Australian Capital Territory

Unit Titles Act 2001

A2001-16

Republication No 31

Effective: 27 April 2016

Republication date: 27 April 2016

Last amendment made by A2016-18

Authorised by the ACT Parliamentary Counsel

About this republication

The republished law

This is a republication of the *Unit Titles Act 2001* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 27 April 2016. It also includes any commencement, amendment, repeal or expiry affecting this republished law to 27 April 2016.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at www.legislation.act.gov.au):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication does not include amendments made under part 11.3 (see endnote 1).

Uncommenced provisions and amendments

If a provision of the republished law has not commenced, the symbol **U** appears immediately before the provision heading. Any uncommenced amendments that affect this republished law are accessible on the ACT legislation register (www.legislation.act.gov.au). For more information, see the home page for this law on the register.

Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see the *Legislation Act 2001*, section 95.

Penalties

At the republication date, the value of a penalty unit for an offence against this law is $150 for an individual and $750 for a corporation (see *Legislation Act 2001*, s 133).

Australian Capital Territory

Unit Titles Act 2001

Contents

Page

Part 1 Preliminary

1 Name of Act 2

3 Dictionary 2

4 Notes 2

Part 2 Key concepts

Division 2.1 Unit title developments

5 Parcels 3

6 Unit title application 3

7 Units plan 3

8 Unit entitlement 4

9 Units 4

10 Class A units 4

11 Class B units 4

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

Page

12 Unit subsidiaries 5
12A Meaning of *annexed* 5
13 Common property 5

Division 2.2 Boundaries

14 Common boundaries—internal 6
15 Common boundaries—external 6
16 Minor boundary changes 6

Part 3 Unit title applications

Division 3.1 Approval of unit title applications

17 Unit title applications—general requirements 8
17A Unit title applications—land under declared land sublease 9
18 Unit title applications—class A units and class B units 12
19 Unit title applications—unit subsidiaries 12
20 Unit title applications—approval 13
21 Unit title applications—reasonable rent 15
22 Unit title applications—amendment of development statement by authority 16

Division 3.1A Unit title assessment reports for unit title applications

22A Meaning of *unit title assessor* 17
22B Unit title assessment reports 17
22C Unit title assessment report applications—unit title assessor may require further information 18
22D Unit title assessment report applications—contents of request for further information 20
22E Unit title assessment report applications—effect of failure to provide further information 21
22F Unit title applications—authority may require further information 22
22G Unit title applications—contents of request for further information 22

Division 3.2 Endorsement of units plan for registration

23 Notice of approval of unit title applications 23
24 Security for staged developments and unfinished work 23
25 Territory rent for common property lease 24
26 Territory rent for unit leases—unit title proposals approved before 1 October 1975 25

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

Page

27 Endorsement of units plan for registration 25
28 Lapse of endorsement after 3 months 26

Division 3.3 Amendment of development statements

29 Amendment of development statements before registration 27
30 Amendment of development statements after registration 29
31 Effect of registration of amendment 32

Part 4 Registration of units plans

Division 4.1 Subdivision, unit leases and common property lease

32 Subdivision of parcel made by registration 33
33 Leases of units and common property 33

Division 4.2 Easements

34 Unit title easement rights 34
35 Easements given by this Act 35
36 Easements declared by owners corporations 36
37 Registration—easements declared by owners corporations 37

Division 4.3 Encroachments on public unleased land

37A Effect of registration of units plan with encroachment on public unleased land 37

Part 10 Amendment of units plans

Division 10.1 Amendment of schedule of unit entitlement

146 Unit entitlement authority—grant 38
147 Unit entitlement authorities—period of effect 39
148 Unit entitlement authorities—registration 39

Division 10.2 Minor boundary changes

149 Boundary authority—grant 39
150 Boundary authority—period of effect 41
151 Boundary authorities—registration 41

Division 10.3 Building damage schemes

152 What is a *building damage scheme*? 41
153 Building damage orders—right of appearance 42
154 Provisional building damage order—application 43
155 Provisional building damage order—approval of scheme 44

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

Page

156 Provisional building damage order—period of effect 45
157 Final building damage order—amendment of units plan 45
158 Final building damage order—period of effect 46
159 Final building damage order—registration 46

