

NEW SOUTH WALES

DRAFT GOVERNMENT BILL

CABINET-IN-CONFIDENCE

**Strata Schemes Management Amendment
(Building Defects Scheme) Bill 2018**

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to amend the *Strata Schemes Management Act 2015* (*the SSM Act*), in relation to the scheme for rectifying building defects in new strata schemes, as follows:

- (a) to increase the maximum penalty that a developer of a strata scheme may be liable to pay for the offence of failing to provide the security (*building bond*) that is required by the SSM Act to secure payment for defective building work,
- (b) to make it an offence for a developer to knowingly give false or misleading information to the Commissioner for Fair Trading (the *Secretary*) in relation to the amount required to be secured by a building bond,
- (c) to enable the Secretary to recover from a developer any amount required to be secured by a building bond if the developer fails to give the Secretary a building bond or gives a building bond that secures a lesser amount than is required,
- (d) to limit the circumstances in which a developer may apply to the Civil and Administrative Tribunal for an order specifying the amount of the contract price of building work (for the purposes of determining the amount required to be secured by a building bond) to the circumstances specified in the regulations,
- (e) to provide that, in cases where the developer and owners corporation fail to agree on the amount secured by a building bond that may be claimed for payment to meet the costs of rectifying defective building work, the Secretary is to determine the amount to be claimed,
- (f) to enable the Secretary, for the purposes of determining the amount to be claimed in those cases, to arrange for an appropriately qualified person to provide the Secretary with a report

- (paid for by the owners corporation and developer) on the work required or costs involved in rectifying the defective building work,
- (g) to enable an amount secured by a building bond to be claimed to meet certain unpaid costs that would otherwise be payable under the building defects scheme by a developer, but only if the developer has died or ceased to exist, is bankrupt or insolvent or cannot be found,
 - (h) to confer investigative and enforcement powers on authorised officers who are appointed by the Secretary,
 - (i) to protect the Secretary and others from personal liability for acts or omissions done in good faith,
 - (j) to protect building inspectors, professional associations and others from liability for acts or omissions done in good faith,
 - (k) to extend the regulation-making powers, including by enabling regulations to be made dealing with the identification of persons qualified to be appointed as building inspectors, and with conditions that may be imposed on building inspectors,
 - (l) to make amendments in the nature of statute law revision, and other minor and consequential amendments.

The Bill also provides for a consequential amendment to the *Law Enforcement (Powers and Responsibilities) Act 2002*.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on a day or days to be appointed by proclamation.

Schedule 1 Amendment of Strata Schemes Management Act 2015 No 50

Offences relating to building bond

Schedule 1 [12] increases the maximum penalty that a developer may be liable to pay for the offence of failing to give the Secretary a building bond that secures the amount required by the SSM Act (generally, 2% of the contract price for the building work concerned). The proposed amendment increases the maximum penalty from 200 penalty units (currently \$22,000) to 10,000 penalty units (currently \$1.1 million) and also imposes an additional daily penalty of up to 200 penalty units for a continuing offence. **Schedule 1 [34]** makes a consequential amendment.

Schedule 1 [13] makes it an offence for a developer to knowingly give false or misleading information to the Secretary about the contract price of building work or the amount required to be secured by a building bond. The maximum penalty, if the developer is a corporation, is 1,000 penalty units (currently \$110,000) or 200 penalty units (currently \$22,000) in any other case.

Debt recovery where building bond not provided or not correct

Schedule 1 [28] enables the Secretary to recover from a developer any amount required to be secured by a building bond if the developer fails to give the Secretary a building bond or gives a building bond that secures a lesser amount than is required. The owners corporation concerned may claim a recovered amount from the Secretary to meet the costs of rectifying defective building work.

Order of Tribunal in relation to contract price of building work

Schedule 1 [27] provides that a developer may apply to the Civil and Administrative Tribunal for an order specifying the amount of the contract price of building work (for the purposes of

determining the amount required to be secured by a building bond) only in the circumstances prescribed by the regulations.

Claiming and payment of amount secured by building bond

An amount secured by a building bond may be claimed for payment to an owners corporation either with the consent of the developer or to meet the costs of rectifying building work that a final report of a building inspector has identified as defective. **Schedule 1 [17]** ensures that the amount that may be claimed to meet the costs of rectifying that building work is either the amount agreed by the owners corporation and developer or the amount determined by the Secretary.

