



AUSTRALIAN CAPITAL TERRITORY

## Unit Titles (Amendment) Act 1993

No. 12 of 1993

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### An Act to amend the *Unit Titles Act 1970*

*[Notified in ACT Gazette S23: 1 March 1993]*

The Legislative Assembly for the Australian Capital Territory enacts as follows:

#### Short title

1. This Act may be cited as the *Unit Titles (Amendment) Act 1993*.

#### Commencement

2. (1) Sections 1, 2 and 3 commence on the day on which this Act is notified in the *Gazette*.  
(2) The remaining provisions commence on a day, or respective days, fixed by the Minister by notice in the *Gazette*.  
(3) If a provision referred to in subsection (2) has not commenced before the end of the period of 6 months commencing on the day on which this Act is notified in the *Gazette*, that provision, by force of this subsection, commences on the first day after the end of that period.

#### Principal Act

3. In this Act, “Principal Act” means the *Unit Titles Act 1970*.<sup>1</sup>

**Substitution**

4. Section 8 of the Principal Act is repealed and the following section substituted:

**References to special resolutions**

“8. In this Act, a reference to a special resolution shall be read as—

- (a) where the total number of units is more than 2—a reference to a resolution at a duly convened general meeting, passed by votes representing not less than two-thirds of the total number of units and not less than half of the aggregate unit entitlement of the units; or
- (b) where the total number of units is 2—a reference to a resolution passed unanimously at a duly convened general meeting.”.

**Proposals for subdivision**

5. Section 11 of the Principal Act is amended—

- (a) by omitting from subsection (2) “four” and substituting “2”; and
- (b) by omitting from subsection (2) “one” (wherever occurring) and substituting “1”.

**Chairman of committee**

6. Section 54 of the Principal Act is amended by adding at the end the following subsection:

“(4) In the case of a committee of 2, in the event of an equality of votes the chairman is not entitled to a second or casting vote.”.

**Voting of committee**

7. Section 55 of the Principal Act is amended by adding at the end the following subsection:

“(2) In the case of a committee of 2, all matters shall be decided by a unanimous vote.”.

**Substitution**

8. Section 65 of the Principal Act is repealed and the following section substituted:

**Quorum at a general meeting**

“65. (1) No business shall be transacted at a general meeting unless a quorum is present.

“(2) If within half an hour after the time appointed for a general meeting under section 63 a quorum is not present, the meeting shall be adjourned to the same day in the next week at the same place and time.

“(3) Subject to subsection (4), a quorum at a general meeting is constituted by—

- (a) where the number of members of the corporation is more than 2—persons entitled to exercise voting rights in respect of not less than half the total number of units; or
- (b) where the number of members of the corporation is 2—both members of the corporation.

“(4) Where—

- (a) a meeting is adjourned under subsection (2);
- (b) a quorum is not present within half an hour after the time fixed for the adjourned meeting; and
- (c) the number of members of the corporation is more than 2;

a quorum is constituted by the persons who are then present and entitled to vote.”.

#### **Voting by members**

**9.** Section 66 of the Principal Act is amended by adding at the end the following subsection:

“(2) Where a corporation has only 2 members, all matters shall be decided by a unanimous vote.”.

#### **Voting by chairman**

**10.** Section 72 of the Principal Act is amended by adding at the end the following subsection:

“(2) Where a corporation has only 2 members, in the event of an equality of votes on an ordinary resolution, whether on a poll or not, the chairman is not entitled to a second or casting vote.”.

**Substitution**

**11.** Section 78 of the Principal Act is repealed and the following section substituted:

**Articles of corporation**

“78. (1) On or after the constitution of a corporation under section 29, the articles of a corporation shall consist of—

- (a) the articles set out in the Schedule, subject to any alteration under section 80; and
- (b) where the corporation has 2 or 3 members—such articles relating to voting procedures and dispute resolution as are prescribed by regulation.

“(2) Where a corporation has only 2 members, any articles prescribed under paragraph (1) (b) shall include procedures for dealing with a failure to obtain a quorum at a general meeting of the corporation within half an hour after the time fixed for a meeting adjourned under subsection 65 (2).”.

**Alteration of articles**

**12.** Section 80 of the Principal Act is amended—

- (a) by inserting after subsection (1) the following subsection:

“(1A) Where a corporation has 2 or 3 members, the corporation shall not alter the articles referred to in paragraph 78 (b).”;

- (b) by omitting from subsection (2) “the next succeeding subsection” and substituting “subsection (3)”;
- (c) by omitting from subsection (2) “under the last preceding subsection”; and
- (d) by omitting from subsection (3) “made under the last two preceding subsections”.

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**NOTE**

1. Reprinted as at 31 May 1991. See also Act No. 118, 1991.

*[Presentation speech made in Assembly on 10 December 1992]*