Part 11 Cancellation of units plans

Division 11.1 Cancellation authority

160 Cancellation authority—grant by planning and land authority 47
161 Cancellation authority—period of effect 48

Division 11.2 Cancellation orders

161A Cancellation orders—Supreme Court powers 49
161B Cancellation orders—provisional orders 50
161C Cancellation orders—after provisional order is made 50
161D Cancellation orders—right of appearance 51

Division 11.3 Effects of cancellation

162 Cancellation of units plan—effects 51
163 Cancellation of units plan—new lease over parcel 52
164 Dissolution of owners corporation 53
165 Dissolution of owners corporation—Supreme Court powers 54

Part 11A Changing 2-unit units plans to subdivisions

165A Application—pt 11A 56
165B Subdivision of units plan—application 56

Part 12 Lease variations and grants of further leases

Division 12.1 Variation of leases

166 Development applications to vary lease under Planning and Development Act 57
167 Lease variation—amendment of schedule of unit entitlement 58

Division 12.2 Grants of further leases

167AA Declared land subleases—grant of further leases 58
167A Grant of further leases—generally 60
167B Declared land subleases—surrender of leases in units without grant of further leases 61

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

Page

Part 13 Expiry and termination of unit leases

168 Effects of lease expiry 63
169 Dissolution of owners corporation on lease expiry—Supreme Court powers 65
170 Effect of termination of unit lease 66
171 New unit lease 67
172 New unit lease—schedule of unit entitlement 68

Part 14 Notification and review of decisions

173 Definitions—pt 14 69
173A Internal review notices 69
174 Objections 70
174A Internal reviewer 71
175 Review by internal reviewer 71
176 Reviewable decision notices 71
177 Effect of decision to allow objection 72
177A Applications for review 72

Part 15 Miscellaneous

179 Determination of fees 73
180 Approved forms 73
181 Regulation-making power 73

Schedule 1 Reviewable decisions 74

Dictionary 78

Endnotes

1 About the endnotes 88
2 Abbreviation key 88
3 Legislation history 89
4 Amendment history 94
5 Earlier republications 118

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

Page

6 Expired transitional or validating provisions 121

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

Australian Capital Territory

Unit Titles Act 2001

An Act to provide for the subdivision of land by units plans, and for other purposes

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

Part 1 Preliminary

1 Name of Act

This Act is the *Unit Titles Act 2001*.

3 Dictionary

The dictionary at the end of this Act is part of this Act.

Note 1 The dictionary at the end of this Act defines certain terms used in this Act, and includes references (***signpost definitions***) to other terms defined elsewhere.

For example, the signpost definition '***owners corporation***—see the *Unit Titles (Management) Act 2011*, dictionary.' means that the term '***owners corporation***' is defined in that dictionary and the definition applies to this Act.

Note 2 A definition in the dictionary (including a signpost definition) applies to the entire Act unless the definition, or another provision of the Act, provides otherwise or the contrary intention otherwise appears (see Legislation Act, s 155 and s 156 (1)).

4 Notes

A note included in this Act is explanatory and is not part of this Act.

Note See the Legislation Act, s 127 (1), (4) and (5) for the legal status of notes.

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

Part 2 Key concepts

Division 2.1 Unit title developments

5 Parcels

A ***parcel*** is land—

(a) proposed (in a unit title application) to be subdivided under this Act; or

(b) comprising the whole of the land subdivided under this Act (as shown in a registered units plan).

Note A ***parcel*** includes land under a declared land sublease.

6 Unit title application

A ***unit title application*** is an application under section 17 for the subdivision of land under this Act.

7 Units plan

(1) After a unit title application has been approved, there is a units plan consisting of the following documents mentioned in section 27 (Endorsement of units plan for registration):

(a) diagrams showing the subdivision;

(b) if the application provides for a staged development—the development statement;

(c) the schedule of unit entitlement;

(d) schedules of rent and lease provisions.

(2) After those documents have been registered, the units plan consists of the registered documents as amended from time to time under this Act.

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

8 Unit entitlement

(1) The ***schedule of unit entitlement*** forming part of a units plan is a schedule indicating (by numbers assigned to each unit) the improved value of each unit relative to each other unit (the unit's ***unit entitlement***).

(2) For this Act, the total unit entitlement under a schedule of unit entitlement must be 10, 100, 1 000, 10 000 or 100 000.

9 Units

(1) A ***unit*** is a part of a parcel shown in a unit title application or a units plan as a unit.

(2) After a units plan is registered, a ***unit*** of the units plan includes any unit subsidiary shown on the units plan as annexed to the unit.

