

CUSTOMER INFORMATION



DOLA

BULLETIN

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Department of LAND ADMINISTRATION

Bulletin No.76
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A. Mortgagors Address

The mortgage must show the names of the mortgagors as shown on the title and supply an address to which future notices can be sent.

Paragraph four (4) under Notes on the back of the mortgage form clarifies the situation. It is no longer necessary to show the former address as shown on the title and a new address (ie, formerly of, now of.....).



B. Customer Accounting System(CAS) and Document Acceptance System (DAS) Payments

A fast tracking system was implemented in October 1993 (see Bulletin 61) to ensure that accounts were not suspended when the cheque was being processed by DOLA.

For this system to be effective and efficient it will be necessary for CAS customers to address the envelope containing their CAS payment to:-

DOLA
CAS Administrator
PO Box 2222
MIDLAND WA 6056

or
AUSDOC
users

DOLA
CAS Administrator
DX 97
MIDLAND

Posting a cheque on the day prior to the last payment date will result in a suspended account. **Post it early!**

If you are posting in fees to satisfy Document Acceptance or Stopped Document requisitions please address the envelop to either.



DOLA
Officer in Charge DAS
PO Box 2222
MIDLAND WA 6056

or
AUSDOC
users

DOLA
Officer in Charge DAS
DX 90
MIDLAND

or

DOLA
Stopped Documents
PO Box 2222
MIDLAND WA 6056

or
AUSDOC
users

DOLA
Stopped Documents
DX 88
MIDLAND

Make it easier, help us to help you.

C. Attestation (Witness in a Transfer)

It has been the practice of DOLA to query additional witnesses to a transferee. The identity of the transferee must be clear, an additional signature in the transferee attestation section may indicate another transferee. DOLA requires a letter of explanation, negating any interest in the land, by the person whose signature appears in addition.



The transferor attestation section is treated differently. All that DOLA is interested in is that all proprietors shown on the title are included in the transfer, have signed the document, with a qualified witness. Additional signatures are not queried.

D. Changes to the Strata Titles Act

Changes to the Strata Titles Act 1985 are scheduled to come into effect on the 14th April 1996. These changes are as a consequence of the Strata Titles Amendment Act 1995.



An invitation is extended to ALL to attend a public seminar launched by George Cash JP MLC, Minister for Lands and hosted by DOLA at the Perth Entertainment Centre, Wellington Street, Perth on Friday 29th March 1996 at 5:45pm for 6:00pm - 8.00pm.

Some of the more significant achievements in the amendments to the Strata Titles Act to be discussed are as follows.

- To provide better information and protection to purchasers of strata units, it will be compulsory for *every* owner selling a strata unit to provide a Disclosure Statement to a prospective purchaser before entering into any contract.
- Two lot schemes will be automatically exempt from the requirements to hold annual general meetings (after the first one has been called by the original proprietor), to keep minutes of meetings and books of account, to prepare annual accounts, to have a separate mail box, to keep a roll of owners and to establish a fund for administrative purposes.
- Schemes having 3 to 5 lots will be exempt from the same requirements as 2 lot schemes, if the strata company passes a by-law to that effect.
- The by-laws contained in Schedules 1 and 2 to the Strata Titles Act 1985, as amended, will apply to all strata companies, whether these were established under the 1966 or 1985 Strata Titles Act, from 12 months after the amendments come into effect. Those by-laws may be altered by resolution, which must be registered on the strata plan.

- Strata companies will be required to keep a roll of the names and addresses of all owners in the scheme and certain other persons having an interest in any of the strata units.
- It will be *compulsory* for ALL strata companies (including 2 lot schemes) to take out the following insurances:
 - in a strata scheme, insurance of any buildings shown on the strata plan or a building that is common property, except if there is an exemption under the Strata Titles General Regulations 1996, to their replacement value;
 - in a survey-strata scheme, insurance of any buildings on the common property to their replacement value;
 - public liability insurance of the common property, for at least \$5,000,000;
 - any other insurance required by law, eg. workers compensation; and
 - any other risks which the strata company decides to insure against;

unless the Strata Titles Referee grants an exemption.

- Strata companies will be able to apportion levies on a basis other than proportional unit entitlement, by passing a by-law to that effect.
- In most cases where an unanimous resolution was required previously, the amendments allow for a resolution without dissent. Basically, a resolution without dissent is one where no unit owner votes against or objects to the resolution at a meeting or in writing within 28 days after the meeting.
- The requirements to obtain the strata company's consent to structural alterations or additions to a unit have been made clearer. The unit owner wishing to make the alterations or additions must apply to the strata company and provide certain information. The owners in general meeting may only refuse the application on certain specified grounds, and must state those grounds when refusing the application.
- The Strata Titles Referee's powers have been widened so that she will be able to conduct investigations in the manner she considers the most appropriate, and may make orders in relation to a wide variety of matters.
- A new type of plan known as a "survey-strata" plan has been created, in addition to the existing "strata" plan. The major advantage of this new type of scheme is that no buildings are shown on a survey-strata plan, whether or not in fact there may be buildings on the land.
- The standard by-laws in the Act will be able to be altered by the registration of a management statement at the same time as the strata plan or survey-strata plan is originally registered and the strata company comes into existence. The management statement may include a plan of re-subdivision for future development in the scheme.

There is one particular matter that needs to be brought to the attention of all unit owners in strata companies established under the *1966 Act*. If they are currently entitled to a right of exclusive use or special privilege, such as the use of a car bay or garden area, that *right will be lost* unless a

by-law is passed and registered on the strata plan within 12 months after the amendments come into effect.

Another point of general note is that the amendments do not allow for a simplified method of converting lots in small schemes to ordinary "green" titles. This may still be done through the ordinary subdivisional processes.

Similarly, the amendments do not contain any mechanism by which the boundaries of lots in strata schemes established under the 1966 Act may be automatically altered to include areas outside the building. This may be done by a plan of re-subdivision.

The amendments are the result of many hours of voluntary assistance by various professional organisations which work in the strata titles industry.

These professional organisations are:

Association of Consulting Surveyors,
Institute of Building Surveyors,
Institution of Surveyors,
Law Society of WA,
Local Government Planners Association,
Real Estate Institute of WA,
Settlement Agents Association,
Strata Titles Institute of WA, and
Strata Titles Joint Industry Working Party.

These organisations are undertaking extensive education of their members in relation to the amendments. If, after the public seminar, you have any further queries you should consult your industry representative.

DOLA will be able to provide advice in relation to the registration of plans, and the Strata Titles Referee will be able to provide advice on applications for exemptions or orders. Customers are reminded however that Strata Management advice is readily available from the appropriate private sector industry people

You will appreciate only a brief summary of the major amendments to the Strata Titles Act are provided herein. However, the amendments will affect all existing strata schemes, as well as new schemes.

Attendance at the seminar is free. Please book your seat and leave your name by Tuesday 26 March 1996, by telephoning (09) 273 7573, 273 7349 or 273 7584.


GEOFF SACK
DIVISIONAL MANAGER
REGISTRAR OF TITLES