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New South Wales

Strata Schemes Management Regulation 2016

under the

Strata Schemes Management Act 2015

[The following enacting formula will be included if this Regulation is made:]

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Strata Schemes Management Act 2015*.

Minister for Innovation and Better Regulation

Explanatory note

The object of this Regulation is to provide for the following matters relating to strata title schemes:

- (a) the functions of owners corporations which may only be delegated to a strata committee or strata agent,
 - (b) additional matters required to be included in the agenda for the first annual general meeting of an owners corporation as well as additional documents required to be provided before that meeting by the original owner or lessor of land included in the strata scheme,
 - (c) procedures for the election of tenant representatives for strata committees,
 - (d) procedures for elections for strata committees,
 - (e) voting procedures for owners corporations and strata committees, including secret ballots, electronic and remote voting and pre-meeting voting,
 - (f) matters to be included in payment plans for overdue contributions, statements of key financial information for owners corporation funds and receipts issued by treasurers of owners corporations,
 - (g) other financial matters, including requirements for accounting records,
 - (h) the common property memorandum that may be adopted for a strata scheme relating to maintenance responsibilities of the owners corporation and lot owners,
 - (i) prescribing certain work as minor renovations that may be approved by a general resolution of an owners corporation,
 - (j) matters to be included in the initial maintenance schedule for the common property of a strata scheme,
 - (k) requirements for window safety devices,
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- (l) procedures for the disposal by an owners corporation of goods abandoned on common property and for the removal of motor vehicles from common property,
 - (m) by-laws for strata schemes in existence before 1996 and model by-laws for use for other residential strata schemes,

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Strata Schemes Management Regulation 2016 Explanatory note

- (n) the operation of and limitations on by-laws that impose occupancy limits,
- (o) insurance requirements for an owners corporation, including approved insurers, determination of the minimum amount for which a building is to be insured (through a valuation of the building) and the limits on an insurer's liability under a damage policy,
- (p) requiring records of electronic voting for owners corporation resolutions to be retained and requiring voting records generally to be retained for only 13 months (unless they relate to strata renewal questions),
- (q) the form of the strata information certificate,
- (r) persons who may be appointed as building inspectors for the purposes of reporting on building defects in new strata schemes,
- (s) the content of, and notices relating to, interim and final reports by building inspectors,
- (t) building bonds for building work in new strata schemes, including the basis for determining the amount of a bond (that is, the calculation of the relevant contract price for building work), enabling insurance bonds to be used as building bonds, documents to be lodged with a building bond and procedures for payment of a building bond,
- (u) the decisions relating to building bonds and reports on defective building work that may be reviewed by the Secretary of the Department of Finance, Services and Innovation (the *Secretary*) and the procedures for making an application for a review,
- (v) procedures relating to mediations arranged by the Secretary to resolve disputes and complaints before a matter is heard by the Civil and Administrative Tribunal,
- (w) offences for which penalty notices may be issued,
- (x) fees,
- (y) other miscellaneous matters, including transitional provisions consequent on the enactment of the *Strata Schemes Management Act 2015*.

This Regulation is made under the *Strata Schemes Management Act 2015*, including sections 4 (1), 13 (1) (h), 15 (p), 16 (1) (f), 33, 57 (3) (d), 85 (6), 86 (5) (c), 94, 95 (4), 96 (4), 97 (2), 102 (1), 107 (1), 110, 115, 118, 125, 134 (3), 137, 138, 161, 180, 184 (6), 189, 193 (2), 195 (2), 199 (2), 201 (2), 202 (3), 208, 209 (2), 210, 213, 214, 218 (2), 250 and 271 (the general regulation-making power), clauses 24 (2) (b), 26, 28 (2) and 29 (2) of Schedule 1, clause 10 (2) of Schedule 2 and clause 1 of Schedule 3.

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Part 1 Preliminary

Strata Schemes Management Regulation 2016

under the

Strata Schemes Management Act 2015

Part 1 Preliminary

1 Name of Regulation

This Regulation is the *Strata Schemes Management Regulation 2016*.

2 Commencement

This Regulation commences on [specify date] and is required to be published on the day on which it is published on the NSW legislation website.

3 Definitions

(1) In this Regulation:

close of the ballot—see clause 15 (8). *pre-meeting electronic voting*—see clause 14 (1). *the Act* means the *Strata Schemes Management Act 2015*.

- (2) Notes included in this Regulation (other than in a form set out in Schedule 1) do not form part of this Regulation.

Part 2 Owners corporations and strata committees

4 Functions that may only be delegated to strata committee member or strata managing agent

For the purposes of section 13 (1) (h) of the Act, the following functions of an owners corporation are prescribed as functions that may be delegated to or conferred only on a member of the strata committee or a strata managing agent:

- (a) arranging for inspections for the purposes of fire safety in accordance with section 123 of the Act,
- (b) ensuring that the owners corporation complies with any relevant requirements under the *Work Health and Safety Act 2011*,
- (c) entering into contracts relating to the maintenance of common property or the provision of services to the common property (other than contracts relating to a parcel),
- (d) arranging for inspections of records and other documents under section 183 of the Act,
- (e) giving certificates under section 184 of the Act.

5 Agenda for first AGM

- (1) For the purposes of section 15 (p) of the Act, the agenda for the first annual general meeting of an owners corporation is to include the following item, if a tenant representative has been nominated for the strata committee in accordance with section 33 of the Act: to recognise the nomination of a tenant representative for the strata committee
- (2) The agenda for the first annual general meeting of an owners corporation is also to include the following item, if the initial period of the strata scheme ends not later than 12 months after completion of building work for which a building inspector is required to be appointed under Part 11 of the Act: to appoint a building inspector for the purposes of Part 11 of the Act

6 Documents and records to be provided to owners corporation before first AGM

For the purposes of section 16 (1) (f) of the Act, the following documents obtained or received by the original owner or lessor and relating to the parcel concerned, or any building, plant or equipment on the parcel, are prescribed:

- (a) if a building is required to be insured under Division 1 of Part 9 of the Act, any valuation of the building,
- (b) maintenance and service manuals.

7 Tenant representatives: section 33 of the Act

- (1) The person who convenes an annual general meeting of an owners corporation that has tenants for at least half of the number of lots in the scheme must convene a

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Part 2 Owners corporations and strata committees

meeting of eligible tenants for the purpose of the nomination of a person for the position of tenant representative on the strata committee.

- (2) The person must give written notice of the meeting to each eligible tenant at least 21 days before the general meeting and the tenants meeting must be held not later than 7 days before the annual general meeting.
- (3) The convenor of the meeting is to chair the tenants meeting.
- (4) An eligible tenant may nominate for, or nominate another eligible tenant for, nomination as the tenant representative at the meeting.

- (5) The tenant representative to be nominated by the eligible tenants for a strata scheme is to be determined by majority vote of tenants present at the meeting.
- (6) The term of a tenant representative commences at the end of the annual general meeting at which the nomination is recognised.
- (7) A person is an *eligible tenant* for the purposes of this Part if the tenant is a tenant notified in a tenancy notice given in accordance with the Act.

8 Vacation of office by tenant representative

- (1) A tenant representative ceases to be a tenant representative:
 - (a) if the person was an eligible tenant at the time of the election and the person ceases to be a tenant of a lot in the strata scheme, or
 - (b) on receipt by the secretary of the owners corporation from the person of written notice of the person's resignation as a member, or
 - (c) at the end of the next meeting at which a new strata committee is elected by the owner's corporation, or (d) if the person dies.
- (2) If a tenant representative ceases to be a tenant representative before the next meeting at which a new strata committee is elected, the secretary of the owners corporation is to convene a meeting of eligible tenants for the purpose of the nomination of a person for the position of tenant representative on the strata committee.
- (3) The secretary must give at least 7 days written notice of the meeting to each eligible tenant.
- (4) The secretary is to chair the tenants meeting.
- (5) Clause 7 (4) and (5) apply to the nomination of a replacement tenant representative.
- (6) The term of a replacement tenant representative is for the remainder of the term of the representative that the person replaces.

9 Election of strata committee

- (1) At a meeting of an owners corporation at which the strata committee is to be elected, the chairperson must:
 - (a) announce the names of the candidates already nominated in writing for election to the strata committee, and
 - (b) call for any oral nominations of candidates eligible for election to the strata committee.
- (2) A written or oral nomination made for the purposes of the election is ineffective if it is made by a person other than the nominee unless it is supported by the consent of the nominee given:
 - (a) in writing, if the nominee is not present at the meeting, or (b) orally, if the nominee is present at the meeting.
- (3) After the chairperson declares that nominations have closed, the owners corporation is to decide, in accordance with the Act, the number of members of the strata committee.
- (4) If the number of candidates:

- (a) is the same as, or fewer than, the number of members of the strata committee decided on—those candidates are to be declared by the chairperson to be, and are taken to have been, elected as the strata committee, or
- (b) is greater than the number so decided on—a ballot is to be held.

