

Amendments agreed to : 1, 2, 3, 4, 8, 9, 10, 11, 12, 16 12-2-25

c2025-004F
Ind (AG)--Independent (Alex Greenwich)

LEGISLATIVE ASSEMBLY

Strata Schemes Legislation Amendment Bill 2024

First print

Proposed amendments

✓ No. 1

Duty of strata committee members to complete training

Page 5, Schedule 1[8], proposed section 37. Insert after line 18—

- (4) The regulations may provide for the issuing of notices to inform a member of the strata committee of an owners corporation who has failed to complete the required training that—
 - (a) the member is required to complete the training, and
 - (b) if the member does not complete the training within the period prescribed by the regulations the member will cease to be a member of the committee.

✓ No. 2

Agency agreements for strata managing agents

Page 5, Schedule 1. Insert after line 37—

[12A] Section 49 Appointment of strata managing agents

Insert after section 49(3)—

- (3A) The Secretary may approve—
 - (a) the form of agency agreements for the appointment of strata managing agents, and
 - (b) the terms, conditions and other provisions that agency agreements for the appointment of strata managing agents must or must not contain.
- (3B) The Secretary may approve 1 or more standard form of agency agreements for the appointment of strata managing agents.

✓ No. 3

Building manager agreements

Page 6, Schedule 1. Insert after line 19—

[17A] Section 67 Appointment of building managers

Insert after section 67(2)—

- (3) The Secretary may approve—
 - (a) the form of building manager agreements, and

(b) the terms, conditions and other provisions that building manager agreements must or must not contain.

(4) The Secretary may approve 1 or more standard form of building manager agreements.

✓ No. 4

Payment plans

Page 7, Schedule 1[24], lines 23. Omit all words on the line. Insert instead—

Omit section 85(5). Insert instead—

(5) An owners corporation and an owner may agree to enter into a payment plan for the payment of overdue contributions.

(5AA) A payment plan is limited to a period of 12 months but a further plan may be agreed to.

(5AB) An owners corporation must not, by resolution, refuse to enter into payment plans for the payment of overdue contributions.

(5AC) Despite subsection (5AB) an owners corporation may refuse to enter into payment plans for the payment of overdue contributions in particular cases.

No. 5

Payment plans

Page 7, Schedule 1[25], lines 25–29. Omit all words on the lines. Insert instead—

Insert before section 85(6)—

(5A) A request by an owner to enter into a payment plan (the *request*) must not be unreasonably refused by the owners corporation.

(5B) The regulations may prescribe what constitutes an unreasonable refusal in relation to payment plans.

No. 6

Payment plans

Page 8, Schedule 1[27], line 8. Insert after “subsection.”—

Insert instead—

(7) The owners corporation must not charge interest on unpaid contributions that are the subject of a payment plan under consideration by the owners corporation.

No. 7

Payment plans

Page 8, Schedule 1. Insert after line 13—

[28A] Section 86 Recovery of unpaid contributions and interest

Insert before section 86(1)—

(1A) An owners corporation must not take action to recover an amount under this section from an owner unless—

(a) the owners corporation has offered the owner the option of entering into a reasonable payment plan for the payment of overdue contributions, and

(b) the owner declined, or failed to respond to, the offer to enter into a reasonable payment plan.

✓ No. 8

Payment plans

Page 8, Schedule 1. Insert after line 13—

[28B] Section 86 Recovery of unpaid contributions and interest

Insert after section 86(2A)—

(2AA) An owners corporation may only take action to recover the reasonable expenses of the owners corporation incurred in recovering unpaid contributions and any interest payable on unpaid contributions—

- (a) if the owners corporation has offered the owner the option of entering into a payment plan for the payment of the unpaid contributions, and
- (b) pursuant to an order of the Tribunal or a court under this section.

✓ No. 9

Duty of association committee members to complete training

Page 24, Schedule 2[7], proposed section 41. Insert after line 22—

(4) The regulations may provide for the issuing of notices to inform a member of the association committee of an association who has failed to complete the required training that—

- (a) the member is required to complete the training, and
- (b) if the member does not complete the training within the period prescribed by the regulations the member will cease to be a member of the committee.

✓ No. 10

Agency agreements for managing agents

Page 25, Schedule 2. Insert after line 3—

[11A] Section 53 Appointment of managing agents

Insert after section 53(2)—

(2A) The Secretary may approve—

- (a) the form of agency agreements for the appointment of managing agents, and
- (b) the terms, conditions and other provisions that agency agreements for the appointment of managing agents must or must not contain.

(2B) The Secretary may approve 1 or more standard form of agency agreements for the appointment of managing agents.

✓ No. 11

Facilities manager agreements

Page 25, Schedule 2. Insert after line 27—

[16A] Section 71 Appointment of facilities managers

Insert after section 71(2)—

(3) The Secretary may approve—

- (a) the form of facilities manager agreements, and
- (b) the terms, conditions and other provisions that facilities manager agreements must or must not contain.

(4) The Secretary may approve 1 or more standard form of facilities manager agreements.

✓ No. 12

Payment plans

Page 26, Schedule 2[21], line 23. Omit all words on the line. Insert instead—

Omit section 90(5). Insert instead—

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- (5) An association and a member of the association may agree to enter into a payment plan for the payment of overdue contributions.
 - (5AA) A payment plan is limited to a period of 12 months but a further plan may be agreed to.
 - (5AB) An association must not, by resolution, refuse to enter into payment plans for the payment of overdue contributions.
 - (5AC) Despite subsection (5AB) an association may refuse to enter into payment plans for the payment of overdue contributions in particular cases.

No. 13 **Payment plans**

Page 26, Schedule 2[22], lines 25–29. Omit all words on the lines. Insert instead—

Insert before section 90(6). Insert instead—

- (5A) A request by a member of the association to enter into a payment plan (the *request*) must not be unreasonably refused by the association.
- (5B) The regulations may prescribe what constitutes an unreasonable refusal in relation to payment plans.

No. 14 **Payment plans**

Page 27, Schedule 2[24], line 8. Insert after “subsection.”—

Insert instead—

- (8) The association must not charge interest on unpaid contributions that are the subject of a payment plan under consideration by the association.

No. 15 **Payment plans**

Page 27, Schedule 2. Insert after line 13—

[25A] Section 91 Recovery of unpaid contributions and interest

Insert before section 91(1)—

- (1A) An association must not take action to recover an amount under this section from a member of the association unless—
 - (a) the association has offered the member the option of entering into a reasonable payment plan for the payment of overdue contributions, and
 - (b) the member declined, or failed to respond to, the offer to enter into a reasonable payment plan.

✓ No. 16

Payment plans

Page 27, Schedule 2. Insert after line 13—

[25B] Section 91 Recovery of unpaid contributions and interest

Insert after section 91(3)—

- (3A) An association may only take action to recover the reasonable expenses of the association incurred in recovering unpaid contributions and any interest payable on unpaid contributions—
 - (a) if the association has offered the member of the association the option of entering into a payment plan for the payment of the unpaid contributions, and

(b) pursuant to an order of the Tribunal or a court under this section.