Schedule 1 [22] enables the Secretary, for the purpose of making a determination about the amount, to arrange for an appropriately qualified person to provide the Secretary with a report on the work required or costs involved in rectifying the defective building work. The report must be paid for by the owners corporation and developer. The Secretary may also require the owners corporation or developer to provide information or reports.

Currently, an amount secured by a building bond may only be claimed for payment to an owners corporation. **Schedule 1 [16]** enables an amount to be claimed for payment to the following persons for unpaid costs that would otherwise be payable by the developer concerned:

- (a) a building inspector for the costs of an inspection and report, or
- (b) a person who has prepared a report for provision to the Secretary (whether arranged by the Secretary or required by the Secretary to be provided by the developer) under the amendment made by **Schedule 1 [22]**.

Schedule 1 [18] provides that the amount may be claimed for payment to those persons only if the developer has died or ceased to exist, is bankrupt or insolvent or cannot be found.

Schedule 1 [23] makes an amendment that is consequent on the amendment made by **Schedule 1 [16]**.

Investigative and enforcement powers

Schedule 1 [29] inserts a new Division 3A in Part 11 of the SSM Act, which confers investigative and enforcement powers on authorised officers.

Authorised officers are appointed by the Secretary (proposed section 211B).

The purposes for which authorised officers may exercise the investigative and enforcement powers include determining whether there has been compliance with the provisions of the SSM Act relating to the building defects scheme (Part 11) or the regulations made under those provisions (proposed section 211C).

The powers conferred on an authorised officer include the following:

- (a) to enter premises to carry out certain inspections and seize certain things (proposed section 211E),
- (b) to apply for a search warrant if the authorised officer believes on reasonable grounds that Part 11 has been or is being contravened (proposed section 211F),
- (c) to require an owner or occupier of premises, or an owners corporation, to provide reasonable assistance and facilities for the purposes of exercising the other powers conferred on the authorised officer in connection with the premises (proposed section 211G),
- (d) to require a person to provide information and records that are in the person's possession or that are within the person's power to obtain lawfully (proposed section 211I),
- (e) to require a person to answer questions in relation to matters for which information is reasonably required for the purposes of Part 11 (proposed section 211J).

Proposed section 211H specifies how things that have been seized are to be dealt with.

Proposed section 211K makes it an offence for a person, without reasonable excuse:

- (a) to refuse or fail to comply with a requirement made of the person under proposed Division 3A, or
- (b) to delay or obstruct an authorised officer in the exercise of the officer's powers under the proposed Division.

Proposed section 211L requires a person to be warned that failure to comply with a requirement to furnish records or information, or to answer questions, is an offence.

Protection from liability

Schedule 1 [35] excludes the Secretary, and persons acting under the direction of the Secretary, from personal liability for acts or omissions done in good faith for the purpose of exercising functions under the SSM Act. **Schedule 1 [36]** makes a consequential amendment.

Schedule 1 [31] (proposed section 213A) protects building inspectors, and persons acting under the direction of building inspectors, from personal liability for acts or omissions done in good faith for the purpose of exercising functions under Part 11 of the SSM Act.

Schedule 1 [31] (proposed section 213B) protects professional associations, and persons acting under the direction of professional associations, from liability for acts or omissions done in good faith in respect of anything arising from the professional association or person identifying a person as qualified to be appointed as a building inspector for the purposes of Part 11.

Regulation-making powers

Schedule 1 [32] enables regulations to be made dealing with the identification of persons qualified to be appointed as building inspectors, and with the conditions that may be imposed on building inspectors.

Schedule 1 [33] enables the regulations to create offences that have a maximum penalty of 200 penalty units (currently, \$22,000).

Other amendments

Schedule 1 [8] requires the developer of a strata scheme to provide a building inspector appointed to inspect building work for the scheme with documents identifying building defects of which the developer is aware.

Schedule 1 [9] requires a developer to give a building bond before an application is made for an occupation certificate under the *Environmental Planning and Assessment Act 1979*, rather than (as is currently the case) before the application is determined.

Schedule 1 [10] provides that a developer is not required to give a building bond before an application is made for an interim occupation certificate for a part of the building if the part is of a class prescribed by the regulations.

Schedule 1 [14] and [15] ensure that a building bond may be in the form of a bank guarantee or bond only if issued by an authorised deposit-taking institution or an approved insurer, respectively.