10 Ballot for strata committee

- (1) This clause applies to the election of a strata committee for a strata scheme comprising more than 2 lots.
- (2) If a ballot for membership of the strata committee of an owners corporation is required, the person presiding at the meeting of the owners corporation must:
 - (a) announce to the meeting the name of each candidate, and
 - (b) provide each person present and entitled to vote at the meeting with a blank ballot paper for each vote the person is entitled to cast.
- (3) For a vote to be valid, a ballot paper must be signed by the voter and completed by the voter's writing on it:
 - (a) the names of the candidates (without repeating a name) for whom the voter desires to vote, the number of names written being no more than the number determined by the owners corporation as the number of members of the strata committee, and
 - (b) the capacity in which the voter is exercising a right to vote, whether:
 - (i) as owner, first mortgagee or covenant chargee of a lot (identifying the lot), or
 - (ii) as a company nominee, or
 - (iii) by proxy, and
 - (c) if the vote is being cast by proxy—the name and capacity of the person who gave the proxy.
- (4) The completed ballot paper must be returned to the chairperson.
- (5) Until all places for membership of the strata committee have been filled, the chairperson is to declare elected successively each candidate who has a greater number of votes than all other candidates who have not been elected.
- (6) If only one place remains to be filled but there are 2 or more eligible candidates with an equal number of votes, the candidate to fill the place is to be decided by a show of hands of those present and entitled to vote.
- (7) Subclause (6) is subject to a resolution referred to in clause 14.

11 Nominations for officers of strata committee

- (1) The written notice of the first meeting of a strata committee after the appointment of the committee is to include a call for nominations for chairperson, secretary and treasurer of the committee.
- (2) Any person who is a member of the strata committee may nominate another member for election as any or all of chairperson, secretary or treasurer of the committee.

- (3) The nomination is to be made by written notice given to the person convening the meeting that states the name of:
 - (a) the person nominated, and
 - (b) the person making the nomination and that the person nominated consents to the nomination.
- (4) The person convening the meeting must include any prior nominations in the notice of the meeting at which the election is to take place. Notice of any subsequent nomination is to be given by the convenor at the meeting.
- (5) A nomination may be made at any time before the election is held and may be made at the meeting.
- (6) If a ballot for the election of a person as chairperson, secretary or treasurer of the committee is required, the election is to be conducted by a show of hands of persons at the meeting.
- (7) Subclause (6) is subject to a resolution referred to in clause 14.

12 Priority votes

For the purposes of clause 24 of Schedule 1 to the Act, a priority vote may be cast on a motion if the motion would require expenditure that exceeds an amount calculated by multiplying \$1,000 by the number of lots in the strata scheme.

13 Proxy votes

For the purposes of clause 26 (2) of Schedule 1 to the Act, an instrument appointing a proxy is to be in or to the effect of Form 1 in Schedule 1.

14 Other means of voting—owners corporation and strata committee

- (1) An owners corporation or strata committee may, by resolution, adopt any of the following means of voting on a matter to be determined by the corporation or committee:
 - (a) voting by means of telephone, video-conferencing, email or other electronic means while participating in a meeting from a remote location,
 - (b) voting by means of email or other electronic means before the meeting at which the matter (not being an election) is to be determined by the corporation or committee (*pre-meeting electronic voting*).
- (2) Without limiting subclause (1) (b), the other electronic means of voting may include requiring voters to access a voting website and to vote in accordance with directions contained on that website.
- (3) An owners corporation may, by resolution, adopt postal voting as a means of voting on matters (other than elections) to be determined by the corporation.

15 Pre-meeting electronic voting by means of email or accessing a voting website

- (1) This clause applies to a ballot for determination of a matter by an owners corporation or strata committee that is to be conducted by pre-meeting electronic voting by email or accessing a voting website.
- (2) The secretary of the owners corporation must ensure that the form for the electronic ballot paper contains:

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- (a) instructions for completing the voting paper, and
 - (b) the question to be determined, and
 - (c) the means of indicating the voter's choice on the question to be determined.
- (3) The secretary of the owners corporation must, at least 14 days before the meeting at which the matter is to be determined, give each person entitled to vote:
- (a) access to an electronic ballot paper, or to a voting website containing an electronic ballot paper, that complies with this clause, and
 - (b) access to information about:
 - (i) how the ballot paper must be completed, and
 - (ii) the closing date of the ballot, and
 - (iii) if voting is by email, the address where the ballot paper is to be returned, and
 - (iv) if voting is by accessing a voting website, the internet address of the website, any passwords required to access the website and how the completed electronic ballot paper is to be sent to the secretary using the website, and
 - (c) access to an electronic form of declaration requiring the voter to state:
 - (i) his or her name, and
 - (ii) the capacity in which the person is entitled to vote, and
 - (iii) in the case of a matter that requires a special resolution, the voter's unit entitlement, and
 - (iv) if the vote is a proxy vote, the name and capacity of the person who gave the proxy.
- (4) Each person entitled to vote must vote in accordance with the instructions contained in the information.
- (5) If the ballot is a secret ballot, the secretary must ensure that:
- (a) the identity of the voter cannot be ascertained from the form of the electronic ballot paper, and
 - (b) the declaration by the voter is dealt with so that it is not capable of being used to identify the voter.
- (6) An electronic ballot paper and the form of declaration must be sent to the secretary of the owners corporation no later than the close of the ballot.
- (7) The secretary of the owners corporation must ensure that all electronic ballot papers are stored securely until the counting of the votes begins.
- (8) In this clause, the *close of the ballot* means:
- (a) for a matter to be determined by the owners corporation, the time that is 24 hours before the commencement of the meeting at which the matter is to be determined, or
 - (b) for a matter to be determined by a strata committee, immediately before the commencement of the meeting at which the matter is to be determined.

16 Postal voting—owners corporation

- (1) This clause applies to a ballot for the determination of a matter (other than an election) by an owners corporation that is to be conducted by means of postal voting.
- (2) The secretary of the owners corporation must prepare ballot papers that contain:
 - (a) instructions for completing the voting paper, and
 - (b) the question to be determined, and
 - (c) a box opposite and to the left of each question.
- (3) The secretary of the owners corporation must, at least 14 days before the meeting at which the matter is to be determined, give each person entitled to vote:
 - (a) a ballot paper prepared in accordance with this clause, and
 - (b) a notice describing:
 - (i) how the ballot paper must be completed, and
 - (ii) the closing date of the ballot, and
 - (iii) the address where the ballot paper is to be returned, and
 - (c) a declaration form requiring the voter to state:
 - (i) his or her name, and
 - (ii) the capacity in which the voter is entitled to vote, and
 - (iii) in the case of a matter that requires a special resolution, the voter's unit entitlement, and
 - (iv) if the vote is a proxy vote, the name and capacity of the person who gave the proxy, and
 - (d) a returning envelope addressed to the secretary and, if the ballot is a secret ballot, an envelope marked "Voting Paper".
- (4) Each person entitled to vote must vote by marking the ballot paper in accordance with the instructions contained in the notice.
- (5) If the ballot is a secret ballot, a voter must, after completing the ballot paper:
 - (a) enclose and seal the ballot paper in the envelope marked "Voting Paper", and
 - (b) enclose and seal that envelope in the returning envelope addressed to the secretary, together with the declaration of entitlement to vote, and
 - (c) give the envelope to the secretary so that it is received no later than 24 hours before the meeting at which the matter is to be determined.
- (6) If the ballot is not a secret ballot, a voter must, after completing the ballot paper:
 - (a) enclose and seal the ballot paper in the returning envelope addressed to the secretary, together with the declaration of entitlement to vote, and
 - (b) give the envelope to the secretary of the owners corporation so that it is received no later than the close of the ballot.
- (7) On receipt of a returning envelope, the secretary must:
 - (a) compare the declaration of entitlement to vote received in each returning envelope with the information on the strata roll to confirm that the vote was cast by a person entitled to vote in the ballot, and

- (b) ensure that the ballot papers are securely stored until the counting of the votes begins.

17 Informal votes

- (1) A ballot paper of a voter who votes by means of pre-meeting electronic voting or postal voting is informal if the voter has failed to record a vote in accordance with the information provided by the secretary.
- (2) Despite subclause (1), if, in the opinion of the secretary, a voter's intention is clearly indicated on a ballot paper for a postal vote, the ballot paper is not informal merely because it contains an unnecessary mark.
- (3) If voting is carried out by pre-meeting electronic voting using a voting website, the website is to provide a warning message to a person casting an informal vote that the proposed vote is informal.

18 Ascertaining result of pre-meeting electronic voting or postal ballot

- (1) As soon as practicable after the close of the ballot for a postal vote, the secretary of the owners corporation must:
 - (a) in the case of a secret ballot, open the envelopes marked "Voting Paper" and remove the ballot papers, and
 - (b) in the case of any ballot, reject as informal any ballot papers that do not comply with the requirements of this Regulation, and
 - (c) ascertain the result of the ballot by counting the votes not rejected.
- (2) As soon as practicable after the close of a ballot conducted by pre-meeting electronic voting, the secretary of the owners corporation must:
 - (a) review all information and reports about the electronic ballot, and
 - (b) reject as informal any votes that do not comply with the requirements of this Regulation, and
 - (c) ascertain the results of the electronic ballot.
- (3) The secretary must, at the meeting to consider the matter for which the pre-meeting electronic voting or postal vote was held, inform the persons present of the result of the ballot.

