South Australia

Strata Titles Regulations 2018

under the *Strata Titles Act 1988*

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Part 1—Preliminary

1—Short title

These regulations may be cited as the *Strata Titles Regulations 2018*.

3—Interpretation

(1) In these regulations, unless the contrary intention appears—

Act means the *Strata Titles Act 1988*;

EFT means electronic funds transfer;

EFT confirmation means an official confirmation by an ADI of the processing by the ADI of an EFT.

(2) For the purposes of paragraph (a) of the definition of ***special resolution*** in section 3(1) of the Act, the reasons for the proposed resolution are to be set out in the written notice (in addition to the terms of the proposed resolution).

Part 2—Division of land by strata plan

Division 1—The strata plan

4—Plans and maps to conform with guidelines

A plan or map lodged with the Registrar-General for the purposes of the Act must conform with any requirements specified in guidelines issued, from time to time, by the Registrar-General.

5—Unit entitlement

For the purposes of section 6(3) of the Act, the aggregate unit entitlements of all units defined on a strata plan must be 10 000.

Division 2—Amendment of deposited strata plan

6—Application for amendment

(1) For the purposes of section 12(3)(c)(ii) of the Act, the certificate set out in Schedule 1 Form 1 is prescribed.

(2) For the purposes of section 12(3a)(d)(ii) of the Act—

(a) any part of—

(i) a structure that sits on footings protruding beyond the boundaries of the site; or

(ii) a roof wholly or partly supported by such a structure; or

(iii) an attachment to such a structure or roof,

is an associated structure of a prescribed nature; and

(b) the prescribed distance is 0.20 metres, or such other distance as the Registrar-General may determine in a particular case.

Division 3—Amendment by order of ERD Court

7—Application to ERD Court to amend or cancel strata plan

For the purposes of sections 13(3b) and 17(4b) of the Act, in determining an application to amend or cancel a strata plan, the ERD Court must have regard to the following matters:

(a) whether there is evidence that any unit holders object to the amendment or cancellation and, if so, how many unit holders object to it;

(b) whether there are to be any adverse consequences to unit holders if the application is granted and the extent to which those adverse consequences could be ameliorated or alleviated by court order or other action;

(c) whether there are to be any adverse consequences to unit holders if the application is refused and the extent to which those adverse consequences could be ameliorated or alleviated by court order or other action;

(d) any other reason why it is in the interests of justice that the application should be granted or refused.

Division 4—Supplementary

8—Procedure where whereabouts of certain persons is unknown

For the purposes of section 17A(2)(a) of the Act, the information in Schedule 1 Form 2 is prescribed.

Part 3—The strata corporation

Division 1—Constitution of strata corporation

9—Articles of strata corporation

(1) For the purposes of section 19(3) of the Act, a copy of the resolution will be certified in the prescribed manner if it is certified in accordance with Schedule 1 Form 3.

(2) For the purposes of section 19(3b)(c)(i) of the Act, the notice set out in Schedule 1 Form 4 is prescribed.

10—Functions of secretary and treasurer of strata corporation

(1) The secretary of a strata corporation has the following functions:

(a) to prepare and distribute minutes of meetings of the corporation and submit a motion for confirmation of the minutes of any meeting of the corporation at the next such meeting;

(b) to give, on behalf of the members of the corporation and the management committee, the notices required to be given under the Act;

(c) to answer communications addressed to the corporation;

(d) to convene meetings of the management committee;

(e) to attend to matters of an administrative or secretarial nature in connection with the exercise, by the corporation or the management committee, of its functions.

Note—

Meetings can also be convened by unit holders and other officers of the corporation—see section 33 of the Act.

(2) The treasurer of a strata corporation has the following functions:

(a) to notify unit holders of any contributions to be raised from them in accordance with the Act;

(b) to receive, acknowledge, bank and account for any money paid to the corporation;

(c) to keep accounting records and prepare financial statements.

Note—

The offices of secretary and treasurer can be held by the same person—see section 23 of the Act.

Division 2—General functions, powers and duties

11—Power to raise money

For the purposes of section 27(4)(b) of the Act, interest payable by a unit holder in respect of a contribution, or an instalment of a contribution, that is in arrears must not—

(a) exceed a rate of 15% per annum; and

(b) comprise interest on unpaid interest.

