



**ACSL**  
Australian College of Strata Lawyers

# 18th Annual ACSL Strata Law Conference

Wednesday 1 – Friday 3 March 2023

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Singapore Management University (SMU)  
Yong Pung How School of Law  
55 Armenian Street  
Singapore 179443

**The 2023 Conference Venue is proudly hosted by Singapore Management University**





The Australian College of Strata Lawyers (ACSL) dedicated to promoting the interests, education and professional development of lawyers involved in the strata sector. The objects of the College are to: establish and administer to the highest standards a system of specialist accreditation for lawyers skilled in the law and/or practice of strata and community titles. Promote the highest standards of professional practice. Facilitate research and dissemination of research materials on all aspects of strata and community titles. Foster a collegiate relationship among accredited specialists; and work in a non-political way to improve laws relevant to this area of legal speciality. Our members variously represent all stakeholders in the area including owners, occupiers, owners' corporations, community associations, managing agents, consent authorities, developers, financiers and building managers. Our members chose to operate under a collegiate model because our association is not aligned with any particular industry in the area and represents no vested economic interests. ACSL members are from all over Australia, New Zealand and Singapore who fall into the following membership categories – Fellows, Academics, Government, Members and Associate Members.

**Conference Theme in relation to the Special Issue of Journal of Property, Planning and Environmental Law (JPPEL):**

*The worldwide phenomenon of urbanisation across all major cities has inevitably led to the proportion of apartment or flat dwellers increasing significantly. Issues relating to creating multi-owned schemes, resolving disputes between neighbours / management and eventually termination of the development to facilitate urban renewal are thus common themes for owners, tenants, landlords and developers alike. Yet, the lived outcome experiences may differ significantly across jurisdictions. While some of these differences may be attributed to variations in legal culture, there are certainly points that all jurisdictions can learn from each other. The aim of the special issue is thus how the statutory framework and case law across jurisdictions can be compared to one another so that best practices can be identified and articulated. It is hoped that the scholarship produced would impact policymakers and judges alike.*

**The Australian College of Strata Lawyers (ACSL) acknowledges the contribution made by the Centre for Commercial Law in Asia (CCLA), Yong Pung How School of Law, Singapore Management University in hosting the 2023 conference.**

See more at: <https://ccla.smu.edu.sg>

## ACSL Conference Committee

- **Tim Graham**  
ACSL President
- **Dr Edward Ti**  
Singapore Management  
University
- **Michael Allen**  
Past ACSL President
- **Allison Benson**  
Kerin Benson Lawyers
- **Gary Bugden OAM**  
Past ACSL President
- **Thomas Gibbons**  
Gibbons Law
- **Frank Higginson**  
Hynes Legal
- **Pino Monaco**  
GV Lawyers
- **Vicki Toan**  
Glaister Ennor Lawyers

# Day One

Wednesday 1 March 2023

Singapore Management University, Yong Pung How School of Law, 55 Armenian Street, Singapore 179943