Part 3 Financial management

19 Payment plans for unpaid contributions: section 85 (6) of the Act

- (1) A payment plan for the payment of overdue contributions is to be in writing and is to contain the following:
 - (a) the name of the lot owner and the title details of the lot,
 - (b) the address for service of the lot owner,
 - (c) the amount of the overdue contributions,
 - (d) the amount of any interest payable for the overdue contributions and the way in which it is calculated,
 - (e) the schedule of payments for the amounts owing and the period for which the plan applies,
 - (f) the manner in which the payments are to be made,
 - (g) contact details for a member of the strata committee who is to be responsible for any matters arising in relation to the payment plan,
 - (h) a statement that a further plan may be agreed to by the owners corporation by resolution,
 - (i) a statement that the existence of the payment plan does not limit any right of the owners corporation to take action to recover the amount of the unpaid contributions.
- (2) The strata committee must give a lot owner who has entered into a payment plan a written statement for each calendar month of the plan that sets out the payments made during that month and the amount of unpaid contributions and interest owing.

20 Notice of recovery action for unpaid contributions, interest or expenses

For the purposes of section 86 (5) (c) of the Act, a notice of proposed action to recover an amount of contributions, interest or expenses must include the following:

- (a) the date the amount was due to be paid,
- (b) the manner in which the amount may be paid,
- (c) whether a payment plan may be entered into,
- (d) any other action that may be taken to arrange for payment of the amount.

21 Statement of key financial information

- (1) For the purposes of section 94 (1) of the Act, the statement of key financial information for an administrative fund or capital works fund must be in or to the effect of Form 2 in Schedule 1.
- (2) For the purposes of section 94 (2) of the Act, the statement of key financial information for any other fund must be in or to the effect of Form 3 in Schedule 1.

22 Calculation of annual budget

For the purposes of section 95 (4) of the Act, the amount of the annual budget is to be the amount of contributions levied for the year concerned (whether or not they have been paid).

23 Accounting records

The accounting records required to be kept for the purposes of section 96 (4) of the Act are as follows:

- (a) receipts consecutively numbered,

Part 3 Financial management

- (b) a statement of deposits and withdrawals for the account of the owners corporation, (c) a cash record,
- (d) a levy register.

24 Levy register

- (1) The levy register must include a separate section for each lot in the strata scheme that is not a utility lot.
- (2) Each of those sections must specify, by appropriate entries, the following matters in relation to each contribution levied by the owners corporation and must indicate whether those entries are debits or credits and the balances for those entries:
 - (a) the date on which the contribution is due and payable,
 - (b) the type of contribution and the period in respect of which it is to be made,
 - (c) the amount of the contribution levied shown as a debit,
 - (d) the amount of each payment shown as a credit,
 - (e) the date on which each payment relating to the contribution was made,
 - (f) whether a payment made was made in cash or by cheque or in some other specified manner,
 - (g) whether an amount paid comprised full payment or part payment,
 - (h) details of any discount given for early payment, (i) the balance of the account.

25 Receipts

For the purposes of section 97 (2) of the Act, each receipt issued by the treasurer of the owners corporation must include the following:

- (a) the date of issue of the receipt,
- (b) the amount of money received,
- (c) the form (cash, cheque, postal order or other) in which the money was received,
- (d) the name of the person on whose behalf the payment was made,
- (e) if the payment is for a contribution to the administrative or capital works fund:
 - (i) a statement that the payment was made in respect of that contribution, and
 - (ii) the lot number in respect of which the contribution was made, and
 - (iii) the period in respect of which the payment is made (if relevant), and
 - (iv) details of any discount given for early payment,
- (f) if the payment is not a payment referred to in paragraph (e)—particulars of the transaction in respect of which the payment is received,

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- (g) if the payment is received in respect of more than one transaction—the manner in which the payment is apportioned between transactions.

26 Limits on spending by large strata schemes

For the purposes of section 102 (1) of the Act, the prescribed amount for a proposed expenditure is \$30,000.

Part 4 Property management

27 Common property memorandum

The Common Property Memorandum, published in the Gazette and on the website of the Department of Finance, Services and Innovation on [date] is prescribed for the purposes of section 107 (1) of the Act as the common property memorandum that may be adopted by the by-laws for a strata scheme.

28 Minor renovations by owners

Work for the following purposes is prescribed as minor renovations for the purposes of section 110 (3) of the Act:

- (a) removing carpet or other soft floor coverings to expose underlying wooden or other hard floors,
- (b) installing a rainwater tank,
- (c) installing a clothesline,
- (d) installing a reverse cycle split system air conditioner,
- (e) installing a solar photovoltaic system or solar hot water,
- (f) installing a heat pump,
- (g) installing ceiling insulation.

29 Initial maintenance schedule: section 115 of the Act

- (1) The initial maintenance schedule for the maintenance of the common property of a strata scheme must contain maintenance schedules for the following things on common property:
 - (a) exterior concrete walls,
 - (b) masonry, (c) sealants,
 - (d) flashing,
 - (e) windows,
 - (f) doors,
 - (g) gates,
 - (h) decking and handrails,
 - (i) gutters,
 - (j) paint and other exterior surfaces, including cladding and stucco,
 - (k) brickwork,
 - (l) driveways, parking spaces and paving,
 - (m) footpaths,
 - (n) patios,
 - (o) asphalt,

- (p) site drainage and grading,
- (q) drain tiles and sumps,
- (r) landscaping,
- (s) fencing,
- (t) pools and surrounds,
- (u) electrical and mechanical systems,

- (v) lifts,
 - (w) air conditioning systems,
 - (x) fire protection equipment, including sprinkler systems, alarms and smoke detectors.
- (2) The following are to be included with or attached to the initial maintenance schedule:
- (a) all warranties for systems, equipment or any other things referred to in the schedule,
 - (b) any manuals or maintenance requirements provided by manufacturers for any of those things,
 - (c) the name and contact details of the manufacturer and installer of any of those things.
- (3) The initial maintenance schedule must also provide a schedule of inspections of things included in the schedule.
- (4) The schedule may be in hard copy or in an electronic form that is accessible by the owners corporation.

30 Window safety devices

- (1) A building in a strata scheme is a building to which section 118 of the Act applies if the building contains lots used for residential purposes.
- (2) A window within any such building is a window to which section 118 of the Act applies if:
- (a) it is a window within the meaning of the *Building Code of Australia*, and
 - (b) it can be opened, and
 - (c) the lowest level of the window opening is less than 1.7m above the surface of any internal floor that abuts the wall of which it forms part, and
 - (d) that internal floor is 2m or more above the ground surface, or any external surface, below the window that abuts the wall, and
 - (e) it is a window on common property to which access can be gained from a residence in a strata scheme or a window on any part of the building that is part of a residence.
- (3) A screen, lock or any other device is a complying window safety device for the purposes of section 118 of the Act if it:
- (a) is capable of restricting the opening of a window so that a sphere having a diameter of 125mm or more cannot pass through the window opening, and
 - (b) is capable of resisting an outward horizontal action of 250 newtons, and
 - (c) has a child resistant release mechanism, in the case of a device that can be removed, overridden or unlocked.
- (4) In this clause:
Building Code of Australia has the same meaning as it has in the *Environmental Planning and Assessment Act 1979*.

31 Notification by owners of window safety devices

An owner of a lot in a strata scheme who installs a window safety device under section 118 of the Act must give written notice of the installation to the owners corporation within 7 days after completion of the installation.

Note. Section 262 of the Act sets out the manner in which a document is to be served on an owners corporation.

32 Disposal of abandoned goods: section 125 of the Act

- (1) This clause applies to goods left on common property (other than motor vehicles and things permitted by the owners corporation to remain on common property).
- (2) The owners corporation may dispose of goods left on common property if:
 - (a) a disposal notice has been placed on or near the goods and the goods have not been removed from the common property within the period specified in the disposal notice, or (b) they are perishable goods, or (c) they consist only of rubbish.
- (3) A disposal notice must:
 - (a) not be less than the size of an A4 piece of paper, and
 - (b) be placed in a position or be in a material so that the contents of the notice are not likely to be detrimentally affected by weather, and
 - (c) describe the goods and state the date and time the notice was issued, and
 - (d) state that the goods will be disposed of if they are not removed from the common property before the date and time specified in the notice (being not earlier than 48 hours after the notice was placed on or near the goods), and
 - (e) specify contact details for a member of the strata committee in relation to the notice.
- (4) If the goods are so placed that they block an entrance or exit, the owners corporation may move the goods to another place on the common property before placing a disposal notice on or near the goods, and for that purpose the owners corporation is taken to be the owner of the goods.
- (5) The owners corporation may dispose of the goods by selling them or in any other lawful manner and for that purpose is taken to be the owner of the goods.
- (6) A purchaser of goods sold by an owners corporation in accordance with this clause acquires a good title to the goods freed and discharged of any interest of any person who would otherwise have an interest in the goods.
- (7) The proceeds of a sale of goods under this clause are to be paid to the administrative fund of the owners corporation.
- (8) The owners corporation must make a record of goods sold under this clause and keep the record for a period of not less than 12 months after the disposal.
- (9) The record must contain the following particulars:
 - (a) a description of the goods,
 - (b) the date of the sale,
 - (c) the name and address of the purchaser,
 - (d) if sold by auction, the address of the principal place of business of the auctioneer.

(10) In this clause:

motor vehicle has the same meaning as in the *Impounding Act 1993*.

33 Tribunal may order payment of proceeds of disposal to owner

The Tribunal may, on application by the owner of goods sold by an owners corporation to another person under clause 32, order that the owners corporation pay to the owner of the goods the proceeds of the sale, less the reasonable costs incurred by the owners corporation in selling the goods.

