COTA TASMANIA
for older Australians

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1. Overview

COTA Tasmania supports the direction of the proposed reforms. Clearer responsibilities, accessible information and sound maintenance planning can help older people live safely and confidently in strata housing. The final framework should protect meaningful participation, manage costs fairly and provide practical remedies when things go wrong.

This submission focuses on the implications for older owners and residents, including tenants. We support proportionate regulation, with safeguards that apply in practice across both large developments and small, self-managed schemes.

2. About COTA

COTA is the peak body advocating for the rights, interests and wellbeing of older Tasmanians. For more than 60 years, we have worked to ensure that older people's experiences and priorities inform the policies and services that affect their lives. We provide independent, evidence-based advice to government and advocate for practical improvements in access, participation and support.

Our interest in these reforms is to ensure that strata housing supports safe, secure and affordable living as people age, and that older residents can understand their obligations, participate in decisions and exercise their rights.

3. Why this matters for older Tasmanians

Strata housing can offer older people a more manageable home and opportunities to remain connected to their community. However, shared ownership brings responsibilities that may be unfamiliar, particularly when a person downsizes from a house. Decisions about maintenance, insurance, levies and common property can directly affect their financial security and ability to remain at home.

Owners on fixed or limited incomes may have little capacity to absorb an unexpected special levy. Residents with changing mobility or health needs may depend on timely repairs or modifications to shared areas. Disputes with neighbours or those managing a scheme can also be particularly difficult when the disagreement concerns the place a person calls home.

Older Tasmanians have diverse circumstances and capabilities. The framework should accommodate disability, limited income and digital exclusion without assuming that age itself limits decision-making capacity. Clear information, accessible participation and practical independent assistance will help residents retain control over decisions affecting their homes.

4. Recommendations

COTA recommends that the Government:

1. Guarantee accessible notices, records and meeting participation, including paper and non-digital options, reasonable adjustments and support where needed.
2. Require clear disclosure before purchase of a scheme's costs, financial position, foreseeable liabilities and shared property responsibilities.
3. Provide affordable access to relevant records, with written reasons for refusal, partial disclosure where appropriate and accessible review rights.
4. Ensure proportionate financial oversight, predictable maintenance funding and fair levy processes, including reasonable hardship arrangements.
5. Provide timely and fair decisions on reasonable accessibility modifications, with written reasons and accessible review.
6. Provide safe and affordable dispute resolution, allowing internal processes or direct engagement to be bypassed where unsafe or inappropriate.
7. Protect personal information by limiting disclosure to what is necessary for a legitimate purpose and providing secure handling and redaction.
8. Protect meaningful participation through workable proxy rules and safeguards for decisions made at adjourned meetings.
9. Retain essential safeguards in small schemes and support implementation through consultation on regulations, clear guidance, templates and transition assistance.

5. Detailed comments

5.1 Accessible information and participation

We support remote participation under clause 38 and the accessibility and cost safeguards in clause 50. Telephone and video attendance can assist people who have mobility limitations, are unwell or live away from the scheme. However, proposed section 75A makes remote access dependent on the technology being authorised by the by-laws. An owner may have to seek relief from the Recorder before an unreasonable refusal to authorise suitable technology is resolved.

The Information Paper also envisages a right to receive paper documents and attend in person. These protections should be explicit in the final framework, rather than dependent on the preferences of a majority. Consent to electronic communication, recorded under proposed section 88B, is a useful safeguard and should be capable of being withdrawn easily.

Paper notices and records should be available without punitive additional charges. Meeting arrangements should accommodate hearing, vision and mobility needs, and permit an authorised support person to assist without displacing the owner's decision-making rights. There should be a prompt remedy where reasonable access is refused.

5.2 Disclosure and access to records

We support management statements and clearer identification of common property. People considering a move into strata housing need to understand the continuing costs and responsibilities before committing to a purchase.

A registered management statement is valuable, but purchasers also need current information about the scheme's financial position and foreseeable liabilities.

A concise disclosure summary should cover regular and special levies, anticipated major works, fund balances, insurance and excesses, significant known defects and relevant disputes. It should explain responsibility for shared infrastructure, unit entitlements and the basis for allocating costs. Supporting records should be available before a purchaser becomes bound.

Proposed section 88A provides access to records within seven days and recognises authorised representatives. We support these provisions. However, broad exceptions for repetitive requests or unreasonable administrative burden could disadvantage a person who needs clarification or assistance. The tenant eligibility provision is limited to leases of six months or more; residents on shorter or periodic arrangements also need relevant information about their home.

A refusal should include written reasons and information about review rights. Partial or redacted access should be offered where possible. Fees should be proportionate, with hardship relief, and all lawful residents should be able to obtain by-laws, safety information and relevant maintenance notices without accessing unrelated personal information.

5.3 Predictable costs and safe maintenance

We support the five-year maintenance plan and annual review proposed in section 83A. Planned maintenance can reduce deterioration and avoid sudden large levies. Plans should identify safety and access risks, including paths, lighting, handrails and lifts where present. Guidance should also encourage consideration of major replacement costs beyond the five-year period, so foreseeable liabilities are not overlooked.

