

**COMMUNITY TITLES BILL 2018**  
**COMMUNITY TITLES AMENDMENT (CONSISTENCY OF CHARGING) BILL 2018**

*Cognate Debate — Motion*

**MS R. SAFFIOTI (West Swan — Minister for Transport)** [9.21 pm]: In accordance with standing order 169, I seek leave for the Community Titles Bill 2018 and the Community Titles Amendment (Consistency of Charging) Bill 2018 to be considered cognately, and for the Community Titles Bill 2018 to be declared the principal bill.

**MRS L.M. HARVEY (Scarborough — Deputy Leader of the Opposition)** [9.21 pm]: From the opposition's perspective it makes sense to have these bills debated cognately. It does not make sense for them to be interrogated by this Parliament at different times, so the opposition has no problem with that motion.

Leave granted.

*Second Reading — Cognate Debate*

Resumed from 28 June.

**MRS L.M. HARVEY (Scarborough — Deputy Leader of the Opposition)** [9.22 pm]: I have been caught somewhat off guard; I only brought one telephone book in with me. My other telephone book is back in my office!

I rise on behalf of the opposition to contribute to the cognate debate on the Community Titles Bill 2018 and the Community Titles Amendment (Consistency of Charging) Bill 2018. The Liberal Party party room has discussed this legislation at length. We have enjoyed the opportunity of two briefings afforded us by the minister. Both briefings were very comprehensive. I thank the individuals the minister provided us from Landgate who provided us with very comprehensive briefings, and answered all our questions absolutely perfectly.

Our understanding of the community titles legislation is that it offers a new form of title to Western Australians. I believe some of the larger companies have been using it as an alternative form of title on the east coast for quite some time. I was fortunate to attend a presentation of the Urban Development Institute of Australia that was co-sponsored by some strata organisations and a collection of other people from the proper industry. Lendlease gave a presentation on some of the big gated communities that are like towns within towns that have been created on the east coast using community titles as the vehicle to manage the strata schemes. As I understand it, community title in effect allows for strata schemes to be developed within strata schemes. A benefit I see in Western Australia with the introduction of community titles is that they will provide for a reduction in conflict in some of those developments with mixed uses. There are a few around Western Australia. I will not name any specifically, but we all know of developments where there is sometimes underground parking, office accommodation and perhaps medical suites integrated with retail and some residential component. Invariably in these schemes there might be a contract to manage the car parking and perhaps a different management firm will look after the retail component, which may have its own car parking spaces required for shoppers. There are obviously shopping malls to maintain and higher public liability requirements than would be expected for a residential development. Then there is the residential development that may have a swimming pool, spa, gym and other amenities that no-one working in the retail environment would be using and that the operators of the car park do not have access to. Under the existing system, there can be only one strata scheme and there is a complex set of contracts that regulate who can use what within a development.

Community titles enable a much cleaner and clearer system. There are quite a few mixed-use developments in Scarborough with residential and tourism components. There might be a couple of different swimming pools and facilities for the two components. There might be retail space and offices on the bottom floors and then car parking. The community title can mean that the residential strata owners only pay for the common property areas and facilities that they use and are available to them. Similarly, tourism accommodation owners only pay for parking and facilities that they use. The retail component will have responsibility for the public liability insurance and the maintenance of the areas that they have access to and their shopper parking. There might also be private parking run by a contractor, and they only pay for the maintenance and upkeep of the area to which they have access to make their living out of. I see this as a really clean, neat solution to prevent conflict, because having lived in a mixed-use strata development with tourism existing side-by-side with residential or long-term tenants, I know there is conflict. People see the tourists coming from the beach and leaving sand everywhere who are not treating the place like their own. Residents think the tourist component should be paying more for cleaning because they do not care as much about the place. Then the residents living there all the time have to live with the mess and disruption that other people might bring as part of a different kind of development.

I think this is a really neat solution. I note there are similar termination clauses in the community titles schemes to those in the legislation we have just passed to amend the Strata Titles Act, but because the community title is a new kind of title, I was far less concerned about the termination clauses in the standalone legislation than those in the Strata Titles Amendment Bill, because that bill applies *carte blanche* to all existing strata developments.