34 Removal of motor vehicles: section 125 of the Act

(1) This clause applies to a motor vehicle left on common property that is placed so that it blocks an exit or entrance or otherwise obstructs the use of common property.

(2) The owners corporation may take action under this clause if the owners corporation has placed a removal notice on or near the motor vehicle and the requirements of the notice are not complied with within the period specified in the notice for compliance.

(3) A removal notice must:

- (a) not be less than the size of an A4 piece of paper, and
- (b) be placed in a position or be in a material so that the contents of the notice are not likely to be detrimentally affected by weather, and
- (c) describe the motor vehicle and state the date and time the notice was issued, and
- (d) state that the motor vehicle will be removed if it is not moved from the common property or so that it no longer obstructs common property before the date and time specified in the notice (being not earlier than 48 hours after the notice was placed on or near the motor vehicle), and
- (e) specify contact details for a member of the strata committee in relation to the notice.

(4) The owners corporation may cause a motor vehicle to be moved to another place on common property or to the nearest place to which it may be lawfully moved, or moved so that it no longer blocks an exit or entrance or otherwise obstructs the use of common property, and for that purpose the owners corporation is taken to be the owner of the motor vehicle.

(5) In this clause:

motor vehicle has the same meaning as in the *Impounding Act 1993*.

Part 5 By-laws

35 By-laws for schemes before 1996

For the purposes of section 134 (3) of the Act, the by-laws for a strata scheme that was in existence before the commencement of the *Strata Schemes Management Act 1996* are the by-laws set out in Schedule 2, and any amendments or repeals to those by-laws registered for the strata scheme as in force immediately before the repeal of section 42 of the *Strata Schemes Management Act 1996*.

36 Occupancy limits—exception

- (1) For the purposes of section 137 (3) (b) of the Act, a by-law that limits the number of adults who may reside in a lot has no effect if all of the adults who reside in the lot are related to each other.
- (2) For the purposes of this clause, a person is related to another person who resides in a lot if:
 - (a) the person is the parent, guardian, grandparent, son, daughter, grandchild, brother, sister, uncle, aunt or cousin of the other person, or
 - (b) the person is such a relative of the other person's spouse or de facto partner, or
 - (c) the person is the spouse or de facto partner of the other person, or (d) the person is the carer of, or is cared for by, the other person.
- (3) For the purposes of this clause, a person who is an Aboriginal person or a Torres Strait Islander is also related to another person if the person is, or has been, part of the extended family or kin of the person according to the indigenous kinship system of the person's culture.

37 Occupancy limits—residents

For the purposes of section 137 (5) of the Act, a person is a resident of a lot for the purposes of a by-law that limits the number of adults who may reside in a lot if the lot has been, or is proposed to be, the person's principal place of residence for a continuous period of not less than 3 months.

38 Model by-laws

For the purposes of section 138 of the Act, the by-laws set out in Schedule 3 are model by-laws that may be adopted as the by-laws for a strata scheme.

Part 6 Insurance

Part 6 Insurance

39 Approved insurers

- (1) A Lloyds underwriter authorised to carry on insurance business, or exempted from authorisation, under the *Insurance Act 1973* of the Commonwealth is an approved insurer for the purposes of paragraph (b) of the definition of **approved insurer** in section 4 (1) of the Act.
- (2) In this clause:
Lloyds underwriter has the same meaning as in the *Insurance Act 1973* of the Commonwealth.

40 Manner of calculation of insurance limit under damage policy

- (1) For the purposes of section 161 (1) (a) of the Act, the minimum amount for which a building is to be insured is to be not less than the amount calculated in accordance with subclause (2).
- (2) For the purposes of section 161 (2) of the Act, the amount to which the liability of an insurer may be limited under a damage policy is to be calculated by adding together the following amounts:
 - (a) the estimated cost, as at the date of commencement of the damage policy, of:
 - (i) carrying out the work that a damage policy is required to provide for under section 161 of the Act, and
 - (ii) making the payments that a damage policy is required to provide for under section 161 of the Act,
 - (b) the estimated amount by which expenditure referred to in the preceding paragraphs may increase during the period of 18 months following the date of commencement of the damage policy.

-
- (3) The amounts referred to in subclause (2) (a) and (b) are to be calculated so as to include any applicable taxes, fees and charges (including taxes, fees and charges of the Commonwealth).

Part 7 Records and information about strata schemes

Part 7 Records and information about strata schemes

41 Electronic voting records

- (1) For the purposes of section 180 (1) (j) of the Act, records relating to electronic voting for motions for resolutions by an owners corporation must be retained by an owners corporation.
- (2) For the purposes of section 180 (2) of the Act, the period for which an owners corporation is required to retain voting papers under section 180 (1) (g) of the Act or records referred to in subclause (1) is 13 months, unless the papers relate to decisions in connection with Part 10 of the *Strata Schemes Development Act 2015*.
- (3) The owners corporation must not provide, or disclose the contents of, any such voting papers unless required to do so by the Tribunal, a court or a mediator in a mediation that is arranged by the Secretary under the Act.

42 Inspection of records

For the purposes of section 182 (3) (k) of the Act, the owners corporation must make available for inspection the accounting records and other records relating to the strata scheme that are kept by the strata managing agent.

43 Strata information certificate

For the purposes of section 184 (6) of the Act, the strata information certificate must be in or to the effect of Form 4 in Schedule 1.

Part 8 Building defects

44 Interpretation

Words and expressions used in this Part have the same meaning as they have in Part 11 of the Act.

45 Building inspectors

For the purposes of section 193 (2) of the Act, a person who is a member of a strata inspector panel established by any of the following bodies is qualified to be appointed as a building inspector:

- (a) the Housing Industry Association,
- (b) the Master Builders Association of New South Wales,
- (c) the Australian Institute of Building,
- (d) the Australian Institute of Building Surveyors,
- (e) the Australian Institute of Building Consultants,
- (f) Engineers Australia,
- (g) the Australian Institute of Architects,
- (h) the Association of Accredited Certifiers.

46 Disclosure of previous employment by developer

For the purposes of section 195 (2) of the Act, a building inspector must disclose previous employment with, or contractor work for, the developer that occurred at any time within the period of 2 years before appointment as a building inspector.

47 Interim reports: section 199 (2) of Act

An interim report by a building inspector must be in the form approved by the Secretary and contain the matters specified in the form.

Note. Section 199 (2) of the Act sets out matters that must be included in an interim report.

48 Final report: section 201 (2) of Act

A final report by a building inspector must be in the form approved by the Secretary and contain the following matters:

- (a) an assessment of the likely cost of rectifying defective work not rectified since the interim report or that arises from rectification of any such work, (b) any other matters specified in the form.

49 Notice to owners of reports: section 202 (3) of Act

A notice to owners of the receipt of an interim or final report by a building inspector must contain the following particulars:

- (a) whether the report is an interim or final report, (b) how to obtain an electronic copy of the report.

50 Building bonds

- (1) For the purposes of the definition of *contract price* in section 189 of the Act, the contract price for building work is the price paid under the contract for that work, or

if the work has not been completed, the reasonable estimate of the price payable under the contract for that work.

Note. Under section 211 (3) of the Act, the Tribunal may make an order determining the contract price of building work for the purposes of determining the amount of a building bond.

- (2) For the purposes of section 208 of the Act, a building bond may be in the form of an insurance bond.

51 Maturity dates for building bonds

The maturity date for a building bond must not be more than 3 years after it is given to the Secretary.

52 Additional documents to be lodged with building bond

A developer must, when giving a building bond to the Secretary, also give the Secretary a notice (in the form determined by the Secretary) containing the following information:

- (a) the strata plan number of the strata scheme concerned,
- (b) the street address of any building to which the bond relates,
- (c) the name and address of the principal certifying authority for any building work to which the bond relates,
- (d) an address for service for the developer,
- (e) an address for service for the owners corporation for the strata scheme,
- (f) a copy of any page of the relevant building contract that contains the estimated final contract price for the building work to which the bond relates.

53 Application to pay building bond to owners corporation

For the purposes of section 209 (2) of the Act, an application to pay a building bond to the owners corporation must be made not later than 14 days before the last day on which the building bond must be claimed or realised under that section.

54 Use of building bond to meet costs of inspections or report

For the purposes of section 210 of the Act, an amount secured by a building bond may be used to meet the costs of an inspection or a report under Division 2 of Part 11 of the Act, including any fee for the appointment of a building inspector by the Secretary, if the developer of the strata scheme is bankrupt or insolvent and the costs or any fee have not been paid.

55 Payment of building bond

- (1) The Secretary must not pay the whole or part of an amount secured by a building bond unless the Secretary has given at least 14 days written notice to the owners corporation and the developer of the strata scheme of the proposed payment.
- (2) If an application to review a decision to pay the whole or part of an amount secured by a building bond is made in accordance with clause 56, the amount is not to be paid until the application for the review is determined or withdrawn.

