



Community Land Management Bill 2019 – Table of Reforms



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Introduction

This publication is an accompanying document to the December 2019 Community Schemes Reform Explanatory Paper. It has been produced as a guide to industry and the community on the draft legislation, for the purposes of public consultation.

Many reform proposals detailed below correspond to proposals outlined in the 2014 Community Schemes Law Reform Position Paper (the Position Paper). Where the status of a reform proposal is 'unchanged', then the proposal is the same as originally outlined in the Position Paper.

Reform proposals with the status 'variation' have been further enhanced and updated since the Position Paper was published.

Reform proposals with the status 'new reform' are reforms which were not proposed in the Position Paper, and have been developed since its publication.

Reform proposals with the status 'not pursued' are reforms which were proposed in the Position Paper, and are not included in the draft Bills.

Reform proposals	Status	Comment	Bill reference
1.1 Change the definition of 'initial period'	<u>New reform</u>	<p>Under the community scheme laws, the initial period for a neighbourhood scheme ends in the same way as a strata scheme - when the original owner (developer) has sold lots having a total unit entitlement of at least one third of the unit entitlements of the scheme.</p> <p>For community and precinct schemes, the method is more complex and relies on the expiration of the initial period of subsidiary schemes. However, not all lots in a community and precinct scheme will always be subdivided by a subsidiary scheme. This means that for many community and precinct schemes the initial period can never expire unless they apply to the Tribunal for an order that the initial period is expired.</p> <p>The Bill amends the definition so if there is no subsidiary scheme in a community or precinct scheme, the initial period will expire on the issue of an occupation certificate under the <i>Environmental Planning and Assessment Act 1979</i>, which is issued when development is completed on land as required by a development consent. The amendment will allow a more effective trigger to expire the initial</p>	cl 4(1)

Reform proposals	Status	Comment	Bill reference
		period for community and precinct schemes where there is no subsidiary scheme.	
1.2 Change in terminology from 'Caretaker' to 'Building Manager'.	<u>New reform</u>	<p>'Caretaker' was a term used in the <i>Strata Schemes Management Act 1996</i> but was changed to 'building manager' in the <i>Strata Schemes Management Act 2015</i> (SSMA 2015).</p> <p>The terminology in the Bill has been changed to be consistent with the SSMA 2015 and better reflects common usage and understanding among schemes.</p>	Throughout Bill – e.g. Pt 4, Div 4
1.3 It will be necessary for a tenant to provide the association with an address (to enable sending of notices and agendas, etc), and this address may be an email address.	<u>New reform</u>	<p>This change will enable the association to send notices of meetings and agendas to tenants, which has previously been difficult to achieve. It will also mean that the reform providing for tenant representatives on neighbourhood associations can be implemented as the association will be better able to determine how many lots are tenanted.</p> <p>This reform has been implemented in the SSMA 2015.</p>	<p>cl 222(4)</p> <p>An address for service may be by post or electronic.</p>
1.4 Enable a summons or other legal process to be served on the managing agent of the association.	<u>New reform</u>	<p>This reform is necessary so that managing agents for a scheme can receive documents on behalf of the association.</p> <p>This reform has been implemented in the SSMA 2015.</p>	cl 228
1.5 Provide that the contract of sale of a lot (or any other contract or ancillary arrangement) cannot be used to control or direct a person's vote and that any such term is unenforceable.	<u>New reform</u>	<p>During the development of the strata reforms, stakeholders advised that this reform is required to prevent developers from bypassing provisions on proxy voting by including clauses on voting in the contract of sale. A definition of 'connected person' has also been added.</p> <p>This reform has been implemented in the SSMA 2015.</p>	cl 6, Sch 1 cl 26

Reform proposals	Status	Comment	Bill reference
1.6 Monetary penalties are to be paid into central revenue instead of being paid to Fair Trading.	<u>New reform</u>	<p>Allows non-payment to be pursued by Revenue NSW through the <i>Fines Act 1996</i>. The change is consistent with the <i>Civil and Administrative Tribunal Act 2013</i>.</p> <p>This reform has been implemented in the SSMA 2015.</p>	cl 211
1.7 The restriction on when developers and owners can apply to the Tribunal for a waiver of certain responsibilities during the 'initial period' of a scheme is removed.	<u>New reform</u>	<p>Provides flexibility to developers and the association to request variations as required by the circumstances of the development. Having oversight by NCAT will help to ensure that this power is not abused.</p> <p>This reform has been implemented in SSMA 2015.</p>	cl 32(2)
1.8 Permit an association that receives money from an insurer for the destruction of or damage to a building to determine, by unanimous resolution, that the money does not need to be used to rebuild or replace the building.	<u>New reform</u>	<p>Provides flexibility to the association if it is not in its best interests to use the money for that purpose. Includes protection against misuse by requiring a unanimous resolution.</p> <p>This reform has been implemented in SSMA 2015.</p>	cl 154(2)
1.9 Managing agent may obtain fewer than three insurance quotations if written reasons for not providing three quotes are submitted to the association.	<u>New reform</u>	<p>Anecdotal evidence shows that some agents can find it difficult to find three quotes for buildings or schemes because it has unique features, exceptional claims history, or for other reasons.</p> <p>This reform has been implemented in SSMA 2015.</p>	cl 157

