

Commercial Tenancy Review Team
Department of Mines, Industry Regulation and Safety
(Consumer Protection Division)
East Perth WA 6892

5 August 2022

consultations@commerce.wa.gov.au

Dear Commercial Tenancy Review Team,

RE: Commercial Tenancy (Retail Shops) Agreements Act 1985 (WA) Review

I am writing in response to the request for feedback to the *Commercial Tenancy (Retail Shops) Agreements Act 1985 (WA)* Statutory Review 2022.

SCA (WA) is exhibiting support for the proposed changes to the *Commercial Tenancy (Retail Shops) Agreements Regulations 1985 (WA)*, that would allow matters arising under the *Strata Titles Act 1985 (WA)* to not require a certificate from the Small Business Commissioner. In cases such as these, SCA (WA) supports allowing a landlord or tenant to proceed directly to the State Administrative Tribunal for determination.

SCA (WA) maintains that the State Administrative Tribunal provides an adequate standard of dispute resolution, and sees the requirement to obtain a certificate from the Small Business Commissioner to be an unnecessary step for matters that arise under *Strata Titles Act 1985 (WA)* legislation.

SCA (WA) is therefore supportive of the amendment proposed in Question 48 of the CTA consultation paper.

Thank you for your consideration of this feedback. If you have any questions, please get in contact at catherine_lezer@strata.community

Catherine Lezer

President, SCA (WA)

About us:

Strata Community Association WA (SCA WA) was born in 1989 due to some passionate individuals who determined the need for a unified industry body to bring about understanding, awareness and uniformity in the Strata Industry. The 'Industry Body' should also, when necessary, provide representation to Government on whatever amendments may be required to the Strata Titles Act.

The aim of SCA WA is to:

- provide a structure and forum for better communication between regions
- enhance the responsibilities of industry members in a nationally consistent manner
- enable representation at a national level to the Department of Education, Science and Training and other statutory bodies.

Based on the 2020 Australasian Strata Insights Report, more than 90,000 Western Australian residents live in apartments with 51,78 strata schemes and 251,425 lots registered. Australia-wide, more than 2.2 million people live in flats and apartments, the

vast majority being strata titled.¹ This figure does not include other forms of strata title such as townhouses and community titled developments. Nor does it include businesses operating in strata titled commercial buildings. The estimated value of property under strata title in Australia in 2020 exceeds \$1.3 trillion.²

As the growth of apartment and strata living has intensified over the last decade, the strata management strata services industry has grown in lock step to serve it. Strata managers navigate through a maze of legislation and regulation ranging from actual strata specific legislation, regulation, workplace, health and safety issues and building codes as well as measures applicable to the management of body corporate funds.

¹ Hazel Easthope, Sian Thompson and Alistair Sisson, *Australasian Strata Insights 2020*, City Futures Research Centre, UNSW, Accessed at <https://cityfutures.be.unsw.edu.au/research/projects/2020-australasian-strata-insights/>

² Ibid, p6