56 Review of decisions

- (1) For the purposes of section 213 of the Act, the following decisions of the Secretary are reviewable decisions:

- (a) a decision to appoint a building inspector to carry out a final report under section 200 of the Act,
 - (b) a determination under section 200 of the Act that a developer is not required to arrange for a final report,
 - (c) a decision under section 212 of the Act to vary the period within which an interim report or final report is to be provided, or other action is to be done, under Part 11 of the Act,
 - (d) a decision that the whole or part of a building bond may be claimed or realised for payment to an owners corporation, developer or other person.
- (2) Despite subclause (1), a decision by the Secretary to claim or realise a building bond for payment is not reviewable if the amount has been paid in accordance with the decision.
- Note.** Under clause 55 (2), a building bond cannot be claimed or realised if an application for review of the decision has been made.
- (3) An application for a review of a reviewable decision must be made not later than 14 days after notice of the decision is given by the Secretary to the interested person or, if the interested person is the owner of a lot, to the owners corporation and must:
- (a) be in writing and signed by the applicant, and
 - (b) specify the decision for which a review is sought and the grounds on which the review is sought, and
 - (c) specify any additional information that is provided by the applicant for the purposes of the review and indicate why the information was not previously provided, and
 - (d) provide an address for giving notice to the applicant of the decision by the Secretary on the review.

Part 9 Alternative dispute resolution 57 Application of Part

This Part applies to a mediation conducted under section 218 of the Act.

58 Directions of Secretary

Subject to the Act and this Regulation, the Secretary may give written directions for regulating and prescribing the practice and procedure to be followed in connection with a mediation session, including the preparation and service of documents.

59 Attendance and representation

- (1) A mediation session must be attended by each party or a representative of the party if all other parties consent to the representation.
- (2) Other persons may attend a mediation session with the leave of the mediator.

60 Costs

The parties to a mediation are to pay their own costs associated with the mediation.

61 Termination

- (1) A mediator may terminate a mediation at any time.
- (2) A party may terminate a mediation at any time by giving notice of the termination to the mediator and each other party.

Part 10 Miscellaneous 62 Limit for gifts to strata managing agents

For the purposes of section 57 (3) (d) of the Act, the amount prescribed is \$60.

63 Fees

- (1) The fees payable under the Act are set out in Schedule 4.
- (2) The Secretary may waive payment of the fee paid to the Secretary for an application for mediation, or may repay any such fee, if the Secretary considers it appropriate to do so in the circumstances.

64 Penalty notice offences and penalties

- (1) For the purposes of section 250 of the Act:
 - (a) each offence created by a provision specified in Column 1 of Schedule 5 is an offence for which a penalty notice may be served, and
 - (b) the penalty prescribed for each such offence is the amount specified opposite the provision in Column 2 of the Schedule.
- (2) If the reference to a provision in Column 1 of Schedule 5 is qualified by words that restrict its operation to specified kinds of offences, an offence created by the provision is a prescribed offence only if it is an offence of a kind so specified or committed in the circumstances so specified.

65 Seals of owners corporations—savings provision

The seal of an owners corporation in existence before the commencement of this clause may continue to be used as its seal for the purposes of the Act or for any other purpose, unless replaced by the owners corporation.

66 Amendment of the Act: clause 1 (5) of Schedule 3 to the Act

Schedule 3 Savings, transitional and other provisions Omit clause 14

- (1). Insert instead:
 - (1) The term of appointment of a strata managing agent appointed or reappointed before the commencement of section 50 (1) of the Act, that is in force on that commencement, ends on the following day:
 - (a) if the agent was appointed or reappointed for a term (including any roll over or extension period) of 3 years or more, on the day that is 3 years after the term commenced or that is 6 months after the commencement of section 50 (1) of the Act, whichever is the later, or
 - (b) if the agent was appointed or reappointed for a term (including any roll over or extension period) of less than 3 years, on the day that the term ends or that is 6 months after the commencement of section 50 (1) of the Act, whichever is the later.

Schedule 1 Forms

(Clauses 13, 21, 43)

Form 1 Proxy appointment
Strata Schemes Management Act 2015

Date

I/We

the owners of lot in Strata Plan No appoint of as my/our proxy for the purposes of meetings of the owners corporation (including adjournments of meetings).

Period or number of meetings for which appointment of proxy has effect for
1 meeting/ meetings/*1 month/* months/*12 months or 2 consecutive annual general meetings
**Tick or tick and complete whichever applies*

(Note. The appointment cannot have effect for more than 12 months or 2 consecutive annual general meetings, whichever is the greater.)

*1 This form authorises the proxy to vote on my/our behalf on all matters.

OR

*2 This form authorises the proxy to vote on my/our behalf on the following matters only:
[Specify the matters and any limitations on the manner in which you want the proxy to vote.]

**Delete paragraph 1 or 2, whichever does not apply.*

*3 If a vote is taken on whether (the strata managing agent) should be appointed or remain in office or whether another managing agent is to be appointed, I/we want the proxy to vote as follows:

**Delete paragraph 3 if proxy is not authorised to vote on this matter. For examples, read note 1 below.*

Signature of owner/s

Notes on appointment of proxies

- 1 This form is ineffective unless it contains the date on which it was made and it is given to the secretary of the owners corporation at least 24 hours before the first meeting in relation to which it is to operate (in the case of a large strata scheme) or at or before the first meeting in relation to which it is to operate (in any other case).
- 2 This form will be revoked by a later proxy appointment form delivered to the secretary of the owners corporation in the manner described in the preceding paragraph.
- 3 This form is current from the day on which it is signed until the end of the period (if any) specified on the form or the first anniversary of that day or at the end of the second annual general meeting held after that day (whichever occurs first).
- 4 The total number of proxies that may be held by a person (other than proxies held by the person as the co-owner of a lot) voting on a resolution are as follows:
 - (a) if the strata scheme has 20 lots or less, one, or
 - (b) if the strata scheme has more than 20 lots, a number that is equal to not more than 5% of the total number of lots.
- 5 A provision of a contract for the sale of a lot in a strata scheme, or of any ancillary or related contract or arrangement, is void and unenforceable to the extent that it:
 - (a) requires the purchaser of a lot, or any other person, to cast a vote at a meeting of the owners corporation at the direction of another person, or
 - (b) requires the purchaser to give a proxy at the direction of another person for the purpose of voting at a meeting of the owners corporation (that is a person cannot rely on any such proxy to cast a vote as a proxy).

Notes on rights of proxies to vote

- 1 A duly appointed proxy may:
 - (a) vote on a show of hands (or by any other means approved by a general resolution at a meeting of the owners corporation), subject to any limitation in this form, or may demand a poll, and
 - (b) vote in the person's own right if entitled to vote otherwise than as a proxy, and
 - (c) if appointed as a proxy for more than one person, may vote separately as a proxy in each case.

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Strata Schemes Management Regulation 2016 Schedule

1 Forms

- 2 A proxy is not authorised to vote on a matter:
- (a) if the person who appointed the proxy is present at the relevant meeting and personally votes on the matter, or
 - (b) so as to confer a pecuniary or other material benefit on the proxy, if the proxy is a strata managing agent, building manager or on-site residential property manager, or (c) if the right to vote on any such matter is limited by this form.

Form 2 Statement of key financial information—capital works fund and administrative fund

Name of fund:

Reporting period:

Balance carried forward from previous reporting period:

Total income received during reporting period:

Total interest earned by fund during reporting period:

Total contributions paid during reporting period:

Total unpaid contributions payable for reporting period:

Total expenditure for maintenance during reporting period:

Balance of fund at end of reporting period:

List of principal items of expenditure proposed for next reporting period:

Form 3 Statement of key financial information—other funds

Name of fund:

Reporting period:

Balance carried forward from previous reporting period:

Total income received during reporting period:

Total interest earned by fund during reporting period: Balance of fund at end of reporting period:

Form 4 Certificate under section 184 of the Strata Schemes Management Act 2015

Date of certificate

Strata scheme in respect of which certificate issued Strata Plan No

Lot in respect of which certificate issued Lot No

Strata Plan No

Person requesting certificate

Name.....

(owner/mortgagee/covenant chargee/authorised person)

Address.....

If authorised person, authorised by:

Name.....

(owner/mortgagee/covenant chargee)

Address.....

The owners corporation certifies the following with respect to the lot the subject of this certificate:

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Strata Schemes Management Regulation 2016 Schedule

1 Forms

1 Has a strata renewal committee been established? Yes/No

Brief statement if one has been established
.....

2 Administrative fund—contributions payable by regular periodic instalments or lump sum (section 73 (1) of the Act)

Total amount last determined	Amount	Period	
	.....	..... to	
Number of instalments payable (if contribution payable by instalments)		.....
Amount of each instalment, period to which instalment relates and date due	Amount	Period	Date due
	.....	..... to .....	.....
	.....	..... to .....	.....
	.....	..... to .....	.....
	.....	..... to .....	.....
Amount (if any) outstanding		.....
Amount (if any) in credit		.....
Discount (if any) applicable for early payment		.....
Brief statement as to the reason for any amount outstanding or in credit			..... .....

3 Capital works fund—contributions payable by periodic instalments or lump sum (section 74 (1) of the Act)

Total amount last determined	Amount	Period	
	.....	..... to	
Number of instalments payable (if contribution payable by instalments)		.....
Amount of each instalment, period to which each instalment relates and date due	Amount	Period	Date due
 to
 to
 to
 to

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Strata Schemes Management Regulation 2016 Schedule

1 Forms

Amount (if any) outstanding
Amount (if any) in credit
Discount (if any) applicable for early payment

Brief statement as to the reason for any amount outstanding or in credit
.....
.....

4 Amounts payable for additional amenities or service (section 117 of the Act)

Section 117 of the Act provides that an owners corporation may enter into an agreement to provide amenities or services to particular lots. These lots are responsible for payment for amenities and services so provided.

