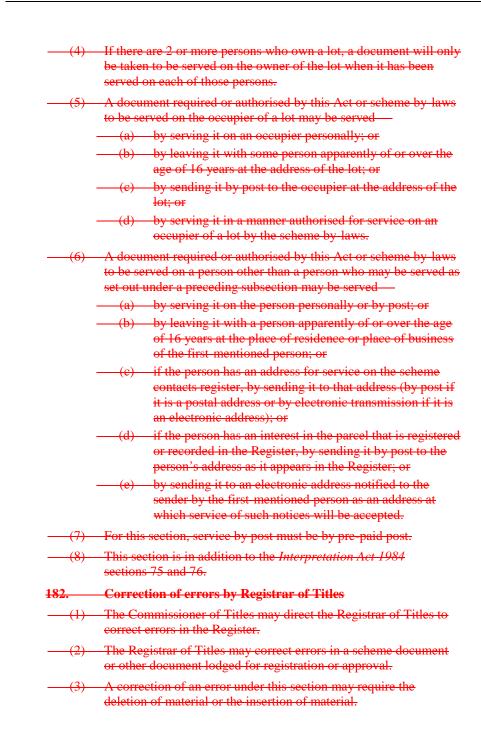
(b) by sending it to the address for service of the owner or the owner's agent as it appears in the scheme contacts register (by post if it is a postal address or by electronic transmission if it is an electronic address); or

transmission if it is an electronic address); or

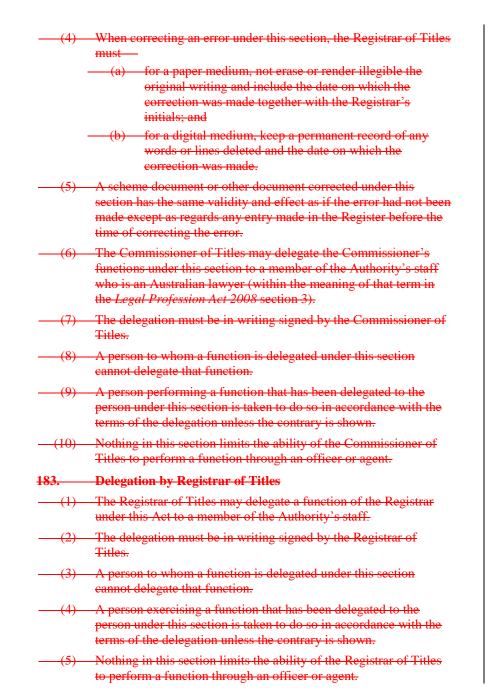
by leaving it in the letterbox provided by the community

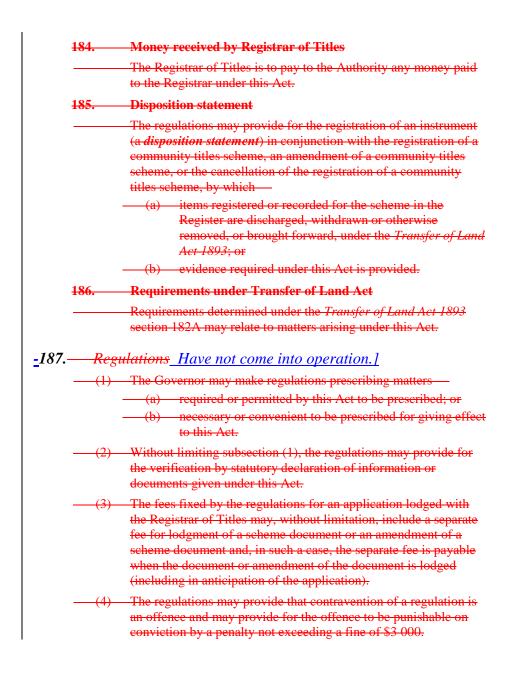
(c) if there is no such address for service, by sending it by post to the owner at the address of the lot; or

(d) by serving it in a manner authorised for service on the owner of a lot by the scheme by laws.



page 166 Compare 19 Nov 2018 [00-a0-01] / 06 Nov 2019 [00-b0-01] Extract from www.slp.wa.gov.au, see that website for further information





#### 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
  - 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
    - the performance of any function to which the fee (ii) relates.
- To the extent that regulations to which subsection (1) applies (1A) 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

- Section 188 expires at the end of 31 December  $2019^{\frac{1}{2}}$ . (1)
- (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 the Land Information Authority Act 2006 section 93(2), that the expiry of section 188 should be postponed.

