

ACSL

Australian College of Strata Lawyers

17th Annual ACSL Strata Law Conference

Wednesday 16 – Friday 18 February 2022

NOTE – Times in the program show Australian Eastern Standard daylight savings time





On-Line Live Streaming Conference

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Message from the President

The 17th Annual ACSL Strata Law Conference will be held live online for the second time due to the unpredictability of the pandemic. The ACSL Conference is the premier event of the strata legal community's calendar, presenting an unequalled opportunity to hear from pre-eminent industry experts sharing their expertise and ideas globally with their peers and to nurture innovative ideas and advances in strata law.

The 2022 three half day program includes 19 sessions on key issues facing strata lawyers, including 3 CPD sessions and 6 pre-recorded case law updates.

I recommend that you take the opportunity to attend to acquire new knowledge and add value to your practice.

The ACSL Conference is open to non-members to discover the wealth of knowledge within the organisation, in the increasingly specialised area of Strata Law.

I thank the Conference Committee for their dedication to bring to you the 2022 conference program.

Tim Graham
President, ACSL

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ACSL Conference Committee

- **Tim Graham, VIC**
(ACSL President)
- **Michael Allen, NSW**
(ACSL Past President)
- **Allison Benson, NSW**
- **Gary Bugden OAM, QLD**
(ACSL Past President)
- **Thomas Gibbons, NZ**
- **Frank Higginson, QLD**
- **St John Lord, QLD**
- **Vicki Toan, NZ**

Day One

Wednesday 16 February 2022

Session	Time	Topic	Presenter
	11.30 am	Welcome Annual General Meeting	Tim Graham, President, ACSL, Bugden Allen Graham Lawyers VIC
Session 1 1 hour	12.00 pm	CPD Session Advocacy in Consumer Tribunals and Courts The objectives of this session are to: (a) assist solicitors practicing strata and community titles law to understand the main differences between appearing or assisting counsel, before a Tribunal or a Court; and (b) assist them in deciding when it is appropriate for them to appear and when it is in the best interests of the client for counsel to be involved; (c) and provide any “tips, traps and strategies” to help them better survive their experiences before Tribunals or Courts.	His Honour Judge Barlow QC, Sessional Member, QCAT
Session 2 40 minutes	1.00 pm	Be careful what you wish for: The implications of the public private divide for strata schemes Strata schemes occupy a difficult position between public and private regulation. Unlike their counterparts in the United States, Australian schemes are heavily regulated by the state in relation to their governance and finances. However, the ability to create privately written by-laws, and to make independent decisions on management of the scheme, allow them to simultaneously operate within the private sphere. There is a strong vein of strata commentary that argues for greater individual scheme autonomy. The COVID-19 pandemic highlighted problems with this approach. State governments were happy to leave strata schemes to manage their own risk, with minimal public guidance. Schemes were faced with difficult decisions about mask and vaccine mandates, ventilation and cleaning, which they were arguably neither qualified nor authorised to make. All over the world, the pandemic has raised questions about neoliberalism that have relevance to strata schemes. Are there some things that the private sector cannot manage and that only governments can do?	Associate Professor Cathy Sherry, UNSW, NSW
20 minutes	1.40 pm	Break	
Session 3 40 minutes	2.00 pm	Partial Redevelopments in Strata Schemes by the Owners	Paul Morton, Lannock Strata Finance, NSW
Session 4 1 hour	2.40 pm	CPD Session Fraud Awareness – Everybody is a target; don’t be a victim Reducing risk exposure to fraud across your business is a vital activity. We all have the responsibility to remain vigilant to the potential threats and likely exposure to fraud, faced by your business and your clients. Recently, there has been a significant increase in attempts to de-fraud businesses using new and sophisticated methods, such as cyber-attacks like phishing, malware and client email compromises. Jonathan Martin, Global Investigations & Training Director in Macquarie Bank’s Global Security division, will be delivering an informative session that will update you on the current global fraud trends that can affect your business (as well as your own personal life) and how best to mitigate the risks by following correct procedures and avoiding potential losses.	Jonathan Martin, Investigations & Training Director, Global Security • Macquarie Group
	3.20 pm	Strata Management in the Digital Age A look at the current digital tools available to Strata Managers to not only enhance their efficiency and capabilities but to also drive further client engagement and connectivity and to enhance better compliance to legislation and bolster relationships between Strata management firms and end users.	Tim Mackenzie, National Head Strata • Macquarie Bank