Division 3—Delegations by strata corporation

12—Body corporate managers

(1) For the purposes of section 27B(2)(b) of the Act, a body corporate manager must provide the strata corporation with a copy of the schedule to the policy of professional indemnity insurance maintained by the body corporate manager that sets out—

(a) the name of the body corporate manager; and

(b) the name of the insurer; and

(c) the nature of the policy; and

(d) the amount for which indemnity is provided under the policy.

(2) For the purposes of section 27B(2)(c) of the Act, a policy of professional indemnity insurance maintained by a body corporate manager must provide an indemnity of at least $1.5 million per claim during a period of 12 months.

(3) For the purposes of section 27B(3)(f) of the Act, a contract between a body corporate manager and a strata corporation must contain the following particulars:

(a) a statement verifying that the body corporate manager is insured under a policy of professional indemnity insurance as required by the Act and an undertaking by the body corporate manager that the body corporate manager will maintain that insurance throughout the life of the contract;

(b) an undertaking by the body corporate manager that the body corporate manager will allow any unit holder of the strata corporation to inspect, at any time during ordinary business hours, the records of the strata corporation in the possession or control of the body corporate manager and specifying how an inspection can be arranged.

(4) For the purposes of section 27B(8) of the Act, the body corporate manager must ensure the availability of a copy of a pamphlet that sets out the role of the body corporate manager and the rights of the strata corporation and its members, including—

(a) the right to inspect records held by the manager; and

(b) the right to revoke the delegation of a particular function of the manager; and

(c) the right to appoint the manager as a proxy and revoke that appointment; and

(d) the right to be informed of any payment that the manager receives from another trader for placing the corporation's business; and

(e) the right to terminate the contract; and

(f) the right to apply to the Magistrates Court for a resolution of any dispute.

13—Offences

(1) For the purposes of section 27D(6)(a) of the Act, records—

(a) must be returned to the corporation within 10 business days following the revocation of the delegations—

(i) in the case of electronic records—by emailing the records to an email address provided by the corporation for that purpose or by sending a USB or other electronic form of the records by registered post; or

(ii) in any other case—by registered post; or

(b) must be made available for collection by the corporation within 10 business days following the revocation of the delegations.

(2) For the purposes of section 27D(6)(b) of the Act, trust money must be—

(a) returned by EFT; or

(b) returned by cheque sent by registered post; or

(c) made available for collection by the corporation,

within 7 business days following the revocation of the delegations.

(3) For the purposes of section 27D(7)(b) of the Act, the fee must not exceed $1.75 per page.

Division 4—Duty to insure

14—Other insurance by strata corporation

(1) For the purposes of section 31(2) of the Act, insurance cover for liability in tort must be for at least $10 000 000.

(2) For the purposes of section 31(2a) of the Act—

(a) a policy of fidelity guarantee insurance must insure a strata corporation in the amount of—

(i) the maximum total balance of the corporation's bank accounts at any time in the preceding 3 years; or

(ii) $50 000,

whichever is higher;

(b) strata corporations with no administrative or sinking funds are not required to maintain fidelity guarantee insurance.

Division 5—General meetings

15—Holding of general meetings

(1) For the purposes of section 33(4b)(c)(v) of the Act, the agenda for an annual general meeting must include—

(a) the appointment of the presiding officer, treasurer and secretary of the corporation; and

(b) other appointments to be made or revoked by the corporation at the meeting; and

(c) the policies of insurance required by the Act to be held by the corporation; and

(d) the number of applications for relief made under Part 3A of the Act and the nature of the claims or disputes the subject of those applications; and

(e) if it is proposed to enter into a contract, or renew or extend a contract, with a body corporate manager under section 27B of the Act—

(i) the text of the resolution to enter into, or renew or extend, the contract; and

(ii) where and when a copy of the contract or proposed contract, and the pamphlet referred to in regulation 12(4), can be viewed or obtained by members of the corporation; and

(f) proposed controls on expenditure by delegates of the corporation.