Level SR 3-10 of the Yong Pung How School of Law

Session	Time	Topic	Presenter
	8.00 am	<b>Conference Registration</b> (Tea and coffee station)	
	9.00 am	<b>Conference Launch</b>  <b>Welcome Address</b>	<b>Tim Graham, President, ACSL</b> Bugden Allen Graham Lawyers VIC  <b>Professor Lee Pey Woan</b> Dean of the SMU Yong Pung How School of Law SG
	9.30 am	<b>Annual General Meeting and ACSL Strategic Planning Developments</b>	
Session 1 <i>40 minutes</i>	10.30 am	<b>Topic to be advised</b>	<b>Professor Ngai Pindell</b> Dean, Peter A Allard School of Law, Canada
	11.10 am	<b>Morning Tea Break</b>	
Session 2 <i>40 minutes</i>	11.30 am	<b>Methodology for Cost Sharing and Voting Entitlement – Comparative analysis</b>	<b>Kaylene Arkcoll</b> Leary & Partners, QLD
Session 3 <i>30 minutes</i>	12.10 pm	<b>Just and Equitable across the Jurisdictions (clarity/original sub-divisions)</b> A comparative analysis of the methodology underpinning the assessment and settling of lot entitlements (and lot liabilities) in key Australian jurisdictions, barriers to change and proposals for reform.	<b>Tim Graham, President, ACSL</b> Bugden Allen Graham Lawyers, VIC
Session 4 <i>30 minutes</i>	12.40 pm	<b>Just and equitable (and unjust and inequitable) – lessons for other jurisdictions from New Zealand</b> New Zealand's unit title legislation has for many years had a "just and equitable" test relating to cancellation of a unit plan. More recently, this test has been extended to other areas of the legislation, including relief on designated resolutions. New Zealand also has related tests, such as an "unjust and inequitable" test for minority relief, and a "fair and equitable" test for reassessment of utility interests that determine levies. A solid body of case law has emerged (and continues to emerge) around these phrases, which can provide useful guidance to other jurisdictions, particularly those where these tests are newer. The paper will canvass issues around the nature of judicial discretion in relation to property rights, the differing interests of majority and minority owners, and the extent to which the exigencies of individual cases have resonance for overall principles applicable to strata ownership.	<b>Thomas Gibbons,</b> Gibbons Law, NZ
	1.10 pm	<b>Lunch Break</b>	
Session 5 <i>20 minutes</i>	2.10 pm	<b>Termination of Strata Schemes outside the Strata Renewal Process</b>	<b>Michael Allen</b> Bugden Allen Graham Lawyers, NSW
	2.30 pm	<b>Bus departs for the Urban Redevelopment Authority, 45 Maxwell Road, Singapore</b>	
Session 6 <i>60 minutes</i>	2.45 pm	<b>Presentations to be held at the Strata Titles Board</b>	<b>Alfonso Ang Cheng Ann</b> President, Strata Titles Board, SG  <b>Angeline Tan Guek Ing</b> Registrar, Strata Titles Board SG

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Session	Time	Topic	Presenter
Session 7 60 minutes	3.45 pm	<b>Tour of the Singapore City Gallery</b> The Singapore City Gallery showcases Singapore's dramatic transformation over the past 50 years, to become one of the most liveable cities in Asia. It tells Singapore's development story, through 40 interactive and immersive exhibits that detail our planning challenges and the innovative solutions that tackle them.	
	4.45 pm	<b>Return transport to the University, Fairmont, Swissotel, and Kempinski Hotels</b>	
	7.00 pm	<b>Singapore Management University Sponsored Dinner</b> National Kitchen by Violet Oon, National Gallery Singapore, St Andrew's Road Singapore	

# Day Two

Thursday 2 March 2023

Singapore Management University, Yong Pung How School of Law, 55 Armenian Street, Singapore 179943

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Session	Time	Topic	Presenter
	8.30 am	<b>Tea and Coffee station</b>	
Session 8 40 minutes	9.00 am	<b>Promoting diversity in high-rise dwellings: A comparative perspective</b> How do the UK, Singapore and the various states and territories in Australia provide affordable housing, and how good are these different models in promoting racial and/or social (wealth) integration? Are these different goals compatible and, if not, where are the tension points? As our focus is on multi-owned high-rise buildings, there is also the question of whether the use of the strata development scheme better promotes one or more of the goals in comparison to a non-strata development. In this paper we undertake a comparative analysis of the various affordable housing schemes and tenure mix to explore socioeconomic outcomes in the three jurisdictions. The paper endeavours to articulate the varying goals of affordable housing schemes and make suggestions of the type of broad principles that can be adopted across the compared jurisdictions.	<b>Assistant Professor Edward Ti</b> Yong Pung How School of Law, Singapore Management University, SG  <b>Associate Professor (Education) Alvin See</b> Yong Pung How School of Law, Singapore Management University, SG
Session 9 40 minutes	9.40 am	<b>Juxtaposition of commonhold, strata and other forms of common interest subdivisions.</b> An examination of the title, subdivision, and management differences within some forms of common interest subdivisions.	<b>Gary Bugden OAM</b> Bugden Allen Graham Lawyers, QLD
Session 10 40 minutes	10.20 am	<b>The Law and Children in Multi-Owned Buildings</b> Most work on the law of multi-owned buildings have focused on governance issues such as mediating between the majority owners' interest with that of the minority owners' interest. Children in multi-owned developments remains an under investigated area as children's interests do not fit within the paradigm of majority versus minority interests. Using the law of two jurisdictions, Australia and Singapore, the central argument of this paper is that the law in these jurisdictions have rightfully adopted a protective approach towards children in multi-owned buildings where there are safety considerations because majority owners have not always acted in a way which protected children. The law's protective impulse is clearly demonstrated in issues such as the installation of window grilles and other safety devices meant to protect children in multi-owned buildings.	<b>Professor Tang Hang Wu</b> Yong Pung How School of Law, Singapore Management University, SG
	11.00 am	<b>Morning Tea Break</b>	