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Day One

Wednesday 16 February 2022

Session	Time	Topic	Presenter
Session 5 40 minutes	3.40 am	Case studies to demonstrate current issues confronting bodies corporate, including: <ul style="list-style-type: none">Treatment of major repairs for tax purposesTax implications of the development and sale of common propertyImpact of the recent AWF and SPIC Supreme Court decisions on the sale of body corporate assets	Tony Nunes, Taxation Partner, Kelly + Partners Tax Consulting
	4.20 pm	Conference Close	

Day Two

Thursday 17 February 2022

Session	Time	Topic	Presenter
Session 6 40 minutes	11.30 am	Citizen Utilities and two sided electricity market Dr Jemma Green, Chair and co-founder of Powerledger, will explore how the energy upgrade can be supported by residential strata. Through the installation of distributed energy resources such as solar and battery energy storage, residents can have more choice and transparency on their energy requirements. Dr Green will explore rule changes within Victoria which will soon affect the ways in which embedded energy networks can be run within residential apartments.	Dr Jemma Green, Powerledger, WA
Session 7 40 minutes	12.10 pm	Complex Communities A unit tile/strata development is a community with its own governance and management structures. Different members of the community have different legal rights, interests, and priorities that can give rise to conflict and disputes.	Vicki Toan, Glaister Ennor, NZ
30 minutes	12.50 pm	Break	
Session 8 40 minutes	1.20 pm	Decisions of the Court of Appeal Involving strata matters, including recent judgements.	The Hon. Justice Andrew Bell President of the New South Wales Court of Appeal
Session 9 1 hour	2.00 pm	CPD Session Regulating conflicts of interest in the strata environment The purpose of the paper is to identify and assess the most prevalent conflicts of interest impacting the strata environment, to compare various jurisdictional approaches aimed at curtailing the harmful effects of conflict of interest, and to evaluate the effectiveness of prevailing legal response mechanisms.	Dr Nicole Johnston, Deakin University, VIC
Session 10 40 minutes	3.00 pm	Amending Strata Management Statements in NSW – A practical outline of the process and some useful tips This session will provide an outline of the process of amending a strata management statement in NSW, including the steps a party should undertake before seeking any amendment, the traps facing a party wishing to make an amendment, the considerations of the party to whom the request is made, and the remedies available if an amendment is refused. Practical examples and recommendations will be provided for this what is generally a protracted and expensive process.	Colin Cunio, Strata Specialist Lawyers, NSW
	3.40 pm	Conference Close	

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Day Three

Friday 18 February 2022

Session	Time	Topic	Presenter
Session 11 40 minutes	11.30 am	Resolving Strata Title Disputes This paper presents a comparative analysis regarding the jurisdiction to hear strata and community title disputes, their resolution and subsequent appeals from the decision made by the adjudicator or tribunal of first instance. One issue of concern is whether the relatively less formal nature of tribunals may affect the quality of evidence on appeal. Where possible, cross-jurisdictional suggestions on how the dispute resolution process may be enhanced will be made.	Dr Edward TI, School of Law, Singapore
Session 12 30 minutes	12.10 pm	UNSW City Futures Project – Final findings Cracks in the Compact City: Tackling defects in multi-unit strata housing	Dr Laura Crommelin, City Planning Program at UNSW
Session 13 30 minutes	12.40 pm	Part 1 - Termination - Strata Renewal – Across Jurisdictions Role Play	Michael Allen, Bugden Allen Graham Lawyers, NSW
20 minutes	1.10 pm	Break	
Session 14 30 minutes	1.30 pm	Partial Redevelopments in Strata Schemes by the Owners	
Session 15A 30 minutes	2.00 pm	365 days to leave your lover In 2020, the NSW Government commenced its statutory review of the Strata Schemes Development Act 2015 and the Strata Schemes Management Act 2015. The Government received many submissions, including a 365 paragraph submission from the College. Subsequently, there has been further engagement clarifying a number of aspects and it is to be hoped that by the time of our upcoming conference we will have some idea as to whether the love affair with the 2015 legislation is over or not.	David Knoll AM, Barrister-at-Law, NSW
Session 15B 40 minutes	2.30 pm	The Owners - Strata Plan No. 36613 v Doherty; Doherty v The Owners - Strata Plan No. 36613 [2021] NSWCATAP 285 Adrian Muller will report on his client's success in SP36613 v Doherty; Doherty v SP36613 [2021] NSWCATAP 285. In that case the Appeal Panel of NCAT has ordered an owners corporation to upgrade a balustrade to comply with the Building Code of Australia. Tim Graham will examine the wider issue of whether there is a duty to upgrade common property across various jurisdictions.	Tim Graham, Bugden Allen Graham Lawyers, VIC Adrian Mueller, JS Mueller & Co, NSW
Session 15C 30 minutes	3.10 pm	How is the recently introduced NSW construction reform impacting strata schemes? A focus on what impact the implementation of the Design and Building Practitioners Act 2020, Design and Building Practitioner Regulations 2021 and the Residential Apartment Buildings (Compliance and Enforcement Powers) Act 2020 are having on owners corporations, in particular looking at rectification of building defects arising from original construction. How do the new obligations and powers of the building commissioner impact these remedial works and the remedial builders performing the rectification works along with the consultants engaged by owners corporations to prepare remedial scopes of works? What should an owners corporation look out for as a result when seeking rectification of any defects?	Helen Kowal, Swaab, NSW
Session 16 1 hour	3.40 pm	Queensland Legislation Overview Legislation across all Jurisdictions The debate - we need more disclosure	Moderator: Frank Higginson, Hynes Legal 1. NZ Thomas Gibbons, Gibbons Law, NZ 2. NSW Amanda Farmer, Lawyers Chambers, NSW 3. VIC Michelle Ang, Bugden Allen Graham Lawyers, VIC 4. WA Mark Atkinson, Atkinson Legal, WA 5. ACT 6. QLD Andrew Suttie, Nicholsons, QLD
	4.40 pm	Final Comments and Closure	Tim Graham, President