Schedule 1 [1]–[7], [11], [19], [20], [21], [24], [25] and [30] make amendments in the nature of statute law revision.

Schedule 1 [26] inserts a note.

Schedule 2 Amendment of Law Enforcement (Powers and Responsibilities) Act 2002 No 103

Schedule 2 makes an amendment to the *Law Enforcement (Powers and Responsibilities) Act 2002* that is consequent on proposed section 211F (relating to search warrants) of the SSM Act by **Schedule 1 [29]**.

NEW SOUTH WALES
DRAFT GOVERNMENT BILL
CABINET-IN-CONFIDENCE

**Strata Schemes Management Amendment
(Building Defects Scheme) Bill 2018**

Contents

		Page
	1 Name of Act	3
	2 Commencement	3
Schedule 1	Amendment of Strata Schemes Management Act 2015 No 50	4
Schedule 2	Amendment of Law Enforcement (Powers and Responsibilities) Act 2002 No 103	13

draft

NEW SOUTH WALES
DRAFT GOVERNMENT BILL
CABINET-IN-CONFIDENCE

**Strata Schemes Management Amendment
(Building Defects Scheme) Bill 2018**

No. , 2018

A Bill for

An Act to amend the *Strata Schemes Management Act 2015* to make further provision in respect of the rectification of building defects in new strata schemes; and for other purposes.

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Strata Schemes Management Amendment (Building Defects Scheme) Act 2018*.

2 Commencement

This Act commences on a day or days to be appointed by proclamation.

Schedule 1 Amendment of Strata Schemes Management Act 2015 No 50

[1] Section 4 Definitions

Insert in alphabetical order in section 4 (1):

Department means the Department of Finance, Services and Innovation.

[2] Section 194 Obligations of developer to appoint building inspector or notify Secretary

Omit “within that period of 12 months” where firstly occurring in section 194 (1).

[3] Section 194 (1) (a)

Insert “within that period of 12 months,” before “appoint”.

[4] Section 194 (2)

Omit “does not end within”. Insert instead “ends later than”.

[5] Section 194 (2)

Insert “of 12 months” after “that period”.

[6] Section 196 When building inspector for interim inspection arranged by Secretary

Insert “, the Secretary” after “done so” in section 196 (1).

[7] Section 196 (1) (a)

Omit “the Secretary”.

[8] Section 198A

Insert after section 198:

198A Documents to be provided to building inspector

(1) The developer of a strata scheme must, as soon as practicable after a building inspector is appointed under this Division to inspect building work for the scheme, provide the following documents to the building inspector:

(a) a document that identifies any building defects of which the developer is aware in the building work, including any building defects considered at the first annual general meeting of the owners corporation,

(b) any other documents relating to the building work that are prescribed by the regulations.

Maximum penalty: 200 penalty units

(2) The Secretary may provide a building inspector with any of the documents referred to in subsection (1) that are in the possession or control of the Secretary.

[9] Section 207 Bond to be given

Omit “occupation certificate is issued” from section 207 (1).

Insert instead “application is made for an occupation certificate”.

[10] Section 207 (1A)

Insert after section 207 (1):

- (1A) A building bond is not required to be given if:
- (a) the application is made for an interim occupation certificate under the *Environmental Planning and Assessment Act 1979* for part of the building, and
 - (b) the part is of a class prescribed by the regulations.

[11] Sections 207 (3) and 210 (3)

Omit “amount of” wherever occurring. Insert instead “amount secured by”.

[12] Section 207 (5)

Omit “200 penalty units”.

Insert instead “10,000 penalty units and, in the case of a continuing offence, a further 200 penalty units for each day the offence continues.”

[13] Sections 207A

Insert after section 207:

207A False or misleading information in relation to contract price or building bond

A developer must not knowingly give to the Secretary information in relation to the contract price of building work, or the amount required to be secured by the building bond for building work, that is false or misleading in a material particular.

Maximum penalty:

- (a) in the case of a corporation—1,000 penalty units, or
- (b) in any other case—200 penalty units.

[14] Section 208 Form of building bond

Insert “issued by an authorised deposit-taking institution” after “guarantee” in section 208 (a).

[15] Section 208 (b)

Insert “issued by an approved insurer” after “bond”.

