

From: Marc Gibbs
To: [Legislation Committee](#)
Subject: Strata Titles Amendment Bill 2018
Date: Saturday, 22 September 2018 10:16:01 PM

Dear Committee members,

I have read the attached email from David Honey and read several articles in the news media.

It appalls me that the government wants to give the power of compulsory acquisition to private commercial interests, ahead of the property rights of individual citizens. Even if 95% of owners want to sell out, I don't agree that the rights of the other 5% should be disregarded. I understand that there are some circumstances in which compulsory acquisition is justified, but I cannot countenance that this power would ever be granted to private interests for commercial gain. That such a move is being contemplated explains how the 'ruling class' have lost touch with the just concerns of ordinary people.

I can also understand that 9 out of 10 strata owners might be frustrated by a holdout individual, from selling their properties at an elevated price. That does not justify kicking the tenth person or family out of their home. The 9 are free to sell on the open market and are not justified in making another citizen suffer in order to access a windfall profit.

A just democracy is not merely the vote of the majority.

I am not currently a strata property owner, but the government's lack of concern for fundamental rights makes me fearful for the future of us all.

Please delete the proposed provisions for compulsory acquisition.

Yours sincerely,
Marc Gibbs

----- Forwarded message -----

From: Cottlesloe <Cottlesloe@mp.wa.gov.au>
Date: Thu, Sep 20, 2018 at 5:50 PM
Subject: Don't Let Labor Take Away Your Individual Strata Property Rights
To: Cottlesloe <Cottlesloe@mp.wa.gov.au>



DID YOU KNOW that the McGowan Labor Government has recently proposed legislation that will diminish the individual property rights of strata title owners and occupiers for residents and businesses.

I strongly believe that this proposed law goes against our basic principles, which is to protect and support individual property rights.

Under Labor's original proposal, a proponent will simply require a majority vote being: 1 of 2 units; 2 of 3 units; or 75% for 4 or more units to force the remaining strata lot owners to sell. This includes strata business premises.

Subsequently, along with my Liberal/National Party Legislative Assembly colleagues, we convinced Labor to exclude strata properties with fewer than 5 units from the compulsory acquisition clause and increase the majority percentage required to 80%. These major changes will exclude a very large number of strata owners and businesses from this compulsory acquisition clause **but more still needs to be done.**

Another major concern I have with the proposed Legislation is the introduction of Leasehold strata title schemes to Western Australia. Such leaseholds would be a new form of strata title and a major change for our State. The McGowan Labor Government's reasoning for this

proposal is to provide cheaper housing. However, if we take the UK for example, leases today cost as much as the historic freehold title, which is simply unacceptable in our egalitarian Australia.

Some other concerns that I have with the Legislation are, but not limited to:

- There should be a 2 year interval (not the current 6 months) between new proposals to dissolve a strata scheme as is the case with similar legislation in Singapore, otherwise this enables bullying of vulnerable people;
- SAT should be required to consider Ontological Security and disruption (i.e. concern as to disharmony that arises from a lack of continuity in regards to the events in your life), in particular, for children and older people in accordance with the UK legal precedent;
- SAT should also be required to provide an Advocate for vulnerable people to help them through the process;
- Amendments should also be made so an individual strata unit owner can seek a remedy directly with the SAT to prevent bullying by repeated requirements to vote and defend proposals for compulsory acquisition. Contrary to Labor's legislation, this remedy shouldn't be limited to the scheme owner or the strata company;
- SAT should have greater flexibility to vary the financial compensation paid to owners who have been forced to sell rather than Labor's proposed 10% limit unless exceptional circumstances can be proven before SAT;
- Leasehold strata title must be restricted to Government land. The examples given in Labor's explanatory memorandum refer only to Government land; and
- The compulsory acquisition powers of the State which are for the social good of necessary Public Works should not instead be used, in effect, for the benefit of private purchasers as is proposed by Labor's Bill.

Due to these concerns and many others, the Liberal/National Team along with the crossbenchers in the Legislative Council have referred Labor's proposal to a Standing Committee on Legislation for more detailed scrutiny.

However, I am concerned that the majority of submissions will be dominated by industry representatives who stand to benefit from the legislation in its current form.

Consequently, I urge you to make a submission to the Standing Committee on Legislation stating that retrospectively taking away an individual's property rights cannot be allowed to occur in Western Australia.

For further information on the proposed amendment and how to make a submission please visit: <https://bit.ly/2phjvHl> or contact my office on tel. 9383 1505 or via return email. **Please note that the deadline for submissions is Tuesday, 25 September at 4pm (- it is up to the Committee as to how they deal with late submissions).**

I hope you will take action to protect your property rights and ensure that Labor's legislation is amended. **Please also share this email with anyone you may know that is living in a strata unit so that they too can make a submission.**

Kind regards,

Dr David Honey MLA - Member for Cottesloe