

Explanatory Notes

FOR

Amendments To Be Moved During Consideration In Detail By The Honourable Yvette D'Ath MP, Attorney-General and Minister for Justice and Minister for the Prevention of Domestic and Family Violence

Title of the Bill

Body Corporate and Community Management and Other Legislation Amendment Bill 2023.

Objectives of the Amendments

The objective of the amendments to be moved during consideration in detail of the Body Corporate and Community Management and Other Legislation Amendment Bill 2023 (the BCCMOLA Bill) is to correct a technical drafting issue.

Clause 25 of the BCCMOLA Bill proposes to insert a new section 205AAA (Information to be given to interested persons (layered arrangement)) after section 205 of the *Body Corporate and Community Management Act 1997* (BCCM Act). However, clause 264 of the Property Law Bill 2023 (Property Law Bill) also proposes the insertion of a new section 205AAA after section 205 of the BCCM Act.

The provisions proposed to be included as new section 205AAA of the BCCM Act by the Property Law Bill and the BCCMOLA Bill serve different purposes. The provision inserted by the Property Law Bill deals with body corporate certificates, while the provision inserted by the BCCMOLA Bill deals with information access in a layered arrangement of community titles schemes.

A legislative amendment is required to renumber the new section 205AAA inserted by clause 25 of the BCCMOLA Bill.

Achievement of the Objectives

To achieve the objective, clause 25 of the BCCMOLA Bill will be amended to renumber the new section 205AAA inserted by the clause as new section 205AAB and

to provide for it to be located in Chapter 4, part 2, division 2 of the BCCM Act, which deals with records and provision of information.

Alternative Ways of Achieving Policy Objectives

There are no alternative means of achieving the policy objectives.

Estimated Cost for Government Implementation

There are not expected to be costs to Government in implementing the amendments.

Consistency with Fundamental Legislative Principles

The amendments are consistent with fundamental legislative principles.

Consultation

As the amendments are minor and technical, no consultation has been undertaken.

NOTES ON PROVISIONS

Amendment 1 amends clause 25 of the BCCMOLA Bill. On page 50, line 15 of the BCCMOLA Bill, the text ‘new s 205AAA’ is replaced by ‘new s 205AAB’, to ensure the heading of clause 25 appropriately reflects the renumbered new section it will insert.

Amendment 2 amends clause 25 of the BCCMOLA Bill. On page 50, line 16 of the BCCMOLA Bill, a reference to ‘After section 205’ as a location for insertion of the new section inserted by the clause is replaced by ‘Chapter 4, part 2, division 2’. This will ensure the new section is inserted at the appropriate location in Chapter 4, part 2, division 2.

Amendment 3 amends clause 25 of the BCCMOLA Bill. On page 50, line 18 of the BCCMOLA Bill, a reference to ‘205AAA’ is replaced by ‘205AAB’. This will renumber the new section 205AAA inserted by clause 25 as new section 205AAB.