

Ministry of Lands in process to introduce Strata Title

THE MINISTRY of Lands, Housing and Survey has embarked upon a process to introduce Strata Title to Solomon Islands, and the Ministry's Chief Legal Officer Mary Tegavota is at the forefront of this new initiative.

The Secretariat of the Pacific Community (SPC) Chief Technical Adviser Alan McNeil recently organised for Mary to attend the annual gathering of the Australian College of Community Association Lawyers (ACCAL) in Sydney, with the visit sponsored by the Australian Government and ACCAL.

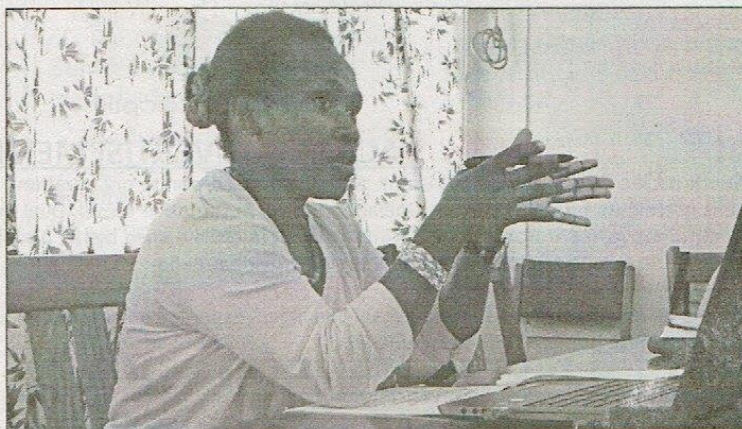
ACCAL members are property lawyers specialising in Strata or Community Titles in various jurisdictions, so the conference was a valuable learning experience for Mary.

Presentations from lawyers from different Australian States and other countries examined recent court judgements and new legislative reforms that respond to issues as they have arisen over the years in jurisdictions where Strata Title is already well established.

Various "hot topics" currently being discussed by lawyers are the requirements to terminate Strata Schemes, the use and management of common property, developer's liability for building defects, and developer abuse of sunset clauses for building completions.

"Hearing about the issues that have arisen in other jurisdictions and the legislative responses to these is a wonderful learning experience" Mary said when reflecting on the conference.

"We were each given a flash drive containing every presentation, so it has been useful going back over those presentations and noting down the key messages and lessons" she said.



Mary Tegavota.



Mary explaining Strata Title to stakeholders.

"A year ago I knew nothing about Strata Title, but now I have a good understanding of the various key concepts including unit entitlement, common property management, levies and sinking funds, Strata by-laws and appeal mechanisms, and buying off the plan.

Ministry officers, and me in particular, will need a comprehensive understanding of Strata Title as we prepare the legislation and then implement it, subject to Parliament's approval" Mary said, adding "and I'm now much better prepared for this thanks to the opportunity to attend the ACCAL conference and meet some of the world's best Strata lawyers".

ACCAL members were already hinting that they would

like to hear a presentation at next year's conference from Solomon Islands and the progress made towards introducing Strata Title to the country by that time.

"This is a very exciting time to be a lawyer working with property in Solomon Islands, as this is a major reform and there will be a whole new Act, Regulations and By-laws to govern Strata Titles, and a new layer of property ownership within Fixed Term Estates" Mary said.

"The scarcity of land in and around Honiara is a major reason why Strata Title is the way forward for new housing development in the city, so we can encourage developers to build upwards instead of outwards" Mary said.

Strata title on the way

THE Solomon Islands Government and Caeus have endorsed the concept of Strata Title for Solomon Islands.

The concept is contained in a White Paper, which was produced by the Ministry of Lands, Housing & Survey with assistance from the Secretariat of the Pa-

cific Community and funding from the Australian Government.

A statement from the Ministry of Lands said, Strata Title is a form of land tenure that allows units in a building to be individually owned, while the "parent" land title is owned by all unit owners in common.

The concept originated in New South Wales, Australia in the 1960's and has since spread around the world to places like Canada, New Zealand, Singapore, Dubai, Fiji and Vanuatu. The Ministry's Chief Legal Officer Mary Tegavota and SPC's Chief Technical Adviser Alan McNeil spent months consulting with

developers, banks and lawyers in Solomon Islands, gauging their views on the concept of Strata Title for Solomon Islands, and the response was generally very positive.

"Strata Title is seen as an answer to the scarcity of land around Honiara and the high cost of rentals, as it would encourage more

vertical development of land for medium and high-rise apartments.

"It would also enable the development of more affordable units, in a city where land has become too expensive for average citizens."

With Cabinet's endorsement of the concept in

principle, the Ministry of Lands, Housing and Survey is set to conduct further consultations, and begin legislative drafting instructions. It is hoped that a Strata Titles Bill will be ready for Parliament's consideration later this year or early in 2017.