Reform proposals	Status	Comment	Bill reference
1.10 An owner who is seeking to be appointed as a managing agent for their scheme will not be entitled to vote (or cast a proxy vote) related to that appointment.	<u>New reform</u>	<p>The change aligns with other reforms and ensures that the appointment of a managing agent is conducted in a fair and transparent manner, reducing the risk of potential conflicts of interest.</p> <p>This reform has been implemented in SSMA 2015.</p>	cl 57(4)
1.11 Extend the protection for keeping guide dogs to also account for hearing dogs and any other assistance animals, by requiring that a by-law cannot prevent the keeping of an assistance animal.	<u>New reform</u>	<p>The change expands the types of assistance animals that are permitted to better reflect contemporary standards and other legislation.</p> <p>This reform has been implemented in SSMA 2015.</p>	cl 133(6)
1.12 The time within which a notification of a change to by-laws must be lodged with the Registrar General has been reduced from two years to six months.	<u>New reform</u>	<p>Two years was considered too long a time frame as it does not encourage Secretaries to lodge by-law changes with Registrar General within a reasonable timeframe, nor does it enable owners to keep abreast of by-law changes.</p> <p>This reform has been implemented in SSMA 2015.</p>	cl 134(4)
1.13 When an association fails to maintain or repair association property under section 113, an owner who suffers loss as a result of the breach of duty will be able to recover damages from the association.	<u>New reform</u>	<p>This reform is necessary due to a case law decision on this point which created a precedent in conflict with the original intent of the Act.</p> <p>This reform has been implemented in SSMA 2015.</p>	cl 113(5)

Reform proposals	Status	Comment	Bill reference
<p>1.14 Changes to the Act are proposed to clarify the Tribunal's role in settling disputes between parties that are bound by a management statement. It is necessary to clarify that the Tribunal does not have the power to hear such disputes if the management statement prohibits dispute resolution by the Tribunal, or where any of the parties fail to consent to determination of the dispute by the Tribunal. The Tribunal cannot make an order that is inconsistent with the management statement.</p>	<p><u>New reform</u></p>	<p>Stakeholders advised there is a lack of certainty around dispute resolution provisions in management statements and the ability to mediate or seek NCAT involvement. The change makes it clear that the Tribunal must not make an order relating to a dispute if the community management statement prohibits the determination of disputes by NCAT or parties to the dispute fail to consent to determination of the dispute by NCAT.</p> <p>This reform has been implemented in SSMA 2015.</p>	<p>cl 197(4) and (5)</p>
<p>1.15 Where levy estimates by a developer prove to be inadequate and the developer is required to pay compensation, it is proposed to provide a defence so that the developer can be absolved of a breach if they are able to prove that they applied due diligence in preparing</p>	<p><u>New reform</u></p>	<p>Feedback from consultation on strata schemes found that developers sometimes underestimate the likely initial and ongoing costs of operating a scheme for reasons outside of their knowledge and control.</p> <p>This reform has been implemented in SSMA 2015.</p>	<p>cl 98</p>

