



NATIONAL WEBINAR

The cost of procrastination in strata.
What is the true price of delay?



06 February 2025

10 am AEDT | 11 am AEST | 7 AM AWST

Bugden Allen and LookUpStrata has prepared the table below after the national webinar held on 6th February 2025. It gives committee members and strata managing agents a handy “cheat-sheet” for all the important legislative provisions across Queensland, New South Wales, Victoria and Western Australia regarding an Owners Corporation’s (or Body Corporate’s) responsibilities to maintain and insure the common property and enforcement provisions for owners and occupiers.

	Queensland	NSW	Victoria	WA
Legislation	<i>Body Corporate and Community Management Act 1997</i>	<i>Strata Schemes Management Act 2015</i>	<i>Owners Corporation Act 2006</i>	<i>Strata Titles Act 1985</i>
1. The power of OC's to administer, and carry out maintenance of, common property in strata schemes.	<p>s159 Improvements to common property</p> <ul style="list-style-type: none"> - s159(1) regulations may provide for making improvements to the common property - e.g., s186 of the <i>Body Corporate and Community Management (Standard Module) Regulation 2020</i> 	<p>s108 Changes to common property</p> <ul style="list-style-type: none"> - s108(3) special resolution may specify if responsibility is on OC - s108(4) if not specified in the special resolution, OC has the responsibility for ongoing maintenance 	<p>s52 Significant alteration to common property requires special resolution</p> <p>s53 Upgrading of common property</p> <ul style="list-style-type: none"> - s53(1) OC may carry out upgrading works if authorised by special resolution 	<p>s91(2) General Duty</p> <ul style="list-style-type: none"> - s91(2) a strata company may improve or alter the common property in a manner that goes beyond what is required

<p>2. The statutory obligation on OC's to keep the common property maintained and in a state of good and serviceable repair.</p>	<p>s152 Body Corporate's duties about common property etc.</p>	<p>s106 Duty of owners corporations to maintain and repair property</p>	<p>s46 Owners corporation to repair and maintain common property</p>	<p>s91(1)(c) General duty</p>
<p>3. The statutory obligation to insure common property.</p> <ul style="list-style-type: none"> - s189(1) regulations may require the body corporate to insure common property - e.g., s198(2) of the <i>Body Corporate and Community Management (Standard Module) Regulation 2020</i> 	<p>s189 Insurance for community titles schemes</p>	<p>s160 Owners corporation to insure building</p>	<p>s59(1) Reinstatement and replacement insurance</p>	<p>s97 Required insurance</p>
<p>4. The power of OC's to gain entry to a lot if required for exercise of its powers and functions.</p>	<p>s163(1)(b) Power to enter lot</p>	<p>s122 Power of owners corporation to enter property in order to carry out work</p> <p>s124 Orders by the Tribunal relating to entry to carry out work or inspections</p>	<p>s50(2) When can an owners corporation authorise a person to enter a lot?</p> <p>s165(1)(n) What orders can VCAT make?</p> <ul style="list-style-type: none"> - s165(1)(n) VCAT can order occupier of a 	<p>s95 Power of strata company to enter any part of parcel</p>

			lot to grant entry to carry out repair	
<p>5. The right for owners/occupiers to sue OC's for damages for breach of statutory duty.</p>	<p><u>s36 Rights and responsibilities for common property</u></p> <ul style="list-style-type: none"> - s36(1) & (2) the body corporate may be sued for rights and liabilities related to the common property if the body corporate is the owner or occupier of common of the common property 	<p><u>s106 Duty of owners corporations to maintain and repair property</u></p> <ul style="list-style-type: none"> - s106(5) an owner may recover damages for breach of statutory duty 	<p><u>s162 VCAT may hear and determine disputes</u></p> <ul style="list-style-type: none"> - s162(a) VCAT may hear a dispute relating to the operation of the OC 	<p><u>s91 General Duty</u></p> <ul style="list-style-type: none"> - s91(3) a strata company may be sued for rights and liabilities related to common property
			<p><u>s163 Who may apply to VCAT in relation to a dispute?</u></p> <ul style="list-style-type: none"> - s163(1)(b) & (d) a lot owner and an occupier may apply to VCAT to resolve a dispute 	<p><u>s197 Scheme Disputes</u></p> <ul style="list-style-type: none"> - s197(1)(a)(ii) Tribunal can resolve disputes about the failure to perform a function conferred by this Act
<p>6. The power of the Tribunal to order appointment of an administrator/compulsory managing agent to perform functions if the OC neglects/fails to do so.</p>	<p>QCAT does not have the power to appoint a manager to the body corporate.</p>	<p><u>s237 Orders for appointment of strata managing agent</u></p> <ul style="list-style-type: none"> - s237(1) Tribunal may appoint a strata managing agent to exercise functions of OC 	<p><u>s165 What orders can VCAT make?</u></p> <ul style="list-style-type: none"> - s165(1)(i) VCAT can order appointment of manager of OC 	<p><u>s205 Administrator of strata company</u></p>