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Session	Time	Topic	Presenter
Session 11 40 minutes	11.30 am	<b>Legal remedies for poor quality tribunal decision making</b> In the fields of strata and community title, complexity levels in disputes have increased. At least in Australia, the law requires certain minimum degrees of decisional engagement, and minimum standards of decisional quality. This paper will explore some recent decisions both in terms of the underlying factual matrix and the remedies available for poor quality decision-making. Some potential solutions will be explored, with a particular emphasis on reducing the inordinate transaction costs on parties. Sometimes the Supreme Court's supervisory function acts as effective discipline. And, sadly, sometimes, a Supreme Court Justice can give encouragement to lax decisional quality.	<b>David Knoll AM</b> Barrister at Law Adjunct Associate Professor, University of NSW
Session 12 40 minutes	12.10 pm	<b>Principles of Corporate Finance and Taxation as they apply to owner corporations and owners</b> Corporate Finance as an academic discipline had its birth in the 1960's, the same decade as the NSW legislation. However, the now well-established principles are rarely applied to strata decision making. Similarly, a large proportion of owners would have had tax as an input to their investment decision, but the taxation impacts on the various types of levies are not well understood and rarely considered in financial decisions in strata. Paul will work through these issues and also discuss the policy implications that arise from a considered approach to the economics of owners corporations.	<b>Paul Morton</b> Lannock Finance
	12.50 pm	<b>Lunch Break</b>	
Session 13 60 minutes	2.00 pm	<b>CPD Session</b> <b>Personal Energy Optimisation</b> Amidst external pressures, it helps to become aware of and manage our personal energy more effectively. This can give us a sense of greater empowerment and control. Participants will do an energy management audit and also fill out a matrix to reflect when their energy is high and low. There will be peer sharing and immediate application of what's learnt. Participants can share progress in actions they have taken during our zoom follow-up, to be held on Tuesday 4 April 2023. Details will be forwarded to delegates before the event.	<b>Vadivu Govind</b> Director  <b>Daphne Yuan</b> Deputy Director  <b>Human Unlimited</b>
Session 14 40 minutes	3.00 pm	<b>Mixed-Use Condominiums: The Challenge of Dynamic Governance [Online presentation]</b>	<b>Professor Amnon Lehavi</b> Harry Radzyner Law School, Reichman University, Israel
	3.40 pm	<b>Afternoon Tea Break</b>	
Session 15 40 minutes	4.00 pm	<b>Best laid plans</b> The intention behind the drafting of by-laws, strata documents or even strata legislation is not always reflected in how those documents are interpreted by the courts and tribunal. Using the 2020 amendments of the Strata Titles Act 1985 (WA) as a case study, Sean Macfarlane, the Instructing Officer for those amendments, will compare the policy behind key amendments to that Act and how the courts and tribunal have recently interpreted those provisions. This case study will provide insights for strata lawyers that may be useful when they apply client instructions to the drafting of by-laws and other strata documents.	<b>Sean Macfarlane</b> Bugden Allen Graham Lawyers, WA
	4.40 pm	<b>Conference Close</b>	
	7.00 pm	<b>Conference Dinner - Venue to be advised</b> Details TBA	