(2) For the purposes of section 33(9) of the Act, if a member of the corporation has given the body corporate manager or an employee of the body corporate manager a specific proxy or power of attorney to vote on the question of whether the manager or employee of the manager is to preside at a meeting of the corporation, the manager or employee is entitled to vote on that question at the meeting as a proxy or attorney of the member in accordance with the terms of that specific proxy or power of attorney.

(3) For the purposes of section 33(10) of the Act, the following procedures must be followed at a meeting to which that subsection applies:

(a) the body corporate manager or employee of a body corporate manager must, at the outset of the meeting, inform the persons present and entitled to vote at the meeting of the proxies or powers of attorney that are held by him or her for the meeting and that those proxies or powers of attorney are available for inspection;

(b) the manager or employee of the manager must, at the outset of the meeting, also inform the persons present and entitled to vote at the meeting—

(i) that he or she may preside at the meeting only if the majority of persons present and entitled to vote agree to him or her presiding; and

(ii) that he or she is not entitled to vote on the question of whether he or she should preside at the meeting except as a proxy or attorney of a member of the corporation acting in accordance with the terms of a specific proxy or power of attorney given in relation to the question; and

(iii) that he or she has no right to prevent any person present and entitled to vote at the meeting from moving or voting on any question or motion;

(c) the manager or employee of the manager must make any proxies or powers of attorney held by him or her available for inspection by persons present and entitled to vote at the meeting.

(4) For the purposes of section 33(11) of the Act, a unit holder may attend and vote at a meeting by means of remote communication—

(a) if—

(i) the articles of the corporation make provision for attendance and voting at meetings by unit holders by means of remote communication; and

(ii) the unit holder complies with any applicable requirements specified in those articles; or

(b) if—

(i) the unit holder makes a request in writing, given to the secretary of the corporation, to attend and vote at the meeting by means of remote communication; and

(ii) the secretary of the corporation makes the necessary arrangements to receive and record the unit holder's attendance and voting at the meeting by remote communication; and

(iii) the unit holder complies with any requirements of the secretary in relation to the request referred to in subparagraph (i).

16—Statement of expenditure etc

(1) For the purposes of section 33A(1)(a) of the Act, the prescribed period is—

(a) in the case of a strata corporation consisting of at least 7 but not more than 20 strata units—3 years; or

(b) in the case of a strata corporation consisting of more than 20 strata units—5 years.

(2) For the purposes of section 33A(2) of the Act, new information must be prepared for the purposes of section 33A(1)(a) of the Act—

(a) if the proposed expenditure (other than recurrent expenditure) is for a period of 3 years—every 3 years; or

(b) if the proposed expenditure (other than recurrent expenditure) is for a period of 5 years—every 5 years.

(3) For the purposes of section 33A(4) of the Act, the following classes of strata corporations are excluded from the operation of section 33A(1)(a) and (2) of the Act:

(a) strata corporations consisting of 6 or fewer strata units;

(b) strata corporations that have buildings and other improvements on their common property insured for a sum not exceeding $200 000.

Division 6—Agents' trust accounts

Subdivision 1—Withdrawal of money from trust account and authorised trust accounts

17—Withdrawal of money from trust account

(1) For the purposes of section 36D(b) of the Act, such fees, costs or disbursements that the corporation has agreed in writing to pay to the agent are authorised.

(2) An agent who becomes entitled to money held in the agent's trust account in or towards satisfaction of the agent's fees, costs or disbursements must, as soon as practicable and in any event, within 3 months, transfer the money to an account maintained by the agent for receipts other than trust money.

Maximum penalty: $500.

18—Authorised trust accounts

For the purposes of section 36E of the Act, accounts for the time being approved by the Commissioner for Consumer Affairs in relation to the holding of trust money under the *Land Agents Act 1994* and the *Conveyancers Act 1994* are prescribed.

Subdivision 2—Keeping of records

19—Application of Subdivision

This Subdivision applies in relation to the keeping of records for the purposes of section 36G of the Act.

20—Electronic records

(1) Records required to be made under this Subdivision may be made in electronic form.

(2) If records are made in electronic form—

(a) each alteration of the record must be recorded electronically within 24 hours of the alteration; and

(b) a back-up version of all electronic records must be made at least once per week and must be accessible from premises other than those at which the original record was made; and

(c) the records must not be deleted unless a hard copy is made of them; and

(d) a hard copy of the records must be capable of being produced on request at any time; and

(e) an up-to-date electronic copy of the computer program or application used by the agent to keep the records must be accessible from premises other than those at which the records were originally made.