Compare 19 Nov 2018 [00-a0-01] / 06 Nov 2019 [00-b0-01] page 169 Extract from www.slp.wa.gov.au, see that website for further information

## Community Titles Act 2018

Part 14 Other Acts amended **Division 1** Building Act 2011 amended

s. 191

- (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.
- The expiry of section 188 does not affect the validity of any (6) regulations in effect immediately before that expiry.

#### *[190.*] Review of this Act Has not come into operation.]

- (1) The Minister must review the operation and effectiveness of this Act as soon as practicable after the expiry of 5 years from the day on which this section comes into operation.
- (2) The Minister must, as soon as practicable
  - (a) prepare a report about the outcome of the review; and
  - cause a copy of the report to be laid before each House of Parliament.

## Part 14 Other Acts amended

Division 1 Building Act 2011 amended

Act amended

This Division amends the Building Act 2011.

<del>192.</del> Section 3 amended

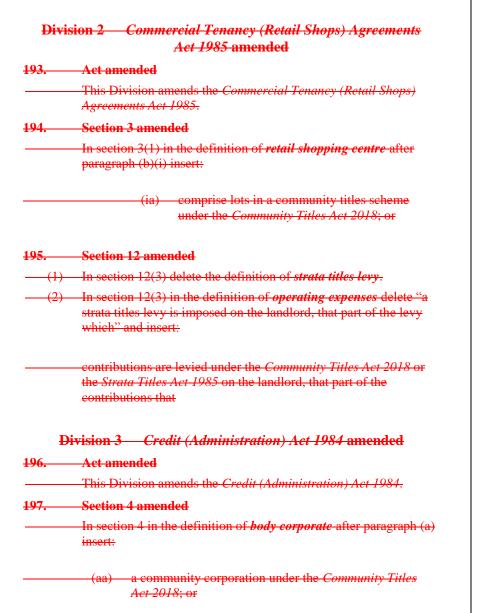
In section 3 in the definition of land after "defined in" insert:

-[Part 14 has not come into operation.]

page 170 Compare 19 Nov 2018 [00-a0-01] / 06 Nov 2019 [00-b0-01] Extract from www.slp.wa.gov.au, see that website for further information