[16] Section 209 When amount secured by building bond payable

Insert after section 209 (1) (b):

- (c) to a building inspector to meet the costs of the inspector for an inspection or report under Division 2,
- (d) to a person who has prepared a report referred to in section 209A, to meet the developer’s share of the costs of the person for the report.

[17] Section 209 (1A)

Insert after section 209 (1):

- (1A) The amount that may be claimed or realised for payment under subsection (1) (a) is an amount that the owners corporation and developer have agreed should be paid or the amount determined by the Secretary.

[18] Section 209 (2A)

Insert after section 209 (2):

- (2A) An amount may be claimed or realised for payment under subsection (1) (c) or (d) only if the costs concerned have not been paid and the developer has died or ceased to exist, is bankrupt or insolvent or cannot be found.

[19] Section 209 (3)

Omit “A building bond must be claimed or realised under this section” from section 209 (3).
Insert instead “An amount secured by a building bond must be claimed or realised under this section within”.

[20] Section 209 (3) (b)

Omit “within”.

[21] Section 209 (4)

Omit “amount of”. Insert instead “amount secured by a”.

[22] Section 209A

Insert after section 209:

209A Determination of amount when owners corporation and developer don't agree

- (1) For the purposes of enabling the Secretary to determine an amount for the purposes of section 209 (1A), the Secretary may:
- (a) require the owners corporation or the developer (or both) to provide any information or reports that the Secretary may require, or
 - (b) arrange for a person whom the Secretary considers to be appropriately qualified to provide a report to the Secretary in relation to the work required or the costs involved in rectifying the defective building work concerned.
- (2) The costs of obtaining any report arranged by the Secretary are to be borne by the owners corporation and developer in equal shares, except in the circumstances (if any) specified in the regulations for the purposes of this section.
- (3) The Secretary may give to a person whom the Secretary has arranged to provide the report any documents relating to the building work that the Secretary considers would assist the person to prepare the report.

[23] Section 210 Use of amounts secured by building bond

Omit section 210 (2).

[24] Section 210 (5)

Omit “any part of a building bond”.

Insert instead “any amount secured by a building bond that has been paid to the owners corporation”.

[25] Sections 211 (3) and 214 (2) (b) and (c)

Omit “amount of a” wherever occurring.

Insert instead “amount required to be secured by a”.

[26] Section 211 Tribunal may make orders as to access and contract price

Insert after section 211 (3):

Note. The contract price is determined in accordance with the regulations. See definition of **contract price** in section 189.

[27] Section 211 (3A)

Insert before section 211 (4):

- (3A) The developer may make an application for an order under subsection (3) only in the circumstances prescribed by the regulations.

[28] Section 211A

Insert after section 211:

211A Debt recovery if building bond not provided or incorrect

- (1) The Secretary may recover from a developer, as a debt in a court of competent jurisdiction, any amount required to be secured by a building bond given by the developer to the Secretary under this Part if:
- (a) the building bond has not been given to the Secretary, or
 - (b) the building bond has been given to the Secretary but the amount secured by the building bond is less than the amount required under this Part.
- (2) An owners corporation may claim from the Secretary the whole or part of an amount recovered under this section for payment to the owners corporation.
- (3) Section 209 applies, with any necessary modifications, in relation to any such claim in the same way as that section applies in relation to a claim by the Secretary for payment of an amount secured by a building bond.
- (4) The Secretary may refuse to pay an amount under this section in the same circumstances as the Secretary may refuse to claim or realise an amount under that section.
- (5) Section 210 (except for section 210 (3)) applies, with any necessary modifications, in relation to an amount paid to an owners corporation under this section in the same way as it applies to an amount secured by a building bond that is paid under section 209.
- (6) An owners corporation must:
- (a) repay to the developer any amount secured by the bond that has been paid to the owners corporation under this section and is not required for a purpose specified in section 210 (1), and
 - (b) give the developer written notice of the completion of the rectification of the defective building work.

Maximum penalty: 10 penalty units.

[29] Part 11, Division 3A

Insert after Division 3:

Division 3A Investigation and enforcement powers

211B Authorised officers

- (1) In this Division:

authorised officer means:

- (a) an employee of the Department for the time being appointed under this Part as an authorised officer, or

- (b) an investigator appointed under section 18 of the *Fair Trading Act 1987*.
- (2) The Secretary may appoint any employee of the Department as an authorised officer for the purposes of this Part.
- (3) An authorised officer is to be provided by the Secretary with a certificate of identification.
- (4) An authorised officer must, when exercising on any premises any function of the authorised officer under this Part, produce the officer's certificate of identification to any person apparently in charge of the premises who requests its production.