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Pre-Recorded Sessions

Session	Time	Topic	Presenter
		Case Law NSW - One Key Decision Principles- Facts – Lessons	Jessica Cannon, Cannon + Co Law QLD
		Case Law QLD - One Key Decision Principles- Facts – Lessons	Leila Idris, Bugden Allen Graham Lawyers, VIC
		Case Law WA - One Key Decision Principles- Facts – Lessons	John Park, Dentons WA
		Case Law NZ - One Key Decision Principles- Facts – Lessons	Liza Fry-Irvine, Liza Fry-Irvine Law NZ
		Case Law VIC - One Key Decision Principles- Facts – Lessons	Mario Esera, HWL Ebsworth, QLD
		Case Law ACT - One Key Decision Principles- Facts – Lessons	Tom Waugh, Kerin Benson Lawyer, NSW

Registration Details

The 2022 ACSL Strata Law Conference is a live virtual event over three days. An opportunity for presenters to share their expertise and ideas globally with their peers and to nurture innovative ideas and advances in the strata area of law.

Conference Pods/Dinner

As the Covid restrictions are easing with respect to gatherings, an opportunity may arise that for the conference, members may wish to host the conference in their boardrooms. The benefit being that members can interact with each other. The appropriate technology would be required.

Paul Morton from Lannock Strata Finance has generously offered to subsidise a conference dinner to be held at the conclusion of the conference at a restaurant chosen by the host member.

Should you wish to register as a host and receive further details, please email **Nina Psaltis, General Manager – generalmanager@acsl.net.au**

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Registration/Conference Pods/Dinner

All registration fees are inclusive of GST and are shown in Australian Dollars.

Registration	Fees	Quantity	Total
Early Bird Member Delegate (payment before 21 January 2022)	\$AUD 660.00		
Full Member Delegate (payment after 21 January 2022)	\$AUD 715.00		
Non-Member Academics	\$AUD 330.00		
Non-Member Delegate	\$AUD 852.00		

Cancellations

Should you wish to cancel your booking, cancellation requests received in writing by ACSL (generalmanager@acsl.net.au) on or before Monday 24 January, will be accepted and all fees refunded, less an administrative fee.

Payment Details

Online Registration - <https://acsl2022.delegateconnect.co/>

Registration by Cheque or Direct Deposit

Cheque payable to Australian College of Strata Lawyers in Australian dollars

Direct Deposit Details: Bank: National Australia Bank BSB: 084-004 Account Number: 59 984 6415

**Reference your payment: Conference + (Surname of Delegate). For International attendees please ensure that all transfer fees are included in payment if paying by direct deposit.*

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