Reform proposals	Status	Comment	Bill reference
their initial levy estimates.			
1.16 Associations will have a new option to seek orders to recover unpaid levy contributions and interest via the Tribunal. Associations will also still be able to pursue recovery through the Court system.	<u>New reform</u>	<p>Previously it has only been possible for an association to acquire and enforce a debt order via the courts, even though the reason for the debt could be a matter more suited to NCAT. This change provides NCAT with the power to make a debt order; however, the order will need to be enforced in the court (not possible for NCAT).</p> <p>Depending on the specific circumstances of an unpaid contribution, associations are likely to be more comfortable seeking orders via NCAT.</p> <p>This reform has been implemented in SSMA 2015.</p>	cl 95
1.17 Change in terminology from 'sinking fund' to 'capital works fund'.	<u>New reform</u>	'Sinking fund' is not a term in general use in either accounting or business and has no intuitive meaning for owners. 'Capital works fund' is used in the <i>Retirement Villages Act 1999</i> and the SSMA 2015 and the purposes of this fund are more readily identifiable in the new name.	Throughout Bill
1.18 Clarifying that a person can be both a building manager and an on-site residential property manager.	<u>New reform</u>	The definition and limited functions of an 'on-site residential property manager' in the Bill is consistent with the SSMA 2015.	cl 74(3)
1.19 Enable courts to issue orders that no interest is chargeable on a specified contribution.	<u>New reform</u>	<p>The SSMA 2015 was amended by the <i>Justice Portfolio Legislation (Miscellaneous Amendments) Act 2016</i> to allow courts, on application, to order that no interest is chargeable on a specified contribution if it is satisfied that the owners corporation should have reasonably decided not to charge interest for a late contribution. Prior to this change only NCAT could make this determination.</p> <p>To maintain consistency with the SSMA 2015 and the intention of the <i>Justice Portfolio Legislation (Miscellaneous Amendments) Act 2016</i>, the courts should be able to make a similar order for associations under the community scheme laws.</p>	cl 94(5)

Reform proposals	Status	Comment	Bill reference
<p>1.20 Provide that agreements for supply of utilities to neighbourhood schemes will automatically expire.</p>	<p><u>New reform</u></p>	<p>The <i>Fair Trading Legislation Amendment (Reform) Act 2018</i> amended the SSMA 2015 to provide that agreements for supply of utilities will automatically expire at either the first AGM of the corporation, if the agreement was executed before the meeting, or in any other case 3 years after the date on which it commenced. It also required that utilities agreements were to be included as an agenda item at AGMs. This does not extend to embedded network agreements supplying electricity to residents.</p> <p>The intention of these reforms was to prevent developers from 'locking in' owners corporations into long term supply contracts for common property. These changes help to ensure that the owners corporation are able to fully consider utility contracts and ensure the contract is in its interests before adopting.</p> <p>Due to the similar issues that can arise for neighbourhood schemes it is proposed that these protections be included in the Bill to protect members of these associations.</p>	<p>cl 128, Sch 1 cl 5(b)</p>
<p>2.1 Provide that committee members are to carry out their functions without favour, for the benefit of all owners and to act with due care, skill and diligence.</p>	<p><u>Variation</u></p>	<p>The draft Bill implements the proposal, however, removes the word 'skill' as it is not a matter that can be imposed as a duty. This is because it could be argued that it is dependent on the knowledge and inherent ability of the individual; and most committee members are volunteers and are not 'skilled'.</p> <p>'Care and diligence' is used in section 80(1) of the <i>Corporations Act 2001</i> (Cth) to refer to the obligation of Directors and other Officers, and is a more relevant concept to the officers of an association.</p> <p>This is consistent with the corresponding provision in the SSMA 2015.</p>	<p>cl 45</p>
<p>2.2 Enhance disclosure requirements for managing agents by requiring associations to agree to payment of commissions at the</p>	<p><u>Variation</u></p>	<p>The draft Bill implements the proposal except for a ban on non-monetary gifts and benefits.</p> <p>A prohibition on non-monetary gifts and benefits has been retained, but with an important exception in the case of gifts of a token nature, the value of which is to be limited by regulation.</p>	<p>cl 65(2) to (4), cl 68</p>

Reform proposals	Status	Comment	Bill reference
AGM and ban managing agents from receiving non-monetary benefits and gifts from third parties.		This is consistent with the corresponding provisions in the SSMA 2015.	
2.3 Provide that the term of a community management contract cannot be longer than three years.	<u>Variation</u>	<p>Following further examination of these issues, the proposal has been amended to provide that the term of appointment of a managing agent at the first annual general meeting following the end of the Initial Period expires at the end of the period of 1 year following the appointment.</p> <p>The amendments also provide that any subsequent term of appointment is limited to 3 years (if the appointment is not ended sooner), following the appointment. This term of appointment can be extended on a 1 month rolling basis until either terminated or renewed. The appointment can be terminated for any reason by the association while the contract is on a month by month rollover. Agents must still provide a 3 month notice of termination.</p> <p>The managing agent is required to send a notice to the association advising of the end of the appointment at least 3 months before the end of the contract term and at least 1 month before the end of each extension of a term.</p> <p>This is consistent with the corresponding provision in the SSMA 2015.</p>	cl 58
2.4 Remove the right to legal representation in mediation and in the Tribunal, instead allow parties to apply for leave to be legally represented (this is consistent with the NCAT reforms).	<u>Variation</u>	<p>The drafting in the Bill is not as prescriptive as the proposed reform. Clause 185 provides that a party to a mediation is not entitled to representation unless all parties agree to it.</p> <p>This is consistent with the corresponding provision in the SSMA 2015.</p>	cl 185 (mediation) <i>s 45 Civil and Administrative Tribunal Act 2013</i>