21—Cash books

(1) An agent must keep a cash book containing the following details in relation to each amount of trust money received or paid by the agent:

(a) the date of the receipt or payment;

(b) evidence of the receipt or payment including—

(i) in the case of an EFT—the EFT confirmation; and

(ii) in the case of a cheque—the reference number of the cheque;

(c) the amount received or paid;

(d) the name of the person from whom the money is received or to whom the payment is made;

(e) the name of the strata corporation or reference to which the transaction relates;

(f) brief particulars of the purpose of the receipt or payment.

(2) The details required to be recorded under subregulation (1) in relation to a receipt or payment must—

(a) appear together in chronological order of—

(i) in the case of receipt or payment by EFT—the EFT confirmation; or

(ii) in any other case—the date of the receipt or payment; and

(b) be recorded within 2 business days following the receipt or payment or, in the case of an EFT, the EFT confirmation.

22—Trust ledger accounts and transfer journals

(1) An agent must keep a separate trust ledger account in accordance with this regulation—

(a) for each of the agent's clients; and

(b) if the agent performs services for a strata corporation in respect of a number of transactions between different parties—for each such transaction.

(2) Each trust ledger account—

(a) must specify, in each of the separate accounts—

(i) the name and address of the corporation to which the accounts relate; and

(ii) a brief description of the service provided and the transaction to which the accounts relate; and

(b) must contain the following details in relation to each amount of trust money received or paid:

(i) the date of the receipt or payment;

(ii) evidence of the receipt or payment including—

(A) in the case of an EFT—the EFT confirmation; and

(B) in the case of a cheque—the reference number of the cheque;

(iii) the amount received or paid;

(iv) the name of the person from whom the money is received or to whom the payment is made;

(v) brief particulars of the purpose of the receipt or payment.

(3) The agent must record each transfer of money between any of the agent's separate accounts—

(a) in each account; and

(b) in a transfer journal (which may be in electronic form),

in sufficient detail that the transfer may be clearly understood.

(4) All the details required to be recorded in a trust ledger account or a transfer journal under this regulation must—

(a) appear together in chronological order of—

(i) in the case of receipt or payment by EFT—the EFT confirmation; or

(ii) in any other case—the date of the receipt or payment; and

(b) be recorded within 2 business days following the receipt or payment or, in the case of an EFT, the relevant EFT confirmation.

23—Reconciliation statements

The following provisions apply in relation to the preparation of reconciliation statements:

(a) an agent must, at the end of each month, prepare reconciliation statements—

(i) reconciling the balance of the agent's cash books kept under regulation 21 with the balance of the agent's trust account; and

(ii) reconciling the balances of the ledgers comprised in the agent's trust ledger accounts with the balance of the agent's trust account;

(b) reconciliation statements are not required to contain a list of individual balances, or the names of the corporations on whose behalf money is held.

24—Payments of trust money

(1) An agent must not make a payment of trust money in cash.

Maximum penalty: $500.

(2) If an agent makes a payment of trust money by cheque—

(a) the cheque must be marked with the name of the agent and the words "Trust Account"; and

(b) —

(i) the cheque must be crossed and endorsed "Not negotiable"; or

(ii) the agent must obtain from the person receiving the cheque a receipt that is legible and contains the following information:

(A) the date and reference number of the cheque;

(B) particulars identifying the trust account against which the cheque is drawn;

(C) the name of the payee;

(D) brief particulars of the purpose of the payment;

(E) the amount of the cheque.