## **Notes**

This is a compilation of the Community Titles Act 2018 section 3(1) or



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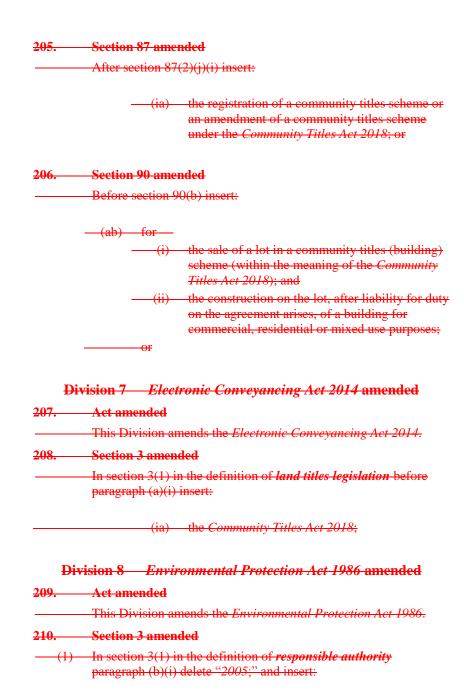
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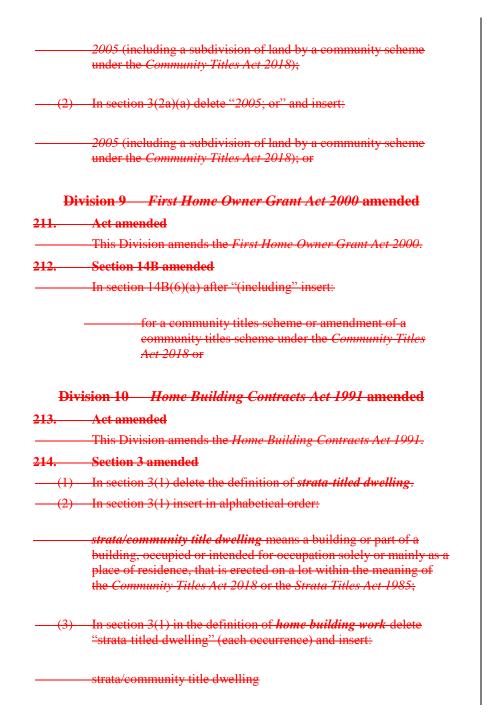
# Division 4 Credit Act 1984 amended <del>198.</del> Act amended This Division amends the Credit Act 1984. Section 5 amended In section 5(1) in the definition of body corporate after paragraph (a) insert: a community corporation under the Community Titles Act 2018; or **Division 5** Dividing Fences Act 1961 amended <del>200.</del> Act amended This Division amends the Dividing Fences Act 1961. Section 5 amended <del>201. \_\_\_\_</del> (1) In section 5 delete "In this" and insert: (1) In this In section 5 in the definition of owner delete "and includes" and insert: includes, subject to subsection (2), (3) At the end of section 5 insert: (2) For a community scheme under the Community Titles Act 2018, the owner of land is to be determined as follows (a) if the by laws of a community titles scheme under that Act determine who is to be the owner for the purposes of this Act, the owner is to be determined according to those by laws; (b) in any other case (i) if the land is a lot under that Act, the owner of the land is the owner of the lot under that Act; if the land is common property under that Act, the owner of the land is the community

which the common property belongs.

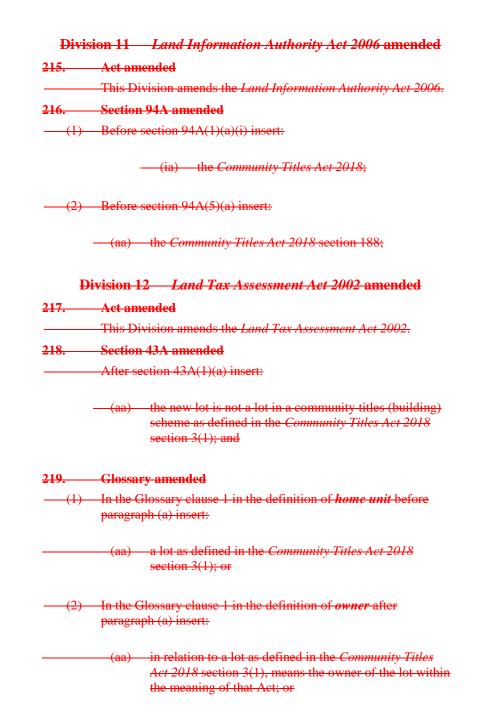
<del>202.</del>	Section 6 amended
<del>(1)</del>	In section 6 delete "Nothing" and insert:
<del>(1)</del>	— Nothing
<del>(2)</del>	At the end of section 6 insert:
<del>(2)</del>	Nothing in this Act affects the by laws of a community titles scheme under the <i>Community Titles Act 2018</i> —
	affecting dividing fences between lots, or between common property or between lots and common property; or
	(b) determining who is to be regarded as the owner of land for the purposes of this Act.
	Note: The heading to amended section 6 is to read:  Act not to interfere with agreements or by-laws of community titles scheme
	Division 6 — Duties Act 2008 amended
<del>203.</del>	- Act amended
	This Division amends the Duties Act 2008.
<del>204.</del>	Section 17 amended
	After section 17(2)(a) insert:
	— (aa) an estate in land created as a community lot in a community titles scheme on the registration of the community titles scheme or an amendment of the community titles scheme under the Community Titles Act 2018;
	community titles scheme on the registration of the community titles scheme or an amendment of the community titles scheme under the Community Titles Act 2018;  Note for this subparagraph:
	community titles scheme on the registration of the community titles scheme or an amendment of the community titles scheme under the Community Titles Act 2018;
	community titles scheme on the registration of the community titles scheme or an amendment of the community titles scheme under the Community Titles  Act 2018;  Note for this subparagraph:  Common property created on the registration or amendment of a community titles scheme is also not new dutiable property.  (ab) an estate in land referred to in the Community Titles
	community titles scheme on the registration of the community titles scheme or an amendment of the community titles scheme under the Community Titles  Act 2018;  Note for this subparagraph:  Common property created on the registration or amendment of a community titles scheme is also not new dutiable property.