10 Class A units

(1) A ***class A unit*** is a unit that is identified as a class A unit—

(a) before a units plan is registered—in the relevant unit title application; or

(b) after the relevant units plan is registered—in the units plan.

(2) After a units plan is registered, a ***class A unit*** of the units plan includes any unit subsidiary shown on the units plan as annexed to the unit.

Note A unit title application must show a class A unit as part of a building bounded by reference to floors, walls and ceilings (see s 18).

11 Class B units

(1) A ***class B unit*** is a unit that is identified as a class B unit—

(a) before a units plan is registered—in the relevant unit title application; or

(b) after the relevant units plan is registered—in the units plan.

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

(2) After a units plan is registered, a ***class B unit*** of the units plan includes any unit subsidiary shown on the units plan as annexed to the unit.

Note A unit title application must show a class B unit as land unlimited in height, except to the extent of any encroachment, whether at, above or below ground level, by another part of the parcel (see s 18).

12 Unit subsidiaries

A ***unit subsidiary*** is a part of a parcel identified as a unit subsidiary annexed to a unit—

(a) before a units plan is registered—in the relevant unit title application; or

(b) after the relevant units plan is registered—in the units plan.

Note A unit title application must show a unit subsidiary as a building (or part of a building) of a kind prescribed by regulation, or as a building (or part of a building) or land suitable for a purpose prescribed by regulation (see s 19 and *Unit Titles Regulation 2001*, s 3).

12A Meaning of *annexed*

A unit subsidiary or an easement that is stated by this Act to be ***annexed*** to a unit, common property or an estate in leasehold is taken to be appurtenant to the unit, common property or estate.

Note Property in a unit subsidiary or easement that is, at law, 'appurtenant' to a unit, common property or a leasehold estate is transferred with that estate when the unit, common property or lease is transferred.

13 Common property

Common property is all the parts of a parcel identified as common property—

(a) before a units plan is registered—in the relevant unit title application; or

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

(b) after the relevant units plan is registered—in the units plan.

Note A unit title application must show as common property all parts of the parcel that are not shown as units or unit subsidiaries (see s 17 (3) (c)).

Division 2.2 Boundaries

14 Common boundaries—internal

If a floor, wall or ceiling separates a class A unit or a unit subsidiary from common property or another unit or unit subsidiary, the common boundary lies along the centre of the floor, wall or ceiling, unless otherwise specified in the relevant unit title application or units plan.

15 Common boundaries—external

If a class A unit or a unit subsidiary is bounded by an external wall of the building containing the units, then, unless otherwise indicated in the relevant unit title application or units plan—

(a) the boundary of the unit or unit subsidiary lies along the centre of the wall; and

(b) the part of the wall outside the boundary is common property.

16 Minor boundary changes

A ***minor boundary change*** is a change to the boundaries between units, or between units and the common property, to which all of the following criteria apply:

(a) the change would not involve any change of the boundaries of the parcel;

(b) the change would not substantially change the units plan, or the proposed units plan;

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

(c) the change would not result in any inconsistency arising with the provisions of the lease (or any declared land sublease) under which any of the units, or the common property, is held;

(d) approval under this Act or any other relevant territory law for the subdivision and development of the parcel would still have been given if the proposals for the subdivision of the parcel under this Act, or any other relevant development proposals, had shown the boundaries as they are proposed to be changed.

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

Part 3 Unit title applications

Division 3.1 Approval of unit title applications

17 Unit title applications—general requirements

(1) This section applies to a parcel if the remaining term of the parcel's lease is at least 50 years.

(2) The lessee of the parcel may apply to the planning and land authority for approval of the subdivision of the parcel under this Act.

Note 1 A fee may be determined under s 179 for this section.

Note 2 If a form is approved under s 180 for an application, the form must be used.

(3) The application must provide for the subdivision of the parcel into—

(a) class A units or class B units, but not both; and

(b) unit subsidiaries (if any are provided for in the application); and

(c) common property (for the remaining parts of the parcel).

Note The requirements for what may be shown as class A units, class B units and unit subsidiaries are set out in s 18 and s 19.

(4) The application may provide for the development of all or some of the units and unit subsidiaries (their ***staged development***) after the approval of the application.

Note An application for a staged development may be approved only if—

(a) the development has development approval under the *Planning and Development Act 2007* (see s 20 (3) and *Planning and Development Act 2007*, ch 7); and

(b) for developments of class A units, the boundary floors, walls and ceilings of each unit have already been built in accordance with the development statement (see s 20 (3)).