25—Receipts

For the purposes of section 36G(2)(a) of the Act, the following requirements relating to receipts of trust money are specified:

(a) each receipt must contain the following information:

(i) —

(A) in the case of a payment made by EFT into an agent's trust account—the date on which the agent makes out the receipt;

(B) in any other case—the date of the payment;

(ii) the name of the person making the payment;

(iii) whether the payment is by cash, EFT, cheque or bank cheque into the agent's trust account and, if the payment is by cheque or bank cheque, the name of the drawer of the cheque;

(iv) the name of the strata corporation for which the money is received;

(v) brief particulars of the purpose of the payment;

(vi) the amount of the payment;

(b) a hard copy of each receipt must be produced in duplicate and marked with the name of the agent and the words "Trust Account";

(c) each receipt must show, by means of a pre-numbered referencing system, the chronological order of its production;

(d) the duplicate receipts must be in consecutive order;

(e) receipts must be produced—

(i) in the case of a payment by EFT—immediately after the agent receives official confirmation that the payment has been made (whether by EFT confirmation or some other confirmation, whichever occurs sooner); or

(ii) in any other case—immediately on receipt of the payment.

Subdivision 3—Audit of trust accounts

26—Audit of trust accounts

(1) For the purposes of section 36H(1)(a) of the Act, the audit period in respect of which an agent must have the accounts and records audited is each financial year.

(2) In carrying out an audit, the auditor must—

(a) make checks that will enable the auditor to give an opinion as to whether the agent has, during the period covered by the audit, complied with the Act and these regulations relating to the agent's accounts and records; and

(b) ascertain what trust accounts were kept by the agent during that period; and

(c) make a general test examination of any trust account kept by the agent and of the pass books and statements relating to any such account during that period; and

(d) make a comparison as to no fewer than 2 dates (1 to be the last day of the period of the audit and 1 other to be a date within that period selected by the auditor) between—

(i) the liabilities of the agent to the agent's clients as shown by the agent's trust ledger accounts and the records kept under these regulations; and

(ii) the aggregate of the balances standing to the credit of the agent's trust account; and

(e) ask for such information and explanations as the auditor may require for the purposes of this regulation.

(3) For the purposes of section 36H(1)(b) of the Act, the statement relating to the audit must be prepared by the auditor and must include all matters relating to the agent's accounts and records that should, in the auditor's opinion, be communicated to the strata corporation and, in particular, deal with each of the following matters:

(a) whether the accounts and records appear to have been kept regularly and properly written up at all times;

(b) whether the accounts and records have been ready for examination at the periods appointed by the auditor;

(c) whether the agent has complied with the auditor's requirements;

(d) whether, at any time during the period of the audit, the agent's trust account was overdrawn and, if so, the full explanation for that given by the agent;

(e) whether the agent has, or has had, any debit balances in his or her trust account and the explanation or reason for such a debit given by the agent;

(f) whether the auditor has received and examined the notice given to the auditor under regulation 27 and the result of that examination;

(g) if the agent's accounts and records are kept electronically, whether the accounts and records are able to be conveniently and properly audited.

(4) The auditor must attach to the auditor's statement a copy of the agent's notice delivered to the auditor under regulation 27(1).

(5) The auditor must verify the statement by statutory declaration and give a signed copy of the statement to the agent.

(6) If the auditor in the course of auditing the agent's accounts and records discovers—

(a) that they are not kept in a manner that enables them to be properly audited; or

(b) a matter that appears to the auditor to involve dishonesty or a breach of the law by the agent; or

(c) a loss or deficiency of trust money or a failure to pay or account for trust money; or

(d) a failure to comply with the Act or these regulations,

the auditor must, as soon as possible, give a report in respect of the discovery to the Minister and the agent concerned.

Maximum penalty: $500.

(7) However, the auditor is not required to give a report to the Minister in respect of the discovery of a loss, deficiency or failure if the auditor is satisfied that—

(a) bringing the discovery to the attention of the agent or strata corporation will adequately deal with the matter; and

(b) the loss, deficiency or failure does not involve dishonesty or a breach of the law.

(8) For the purposes of section 36H(2)(b) of the Act, an agent must forward an audit statement or declaration within 2 months after the end of each audit period.

27—Agent's statement

(1) An agent who is required to have accounts and records audited must, before the completion of the audit, certify—

(a) under the agent's hand; or

(b) in the case of a firm of agents—under the hands of not less than 2 partners of the firm; or

(c) in the case of a body corporate agent—under the hands of not less than 2 directors of the body,

and deliver to the auditor a notice setting out in detail, as of the last day of the period to which the audit relates, particulars of—

(d) the names of all corporations on whose behalf the agent is holding trust money and the amount of the credit of each such corporation; and

(e) all negotiable or bearer securities or deposit receipts in the name of the agent which represent money drawn from the agent's trust account and which were held by the agent on that day; and

(f) —

(i) the names of the trust accounts in which the balance of the agent's trust money is lodged and the balances on that date of those accounts; and

(ii) if the trust account balances are not in agreement with the balances of the agent's ledger accounts—a statement reconciling those balances.