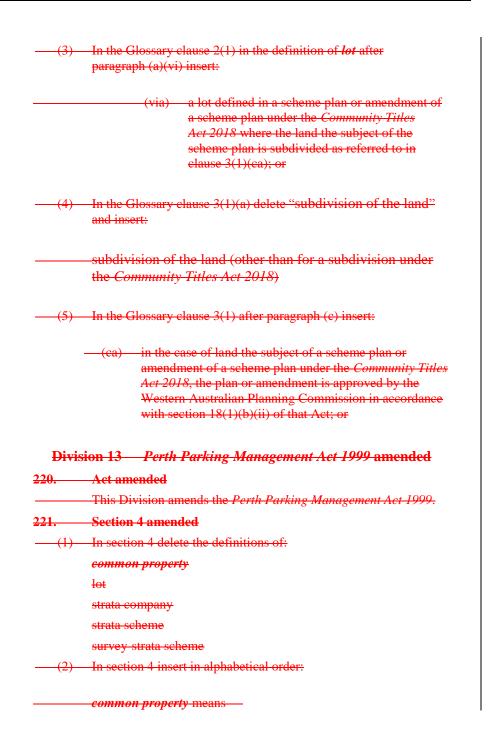
Compare 19 Nov 2018 [00-a0-01] / 06 Nov 2019 [00-b0-01]
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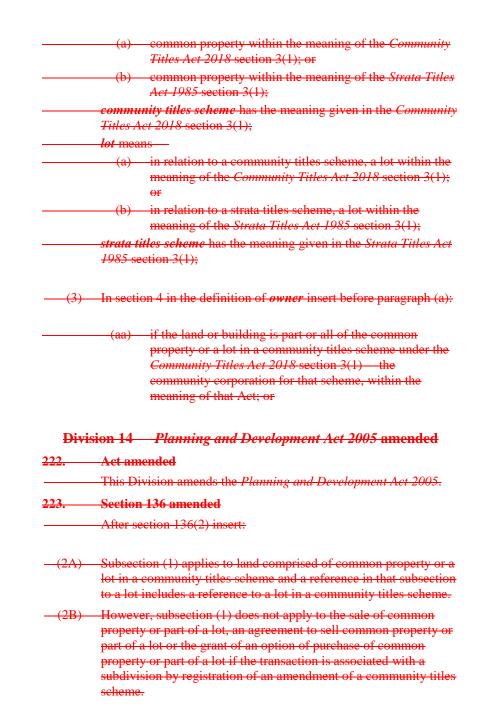


page 175 Compare 19 Nov 2018 [00-a0-01] / 06 Nov 2019 [00-b0-01]