# Day Three

Friday 3 March 2023

Singapore Management University, Yong Pung How School of Law, 55 Armenian Street, Singapore 179943

Level SR 3-10 of the Yong Pung How School of Law

Session	Time	Topic	Presenter
	8.30 am	<b>Tea and Coffee station</b>	
Session 16 40 minutes	9.00 am	<b>How informed are buyers of strata title properties? A comparative analysis of information disclosure laws in Australia.</b> In all Australian jurisdictions sellers of strata or community title are required to disclose various matters to a buyer prior to contract. This paper will undertake a comparative analysis of the jurisdictional requirements in Australia and compare to the approach in select international jurisdictions.	<b>Professor Sharon Christensen</b> Queensland University of Technology
Session 17 20 minutes	9.40 am	<b>Strata Case of Interest – A key decision NSW</b>	<b>Ian McKnight</b> Sarvaas Ciappara Lawyers, NSW
	10.00 am	<b>Morning Tea Break</b>	
Session 18 40 minutes	10.30 am	<b>Australia's Telebullies – Use and abuse of statutory rights by telecommunications providers</b> The proliferation of internet utility service providers, many of them start-ups, has led to Land Access Notices falling like gum leaves on unsuspecting strata schemes. Touch up on your gutter cleaning skills with this traverse of the use and abuse of statutory rights under the Telecommunications Act 1997 (Cth) and the Telecommunications Code of Practice 2021 (Cth).	<b>Michael Kleinschmidt</b> Stratum Legal, QLD
Session 19 40 minutes	11.10 am	<b>Superlot sales in Sydney: owner-led site amalgamation of apartment buildings</b> <b>Hazel Easthope, Simon Pinnegar, Laura Crommelin, Charlie Gillon, Kristian Ruming &amp; Sha Liu (presented by Hazel Easthope)</b> We examine owner-led collective sales in the Sydney suburb of Macquarie Park, where multiple examples of land assembly including both vertical and horizontal collective sales exist. We draw on interviews and document reviews to examine how owners negotiate these sales, focusing on their motivations, actions, challenges and perceptions.	<b>Professor Hazel Easthope</b> UNSW-AHURI Centre, NSW
Session 20 40 minutes	11.50 am	<b>New Developments for Community Living on the Horizon(tal) - Taking the “building” out of Building Management Statements</b> More developers are exploiting the laws of building management statements to impose covenants on title that are used to share infrastructure, regulate architectural form and impose cost sharing where there is no strata titling of a building.  Is this a “Section 88B-MS” instrument?  This paper will explore some real world use of building management statements in flat land subdivision.	<b>Joe Welch</b> Hickey Lawyers, QLD
Session 21 20 minutes	12.30 pm	<b>Strata Case of Interest – A key decision VIC</b>	<b>Gerard Doyle</b> GDP Law, NSW
Session 22 20 minutes	12.50 pm	<b>Strata Case of Interest – A key decision NZ</b>	<b>Joanna Pidgeon</b> Pidgeon Judd, NZ
	1.10 pm	<b>Lunch Break</b>	
Session 23 20 minutes	2.00 pm	<b>Strata Case of Interest – A key decision QLD</b>	<b>Stella Lee</b> Bugden Allen Graham Lawyers, QLD
Session 24 40 minutes	2.20 pm	<b>The control of the collective: judicial recasting of owners’ obligations in New Zealand</b> The paper would be an overview of judicial activism in New Zealand in making bodies corporate responsible for most repairs and remediation around a development, in defiance of relevant legislative requirements. The thesis will be advanced that this is a departure from clear legislative provisions dividing those responsibilities between owners and the body corporate, and began in the 1990s with the “leaky building” crisis	<b>Chair and Response –</b> <b>Thomas Gibbons,</b> Gibbons Law, NZ  <b>Presenter –</b> <b>Associate Professor Rod Thomas,</b> Auckland University of Technology NZ