Maximum penalty: $500.

(2) The notice must be verified by statutory declaration—

(a) of the agent; or

(b) in the case of a firm of agents—of not less than 2 of the partners of the firm; or

(c) in the case of a body corporate agent—of not less than 2 directors of the body.

(3) The agent must give the auditor making the next succeeding audit of the agent's accounts and records—

(a) at the request of the auditor, a copy of the notice, together with a signed copy of the auditor's statement of the last preceding audit of the agent's accounts and records; or

(b) if the agent's accounts and records are being audited for the first time or, if for any other reason a copy of the notice cannot be produced for the purpose of the audit—before completion of the audit, a notice containing the same particulars as to money, negotiable or bearer securities and deposit receipts held on the first day of the period to which the audit relates.

Maximum penalty: $500.

28—Certain persons may not audit accounts and records of agents

A person must not audit the accounts and records of an agent if the person—

(a) is, or has been within 2 years, an employee or partner of the agent; or

(b) is an employee of another agent actually carrying on business as an agent; or

(c) is, himself or herself, an agent carrying on business as an agent.

Maximum penalty: $500.

Division 7—Supplementary

29—Register of unit holders

For the purposes of section 39A(2) of the Act, the period for which a strata corporation must keep a record of information used to compile the register of unit holders is at least 7 years.

30—Record keeping

For the purposes of section 40(1)(d) of the Act, the following periods are prescribed:

(a) for minute books—30 years;

(b) for accounting records—7 years;

(c) for any statements of account—7 years;

(d) for notices or orders served on the strata corporation—7 years;

(e) for correspondence—7 years;

(f) for notices of meetings—7 years;

(g) for documentary material received by the strata corporation under section 38(3)(b) or (c) of the Act—30 years.

31—Information to be furnished

(1) For the purposes of section 41(1)(c)(iii) of the Act, documentary material received by the strata corporation under section 38(3) of the Act is prescribed.

(2) Subject to subregulation (3), the following fees are prescribed for the purposes of section 41(2) of the Act:

(a) if an application is made for all or any of the information referred to in section 41(1)(a)—

(i) if the applicant is the owner of a unit—no fee;

(ii) in any other case—$50 per application;

(b) if an application is made for copies of all or any of the documentary material referred to in section 41(1)(b)—

(i) if the applicant is the owner of a unit—$10 per application;

(ii) in any other case—$50 per application, plus an additional $20 if the application is for, or includes a request for, a copy of current policies of insurance taken out by the strata corporation;

(c) if an application is made to inspect all or any of the documentary material referred to in section 41(1)(c)—

(i) if the applicant is the owner of a unit—no fee;

(ii) in any other case—$10 per application.

(3) If GST is payable in relation to goods, services or other things supplied in response to an application referred to in subregulation (2), the fee prescribed by that subregulation is increased so that, after deduction of the GST, the amount of the fee remaining is equal to the fee prescribed by subregulation (2).

(4) The strata corporation may, as it thinks fit, reduce or waive any fees under subregulation (2).

(5) In this regulation—

GST means the tax payable under the GST law;

GST law means—

(a) A *New Tax System (Goods and Services Tax) Act 1999* (Commonwealth); and

(b) the related legislation of the Commonwealth dealing with the imposition of a tax on the supply of goods, services and other things.

Schedule 1—Forms

Form 1

(regulation 6)

Certificate of licensed surveyor

I *[insert name of licensed surveyor]*, a licensed surveyor under the *Survey Act 1992*, certify that the attached plan correctly delineates the units, common property and buildings on the site comprised in the plan.