Total amount last determined owed by these lots
Amount Period
..... to

If this certificate is requested by the owner of any of those lots, the following applies to the lot/s owned:

Number of instalments payable (if payable by instalments)
Amount of each instalment, period to which instalment relates and date due
Amount Period Date due
..... to

.....
.....
.....

Amount (if any) outstanding
Amount (if any) in credit
Discount (if any) for early payment

Brief statement as to the reason for any amount outstanding or in credit
.....
.....

5 Special contributions to the administrative or capital works or other fund (section 81 (4) of the Act)

Amount of any levy payable under section 81 (4) of the Act
Date on which determination made under section 81 (4) of the Act

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Strata Schemes Management Regulation 2016 Schedule
1 Forms

Number of instalments payable (if contribution payable by
instalments)

Amount of each instalment and date due

Amount	Date due
.....
.....
.....
.....

Amount (if any) outstanding Amount (if any) in credit
.....

Brief statement as to the reason for any amount outstanding or in credit

.....
.....

Brief statement as to the purpose for which the contribution was required

.....
.....

6 Money unpaid under by-law conferring a right or a privilege (Division 3 of Part 7 of the Act)

Amount payable under a common property rights by-law
Date when amount due
Period to which amount relates to

7 Proposals for funding matters set out in the 10 year capital works plan

.....
.....
.....

8 Contributions towards costs of legal proceedings

Amount of any levy payable under section 90 of the Act
Date on which order made under section 90 of the Act
Number of instalments payable (if contribution payable by
instalments)

Amount of each instalment and date due

Amount	Date due
.....
.....
.....
.....

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Strata Schemes Management Regulation 2016 Schedule

1 Forms

Amount (if any) outstanding

Amount (if any) in credit

Brief statement as to the reason for any amount outstanding or in credit

.....
.....

Brief statement as to the purpose for which the contribution was required

.....
.....

9 Amount recoverable in relation to work carried out by owners corporation

Amount (if any) recoverable under section 120 of the Act

10 Rate of interest payable on contributions

Rate of interest payable under section 85 of the Act on contributions %

Amount of interest payable in relation to outstanding contributions \$

11 Amount of unpaid contributions and pecuniary penalties

Amount of any unpaid monetary penalty that is payable under section 147 of the Act or any other monetary penalty

Amount of any contribution recoverable as a debt under section 86 of the Act

12 Particulars on strata roll for lot to which certificate relates

Name of owner Name

Address for service of notices on owner Address

Name and address for service of notices on each mortgagee, covenant chargee or other person who has given notice to the owners corporation under section 22 of the Act Name Address

Capacity

13 Strata managing agent and building manager

Name of strata managing agent (if any) appointed under section 49 of the Act Name

Address

Name of building manager (if any) appointed under section 67 of the Act Name

Address

14 Members of strata committee

Name and address of each member of the executive committee:

Name

Address

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Strata Schemes Management Regulation 2016 Schedule

1 Forms

Member 1
Member 2
Member 3
Member 4
Member 5
Member 6
Member 7
Member 8
Member 9

Office bearers:

Chairperson

Secretary

Treasurer

15 By-laws

Particulars of any by-laws made by the owners corporation within the 2-year period before the date of this certificate that have not been lodged at the office of the Registrar-General as at that date

.....

16 Insurance policies

Particulars of all insurance policies that have the owners corporation as the insured or as a beneficiary:

Type of policy	Name of insurer	Policy number	Sum insured	Date due	Date when last premium paid	Amount of last premium

Name of each insurance broker for each policy (if Name relevant):

Address

Items 17 and 18 must be completed if the strata scheme is also part of a community scheme

Name of community association (if any):

Community lot number(s) for precinct or strata scheme

Address for service of notices:

Name of precinct association (if any):

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Strata Schemes Management Regulation 2016 Schedule
1 Forms

Precinct lot number(s) for strata scheme

Address for service of notices:
.....

17 Contributions payable to administrative fund of community association or precinct association

Total amount last determined with respect to the lots comprising the strata scheme	Amount	Period
	.....	..... to
Number of instalments payable (if contribution payable by instalments)		.....

Amount of each instalment, period to which instalment relates and date due	Amount	Period	Date due
	.....	..... to .....	.....
		..... to .....	.....
		..... to .....	.....
		..... to .....	.....

Amount (if any) outstanding

Amount (if any) in credit

Discount (if any) applicable for early payment

Brief statement as to the reason for any amount outstanding or in credit
.....
.....

18 Contributions payable to sinking fund of community association or precinct association

Total amount last determined with respect to the lots comprising the strata scheme	Amount	Period
	.....	..... to
Number of instalments payable (if contribution payable by instalments)		.....

Amount of each instalment, period to which instalment relates and date due	Amount	Period	Date due
 to
	 to
	 to
	 to

Amount (if any) outstanding

Amount (if any) in credit

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Strata Schemes Management Regulation 2016 Schedule
1 Forms

Discount (if any) applicable for early payment

Brief statement as to the reason for any amount outstanding or in credit
.....
.....

Item 19 must be completed if the strata scheme is a member of a building management committee

Name of building management committee:

Address for service of notices:
.....

19 Contributions payable to the building management committee

Total amount last determined with respect to the Amount Period
lots comprising the strata scheme to

Number of instalments payable (if contribution
payable by instalments)

Amount of each instalment, period to which
instalment relates and date due

Amount	Period	Date due
.....	..... to .....	.....
.....	..... to .....	.....
.....	..... to .....	.....
.....	..... to .....	.....

Amount (if any) outstanding

Amount (if any) in credit

Discount (if any) applicable for early payment

Brief statement as to the reason for any amount outstanding or in credit
.....
.....

Item 20 must be completed if the strata scheme is required to pay to any other person or body any amount not connected to the maintenance or insurance of the common property

20 Amount payable to any other person or body

Name of person or body

Brief statement as to the purpose of the payment:

Schedule 2 By-laws for pre-1996 strata schemes

(Clause 35)

1 Noise

An owner or occupier of a lot must not create any noise on the parcel likely to interfere with the peaceful enjoyment of the owner or occupier of another lot or of any person lawfully using common property.

Note. This by-law was previously by-law 12 in Schedule 1 to the *Strata Schemes (Freehold Development) Act 1973* and by-law 13 in Schedule 3 to the *Strata Schemes (Leasehold Development) Act 1986*.

2 Vehicles

An owner or occupier of a lot must not park or stand any motor or other vehicle on common property except with the written approval of the owners corporation.

Note. This by-law was previously by-law 13 in Schedule 1 to the *Strata Schemes (Freehold Development) Act 1973* and by-law 14 in Schedule 3 to the *Strata Schemes (Leasehold Development) Act 1986*.

3 Obstruction of common property

An owner or occupier of a lot must not obstruct lawful use of common property by any person.

Note. This by-law was previously by-law 14 in Schedule 1 to the *Strata Schemes (Freehold Development) Act 1973* and by-law 15 in Schedule 3 to the *Strata Schemes (Leasehold Development) Act 1986*.

4 Damage to lawns and plants on common property

An owner or occupier of a lot must not:

- (a) damage any lawn, garden, tree, shrub, plant or flower being part of or situated on common property, or
- (b) use for his or her own purposes as a garden any portion of the common property.

Note. This by-law was previously by-law 15 in Schedule 1 to the *Strata Schemes (Freehold Development) Act 1973* and by-law 16 in Schedule 3 to the *Strata Schemes (Leasehold Development) Act 1986*.

5 Damage to common property

- (1) An owner or occupier of a lot must not mark, paint, drive nails or screws or the like into, or otherwise damage or deface, any structure that forms part of the common property without the approval in writing of the owners corporation.

Note. This by-law is subject to sections 109 and 110 of the *Strata Schemes Management Act 2015*.

- (2) An approval given by the owners corporation under subclause (1) cannot authorise any additions to the common property.
- (3) This by-law does not prevent an owner or person authorised by an owner from installing:
 - (a) any locking or other safety device for protection of the owner's lot against intruders, or

- (b) any screen or other device to prevent entry of animals or insects on the lot, or
 - (c) any structure or device to prevent harm to children.
- (4) Any such locking or safety device, screen, other device or structure must be installed in a competent and proper manner and must have an appearance, after it has been installed, in keeping with the appearance of the rest of the building.
- (5) Despite section 106 of the *Strata Schemes Management Act 2015*, the owner of a lot must maintain and keep in a state of good and serviceable repair any installation or structure referred to in subclause (2) that forms part of the common property and that services the lot.

Note. This by-law was previously by-law 16 in Schedule 1 to the *Strata Schemes (Freehold Development) Act 1973* and by-law 17 in Schedule 3 to the *Strata Schemes (Leasehold Development) Act 1986*.

6 Behaviour of owners and occupiers

An owner or occupier of a lot when on common property must be adequately clothed and must not use language or behave in a manner likely to cause offence or embarrassment to the owner or occupier of another lot or to any person lawfully using common property.

Note. This by-law was previously by-law 17 in Schedule 1 to the *Strata Schemes (Freehold Development) Act 1973* and by-law 18 in Schedule 3 to the *Strata Schemes (Leasehold Development) Act 1986*.

7 Children playing on common property in building

An owner or occupier of a lot must not permit any child of whom the owner or occupier has control to play on common property within the building or, unless accompanied by an adult exercising effective control, to be or to remain on common property comprising a laundry, car parking area or other area of possible danger or hazard to children.