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

(5) The application must include—

(a) if the parcel is prescribed by regulation—a unit title assessment report that is not more than 3 months old; and

(b) a plan prepared by a registered surveyor showing anything prescribed by regulation.

Note ***Unit title assessment report***—see s 22B.

(6) If the application provides for a staged development, it must include—

(a) a development statement prepared in accordance with the regulations; and

(b) on the completion of each stage of the development, the documents mentioned in subsection (5).

(7) In this section:

stage, of a development, means a stage identified in the development statement.

17A Unit title applications—land under declared land sublease

(1) This section applies to an application to the planning and land authority for approval of the subdivision of a parcel of land under a declared land sublease.

(2) The Crown lessee must consent, in writing, to the application.

(3) For subsection (2)—

(a) the sublessee must request the Crown lessee's consent, in writing; and

(b) within 10 working days after receiving the request, or any longer period agreed by the sublessee and Crown lessee, the Crown lessee may, in writing, ask the sublessee to give the Crown lessee information about the following:

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

(i) the proposed subdivision of the land;

(ii) the use of the units in the units plan; or

(c) if the Crown lessee has mortgaged the land under the Crown lease and the consent of the Crown lessee's mortgagee is required under the mortgage to the application—

(i) the Crown lessee must—

(A) tell the Crown lessee's mortgagee that the request by the sublessee has been made and of the terms of the request; and

(B) if asked by the mortgagee—ask the sublessee for the information mentioned in paragraph (b) and give the information to the mortgagee; and

(ii) the Crown lessee's mortgagee must consent or refuse consent (including reasons for the refusal), in writing, to the Crown lessee and the sublessee within 10 working days after—

(A) being told about the sublessee's request; or

(B) if the mortgagee asks for information under paragraph (c) (i) (B)—receiving the information; and

(iii) the Crown lessee must consent or refuse consent (including reasons for the refusal), in writing, to the sublessee; and

(d) if paragraph (c) does not apply—the Crown lessee must consent or refuse consent (including reasons for the refusal), in writing, within 10 working days after—

(i) receiving the sublessee's request; or

(ii) if the Crown lessee asks for information under paragraph (b)—receiving the information; and

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

(e) the sublessee is responsible for the reasonable costs of the Crown lessee, and the Crown lessee's mortgagee, in making a decision about whether to consent to the unit title application (not including any costs incurred in relation to an order under subsection (4) (c) (ii)).

Note If no time is provided for doing a thing under this subsection, the thing must be done as soon as possible (see Legislation Act, s 151B).

(4) For subsection (3) (c) and (d)—

(a) a person to whom a request for consent is made (the ***request receiver***) is taken to have consented to the unit title application if the request receiver does not consent or refuse consent within the relevant period mentioned in subsection (3) (c) (ii) and (d); and

(b) a request receiver may only refuse consent if the request receiver has reasonable grounds for believing—

(i) the proposed subdivision of the land, or the use of the units in the units plan, will not be compatible with other sublessees under the Crown lease; or

(ii) the sublessee is in breach of the sublease; and

(c) if a request receiver refuses consent—

(i) the sublessee may apply to the Magistrates Court for an order that the request receiver has refused consent otherwise than in accordance with this section; and

(ii) if the Magistrates Court is satisfied the request receiver has refused consent otherwise than in accordance with this section, the Court must order that the request receiver is taken to have consented to the request.

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

18 Unit title applications—class A units and class B units

(1) A unit title application must show any class A unit as part of a building, with boundaries defined by reference to the floors, walls and ceilings of the building as shown in the application.

(2) A unit title application must show any class B unit as land that has boundaries unlimited in height except to the extent of any encroachment at, above or below ground level by another part of the parcel.

19 Unit title applications—unit subsidiaries

(1) A unit title application must show any unit subsidiary as—

(a) a building, or part of a building, of a kind prescribed by regulation; or

(b) a building, part of a building, or land, that is suitable for a purpose prescribed by regulation.

Note See the *Unit Titles Regulation 2001*, s 3 for the permissible kinds of unit subsidiaries and purposes.

(2) The application must show any unit subsidiary consisting of a building or part of a building with boundaries defined by reference to the floors, walls and ceilings of the building.

