

Australian Capital Territory

Unit Titles (Management) Amendment Regulation 2020 (No 1)

Subordinate law SL2020–17

made under the

Unit Titles (Management) Act 2011

EXPLANATORY STATEMENT

Overview

The *Unit Titles Legislation Amendment Act 2020* includes a provision for a regulation making power to exempt a units plan from the application of a provision of the *Unit Titles (Management) Act 2011*. The Amendment Act was due to commence on 1 November 2020, however this provision has commenced early to enable this regulation to be made.

On 16 March 2020, the ACT Government declared a public health emergency in response to the COVID-19 pandemic. In response to this crisis, this regulation introduces an exemption for all units plans from conducting face to face meetings during a public health emergency.

The regulation will only apply for the duration of the public health emergency, as declared under the *Public Health Act 1997*.

This regulation is consistent with the *Human Rights Act 2004* and does not place any limitations on rights. This exemption has been created to help owners corporations reduce the risk of exposing unit owners and managing agents to the virus. The exemption only removes the requirement for holding face-to-face meetings on a temporary basis. Owners corporations and executive committees must still comply with all other requirements under the Act.

A regulatory impact statement is not required for this regulation as it does not impose appreciable costs on the community.

Clause notes

Clause 1 Name of regulation

This clause provides the name of the regulation is *the Unit Titles (Management) Amendment Regulation 2020 (No 1)*.

Clause 2 Commencement

This clause provides the regulation commences the day after its notification day.

Clause 3 Legislation amended

This clause provides that regulation being amended is the *Unit Titles (Management) Regulation 2011*.

Section 4 New section 11

This clause inserts new section 11 into the Unit Titles (Management) Regulation.

New section 11(1) provides that the section only applies during a public health emergency declaration period.

Schedules 2 and 3 of the *Unit Titles (Management) Act 2011* prescribe requirements for the administration of executive committees and general meetings. New section 11(2) of the Regulation exempts owners corporations and executive committees from the requirements under Schedule 2 and 3 of the Unit Titles (Management) Act which require members to be physically present at a meeting of the owners corporation or executive committee.

New section 11(3) defines a public health emergency declaration period.

New section 11(4) provides that new section 11 will expire when the public health emergency declaration, as extended or further extended, ends.