Reform proposals	Status	Comment	Bill reference
2.5 Large schemes (100 or more lots and schemes with budgets greater than \$250,000) to have their accounts audited each year.	<u>Variation</u>	<p>The Bill adopts only the budget size (greater than \$250,000) element of the reform, as an appropriate measure for determining whether the auditing of the accounts is compulsory.</p> <p>The element of the proposed policy referring to number of lots (100 or more) has not been adopted in the draft Bill, as it is more appropriate to strata where the size threshold could be met before the budget threshold is reached.</p>	cl 103
2.6 Remove the right of developers or anyone connected to the developer from voting on matters relating to building defects.	<u>Variation</u>	The Bill removes the right of developers from voting on building defects. This prohibition has not been extended to connected persons to maintain consistency with the SSMA 2015.	Sch 1 cl 14
2.7 Require developers to set realistic levies in the first year of a scheme. The budget is to account for the supplied maintenance schedule.	<u>Variation</u>	Amendment to Position Paper proposal to add that an estimate prepared before the first annual general meeting (AGM) of an association is to take into account the initial maintenance schedule provided by the original owner. This was also proposed as part of the strata schemes law reforms.	cl 87, cl 87(4), cl 98
3.1 Establish processes, similar to those that exist under residential tenancies laws, to deal with abandoned goods.	<u>Not pursued</u>	<p>As a result of the Better Business Reforms in 2018, all provisions relating to the disposal of abandoned and uncollected goods in NSW will be streamlined and contained in the <i>Uncollected Goods Act 1995</i>.</p> <p>Therefore, this proposal is not being pursued as the processes for dealing with abandoned goods in community schemes will be dealt with under the <i>Uncollected Goods Act 1995</i>. The <i>Uncollected Goods Act</i> will be amended by the <i>Fair Trading Legislation Amendment (Miscellaneous) Act 2018</i> on 1 July 2020 or earlier by proclamation.</p>	<p>Not in Bill</p> <p>Processes for dealing with abandoned goods in community schemes will be prescribed under section 5(2)(f) of the <i>Uncollected Goods Act 1995</i>, or by Regulation under that Act.</p>

Reform proposals	Status	Comment	Bill reference
3.2 Enable community schemes to hold a trademark.	<u>Not pursued</u>	<p>A community association is a body corporate and has 'legal personality' and is capable of owning personal property. The <i>Trademarks Act 1995</i> (Cth) allows for entities that have legal personality to apply for and hold trademarks.</p> <p>As there is already sufficient capacity for community associations to hold a trademark, this reform is not required.</p>	Not in Bill
4.1 Require handover documents to be provided to an association in a reasonable time after it is registered.	<u>Unchanged</u>	<p>Currently, developers/original owners are not required to hand over important documents (such as plans, certificates, diagrams of service lines, insurance policies, etc) to a community, precinct or neighbourhood association until the initial period ends.</p> <p>In some cases, the initial period could be lengthy (10 years or more). This means that an association may not have access to information that could be very important to the operation of the scheme, and for undertaking repairs, maintenance or making alterations.</p> <p>Introducing a set, shorter time frame for provision of this information will not impose any additional administrative burden on developers/original owners but will deliver clear benefits to associations and help the operation of a scheme.</p>	cl 18
4.2 Roles of chairperson, treasurer and secretary will be defined, but law will also allow for management statement to define roles.	<u>Unchanged</u>	<p>The duties of the chairperson, treasurer and secretary are defined in the draft Bill and mirror corresponding provisions in the SSMA 2015.</p> <p>The Bill does not restrict associations from making by-laws that set out further specific functions for their office bearers if they wish, over and above the minimum functions that will be required by the Act. Accordingly, there is no need for further drafting of this reform into the Bill.</p>	cl 50, cl 51 and cl 52

