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**LAND ADMINISTRATION**

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LA301\*

Strata Titles Act 1985

**Strata Titles General Amendment  
Regulations 2000**

Made by the Governor in Executive Council.

**1. Citation**

These regulations may be cited as the *Strata Titles General Amendment Regulations 2000*.

**2. Schedule 3 amended and transitional provision**

- (1) Schedule 3 to the *Strata Titles General Regulations 1996\** is amended by deleting Form 28 and inserting the following form instead —

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## FORM 28

## DISCLOSURE STATEMENT

## SALE OF STRATA TITLED LOT OR PROPOSED STRATA TITLED LOT

Section 69 *Strata Titles Act 1985*

## FOR SELLER'S INFORMATION

1. The information incorporated in this statement —
  - must be given to a prospective purchaser of a strata titled lot before the prospective purchaser makes an offer to purchase, accepts an offer to sell or enters into a contract to purchase the strata titled lot; and
  - may be given in the form of this statement or may be incorporated in the contract of sale of the strata titled lot.
2. This statement applies to the sale of a lot on a strata plan or a survey-strata plan.
3. If certain changes occur in relation to the strata company, the strata/survey-strata plan or the common property (as set out in section 69C(3) of the *Strata Titles Act 1985* and mentioned in Form 29), before settlement, you must give notice in writing of those changes to the prospective purchaser as soon as you become aware of those changes.
4. Failure to give this statement or incorporate the information in the contract of sale or failure to notify of any changes may give the prospective purchaser the right to terminate the contract. Exercise of this right by the prospective purchaser is restricted if this statement or notification of any changes was given at any time before settlement.

**Parts 1 and 3 must be completed in every sale of a strata titled lot or proposed strata titled lot.**

**Part 2 must be completed where the strata titled lot or proposed strata titled lot is being sold by the original proprietor, in any of the cases listed in Part 2.**

## FOR PURCHASER'S INFORMATION

1. The land to which this statement relates, and any ensuing contract of sale, is part of a strata titled scheme which is governed by the *Strata Titles Act 1985*.
2. You should read the information incorporated in this statement as it —
  - identifies the lot which you are proposing to purchase; and
  - sets out what your rights and obligations will be in relation to the lot if you purchase the lot.
3. You may have a right to terminate the contract to purchase the lot if —
  - before entering into the contract, you were not given this statement or the information in this statement was not incorporated into the contract; or
  - certain changes occur in relation to the strata company, the strata/survey-strata plan or the common property (as set out in section 69C(3) of the *Strata Titles Act 1985* and mentioned in Form 29) before settlement and you have not been given notice in writing of those changes.
4. Your right to terminate the contract is restricted if this statement or notification of any changes was given at any time before settlement.
5. If you are uncertain as to any of these matters you should obtain independent advice from a lawyer or other expert before signing any offer to purchase, accepting an offer to sell or entering into a contract to purchase the lot.

**PART 1 — COMPULSORY DISCLOSURE OF INFORMATION  
BY EVERY VENDOR**

**Particulars of purchaser and strata company**

Description of lot to be sold: lot .....on \*strata/survey-strata plan no. ...

Street address of lot.....

Name of prospective purchaser(s) .....

Purchaser's address.....

Name of Scheme (Building) .....

\*Address of strata company / name and address of agent  
(for obtaining section 43 certificate or inspection of records of strata company)

.....

.....

Contact person (if known) ..... Telephone.....

(\* Delete whichever is inapplicable)

**Information in relation to Lot, Strata/Survey-strata scheme**

The following documents must be attached to this statement:

1. A copy of Form 29 entitled "Buying and Selling a Strata Titled Lot".  
The standard by-laws are set out in or attached to Form 29.  
See Attachment No. 1.
2. A copy of the registered or proposed strata/survey-strata plan with the lot to be purchased clearly identified and drawing attention to any information on the plan which relates especially to the lot.  
See Attachment No. 2.
3. A statement of the unit entitlement or proposed unit entitlement of all lots in the scheme or proposed scheme and the aggregate or proposed aggregate unit entitlement. This statement may be —
  - included in the attached copy of the registered or proposed strata/survey-strata plan — see Attachment No. 2; or
  - a separate statement — see Attachment No. 3.
4. A copy of all non-standard strata company by-laws —
  - in the case of an existing scheme, that have been recorded on the strata/survey-strata plan or have been passed by the strata company within the previous 3 months and not yet recorded on the strata/survey-strata plan; or
  - in the case of a proposed scheme, that are proposed to apply to the scheme,  
including, where applicable, a Schedule 2A Management Statement.  
See Attachment No. ....