There are people who might be in strata development schemes that have been in existence for decades who will be affected by the amended legislation, with new termination clauses for those schemes incorporated in it. Community title is a new kind of title. All those termination clauses will be understood as people enter into a development, with community title giving a specific access right to common property and a specific strata levy, administrative levy, reserve levy or whatever it might be to cater for the upkeep of the building and the areas to which the owners have access.

I also see that it might be advantageous when three or four apartment or hotel towers, or whatever it might be, are grouped together. They could share a big common facility, such as a big swimming pool, a really big gym, big entertainment areas or perhaps tennis courts—that kind of facility. All of that common property and its upkeep could be shared by two, three or four times the number of owners. It would be a bigger facility with economies of scale in terms of managing the shared common property between larger developments. The opposition and certainly I, as the spokesperson for planning, were really excited to see this legislation. I do not know how quickly it will be taken up in Western Australia. Sometimes there is a little bit of wait awhile around changes to legislation in Western Australia, but I think it creates an opportunity for a different kind of development. With that development comes the potential for a different level of responsibility by some developers to really look after the infrastructure within these schemes and larger gated communities—the sorts of options for housing that are more difficult to achieve in the absence of a specific piece of legislation to cover them. The opposition supports this legislation. Indeed, we welcome its passage through the Parliament.

**MS R. SAFFIOTI (West Swan — Minister for Planning)** [9.31 pm] — in reply: I thank the opposition for its support for the Community Titles Bill 2018 and the Community Titles Amendment (Consistency of Charging) Bill 2018. This is a new form of title that I am very excited about; although, the member for Mandurah has been caught out!

**Mr D.A. Templeman:** What have I done?

**Ms R. SAFFIOTI:** The member for Mandurah has been caught out saying that the bills we debate in this place are boring.

**Mr D.A. Templeman:** Who said that?

**Ms R. SAFFIOTI:** Tomorrow's *Inside Cover* states —

Labor member for Mandurah David Templeman had his Arts Minister hat on while speaking at a Musica Viva concert in Perth on Tuesday night.

And it sounds like said hat is a much better fit than the others the former thespian wears, namely those of Leader of the House and Local Government Minister.

Speaking in the interval at the concert, Templeman acknowledged “a much more appreciative audience here than in the Parliament of WA sitting up the road”.

“I'd much rather be here than up there on the hill,” he continued.

“They are debating something quite boring, actually.”

As Templeman spoke, the second reading of the Strata Titles Amendment Bill was taking place and it was every bit as exciting as its name suggests—ie, not very.

**Mr D.A. Templeman:** I surrender!

**Ms R. SAFFIOTI:** There is a bit of a sting in the tail here, minister —

That said, one would expect the Local Government Minister to be a little more enthusiastic about a Bill that will likely have some impact on one of his portfolios.

The Minister for Local Government has been caught out!

**Mr D.A. Templeman:** I will consider my position overnight.

**Ms R. SAFFIOTI:** The minister has been caught out insulting what we do in this chamber while he was out in the arts community.

**Mr D.A. Templeman:** It got a good laugh.

**Mrs L.M. Harvey:** You are right in the line of fire for a backhander there. I would be shifting over.

**The SPEAKER:** As long as he doesn't sing!

**Ms R. SAFFIOTI:** I thank the opposition for its support for this bill. As I said, we are very excited about what this bill can do to really share infrastructure costs and facilitate mixed-use developments and all those things that we like. The member for Scarborough quite rightly outlined some issues with the existing legislation, in particular for mixed-use developments. It is something that I know the public and, in particular, industry has wanted for a long time. I agree it will be interesting to see how this is taken up. I think it is a great mechanism and I would

like to see it taken up and used as soon as possible to really facilitate shared infrastructure, further mixed-use developments and the ability to develop more vibrant and active precincts throughout Western Australia.

Question put and passed.

Bill (Community Titles Bill 2018) read a second time.

Leave granted to proceed forthwith to third reading.

*Third Reading*

Bill read a third time, on motion by **Ms R. Saffioti (Minister for Lands)**, and transmitted to the Council.