(3) The application must show any unit subsidiary consisting of land as having boundaries unlimited in height except to the extent of any encroachment at, above or below ground level by another part of the parcel.

(4) The application must show unit subsidiaries as annexed to a particular unit, but need not show unit subsidiaries as adjoining the unit.

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

20 Unit title applications—approval

(1) The planning and land authority may approve a unit title application if satisfied on reasonable grounds that—

(a) the application is in accordance with this Act; and

(b) each unit is (or will be) suitable for separate occupation, and for a use that is not inconsistent with the lease of the parcel; and

(c) the proposed schedule of unit entitlement is reasonable, having regard to the prospective relative improved values of the units; and

(d) if the application shows an encroachment on public unleased land by an attachment to a building—

(i) if the attachment exists on the day the application is lodged with the authority—the attachment is an authorised existing attachment; or

Note ***Authorised existing attachment***—see s (10).

(ii) in any other case—

(A) the encroachment would not endanger public safety or unreasonably interfere with the amenity of the neighbourhood; and

(B) it is not in the public interest to refuse to approve the application because of the encroachment.

(2) If a unit title application provides for staged development, the planning and land authority may approve a stage of the development (a ***development stage***) as if the stage were a unit title application.

(3) The planning and land authority may approve a development stage only if satisfied that—

(a) the development has development approval under the *Planning and Development Act 2007*, chapter 7; and

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

(b) for a staged development of class A units—the boundary floors, walls and ceilings of each unit in the development stage have been built in accordance with the development statement.

(4) Also, if a unit title application relates to a lease located within a prescribed zone, the planning and land authority may approve the application only if the lease states the number of units (however described) permitted on the land and the application is for not more than the permitted number of units.

(5) The planning and land authority may refuse to approve the application if the lessee is in breach of the lease, or of a provision of (or requirement under) the *Planning and Development Act 2007* that applies because the lessee is the lessee of the parcel.

(6) The planning and land authority may refuse to approve the application if the proposed subdivision would be inconsistent with the requirements of the heritage register.

(7) The planning and land authority may refuse to approve the application if—

(a) the applicant is required to provide the authority with a unit title assessment report under section 17 and—

(i) has not provided a unit title assessment report; or

(ii) has provided a unit title assessment report that is more than 3 months old; or

(b) the authority has asked for further information under section 22F and the applicant has not provided some or all of the information by—

(i) the end of the period stated in the request; or

(ii) if the authority has extended the period within which the further information must be provided—the end of that period.

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

(8) If a parcel is leased for rural purposes, the planning and land authority may approve the application only if—

(a) criteria have been determined by the authority for the approval of rural unit title applications; and

(b) the application is in accordance with the criteria.

(9) A determination under subsection (8) (a) is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the Legislation Act.

(10) In this section:

authorised existing attachment, in relation to a unit title application, means—

(a) if the application includes the cancellation of a units plan (the ***old plan***) that was registered before 1 January 2002—the old plan shows the attachment; or

(b) in any other case—the attachment was lawful when it was constructed.

prescribed zone means a zone identified in the territory plan that is prescribed by regulation.

stage, of a staged development, means a stage identified in the development statement.

21 Unit title applications—reasonable rent

(1) If the planning and land authority considers that the rent proposed in a unit title application to be reserved for the lease of 1 or more units is not reasonable in the circumstances, the authority must determine what rent is reasonable for the relevant unit or units.

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

(2) The total rent for all units, worked out in accordance with the planning and land authority's determination, must not exceed the rent payable under the lease of the parcel when the determination is made.

(3) If the total rent for all units, worked out in accordance with the planning and land authority's determination, equals the rent payable under the lease of the parcel when the determination is made, a decision (under part 14 (Notification and review of decisions)) on an objection or review of the authority's determination must not change the total amount.

22 Unit title applications—amendment of development statement by authority

If a unit title application provides for a staged development, the planning and land authority may, before approving the application under section 20, amend the development statement if the authority considers it reasonable to do so to minimise the adverse effect of the development on anyone's amenity while it is taking place.

Examples of people whose amenity may be affected

1 owners or occupiers of units

2 owners or occupiers of nearby premises

3 members of the public who regularly use the surrounding area

Note An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

Division 3.1A Unit title assessment reports for unit title applications

22A Meaning of *unit title assessor*

In this Act:

unit title assessor means—

(a) a works assessor licensed under the Construction Occupations (Licensing) Act 2004; or

Note ***Works assessor***—see the *Construction Occupations (Licensing) Act 2004*, s 14A.