Note. This by-law was previously by-law 18 in Schedule 1 to the *Strata Schemes (Freehold Development) Act 1973* and by-law 19 in Schedule 3 to the *Strata Schemes (Leasehold Development) Act 1986*.

8 Behaviour of invitees

An owner or occupier of a lot must take all reasonable steps to ensure that invitees of the owner or occupier do not behave in a manner likely to interfere with the peaceful enjoyment of the owner or occupier of another lot or any person lawfully using common property.

Note. This by-law was previously by-law 19 in Schedule 1 to the *Strata Schemes (Freehold Development) Act 1973* and by-law 20 in Schedule 3 to the *Strata Schemes (Leasehold Development) Act 1986*.

9 Depositing rubbish and other material on common property

An owner or occupier of a lot must not deposit or throw on the common property any rubbish, dirt, dust or other material likely to interfere with the peaceful enjoyment of the owner or occupier of another lot or of any person lawfully using the common property.

Note. This by-law was previously by-law 20 in Schedule 1 to the *Strata Schemes (Freehold Development) Act 1973* and by-law 21 in Schedule 3 to the *Strata Schemes (Leasehold Development) Act 1986*.

10 Drying of laundry items

An owner or occupier of a lot must not, except with the consent in writing of the owners corporation, hang any washing, towel, bedding, clothing or other article on any part of the parcel in such a way as to be visible from outside the building other than on any lines provided by the owners corporation for the purpose and there only for a reasonable period.

Note. This by-law was previously by-law 21 in Schedule 1 to the *Strata Schemes (Freehold Development) Act 1973* and by-law 22 in Schedule 3 to the *Strata Schemes (Leasehold Development) Act 1986*.

11 Cleaning windows and doors

An owner or occupier of a lot must keep clean all glass in windows and all doors on the boundary of the lot, including so much as is common property.

Note. This by-law was previously by-law 22 in Schedule 1 to the *Strata Schemes (Freehold Development) Act 1973* and by-law 23 in Schedule 3 to the *Strata Schemes (Leasehold Development) Act 1986*.

12 Storage of inflammable liquids and other substances and materials

(1) An owner or occupier of a lot must not, except with the approval in writing of the owners corporation, use or store on the lot or on the common property any inflammable chemical, liquid or gas or other inflammable material.

(2) This by-law does not apply to chemicals, liquids, gases or other material used or intended to be used for domestic purposes, or any chemical, liquid, gas or other material in a fuel tank of a motor vehicle or internal combustion engine.

Note. This by-law was previously by-law 23 in Schedule 1 to the *Strata Schemes (Freehold Development) Act 1973* and by-law 24 in Schedule 3 to the *Strata Schemes (Leasehold Development) Act 1986*.

13 Moving furniture and other objects on or through common property

An owner or occupier of a lot must not transport any furniture or large object through or on common property within the building unless sufficient notice has first been given to the strata committee so as to enable the strata committee to arrange for its nominee to be present at the time when the owner or occupier does so.

Note. This by-law was previously by-law 24 in Schedule 1 to the *Strata Schemes (Freehold Development) Act 1973* and by-law 25 in Schedule 3 to the *Strata Schemes (Leasehold Development) Act 1986*.

14 Floor coverings

(1) An owner of a lot must ensure that all floor space within the lot is covered or otherwise treated to an extent sufficient to prevent the transmission from the floor space of noise likely to disturb the peaceful enjoyment of the owner or occupier of another lot.

(2) This by-law does not apply to floor space comprising a kitchen, laundry, lavatory or bathroom.

Note. This by-law was previously by-law 25 in Schedule 1 to the *Strata Schemes (Freehold Development) Act 1973* and by-law 26 in Schedule 3 to the *Strata Schemes (Leasehold Development) Act 1986*.

15 Garbage disposal

An owner or occupier of a lot:

- (a) must maintain within the lot, or on such part of the common property as may be authorised by the owners corporation, in clean and dry condition and adequately covered a receptacle for garbage, and
- (b) must ensure that before refuse is placed in the receptacle it is securely wrapped or, in the case of tins or other containers, completely drained, and
- (c) for the purpose of having the garbage collected, must place the receptacle within an area designated for that purpose by the owners corporation and at a time not more than 12 hours before the time at which garbage is normally collected, and
- (d) when the garbage has been collected, must promptly return the receptacle to the lot or other area referred to in paragraph (a),
- (e) must not place any thing in the receptacle of the owner or occupier of any other lot except with the permission of that owner or occupier, and
- (f) must promptly remove any thing which the owner, occupier or garbage collector may have spilled from the receptacle and must take such action as may be necessary to clean the area within which that thing was spilled.

Note. This by-law was previously by-law 26 in Schedule 1 to the *Strata Schemes (Freehold Development) Act 1973* and by-law 27 in Schedule 3 to the *Strata Schemes (Leasehold Development) Act 1986*.

16 Keeping of animals

- (1) Subject to section 157 of the *Strata Schemes Management Act 2015*, an owner or occupier of a lot must not, without the approval in writing of the owners corporation, keep any animal on the lot or the common property.
- (2) The owners corporation must not unreasonably withhold its approval of the keeping of an animal on a lot or the common property.

Note. This by-law was previously by-law 27 in Schedule 1 to the *Strata Schemes (Freehold Development) Act 1973* and by-law 28 in Schedule 3 to the *Strata Schemes (Leasehold Development) Act 1986*.

17 Appearance of lot

- (1) The owner or occupier of a lot must not, without the written consent of the owners corporation, maintain within the lot anything visible from outside the lot that, viewed from outside the lot, is not in keeping with the rest of the building.
- (2) This by-law does not apply to the hanging of any washing, towel, bedding, clothing or other article as referred to in By-law 10.

Note. This by-law was previously by-law 29 in Schedule 1 to the *Strata Schemes (Freehold Development) Act 1973* and by-law 30 in Schedule 3 to the *Strata Schemes (Leasehold Development) Act 1986*.

18 Notice board

An owners corporation must cause a notice board to be affixed to some part of the common property.

Note. This by-law was previously by-law 3 in Schedule 1 to the *Strata Schemes (Freehold Development) Act 1973* and by-law 3 in Schedule 3 to the *Strata Schemes (Leasehold Development) Act 1986*.

19 Change in use of lot to be notified

An occupier of a lot must notify the owners corporation if the occupier changes the existing use of the lot in a way that may affect the insurance premiums for the strata scheme (for example, if the change of use results in a hazardous activity being carried out on the lot, or results in the lot being used for commercial or industrial purposes rather than residential purposes).

Schedule 3 Model by-laws for residential strata schemes

(Clause 38)

1 Vehicles

An owner or occupier of a lot must not park or stand any motor or other vehicle on common property except with the prior written approval of the owners corporation or as permitted by a sign authorised by the owners corporation.

2 Damage to common property

- (1) An owner or person authorised by an owner may install, without the consent of the owners corporation:
 - (a) any locking or other safety device for protection of the owner's lot against intruders or to improve safety within the owner's lot, or
 - (b) any screen or other device to prevent entry of animals or insects on the lot, or
 - (c) any structure or device to prevent harm to children.
- (2) Any such locking or safety device, screen, other device or structure must be installed in a competent and proper manner and must have an appearance, after it has been installed, in keeping with the appearance of the rest of the building.
- (3) Clause (1) does not apply to the installation of any thing that is likely to affect the operation of fire safety devices in the lot or to reduce the level of safety in the lots or common property.
- (4) Despite section 106 of the *Strata Schemes Management Act 2015*, the owner of a lot must:
 - (a) maintain and keep in a state of good and serviceable repair any installation or structure referred to in clause (1) that forms part of the common property and that services the lot, and
 - (b) repair any damage caused to any part of the common property by the installation or removal of any locking or safety device, screen, other device or structure referred to in clause (1) that forms part of the common property and that services the lot.

3 Damage to lawns and plants on common property

An owner or occupier of a lot must not, except with the prior written approval of the owners corporation:

- (a) damage any lawn, garden, tree, shrub, plant or flower being part of or situated on common property, or
- (b) use for his or her own purposes as a garden any portion of the common property.

4 Obstruction of common property

An owner or occupier of a lot must not obstruct lawful use of common property by any person except on a temporary and non-recurring basis.

5 Keeping of animals

Note. Select option A or B. If no option is selected, option A will apply.

Option A

- (1) An owner or occupier of a lot may keep an animal on the lot, if the owner or occupier gives the owners corporation written notice that it is being kept on the lot.
- (2) If an owner or occupier of a lot keeps an animal on the lot, the owner or occupier must:
 - (a) keep the animal within the lot, and
 - (b) supervise the animal when it is on the common property, and
 - (c) take any action that is necessary to clean all areas of the lot or the common property that are soiled by the animal.

Option B

- (1) An owner or occupier of a lot may keep an animal on the lot or the common property with the written approval of the owners corporation.
- (2) The owners corporation must not unreasonably withhold its approval of the keeping of an animal on a lot or the common property.
- (3) If an owner or occupier of a lot keeps an animal on the lot, the owner or occupier must:
 - (a) keep the animal within the lot, and
 - (b) supervise the animal when it is on the common property, and
 - (c) take any action that is necessary to clean all areas of the lot or the common property that are soiled by the animal.
- (4) An owner or occupier of a lot who keeps an assistance animal on the lot must, if required to do so by the owners corporation, provide evidence to the owners corporation demonstrating that the animal is an assistance animal as referred to in section 9 of the *Disability Discrimination Act 1992* of the Commonwealth.