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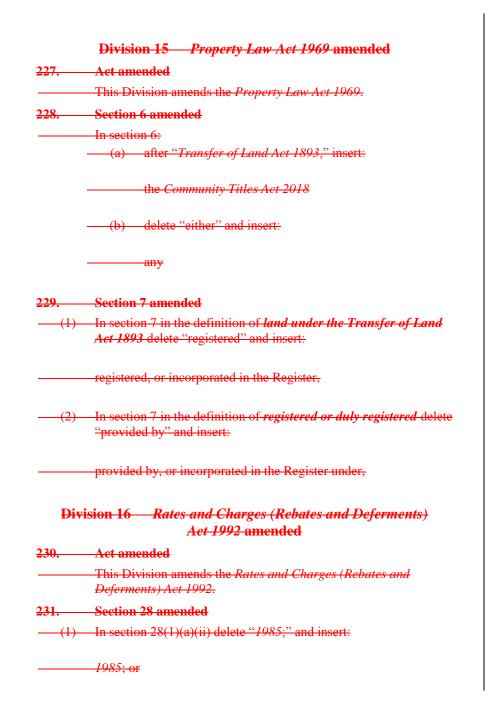
<del>(2C)</del>	Words in subsections (2A) and (2B) have the meanings given in the <i>Community Titles Act 2018</i> section 3(1) (and references to those words in sections 139 and 140 are to be read accordingly).
<del>224.</del>	Section 148 deleted
	Delete section 148.
<del>225.</del>	Section 162 amended
	After section 162(2) insert:
(3)	While a community development statement is in force for a community scheme, within the meaning of the <i>Community Titles</i> Act 2018, any approval for development must be consistent with the community development statement.
226.	Part 10 Division 5A inserted
	After Part 10 Division 5 insert:
Div	ision 5A Integration of subdivision and development
	ision 5A Integration of subdivision and development  Integration of subdivision and development
<del>164A.</del>	•
<del>164A.</del>	Integration of subdivision and development  This section applies if, on an application for subdivision approval or development approval, the Commission or responsible authority forms the opinion that the integration of subdivision and
<del>164A.</del>	This section applies if, on an application for subdivision approval or development approval, the Commission or responsible authority forms the opinion that the integration of subdivision and development approvals or multiple subdivision or development
<del>164A.</del>	Integration of subdivision and development  This section applies if, on an application for subdivision approval or development approval, the Commission or responsible authority forms the opinion that the integration of subdivision and
<del>164A.</del>	Integration of subdivision and development  This section applies if, on an application for subdivision approval or development approval, the Commission or responsible authority forms the opinion that the integration of subdivision and development approvals or multiple subdivision or development approvals is necessary or desirable  (a) due to the size of the lots and potential impact on the
<del>164A.</del> ————————————————————————————————————	Integration of subdivision and development  This section applies if, on an application for subdivision approval or development approval, the Commission or responsible authority forms the opinion that the integration of subdivision and development approvals or multiple subdivision or development approvals is necessary or desirable  (a) due to the size of the lots and potential impact on the amenity of the locality; or  (b) for other reasons associated with the achievement of orderly and proper planning, and the preservation of the
<del>164A.</del> (1)	Integration of subdivision and development  This section applies if, on an application for subdivision approval or development approval, the Commission or responsible authority forms the opinion that the integration of subdivision and development approvals or multiple subdivision or development approvals is necessary or desirable  (a) due to the size of the lots and potential impact on the amenity of the locality; or  (b) for other reasons associated with the achievement of orderly and proper planning, and the preservation of the amenity, of the locality.  The main purposes of integrating subdivision and development

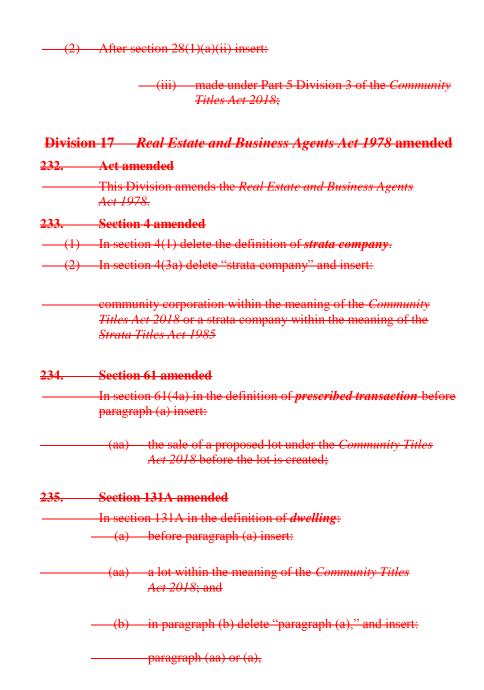
Compare 19 Nov 2018 [00-a0-01] / 06 Nov 2019 [00-b0-01] page 179