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Session	Time	Topic	Presenter
Session 25 20 minutes	3.00 pm	<b>Strata Case of Interest – A key decision WA</b>	<b>Mark Atkinson</b> Atkinson Legal, WA
	3.20 pm	<b>Afternoon Tea break</b>	
Session 26 40 minutes	3.45 pm	<b>Assessing Condominium Law reforms in the Chinese Civil Code: A Law and Culture Analysis</b> Abstract: While much has been written on the importance of property rights to economic development, relatively little seems to be understood about processes of change in complex property systems, particularly in China, a socialist-transforming country. Specifically, there is a lack of knowledge about the intricate relations between private law design, the structure of organizations for collective action, and cultural values and orientations that practically guide interpersonal interactions in Chinese society. The Chinese Civil Code, effective on 1 January 2021 underwent notable changes in the condominium rules. A gap exists between PRC property law's underlying assumptions and the modern reality of how a property institution is often designed, coordinated, and enforced. The research findings are hoped to suggest the desirability of possible statutory reforms or taking the form of ex ante legislative simplicity, accompanied by ex post Court discretion to enforce cultural-orientated norms to make the organization work.	<b>Professor Chen Lei</b> Durham University UK
Session 27 40 minutes	4.25 pm	<b>The debate – strata lawyers should use their powers for all, not just the few</b> Should strata lawyers operate by the cab rank rule and act for all participants in the strata industry? This light-hearted debate will explore whether strata lawyers should have their skills sets extended to any who need them.	<b>Frank Higginson</b> Hynes Legal, QLD  Other participants to be announced
	5.05 pm	<b>Post Conference Social – Drinks and Refreshment</b>	
	7.00 pm	<b>JUMBO Seafood (Riverside Point) 30 Merchant Rd, Riverside Point, Singapore</b>	

# About the Conference

## **ABOUT THE CONFERENCE AND WHO SHOULD ATTEND**

The beneficial aspects gained from attending the conference is for those who wish to continue their professional development, be inspired from expert speakers who will be providing insights and experiences within the Strata sector. It is also an opportunity of making valuable connections during the conference.

## **THE VENUE**

The Singapore Management University is hosting the conference on campus in the Yong Pung How School of Law.

## **ACCOMMODATION**

Due to the penalties of block booking we are unable to secure a discounted rate at the hotels. The following hotels are in close vicinity to the University.

Fairmont, Swissotel and The Capitol Kempinski Hotel Singapore

[Fairmont Singapore - Luxury Hotel in Singapore - Fairmont, Hotels & Resorts](#)

[Swissotel The Stamford - 5 Star Hotel in Singapore - Swissôtel Hotels & Resorts](#)

[5 Star Luxury Hotel in Singapore | The Capitol Kempinski Hotel Singapore](#)

## **REGISTRATION DESK**

The conference registration desk will be in operation prior to the commencement of the conference and throughout the day on Thursday and Friday.

## **REGISTRATION FEES INCLUDE**

- Attendance at all educational sessions
- Conference material, including any available speakers' papers submitted to ACSL
- Wednesday, Thursday evening dinners
- Tea and coffee during breaks
- Registrations are transferable

## **OPTIONAL DINNER**

Friday evening – registration is required.

## **CONFIRMATION**

Confirmation of your registration will be forwarded to you by email.

## **CANCELLATION POLICY**

An administration fee of \$250.00 per registrant will apply for cancellations before 30 January 2023. No refunds will be payable for cancellation made after this date.

## **DRESS**

Smart casual is appropriate for conference sessions. A light jacket may be required in air-conditioned seminar rooms. Smart casual is also appropriate for the conference dinners.

## **DIETARY REQUIREMENTS**

If you have any special dietary requirements, please note these on your registration form when registering.

## **INSURANCE**

Conference registrations fees do not include insurance or cover for loss or personal injury. There is no insurance provided by the conference organiser. Delegates should arrange their own personal and travel insurance.