Reform proposals	Status	Comment	Bill reference
<p>4.3 Committees will be required to prepare and distribute key financial information to all owners ahead of each AGM. The full set of financial statements will be provided on request.</p>	<p><u>Unchanged</u></p>	<p>The statement of key financial information will be in a form prescribed by the regulations.</p> <p>Provisions in the draft Bill are consistent with the provisions in the SSMA 2015.</p>	<p>cl 100, cl 102, Sch 1 cl 8(a) & cl 9</p>
<p>4.4 Associations will be able to seek an order for the repairs to be made by the party who caused the damage.</p>	<p><u>Unchanged</u></p>	<p>Generally, a scheme's management statement requires the association to repair any damage to association property. This can apply even if the damage was caused by an owner's negligence.</p> <p>To deal with this issue, an association can apply to NCAT for a remedy – either to rectify the damage or pay the association or the lot owner repair and associated costs.</p>	<p>cl 127(1)</p>
<p>4.5 Further encourage attendance by parties at mediation by allowing the Tribunal to issue cost orders against the party that does not attend.</p>	<p><u>Unchanged</u></p>		<p>cl 204(2)</p>
<p>4.6 Allow greater flexibility for associations in determining when to hold their annual general meetings. That is, allow for the meeting to be held at any stage during the financial year.</p>	<p><u>Unchanged</u></p>		<p>cl 20</p>

Reform proposals	Status	Comment	Bill reference
4.7 Enhance opportunities for tenant participation in neighbourhood schemes, including by allowing tenants to attend association meetings and to elect a non-voting representative to the committee in circumstances where tenants account for a large proportion of all residents (≥50%).	<u>Unchanged</u>		cl 40 (procedure to elect tenant rep to be outlined in Regulation), Sch 1 cl 20
4.8 Change the name of the 'executive committee' to 'neighbourhood committee', 'precinct committee, or 'community committee' so as to better reflect their function.	<u>Unchanged</u>		Changed throughout Bill
4.9 Recognise modern forms of communication by allowing schemes to choose to distribute papers and hold records electronically.	<u>Unchanged</u>		<p>Changed throughout Bill e.g. cl 176(3), cl 230(1)(a)(iii) & (b)(ii)</p> <p>Regulation can prescribe for the service of documents electronically – cl 236(2)(h)</p>
4.10 Introduce options for alternative methods of attendance at meetings	<u>Unchanged</u>		Sch 1 cl 16(3) & cl 27, Sch 2 cl 8 & cl 10(3)

Reform proposals	Status	Comment	Bill reference
including postal or absentee voting, emailing, social media, teleconferencing or other methods which may become available in the future.			Regulation to provide for means of voting (e.g. postal and electronic) and the procedure
4.11 Introduce procedures for the conduct of secret ballots.	<u>Unchanged</u>		Sch 1 cl 28 Procedure for conducting secret ballots to be in Regulation
4.12 Limit use of priority votes to budgeting, insurance, fixing of levies, or for matters exceeding a certain financial limit.	<u>Unchanged</u>		Sch 1 cl 23(1) & (2)
4.13 Include an 'exclusion of personal liability' clause for committee members who act in good faith for the purpose of executing their functions as conferred by the Act.	<u>Unchanged</u>		cl 225
4.14 Restrict the amounts that a committee can spend on legal action without obtaining the approval of the association (the limitations will be prescribed by the	<u>Unchanged</u>		cl 110

Reform proposals	Status	Comment	Bill reference
Regulation following industry consultation).			
4.15 Allow the Chairperson to declare a quorum, if after 30 mins. a quorum has not been achieved.	<u>Unchanged</u>		Sch 1 cl 16(4)
4.16 Require all motions considered at a meeting to be accompanied with a short explanatory note that also identifies the motion nominee.	<u>Unchanged</u>		Sch 1 cl 3(2)
4.17 Change unanimous resolutions to special resolutions to simplify decision making and make community scheme laws more consistent with strata laws.	<u>Unchanged</u>		Throughout the Bill – the following are unanimous resolutions: cl 23, cl 85, cl 133(3), cl 154, cl 162, cl 208
4.18 Limit the number of proxies able to be held by any individual to 5 per cent of the lots (if more than 20 lots) or 1 if fewer than 20 lots.	<u>Unchanged</u>		Sch 1 cl 25(7)
4.19 Require committee members to disclose any conflict of interest in a matter to be considered by the committee.	<u>Unchanged</u>		Sch 2 cl 16
4.20 Prohibit non-owners with a financial interest in the scheme (for	<u>Unchanged</u>		cl 39