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Compilation table

<del>(3)</del>	Without limitation, integration of subdivision and development approvals will generally be necessary or desirable in the context of a community scheme within the meaning of the <i>Community Titles</i> Act 2018.			
(4)	If this section applies—			
(4)	(a) the Commission may, in order to achieve the necessary or desirable integration of subdivision and development approvals, refuse to determine an application for subdivision approval until other applications for subdivision or development approvals are amendments			
	made <del>or are made and determined; and</del>			
	(b) the Commission may refuse to unconditionally endorse a diagram or plan of survey with a subdivision approval in order for the plan to be registered in the Register under the Transfer of Land Act 1893 unless satisfied that			
	(i) the diagram or plan of survey is an accurate			
	depiction of the subdivision that has been			
	prepared after completion of the works			
	necessary for the subdivision and the			
	construction or modification of the buildings			
	necessary for the development, the approvals of			
	which have been required to be integrated; and			
	(ii) the subdivision and development has been undertaken consistently with the relevant approvals, including their conditions; and			
	— (iii) the requirements of the <i>Building Act 2011</i> have been complied with for the development.			
<del>(5)</del>	Regulations may be made			
	(a) requiring the Commission or a responsible authority to inform each other and share information about an application for subdivision approval or development approval; or			
	(b) requiring an applicant to provide additional documents or information reasonably required to determine whether subdivision and development approvals should be integrated under this section and to give effect to any such integration; or			
	(c) establishing processes for the concurrent or separate consideration of subdivision and development approvals to which this section applies and for the imposition of conditions of approvals to which this section applies; or			
	(d) otherwise facilitating the integration of subdivision and development approvals.			





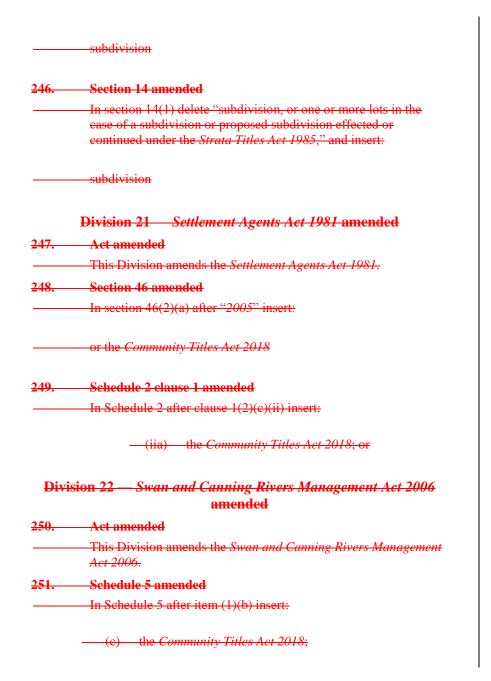
Đ	ivision 18 Residential Tenancies Act 1987 amended
<del>236.</del>	- Act amended
	This Division amends the Residential Tenancies Act 1987.
<del>237.</del>	Section 48 amended
	Delete section 48(2) and insert:
<del>(2)</del>	It is a term of every residential tenancy agreement that contributions payable to a community corporation under the Community Titles Act 2018 or a strata company under the Strata Titles Act 1985 cannot be passed on to a tenant.
I	Division 19 Retirement Villages Act 1992 amended
<del>238.</del>	- Act amended
	This Division amends the Retirement Villages Act 1992.
<del>239.</del>	Section 15 amended
<del>(1)</del>	In section 15(6) after "under" insert:
	the Community Titles Act 2018 or
<del>(2)</del>	In section 15(7) and (8) delete "strata".
<del>240.</del>	Section 23 amended
	In section 23(1) in the definition of <i>former resident</i> after "under" insert:
	the Community Titles Act 2018 or
<del>241.</del>	Section 54A inserted
	After section 54 insert:
54A.	Jurisdiction of Tribunal under Community Titles Act 2018
	Section 54 does not derogate from the jurisdiction of the Tribunal under the <i>Community Titles Act 2018</i> in respect of a retirement village that is also a community titles scheme.

