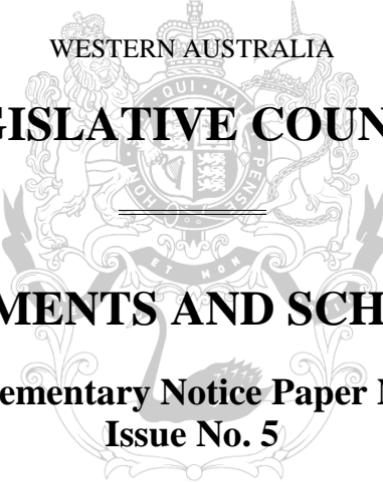


WESTERN AUSTRALIA



LEGISLATIVE COUNCIL

AMENDMENTS AND SCHEDULES

Supplementary Notice Paper No. 80
Issue No. 5

THURSDAY, 18 OCTOBER 2018

STRATA TITLES AMENDMENT BILL 2018 [80-2]

When in committee on the *Strata Titles Amendment Bill 2018*:

Clause 83

Committee recommendation 7: To move —

5/83 Page 282, lines 25 and 26 — To delete the lines and insert:

request under subsection (1).

Minister for Environment representing the Minister for Lands: To move —

14/83 Page 282, line 26 — To delete the line and insert:

appropriate modifications.

Hon Colin Tincknell: To move —

17/83 Page 282, line 32 — To delete “section 184; and” and insert:

section 184;

Hon Colin Tincknell: To move —

18/83 Page 283, line 4 — To delete “taken.” and insert:

taken;

Hon Colin Tincknell: To move —

19/83 Page 283, after line 4 — To insert:

- (c) all necessary preconditions in the regulations are in place to ensure that redevelopment proceeds in accordance with the termination proposal with bond based penalties for non-compliance; and
- (d) the strata is maintained fit for purpose until actual demolition and construction starts.

Committee recommendation 4: To move —

6/83 Page 286, lines 5 to 17 — To delete the lines and insert:

- (1) The regulations —
 - (a) shall require the proponent of a termination proposal to enter into specified arrangements for the owners of lots in the strata titles scheme proposed to be terminated to obtain independent advice or representation in connection with the proposal; and
 - (b) shall specify arrangements for obtaining fuller or more extensive advice or representation for a class or classes of owner identified in or under the regulations as vulnerable, having regard to —
 - (i) advanced age, illness, trauma, disability or other factors that may impair the ability of an owner to consider and make an informed decision in relation to a termination proposal; or
 - (ii) financial disadvantage which would significantly impair the ability of the owner to bear the cost of obtaining appropriate professional advice in relation to a termination proposal.
- (2) Without limitation, the arrangements may include a requirement for the proponent of a termination proposal to pay an amount to a trustee to be held in trust for owners to obtain independent legal advice or representation, valuation advice or reports or financial or taxation advice in connection with the proposal.

Minister for Environment representing the Minister for Lands: To move —

15/83 Page 286, lines 5 to 17 — To delete the lines and insert:

- (1) The regulations —
 - (a) must require the proponent of a termination proposal to enter into specified arrangements for the owners of lots in the strata titles scheme proposed to be terminated to obtain independent advice or representation in connection with the proposal; and
 - (b) must specify arrangements for obtaining fuller or more extensive advice or representation for a class or classes of owner identified in or under the regulations as vulnerable, having regard to —
 - (i) age, illness, trauma, disability or other factors that may impair the ability of an owner to consider and make an informed decision in relation to a termination proposal; or

- (ii) financial disadvantage which would significantly impair the ability of the owner to bear the cost of obtaining appropriate professional advice in relation to a termination proposal.
- (2) Without limitation, the arrangements may include a requirement for the proponent of a termination proposal to pay an amount to a trustee to be held in trust for owners to obtain independent legal advice or representation, valuation advice or reports or financial or taxation advice in connection with the proposal.
- (3) The regulations may specify terms of a trust referred to in subsection (2).

Committee recommendation 8: To move —

7/83 Page 287, lines 1 to 8 — To delete the lines and insert:

- (2) The *Planning and Development Act 2005* applies to the required approval subject to the modification that a reference to subdivision is to be read as including a reference to termination of a strata titles scheme.

Minister for Environment representing the Minister for Lands: To move —

16/83 Page 287, lines 1 to 8 — To delete the lines and insert:

- (2) The *Planning and Development Act 2005* applies to the required approval subject to —
 - (a) the modification that a reference to subdivision is to be read as including a reference to termination of a strata titles scheme; and
 - (b) any other appropriate modifications.