**PART 2 — DISCLOSURE BY ORIGINAL PROPRIETOR  
WHEN STRATA LOT SOLD FOR FIRST TIME**

*Part 2 must be completed only where the original proprietor is the vendor and—*

- *the strata titled lot being purchased is on a strata/survey-strata plan that has not been registered; or*
- *if the first annual general meeting of the strata company has not been held by the original proprietor; or*
- *if the original proprietor is the owner of 50% or more of the lots in the strata/survey-strata scheme; or*
- *if the original proprietor has 50% or more of the aggregate unit entitlement in the strata/survey-strata scheme.*

**Additional information in relation to strata/survey-strata scheme**

**1. Agreements for provision of amenities, management or other services**

Have either of the strata company or the original proprietor entered into, or propose to enter into, any management agreement, service or maintenance agreement or other agreement for the provision of any amenity or service to the strata company or to any part of the common property or any lot?

YES [ ] NO [ ]

If yes —

- give details of the terms and conditions of every such agreement, the consideration for it and the estimated costs to the proprietor of the lot.

.....  
.....

OR

- attach copies of the agreements — see Attachment No. ....

**2. Pecuniary interest in agreements**

Does the original proprietor have any direct or indirect pecuniary interest, other than as a proprietor of a lot, in any of the agreements referred to in question 1?

YES [ ] NO [ ]

If yes —

- give details of the pecuniary interest(s) .....

.....

OR

- attach details — see Attachment No. ....

**3. Estimated strata company receipts and expenditure**

Attach a copy of the estimated receipts and expenditure of the strata company for the 12 month period from the later of —

- the day of registration of the strata/survey-strata plan; or
- the day of the last Annual General Meeting or, if none has been held during the 15 months preceding the date of the contract, from the settlement date stated in the contract.

See Attachment No. ....

**4. Administrative Fund of the strata company**

Is there an administrative fund or proposed administrative fund?

YES [ ] NO [ ]

If yes, the contribution or proposed contribution for the Lot, under section 36(1) of the *Strata Titles Act 1985*, is \$ ..... per annum, which is payable —

- [ ] annually  
 [ ] by half-yearly instalments of \$ .....  
 [ ] by quarterly instalments of \$ .....  
 [ ] otherwise (please specify) .....

**5. Reserve fund of the strata company**

Is there a reserve fund or a proposed reserve fund?

YES [ ] NO [ ]

If yes, the amount of the contribution or proposed contribution for the Lot, under section 36(2) of the *Strata Titles Act 1985*, is \$ ..... per annum, which is payable —

- [ ] annually  
 [ ] by half-yearly instalments of \$ .....  
 [ ] by quarterly instalments of \$ .....  
 [ ] otherwise (please specify) .....

**6. Proposed lease, licence, exclusive use or special privilege**

Have either of the strata company or the original proprietor granted or propose to grant any lease, licence, right of exclusive use or special privilege over the common property or any part of it to the purchaser or any other person?

YES [ ] NO [ ]

If yes —

- give details of each lease, licence, right of exclusive use or special privilege, or proposed lease, licence, right of exclusive use or special privilege.

.....  
 .....

OR

- attach copies of each lease, licence, right of exclusive use or special privilege or proposed lease, licence, right of exclusive use or special privilege — see Attachment No.....

**PART 3 — ACKNOWLEDGMENT OF RECEIPT OF NOTIFIABLE INFORMATION**

**Statement by Vendor(s)**

Name(s) .....

.....

Address(es).....

.....

\*I/We, the Vendor(s), hereby certify that the notifiable information in relation to the Strata lot as described in Part 1 of this form, as required by section 69 of the *Strata Titles Act 1985*, has been given to —

- \* the prospective purchaser(s); or
- \* the listing agent to provide it to the prospective purchaser(s),

before the offer or contract to purchase this property was signed by the purchaser.

\*I/We authorize the prospective purchaser(s) to inspect the records of the strata company.

Vendor(s) signature(s) .....

Date .....

(\* Delete whichever is inapplicable)

**Acknowledgment by prospective purchaser(s)**

\*I/We, the prospective purchaser(s) described in Part 1 of this form, acknowledge that \*I/we have received notifiable information in respect of the lot described in Part 1 of this form and understand that the disclosure given by the vendor(s) or by the selling agent is not an offer or a contract to purchase a strata titled lot, but only provides information to \*me/us.

Prospective purchaser(s) signature(s) .....

Date .....

(\* Delete whichever is inapplicable)

**Statement by selling agent**

I, ..... (name of agent),

of ..... (name of firm),

as selling agent, hereby certify that the notifiable information for this property, as provided by the vendor, has been given to the prospective purchaser(s).

Selling agent's signature .....

Date .....

- (2) Despite subregulation (1) the Form 28 deleted by that subregulation is taken to continue to be prescribed for the purposes of section 69 of the Act until the day 3 months after these regulations commence.

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*[\* Reprinted as at 11 February 1997.  
For amendments to 10 March 2000 see 1998 Index to  
Legislation of Western Australia, Table 4, p. 294, and  
Gazette 18 June 1999.]*

By Command of the Governor,

M. C. WAUCHOPE, Clerk of the Executive Council.