

Passed by both Houses



New South Wales

Strata Schemes Management Amendment (Child Window Safety Devices) Bill 2013

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I certify that this public bill, which originated in the Legislative Assembly, has finally passed the Legislative Council and the Legislative Assembly of New South Wales.

*Clerk of the Legislative Assembly,
Legislative Assembly,
Sydney,*

, 2013



New South Wales

Strata Schemes Management Amendment (Child Window Safety Devices) Bill 2013

Act No , 2013

An Act to amend the *Strata Schemes Management Act 1996* with respect to the installation of child window safety devices.

I have examined this bill and find it to correspond in all respects with the bill as finally passed by both Houses.

Assistant Speaker of the Legislative Assembly.

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Strata Schemes Management Amendment (Child Window Safety Devices) Act 2013*.

2 Commencement

This Act commences on a day or days to be appointed by proclamation.

Schedule 1 Amendment of Strata Schemes Management Act 1996 No 138

[1] Section 64A

Insert after section 64:

64A Window safety devices—child safety

- (1) An owners corporation of a strata scheme to which this section applies must ensure that there are complying window safety devices for all windows of each building in the strata scheme that are windows to which this section applies.
Maximum penalty: 5 penalty units.
- (2) An owners corporation is to carry out work related to its functions under this section at its own expense and may, for the purposes of this section, carry out work on any part of the parcel.
- (3) An owner of a lot in a strata scheme to which this section applies may install a complying window safety device on a window to which this section applies (other than a window on another owner's lot).
- (4) An owner of a lot who installs a window safety device under this section must:
 - (a) repair any damage caused to any part of the common property by the installation of the device, and
 - (b) ensure that the device is installed in a competent and proper manner and has an appearance, after it has been installed, in keeping with the appearance of the building.
- (5) An owners corporation or an owner of a lot may carry out work authorised by this section despite any other provision of this Act, the regulations or any by-law of the scheme.
- (6) The regulations may make provision for or with respect to the following:
 - (a) the strata schemes and windows to which this section applies,
 - (b) the devices or other things that are complying window safety devices for the purposes of this section,
 - (c) notification to the owners corporation by owners who install window safety devices.
- (7) A regulation may apply this section to a window located on any part of a parcel.

[2] Section 65 Can an owners corporation enter property in order to carry out work?

Insert "(including work relating to window safety devices)" after "Act" in section 65 (1) (a).

[3] Chapter 5, introductory note

Insert in the table after the matter relating to section 140:

To require owners corporation to carry out window safety device function	Interested person (other than owners corporation)	140A
To require owner to comply with window safety device obligation	Owners corporation	140B

[4] Sections 140A and 140B

Insert after section 140:

140A Order requiring owners corporation to install window safety devices

- (1) An Adjudicator may order an owners corporation to exercise a function under section 64A if the Adjudicator considers that the owners corporation has failed to do so.
- (2) For the purposes of this section, an owners corporation is taken to have failed to exercise a function if application is made to it to exercise the function and it fails for 2 months after the making of the application to exercise the function.
- (3) An application for an order under this section may be made by an interested person (other than an owners corporation).

140B Order requiring owner to comply with window safety device duties

- (1) An Adjudicator may order an owner of a lot to comply with section 64A (4) if the Adjudicator considers that the owner has failed to do so.
- (2) An application for an order under this section may be made by an owners corporation.

[5] Section 207 Effect of certain orders

Insert "140A," after "140," in section 207 (1) (b).

[6] Schedule 4 Savings, transitional and other provisions

Insert at the end of clause 1 (1):

any other Act that amends this Act

[7] Schedule 4

Insert at the end of the Schedule with appropriate Part and clause numbering:

Part Provision consequent on enactment of Strata Schemes Management Amendment (Child Window Safety Devices) Act 2013

Phasing in of owners corporations' obligations as to window safety devices

- (1) Despite any other provision of this Act, an owners corporation is not required to comply with section 64A until 13 March 2018.
- (2) Accordingly, an order cannot be sought under section 140A in respect of a failure to exercise a function under section 64A until on or after 13 March 2018.