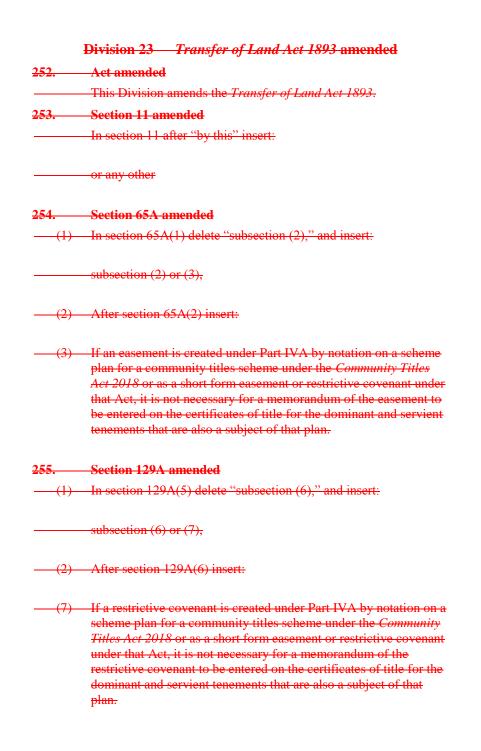
Compare 19 Nov 2018 [00-a0-01] / 06 Nov 2019 [00-b0-01] page 183

Extract from www.slp.wa.gov.au, see that website for further information

<del>242.</del>	Section 75 amended
	In section 75(7):
	(a) before "Strata Titles Act 1985" insert:
	Community Titles Act 2018 or the
	(b) delete "purchaser" and insert:
	<del>buyer</del>
	(c) delete "that Act." and insert:
	those Acts.
	Division 20 Sale of Land Act 1970 amended
<del>243.</del>	- Act amended
-	This Division amends the Sale of Land Act 1970.
244.	Section 11 amended
(1)	In section 11 delete the definition of <i>lot</i> .
1	In section 11 insert in alphabetical order:
(2)	in section 11 moste in airpinaceitear order.
	-lot means
	(a) a lot within the meaning of
	(i) the <i>Planning and Development Act</i> 2005; or
	(ii) the Community Titles Act 2018; or
	(iii) the Strata Titles Act 1985;
	<del></del>
	(b) an area of land represented, by or on behalf of a perso attempting to promote the sale of the area of land, to l an area of land that will constitute a lot in a subdivision or proposed subdivision;
	subdivision means an area of land subdivided into lots;
245.	Section 13 amended
	In section 13(1) delete "subdivision, or one or more lots in the case of a subdivision or proposed subdivision effected or continued under the <i>Strata Titles Act 1985</i> ," and insert:

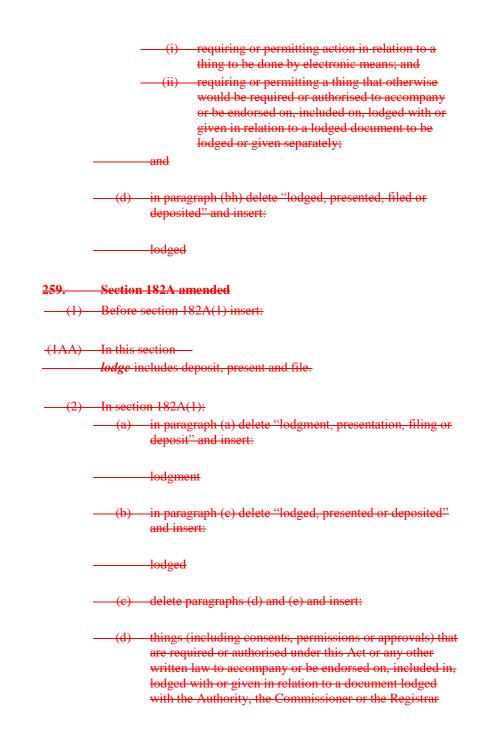
Compare 19 Nov 2018 [00-a0-01] / 06 Nov 2019 [00-b0-01] Extract from www.slp.wa.gov.au, see that website for further information page 184

