

Owners Corporations Amendment Act 2013

No. 78 of 2013

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Victoria

Owners Corporations Amendment Act 2013[†]

No. 78 of 2013

[Assented to 17 December 2013]

The Parliament of Victoria enacts:

1 Purpose

The main purpose of this Act is to amend the **Owners Corporations Act 2006**—

- (a) to clarify the basis on which annual fees are set by owners corporations; and
- (b) to provide for the way in which owners corporations levy special fees, and upgrading fees, and recover costs, in relation to works that are wholly or substantially for the benefit of some or one, but not all, lots.

See:
Act No.
69/2006.
Reprint No. 1
as at
16 August
2012.
LawToday:
www.
legislation.
vic.gov.au

2 Commencement

This Act comes into operation on the day after the day on which it receives the Royal Assent.

3 Owners corporation may levy fees

After section 23(3) of the **Owners Corporations Act 2006 insert—**

"(3A) Subsection (3) applies to the setting of fees relating to repairs, maintenance or other works even if the works are wholly or substantially for the benefit of some or one, but not all, of the lots affected by the owners corporation."

4 Extraordinary fees

For section 24(2) of the **Owners Corporations Act 2006 substitute—**

"(2) Subject to subsection (2A), the fees must be based on lot liability.

(2A) Fees for extraordinary items of expenditure relating to repairs, maintenance or other works that are undertaken wholly or substantially for the benefit of some or one, but not all, of the lots affected by the owners corporation must be levied on the basis that the lot owner of the lot that benefits more pays more."

5 Lots not properly maintained

After section 48(3) of the **Owners Corporations Act 2006 insert—**

"(4) An owners corporation may recover as a debt from a lot owner the cost of repairs, maintenance or other works carried out under subsection (3)."

6 New section 49 substituted

For section 49 of the **Owners Corporations Act 2006 substitute—**

"49 Cost of repairs, maintenance or other works

- (1) An owners corporation may recover as a debt the cost of repairs, maintenance or other works undertaken wholly or substantially for the benefit of one or some, but not all, of the lots affected by the owners corporation from the lot owners.
- (2) The amount payable by the lot owners is to be calculated on the basis that the lot owner of the lot that benefits more pays more.
- (3) The works referred to in this section may be to the common property or a lot."

7 Upgrading of common property

After section 53(1) of the **Owners Corporations Act 2006 insert—**

- "(1A) Subject to subsection (1B), the fees must be based on lot liability.
- (1B) Fees for upgrading works carried out wholly or substantially for the benefit of some or one, but not all, of the lots affected by the owners corporation must be levied on the basis that the lot owner of the lot that benefits more pays more."

8 Repeal of Amending Act

This Act is **repealed** on the first anniversary of its commencement.

Note

The repeal of this Act does not affect the continuing operation of the amendments made by it (see section 15(1) of the **Interpretation of Legislation Act 1984**).

ENDNOTES

[†] *Minister's second reading speech—*

Legislative Assembly: 13 November 2013

Legislative Council: 28 November 2013

The long title for the Bill for this Act was "A Bill for an Act to amend the **Owners Corporations Act 2006** in relation to the levying of fees, and the recovery of costs, for repairs, maintenance or other works and for other purposes."