Proposed section 83B strengthens financial accountability through separate administrative and maintenance funds, financial records and annual audits. Accountability is essential, but the cost of a full annual audit should be assessed against the size, financial activity and risks of the scheme. Even a small scheme may have substantial shared assets or financial risks.

Owners should receive clear explanations and adequate notice of levy increases and major works. Reasonable payment arrangements and hardship consideration should be available while preserving contribution obligations and funding urgent safety work.

Reform should also help residents adapt their homes as their needs change. Requests affecting common property, such as a handrail, ramp or access for a mobility aid, need timely and transparent decisions. The process should consider safety, technical feasibility, cost allocation and ongoing maintenance, with written reasons for refusal and accessible review. We recommend this additional safeguard to support residents to remain at home.

5.4 Dispute resolution and fair enforcement

We support early resolution of disputes and the exceptions in proposed section 93A for urgent or serious matters and uncooperative parties. However, an internal process may be unsafe or ineffective where there is intimidation, harassment or a significant power imbalance.

Proposed section 95A separately requires reasonable attempts to resolve a dispute with the other resident before requesting a compliance notice or seeking relief. The relationship between this requirement and the section 93A exceptions should be clarified.

The exceptions should expressly cover intimidation, abuse, conflicts of interest and serious power imbalances, and apply consistently across sections 93A and 95A. Affordable independent assistance, clear application guidance, hardship fee relief and access for authorised advocates or representatives would make these protections more usable.

Compliance notices should explain the alleged breach, the evidence, how it can be remedied and the avenues for review. Where illness or disability affects compliance, reasonable adjustments should be considered. These safeguards should operate alongside prompt responses to serious safety risks.

5.5 Privacy and fair decision making

The proposed roll includes emergency contact details, addresses and insurance information. These details can be useful for administration, but access should reflect a legitimate purpose. Proposed section 88C requires an eligible requester to state a reason, but does not expressly limit disclosure to what is necessary for that purpose. Routine access should not expose an older resident or their nominated contact to unwanted contact or misuse of personal information.

Emergency contact details and sensitive information should be protected through secure storage and disclosure limited to what is necessary for an authorised purpose. There should be a practical process for residents who need their address or contact details protected, and clear guidance on how roll access interacts with general records access.

We support limits on proxy concentration. However, owners who rely on an authorised representative because of disability or care arrangements need workable options. Proposed section 77A also allows those attending an adjourned meeting to constitute a quorum after a further 30 minutes, potentially leaving very few people to conduct the business.

Guidance should explain how proxy limits operate for people who need supported participation. Notices of adjourned meetings should repeat the agenda and explain the reduced quorum rule. Substantive decisions on new, unnotified business should be prevented, the position for two-lot schemes clarified, and any higher statutory voting thresholds preserved.

5.6 Small schemes and implementation

We support simpler arrangements where the scheme's size and shared assets justify them. The Information Paper says 84 per cent of Tasmania's strata developments contain two to four lots. However, the proposed smaller-development regulations would apply to schemes with four or fewer residential lots and no shared walls, floors or ceilings. Simplification must therefore be carefully targeted and explained.

The contemplated exemptions from meeting minutes and an owners' roll could weaken continuity and accountability. An owners' agreement requiring every owner's signature may also create deadlock over essential repairs or insurance.

Low administrative burden should be achieved through short templates and clear procedures, while retaining an accessible record of decisions, contributions, contacts and responsibilities.

Small schemes still need clear insurance responsibilities and a practical remedy for deadlock over essential work. Both sets of regulations should be consulted on before relevant obligations commence. Free templates, telephone assistance, printed guidance and targeted transition support should accompany an education-first approach to initial compliance.

The final guidance should also reconcile differences between the Information Paper and the Bill. For example, the Paper describes six-month activation and roll requirements; proposed section 160B(3) permits an owner to convene a first meeting for a pre-2006 scheme without specifying that activation deadline, while section 88B(8) provides a 12-month initial non-application period for specified roll obligations. The Paper describes a maintenance-plan penalty that is not expressed in proposed section 83A. Management statement review and registration timeframes should also be explained consistently across sections 70C and 70D.

6. Conclusion

COTA supports a modern and proportionate strata framework that gives owners and residents confidence in how their communities are managed. Clear responsibilities, transparent finances and planned maintenance can help older people remain safely and independently in their homes. These benefits need to be supported by accessible information, meaningful participation and practical avenues for resolving concerns.

For older residents, the effectiveness of the reforms will be measured in everyday outcomes: whether they understand their obligations, can plan for costs, have a say in decisions and can obtain assistance when difficulties arise. The final framework should accommodate people on limited incomes, residents with disability or changing health needs, and those who do not use digital services. Simplified arrangements for small schemes should retain the essential protections that support fair decisions and accountability.

Implementation will be critical. The legislation and regulations should be supported by consistent plain English guidance, affordable assistance and a realistic transition period, particularly for self-managed schemes.

COTA therefore asks the Government to incorporate the safeguards outlined in this submission so that the reforms support secure, affordable and accessible strata living for older Tasmanians.