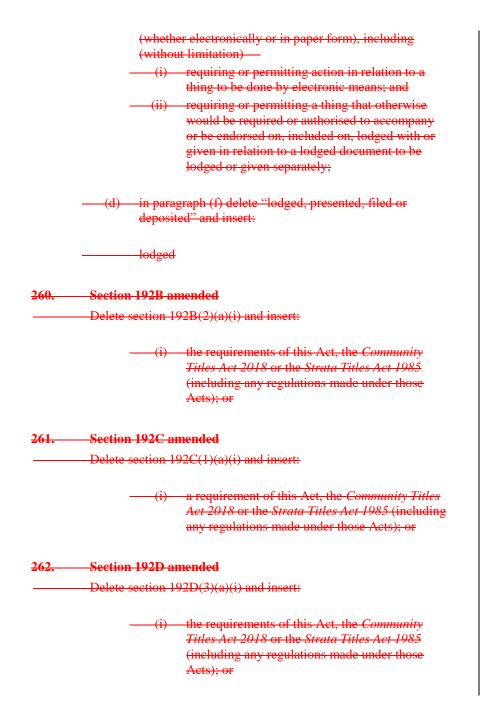




<del>256.</del>	Section 136A amended
	After section 136A(a) insert:
	(ab) a scheme plan lodged for registration under the Community Titles Act 2018; or
<del>257.</del>	Section 136F amended
	In section 136F(1)(a) after "under" insert:
	the Community Titles Act 2018 or
258.	Section 181 amended
<del>(1)</del>	Before section 181(1) insert:
	— In this section—
-	lodge includes deposit, present and file.
<del>(2)</del>	In section 181(1):
	(a) in paragraph (bc) delete "lodgment, presentation, filing or deposit" and insert:
	lodgment
	(b) in paragraph (be) delete "lodged, presented, filed or deposited" and insert:
	lodged
	— (c) delete paragraphs (bf) and (bg) and insert:
<del>nts, permi</del>	prescribing requirements relating to things (including ssions or approvals) that are required or authorised under this Act or tten law to accompany or be endorsed on, included in, lodged with or
	to a document lodged with the Authority, the Commissioner or the
	ner electronically or in paper form), including (without limitation)
	ions that have come into operation see the compilation table. For
sions that l	nave not yet come into operation see the uncommenced provisions table.

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#### Section 198 amended

In section 198 before "or the Electronic Conveyancing Act 2014."

## or the Compilation table

Short title	Number and year	Assent	Commencement
Community Titles Act 2018	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 Gazette 5 Nov 2019 p. 3877)
Community Titles Amendment (Consistency of Charging) Act 2018	33 of 2018	19 Nov 2018	6 Nov 2019 (see s. 2(b) and Gazette 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
Community Titles Act 2018	32 of 2018	19 Nov 2018	To be proclaimed (see s. 2(b))
s. 3-5, Pt. 2-12, s. 176-187			
and 190 and Pt. 14			

## **Other notes**

<sup>1</sup>The Community Titles Act-2018

### Section 214 amended

In section 214(3)(a)(ii) after "under this" insert:

or any other

### Section 239 amended

After section 239(1)(b) insert:

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or any item registered for a community titles scheme under the Community Titles Act 2018; <del>266.</del> Section 242 amended In section 242(1A) after "judge" insert: <del>or tribunal</del> Division 24 Valuation of Land Act 1978 amended Act amended This Division amends the Valuation of Land Act 1978. 268. Section 24 amended In section 24(1) after "Subject to" insert: the Community Titles Act 2018 and 269. Section 37 amended In section 37(c) after "under" insert: the Community Titles Act 2018 or Division 25 — Water Services Act 2012 amended Act amended This Division amends the Water Services Act 2012. 271. Section 3 amended In section 3(1) in the definition of dwelling paragraph (a) after "as defined in" insert: the Community Titles Act 2018 section 3(1) or 272. Section 71 amended <u>In section 71(2):</u>

a scheme document, community development statement