Date *[insert date]*

Signature of licensed surveyor *[insert signature]*

Form 2

(regulation 8)

Notice of prescribed information where person's whereabouts are unknown

Regarding the land comprised in Certificate(s) of Title Register Book Volume *[insert Register Book Volume and Folio number(s)]* (the "*subject land*")

To *[insert name of person whose consent is required],* of *[insert person's last address, as appears in Register Book]*, having the following interest in the subject land *[describe the person's interest in the subject land]*,

I/we**[insert name of each applicant]*, of *[insert address of each applicant] hereby notify you that—*

(a) I/we* intend to make application to the Registrar-General under *[insert relevant provision of the Act]* of the *Strata Titles Act 1988* in respect of the subject land; and

(b) your consent to *[give particulars of the application or related matter to which consent is required]* is required and hereby sought to enable deposit/amendment* of the strata plan for the subject land; and

(c) if you intend to refuse that consent and you fail to lodge an objection with the Registrar-General within 28 days from the date on which this notice is—

(i) posted to you; or

(ii) published in a newspaper circulating generally throughout the State; or

(iii) in the case of an application involving an encroachment*—left in a conspicuous place on or near the land over which the encroachment has occurred,

(whichever occurs last), section 17A of the *Strata Titles Act 1988* empowers the Registrar-General to proceed with the application to deposit/amend* the strata plan without your consent and your consent will, by law, be taken to have been given.

Date *[insert date]*

Signature(s) of person(s) giving notice *[insert signature(s)]*

** Strike out whichever is inapplicable. In the case of 2 or more applicants, include the required details for each applicant.*

Form 3

(regulation 9(1))

Certificate of amendment of articles

Strata Corporation No *[insert number of strata corporation]* Incorporated

I *[insert name of officer of strata corporation]*, of *[insert address of officer]*, being an officer of the above strata corporation, certify that the attached resolution is a true and correct copy of a special resolution amending the articles of the strata corporation passed at a duly convened meeting of the strata corporation on *[insert date of meeting]*.

Date *[insert date]*

Signature of officer *[insert signature]*

Note—

This certificate must be accompanied by any new articles, or variations to existing articles, passed by the strata corporation pursuant to the special resolution.

Form 4

(regulation 9(2))

Penalty notice

To *[insert name and unit number of the person to whom notice is given]*

The *[insert name of the strata corporation giving notice]* gives you notice that you have contravened or failed to comply with *[specify the by-law or article that has been contravened or not complied with]* by *[set out the details of the contravention or non-compliance]*.

The penalty of *[specify the amount of the penalty]* is payable to the strata corporation by you not later than *[specify the date for payment]*.

If you do not pay the penalty as required by this notice, the penalty is recoverable from you by the strata corporation as a debt. If this notice is served on you as a unit holder, the penalty may be recovered by the corporation under section 27 of the *Strata Titles Act 1988* (and interest will be payable on the penalty amount in the same way as if it were such a contribution).

Under section 19(3b)(e) of the Act you are entitled to apply to the Magistrates Court for revocation of this notice. The application must be made within 60 days after service of this notice. If you make such an application, the penalty specified in this notice is not payable unless the application is withdrawn or otherwise discontinued by you, or is dismissed or refused by the Court (and, in such a case, the penalty will be payable on the date on which the application is so withdrawn, discontinued, dismissed or refused or on the date for payment specified in the notice, whichever occurs later).

Legislative history

Notes

- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or www.legislation.sa.gov.au.

Legislation revoked by principal regulations

The *Strata Titles Regulations 2018* revoked the following:

Strata Titles Regulations 2003

Principal regulations and variations

New entries appear in bold.

Year	No	Reference	Commencement
2018	193	*Gazette 2.8.2018 p2994*	1.9.2018: r 2
2026	**76**	***Gazette 20.8.2026 p2810***	**1.9.2026: r 2**

Provisions varied

New entries appear in bold.

Entries that relate to provisions that have been deleted appear in italics.

Provision	How varied	Commencement
Pt 1		
r 2	*omitted under Legislation Revision and Publication Act 2002*	*1.9.2026*
Pt 3		
r 13		
r 13(3)	amended by 76/2026 r 3	1.9.2026
r 16		
r 16(3)	amended by 76/2026 r 4	1.9.2026
r 31		
r 31(2)	amended by 76/2026 r 5(1)—(5)	1.9.2026
Sch 2	*omitted under Legislation Revision and Publication Act 2002*	*1.9.2026*