Reform proposals	Status	Comment	Bill reference
example, managing agents and letting agents) from being a member of the committee.			
4.21 Enable the Tribunal to make order with respect to community management agreements and caretaker agreements similar to those relating to caretaker agreements under strata scheme laws.	<u>Unchanged</u>		cl 80
4.22 Establish a regulatory framework that allows schemes to better manage disputes about parking, including by allowing schemes to enter into arrangements with local council to issue fines on association property.	<u>Unchanged</u>		cl 236
4.23 Clarify that if a by-law has been breached and the Tribunal has previously imposed a penalty, that an association can apply directly to the Tribunal for a further penalty without having to issue a new notice to comply or undertake mediation.	<u>Unchanged</u>	This applies only if the Tribunal awarded a penalty for a breach of the same by-law in the last 12 months.	cl 141(2)

Reform proposals	Status	Comment	Bill reference
4.24 Provide for escalating penalties for repeat by-law breaches and enable penalty payments to be made directly to an association rather than to the Commissioner for Fair Trading.	<u>Unchanged</u>	<p>Escalating penalties for breach of by-laws have been approved by Attorney General & Justice and NCAT as part of the strata schemes law reforms. The proposed penalties for repeat by-law breaches in community schemes are consistent with the SSMA 2015.</p> <p>Penalties for breaches of by-laws (other than overcrowding), will escalate from a maximum of 10 (\$1,100) penalty units to a maximum of 20 (\$2200) penalty units if a penalty is imposed within 12 months. The penalty for a breach of an overcrowding by-law will escalate from a maximum of 50 (\$5,500) penalty units to a maximum of 100 (\$11,000) penalty units in the same manner.</p> <p>Penalties for by-law breaches will be paid to the association unless the Tribunal orders otherwise.</p>	cl 141
4.25 Recognise internal dispute resolution mechanisms within schemes.	<u>Unchanged</u>		cl 182
4.26 Remove from the <i>Community Land Management Act</i> the provisions relating to Tribunal processes (such as adjudication) and how matters are heard.	<u>Unchanged</u>		Has been removed from Bill. Only NCAT orders relevant to Bill included.
4.27 Extend the jurisdiction of the Tribunal to exclusively deal with the majority of disputes, including actions to recover outstanding levies.	<u>Unchanged</u>	The Bill provides NCAT with the power to resolve disputes and to issue orders, including the recovery of outstanding levies.	Throughout Bill
4.28 Ensure greater consistency between the community scheme	<u>Unchanged</u>	Provisions relating to procedural or administrative matters, including the hearing of disputes, have been removed in favour of the provisions set out in the <i>Civil and Administrative Tribunal Act 2013</i> .	Throughout Bill

Reform proposals	Status	Comment	Bill reference
laws and the laws governing the Tribunal (that is, the new NSW Civil and Administrative Tribunal (NCAT) legislation.			
4.29 Enable Fair Trading to issue penalty notices for appropriate offences under the Act. (For example, when a resident denies the association access to a lot in breach of the Act.)	<u>Unchanged</u>		cl 213 (Power to issue PINs) PIN offences to be in Regulation.
4.30 Provide that costs payable to an association for repairs to common property intentionally or negligently caused by an owner can be added to the owners' levy account.	<u>Unchanged</u>		cl 127(2)
4.31 Enable a summons or other legal process to be served on an association by post to the address recorded in the Register folio.	<u>Unchanged</u>		cl 228(1)(b)
4.32 Require the builder/developer to prepare a maintenance schedule at registration and supply it to the association. The maintenance schedule	<u>Unchanged</u>		cl 17(1)(l), cl 18(1)(e), cl 119

Reform proposals	Status	Comment	Bill reference
will need to be considered by owners at the first annual general meeting.			
4.33 Allow for income earned by a scheme to be paid into either the administrative fund or sinking fund.	<u>Unchanged</u>	Both clause 81(3) and clause 82(3) say that income 'may' be paid into the fund – so the association can choose which fund they want it to go into.	cl 81(3) and cl 82(3)
4.34 Provide for written nominations for office bearers and committee members ahead of the annual general meeting.	<u>Unchanged</u>	<p>The draft Bill implements the proposal, however, also permits oral nominations to be made at the meeting.</p> <p>Permitting nominations from the floor will provide reasonable flexibility to ensure that a member or a person who chooses not to or are unable to nominate prior to the meeting can still nominate themselves at the meeting.</p>	Sch 1 cl 4(3) & (6)