211C Purposes for which powers under Division may be exercised

Powers may be exercised under this Division for the following purposes:

- (a) for determining whether there has been compliance with or a contravention of a provision of this Part or regulations made under this Part,
- (b) for obtaining evidence, information or records in relation to a matter that constitutes or may constitute a contravention of this Part or regulations made under this Part.

211D Effect on other functions

Nothing in this Division affects any function under any other provision of this Act or under any other Act.

211E Powers to enter premises and inspect and seize things

- (1) An authorised officer may enter any premises at any reasonable time.
- (2) This section does not empower an authorised officer to enter any part of premises used only for residential purposes without the consent of the occupier of the part or under the authority of a search warrant under this Division.
- (3) An authorised officer may, on any premises lawfully entered, do anything that in the opinion of the authorised officer is necessary to be done for the purposes of this Division, including (but not limited to) any of the following:
 - (a) make any examinations and inquiries that the authorised officer considers necessary,
 - (b) require records to be produced for inspection,
 - (c) examine and inspect any records,
 - (d) copy any records,
 - (e) seize anything that the authorised officer has reasonable grounds for believing is connected with a contravention of a provision of this Part or regulations made under this Part,
 - (f) any other thing the authorised officer is empowered to do under this Division.
- (4) The power to seize anything connected with a contravention of a provision includes a power to seize:
 - (a) a thing with respect to which the provision has been contravened, and
 - (b) a thing that will afford evidence of the contravention, and
 - (c) a thing that was used for the purpose of the contravention.

A reference to any such contravention includes a reference to a contravention that there are reasonable grounds for believing has been engaged in.

211F Search warrants

- (1) An authorised officer may apply to an issuing officer for a search warrant if the applicant believes on reasonable grounds that a provision of this Part or the regulations made under this Part has been or is being contravened on premises.
- (2) An issuing officer to whom an application for a search warrant is made under this section may, if satisfied that there are reasonable grounds for doing so, issue a search warrant authorising an authorised officer named in the warrant, when accompanied by a police officer, and any other person named in the warrant:
 - (a) to enter the premises concerned, and
 - (b) to search the premises for evidence of a contravention of this Part or the regulations made under this Part.
- (3) Division 4 of Part 5 of the *Law Enforcement (Powers and Responsibilities) Act 2002* applies to a search warrant issued under this section.
- (4) In this section:
issuing officer means an authorised officer within the meaning of the *Law Enforcement (Powers and Responsibilities) Act 2002*.

211G Assistance to be given to authorised officer

- (1) This section applies for the purpose of enabling an authorised officer to exercise any of the powers of an authorised officer under this Division in connection with any premises.
- (2) The authorised officer may, by notice in writing given to the owner or occupier of the premises or to the owners corporation, require the owner, occupier or owners corporation to provide, within a specified time and in a specified manner, any reasonable assistance and facilities that are specified in the notice.

211H Dealing with seized things

- (1) An authorised officer who seizes anything under section 211E on any premises must issue the person apparently in charge of the premises with a written receipt for the thing seized.
- (2) An authorised officer may retain anything seized under section 211E until the completion of any proceedings (including proceedings on appeal) in which it may be evidence.
- (3) A record may only be retained under subsection (2) if the person from whom the record was seized is provided, within a reasonable time after the seizure, with a copy of the record certified by the authorised officer as a true copy. The copy is, as evidence, of equal validity to the document of which it is certified to be a copy.
- (4) Subsection (2) ceases to have effect in relation to anything seized if, on the application of a person aggrieved by the seizure, the court in which proceedings referred to in that subsection are commenced so orders.

211I Requirement to provide information and records

- (1) This section applies whether or not a power of entry under this Division is being or has been exercised.

- (2) The Secretary may, by notice in writing given to a person, require the person to furnish to the Secretary any information or records (or both) that the Secretary requires by the notice.
- (3) An authorised officer may, by notice in writing given to a person, require the person to furnish to the authorised officer any information or records (or both) that the authorised officer requires by the notice.
- (4) A notice under this section must specify the manner in which information or records are required to be furnished and a reasonable time by which the information or records are required to be furnished.
- (5) A notice under this section may only require a person to furnish existing records that are in the person's possession or that are within the person's power to obtain lawfully.
- (6) The person to whom any notice is furnished under this section may take copies of it.
- (7) If any record required to be furnished under this section is in electronic, mechanical or other form, the notice requires the record to be furnished in written form, unless the notice otherwise provides.

