



Strata Titles Amendment Act 2018 Fact Sheet

SECTION 117

Limitations on Exercise of Powers

SECTION 118

Common Seal and Execution Of Documents

117. Limitations on exercise of powers

- (1) A strata company must not —
 - (a) acquire or dispose of land, or an interest in land, except as authorised under section 92 or 93; or
 - (b) mortgage common property; or
 - (c) act as a guarantor; or
 - (d) establish a corporation or subsidiary of a corporation; or
 - (e) engage in an activity that a strata company must not engage in under the regulations.
- (2) A strata company must not, except as authorised by resolution without dissent, perform or exercise a function that the regulations allow to be exercised only as authorised by resolution without dissent.

118. Common seal and execution of documents

- (1) If a strata company has a common seal —
 - (a) the seal may be used only as authorised by ordinary resolution of the strata company; and
 - (b) its use must be attested by the signatures of 2 members of the council of the strata company.
- (2) A strata company may, by ordinary resolution, authorise any of the following to execute documents on its behalf subject to any conditions or limitations specified in the resolution —
 - (a) a member of the council of the strata company; or
 - (b) members of the council of the strata company acting jointly; or
 - (c) a strata manager of the strata company.
- (3) A document is duly executed by a strata company if —
 - (a) the common seal of the strata company is applied to it in accordance with this section; or
 - (b) the document is signed on behalf of the strata company by a person or persons in accordance with an authority conferred under this section.
- (4) For a document in an electronic form that bears a facsimile of the common seal and a facsimile of the signatures required to attest its use, the sealed document as it appears electronically, or as it appears when printed on paper, has the same effect as if the common seal had been applied and attested in accordance with this section, unless there is evidence that the document was not executed by the strata company.