

BODY CORPORATE AND COMMUNITY MANAGEMENT AND OTHER LEGISLATION AMENDMENT BILL 2003

AMENDMENTS AGREED TO IN COMMITTEE

1 Clause 42—

At page 45, lines 22 to 29—

omit, insert—

‘104A Letting agent’s obligations for letting agent lot

‘(1) This section applies to a person who becomes a letting agent for a community titles scheme after the commencement of this section.

‘(2) If the letting agent business is conducted from a lot, other than lessee common property, included in the scheme, at all times, either—

- (a) the letting agent must be the registered owner or lessee of the lot; or
- (b) a deed must be in place between the body corporate and the person (the **“lot holder”**) who is the registered owner or lessee of the lot, under which the lot holder agrees to transfer the lot holder’s interest in the lot, in accordance with the arrangements provided for in the deed, if the letting agent is required to transfer the letting agent’s management rights under division 8.

‘(3) The rights and obligations of the body corporate and the lot holder under the deed must correspond as far as practicable with the rights and obligations the body corporate and the letting agent would have under division 8 were the letting agent the registered owner or lessee of the lot.

‘(4) The arrangements provided for in the deed may include—

- (a) arrangements for ensuring, to the greatest practicable extent, that the transfer of the lot holder’s interest in the lot happens at the same time as the transfer of the letting agent’s management rights under division 8; and

- (b) authority, whether or not supported by a power of attorney, for the body corporate to act in the place of the lot holder if the lot holder does not comply with the lot holder's obligations under the deed for the transfer of the lot holder's interest in the lot.

'(5) If the lot holder does not enter into the deed mentioned in subsection (2)(b), the letting agent's authorisation as letting agent has no effect.'.

2 Clause 44—

At page 46, lines 17 and 18—

omit, insert—

'44 Replacement of ch 3, pt 2, div 2 (Delegations)

'Chapter 3, part 2, division 2—'.

3 Clause 44—

At page 47, line 9, 'some or all of'—

omit.

4 Clause 47—

At page 50, lines 2 and 3, 'or be a party to'—

omit.

5 Clause 47—

At page 50, lines 10 and 11, from 'entered' to 'party,'—

omit.

6 Clause 49—

At page 54, lines 19 to 22—

omit, insert—

'This division applies to a community titles scheme if—

- (a) it is not a community titles scheme in relation to which a serviced strata arrangement or scheme under the Corporations Act is in operation; and
- (b) it is a community titles scheme for which the original owner control period has ended.’.

7 Clause 103—

At page 105, line 9—

omit, insert—

‘omit, insert—’.

8 Clause 117—

At page 129, after line 33—

insert—

‘ **“writing”**, for exercising or confirming a vote, includes an electronic communication.’.

9 Schedule—

At page 169, line 16—

omit, insert—

‘omit, insert—’.

10 Schedule—

At page 171, lines 16 and 17—

omit, insert—

‘omit, insert—

‘PART 9—ADJUDICATION GENERALLY’.