6 Noise

An owner or occupier of a lot, or any invitee of an owner or occupier of a lot, must not create any noise on a lot or the common property likely to interfere with the peaceful enjoyment of the owner or occupier of another lot or of any person lawfully using common property.

7 Behaviour of owners, occupiers and invitees

- (1) An owner or occupier of a lot, or any invitee of an owner or occupier of a lot, when on common property must be adequately clothed and must not use language or behave in a manner likely to cause offence or embarrassment to the owner or occupier of another lot or to any person lawfully using common property.
- (2) An owner or occupier of a lot must take all reasonable steps to ensure that invitees of the owner or occupier do not behave in a manner likely to interfere with the peaceful enjoyment of the owner or occupier of another lot or any person lawfully using common property.

8 Children playing on common property in building

- (1) Any child for whom an owner or occupier of a lot is responsible may, while under the supervision of an adult, play or swim on any area of the common property that is designated by the owners corporation as an area in which children may play or swim.
- (2) An owner or occupier of a lot must not permit any child for whom the owner or occupier is responsible, unless accompanied by an adult exercising effective control, to be or remain on common property that is a laundry, car parking area or other area of possible danger or hazard to children.

9 Smoke penetration

Note. Select option A, B or C. If no option is selected, option A will apply.

Option A

An owner or occupier of a lot must ensure that smoke caused by the smoking of tobacco or any other substance by the owner or occupier, or any invitee of the owner or occupier, on the lot does not penetrate to the common property or any other lot.

Option B

- (1) An owner or occupier of a lot must ensure that smoke caused by the smoking of tobacco or any other substance by the owner or occupier, or any invitee of the owner or occupier, on the lot does not penetrate to the common property or any other lot.
- (2) A person who is permitted under this by-law to smoke tobacco or any other substance on common property must ensure that the smoke does not penetrate to any other lot.
- (3) An owner or occupier of a lot, and any invitee of the owner or occupier, must not smoke tobacco or any other substance on the common property, except: (a) in an area designated as a smoking area by the owners corporation, or (b) with the written approval of the owners corporation.

Option C

- (1) An owner or occupier of a lot must ensure that smoke caused by the smoking of tobacco or any other substance by the owner or occupier, or any invitee of the owner or occupier, on the lot does not penetrate to the common property or any other lot.
- (2) An owner or occupier, and any invitee of the owner or occupier, must not smoke tobacco or any other substance on the common property.

10 Preservation of fire safety

The owner or occupier of a lot must not do any thing or permit any invitees of the owner or occupier to do any thing on the lot or common property that is likely to affect the operation of fire safety devices in the parcel or to reduce the level of fire safety in the lots or common property.

11 Storage of inflammable liquids and other substances and materials

- (1) An owner or occupier of a lot must not, except with the prior written approval of the owners corporation, use or store on the lot or on the common property any inflammable chemical, liquid or gas or other inflammable material.
- (2) This by-law does not apply to chemicals, liquids, gases or other material used or intended to be used for domestic purposes, or any chemical, liquid, gas or other material in a fuel tank of a motor vehicle or internal combustion engine.

12 Appearance of lot

- (1) The owner or occupier of a lot must not, without the prior written approval of the owners corporation, maintain within the lot anything visible from outside the lot that, viewed from outside the lot, is not in keeping with the rest of the building.
- (2) This by-law does not apply to the hanging of any clothing, towel, bedding or other article of a similar type in accordance with by-law 14.

13 Cleaning windows and doors

- (1) Except in the circumstances referred to in clause (2), an owner or occupier of a lot is responsible for cleaning all interior and exterior surfaces of glass in windows and doors on the boundary of the lot, including so much as is common property.
- (2) The owners corporation is responsible for cleaning regularly all exterior surfaces of glass in windows and doors that cannot be accessed by the owner or occupier of the lot safely or at all.

14 Hanging out of washing

- (1) An owner or occupier of a lot may hang any washing on any lines provided by the owners corporation for that purpose. The washing may only be hung for a reasonable period.
- (2) An owner or occupier of a lot may hang washing on any part of the lot provided that the washing will not be visible from street level outside the parcel.
- (3) An owner or occupier of a lot may hang washing on any part of the lot that will be visible from street level outside the parcel only if the owner or occupier has the prior written approval of the owners corporation.
- (4) In this clause:
washing includes any clothing, towel, bedding or other article of a similar type.

15 Disposal of waste

- (1) An owner or occupier of a lot must not deposit or throw on the common property any rubbish, dirt, dust or other material or discarded item except with the prior written approval of the owners corporation.
- (2) Without limiting any other provision of this by-law, an owner or occupier of a lot must not deposit in a toilet, or otherwise introduce or attempt to introduce into the plumbing system, any item that is not appropriate for any such disposal (for example, a disposable nappy).
- (3) An owner or occupier of a lot in a strata scheme that does not have shared bins for waste:
 - (a) must maintain bins for waste within the lot, or on any part of the common property that is authorised by the owners corporation, in clean and dry condition and (except in the case of bins for recyclable material) adequately covered, and
 - (b) must ensure that before waste is placed in the bins it is:
 - (i) in the case of garbage, securely wrapped, or
 - (ii) in the case of tins or other containers, completely drained, or

- (iii) in the case of recyclable material or waste, separated and prepared in accordance with the applicable recycling guidelines, and
 - (c) for the purpose of having the waste collected, must place the bins within an area designated for that purpose by the owners corporation and at a time not more than 12 hours before the time at which waste is normally collected, and
 - (d) when the waste has been collected, must promptly return the bins to the lot or other area referred to in paragraph (a), and
 - (e) must not place any thing in the bins of the owner or occupier of any other lot except with the permission of that owner or occupier, and
 - (f) must promptly remove any thing which the owner, occupier or garbage or recycling collector may have spilled from the bins and must take any action that is necessary to clean the area within which that thing was spilled.
- (4) An owner or occupier of a lot in a strata scheme that has shared bins for waste:
- (a) must ensure that before waste is placed in the bins it is:
 - (i) in the case of garbage, securely wrapped, or
 - (ii) in the case of tins or other containers, completely drained, or
 - (iii) in the case of recyclable material or waste, separated and prepared in accordance with the applicable recycling guidelines, and
 - (b) must promptly remove any thing which the owner, occupier or garbage or recycling collector may have spilled in the area of the bins and must take any action that is necessary to clean the area within which that thing was spilled.
- (5) An owner or occupier of a lot must:
- (a) comply with the local council's requirements for the storage, handling and collection of waste, and
 - (b) notify the local council of any loss of, or damage to, bins provided by the local council for waste.
- (6) The owners corporation may post signs on the common property with instructions on the handling of waste that are consistent with the local council's requirements.
- (7) In this clause:
bin includes any receptacle for waste. *waste* includes garbage and recyclable material.

16 Change in use or occupation of lot to be notified

- (1) An occupier of a lot must notify the owners corporation if the occupier changes the existing use of the lot in a way that may affect the insurance premiums for the strata scheme (for example, if the change of use results in a hazardous activity being carried out on the lot, or results in the lot being used for commercial or industrial purposes rather than residential purposes).
- (2) The notice must be given in writing at least 21 days before the change occurs or a lease or sublease commences.

17 Compliance with planning and other requirements

- (1) The owner or occupier of a lot must ensure that the lot is not used for any purpose that is prohibited by law.
- (2) The owner or occupier of a lot must ensure that the lot is not occupied by more persons than are allowed by law to occupy the lot.

public consultation draft

Strata Schemes Management Regulation 2016

Schedule 4 Fees

Schedule 4 Fees

(Clause 63)

Item	Type of fee	Fee
Fee payable to Secretary		
1	Lodgment of application under section 218 of the Act for mediation:	
	(a) if applicant is a full-time student or pensioner	\$5
	(b) in any other case	\$81
2	Lodgment of building bond	\$1500
Fees payable to owners corporation		
3	For making records available for inspection under section 182 of the Act	\$31 and an additional \$16 for each half-hour or part of half-hour after the first hour of inspection
4	For giving a certificate under section 184 of the Act:	
	(a) if the request is an initial request or request made more than 3 months after a previous request by the same person in respect of the same lot	\$109 and an additional \$54 for a further certificate for a lot comprising a garage, parking space or storeroom that services the lot the subject of the first certificate
	(b) if the request is made not more than 3 months after a previous request by the same person in respect of the same lot	\$94 and an additional \$47 for a further certificate for a lot comprising a garage, parking space or storeroom that services the lot the subject of the first certificate

Schedule 5 Penalty notice offences

Schedule 5 Penalty notice offences

(Clause 64)

Column 1	Column 2
Provision	Penalty
Offences under the Act	
Section 57 (2)	\$550 (in the case of an individual) or \$1,100 (in the case of a corporation)
Section 60 (1)	\$550 (in the case of an individual) or \$1,100 (in the case of a corporation)

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Section 60 (2)	\$550 (in the case of an individual) or \$1,100 (in the case of a corporation)
Section 62 (1)	\$550 (in the case of an individual) or \$1,100 (in the case of a corporation)
Section 123 (2)	\$1,100
Section 160 (1)	\$220
Section 160 (2)	\$220
Section 249 (4)	\$110 (in the case of an individual) or \$220 (in the case of a corporation)