211J Power of authorised officers to require answers

- (1) An authorised officer may require a person whom the authorised officer suspects on reasonable grounds to have knowledge of matters in respect of which information is reasonably required for the purposes of this Part to answer questions in relation to those matters.
- (2) An authorised officer may, by notice in writing, require a corporation to nominate, in writing within the time specified in the notice, a director or officer of the corporation to be the corporation's representative for the purpose of answering questions under this section.
- (3) Answers given by a person nominated under subsection (2) bind the corporation.
- (4) An authorised officer may, by notice in writing, require a person to attend at a specified place and time to answer questions under this section if attendance at that place is reasonably required in order that the questions can be properly put and answered.
- (5) The place and time at which a person may be required to so attend is to be a place and time nominated by the authorised officer that is reasonable in the circumstances.

211K Offences under this Division

- (1) A person must not, without reasonable excuse, refuse or fail to comply with a requirement made of the person under this Division.
- (2) A person must not, without reasonable excuse, delay or obstruct an authorised officer in the exercise of the authorised officer's powers under this Division.
Maximum penalty:
 - (a) in the case of a corporation—40 penalty units, or
 - (b) in any other case—20 penalty units.

211L Warning to be given

A person is not guilty of an offence of failing to comply with a requirement under this Division to furnish records or information or to answer a question

unless the person was warned on that occasion that a failure to comply is an offence.

[30] Sections 213 (6) (b), 250 (6) and 257 (a)

Omit “of Finance, Services and Innovation” wherever occurring.

[31] Sections 213A and 213B

Insert after section 213:

213A Liability of inspectors and persons acting under direction of inspectors

A matter or thing done or omitted to be done by a building inspector, or a person acting under the direction of a building inspector, does not, if the matter or thing was done or omitted to be done in good faith for the purpose of executing functions under this Part, subject the building inspector or person so acting personally to any action, liability, claim or demand.

213B Liability of professional associations in respect of accreditation function

- (1) No liability is incurred by a professional association, or any person acting under the direction of a professional association, in respect of anything arising from the professional association or person identifying a person as qualified to be appointed for the purposes of this Part as a building inspector.
- (2) This section applies only in respect of anything done, or omitted to be done, in good faith by the professional association or person.
- (3) In this section:
professional association means a body that is prescribed by the regulations for the purposes of this definition.

[32] Section 214 Regulations

Insert after section 214 (1) (a):

- (a1) the identification by professional associations, or other bodies, of persons qualified to be appointed as building inspectors,

[33] Section 214 (3)

Insert after section 214 (2):

- (3) A regulation may create an offence punishable by a penalty not exceeding 200 penalty units.

[34] Section 250A

Insert after section 250:

250A Continuing offences

- (1) A person who is guilty of an offence because the person contravenes a requirement made by or under this Act or the regulations (whether the requirement is imposed by a notice or otherwise) to do or cease to do something (whether or not within a specified period or before a particular time):
 - (a) continues, until the requirement is complied with and despite the fact that any specified period has expired or time has passed, to be liable to comply with the requirement, and

- (b) is guilty of a continuing offence for each day the contravention continues.
- (2) This section does not apply to an offence if the relevant provision of this Act or the regulations does not provide for a penalty for a continuing offence.
- (3) This section does not apply to the extent that a requirement of a notice is revoked.

[35] Section 257A

Insert after section 257:

257A Personal liability of Secretary and persons acting under Secretary's direction

- (1) A matter or thing done or omitted to be done by the Secretary, or a person acting under the direction of the Secretary, does not, if the matter or thing was done or omitted to be done in good faith for the purpose of executing functions under this Act, subject the Secretary or person so acting personally to any action, liability, claim or demand.
- (2) However, any such liability attaches instead to the Crown.

[36] Section 260, heading

Insert “**of officers of owners corporations and others**” after “**liability**”.

Schedule 2 Amendment of Law Enforcement (Powers and Responsibilities) Act 2002 No 103

Schedule 2 Search warrants under other Acts

Insert in alphabetical order:

Strata Schemes Management Act 2015, section 211F