(b) a building surveyor licensed under the *Construction Occupations (Licensing) Act 2004* when providing a works assessment service.

Note ***Building surveyor***—see the *Construction Occupations (Licensing) Act 2004*, s 9.

22B Unit title assessment reports

(1) An applicant under section 17 (the ***applicant***) may apply, in writing, to a unit title assessor for a report (a ***unit title assessment report***).

(2) The application must include any details or material prescribed by regulation.

Examples

1 proposed unit title plans

2 information about a development approval

Note 1 If a form is approved under s 180 for this provision, the form must be used.

Note 2 An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

(3) If a unit title assessor receives an application under subsection (1) and the unit title assessor agrees to undertake the work, the unit title assessor must—

(a) prepare a unit title assessment report and give it to the applicant; and

Note 1 The report must be prepared and given to the applicant as soon as possible (see Legislation Act, s 151B).

Note 2 The unit title assessor may refuse to prepare and provide a report if the unit title assessor does not have enough information (see s 22E).

(b) not later than 5 working days after the day the assessor gives the report to the applicant—give a copy of the report to the planning and land authority.

(4) If, after taking reasonable steps, an applicant cannot find a unit title assessor who will agree to prepare a unit title assessment report, the applicant may apply to the construction occupations registrar to appoint a unit title assessor to prepare a unit title assessment report and give it to the applicant.

(5) A regulation may prescribe the requirements for a unit title assessment report, including—

(a) what the report must contain; or

(b) anything that must accompany the report.

22C Unit title assessment report applications—unit title assessor may require further information

(1) This section applies if—

(a) a unit title assessor requires further information to prepare a unit title assessment report under section 22B; and

(b) the applicant and the unit title assessor have not agreed that the unit title assessor will obtain the further information; and

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

(c) the unit title assessor believes on reasonable grounds that the further information will help the unit title assessor to prepare the report.

(2) The unit title assessor may, by written notice, ask the applicant to give the unit title assessor stated further information in relation to the application.

(3) This section does not entitle a unit title assessor to require—

(a) photographs to be taken by someone other than the owner of the parcel of land; or

(b) photographs to be taken using equipment other than equipment of the owner's choice; or

(c) further information if—

(i) the unit title assessor has, or has reasonable access to, suitable information that allows the unit title assessor to decide the application without personally inspecting the land where the building work is to be carried out; or

(ii) a territory law requires the unit title assessor to personally obtain or be given the information.

Examples—suitable information unit title assessor has or has reasonable access to

1 The website www.actmapi.act.gov.au provides aerial photographs and topographical information including ground contours for some ACT areas. If the land to which an application relates is covered by the website, the photographs and contours have sufficient information, and are accurate and recent enough, to decide the application in relation to tree and ground-height related matters, the unit title assessor may not require further information or documents by way of photographs or topographical information in relation to trees and ground heights.

2 A unit title assessor may verify land tenure and permit and statutory approval matters by contacting the statutory custodians of the information to a sufficient degree to decide the application in relation to those matters. The unit title assessor may not require further information in relation to those matters.

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

3 The land to which an application relates is covered by www.actmapi.act.gov.au but, because the slope of the land to be built on is steeper than would be adequately shown on the website, the unit title assessor does not have suitable information to allow the unit title assessor to decide the application without personally inspecting the land. Another website has some topographical information on the land, but it is not of sufficient resolution, or recent enough, to be relied on by the unit title assessor in relation to ground heights to decide the application. The unit title assessor may require further information in relation to ground heights.

Note An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

(4) For this section, a unit title assessor that is a partnership inspects land personally if any partner inspects the land.

22D Unit title assessment report applications—contents of request for further information

(1) A request under section 22C must—

(a) state the period within which the further information asked for must be provided; and

(b) if the further information is not a document—state that the further information must be provided in writing; and

(c) state that the applicant need not provide the further information, but if the applicant fails to provide some or all of the information in accordance with the request, the unit title assessor may refuse to provide a unit title assessment report under section 22E; and

(d) state that, despite the applicant and unit title assessor having previously not agreed that the unit title assessor would obtain the further information, the applicant and unit title assessor may agree that the unit title assessor will obtain the information.

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

(2) The request may require the applicant to give a statement confirming all or part of any information provided.

Note It is an offence to make a false or misleading statement, give false or misleading information or produce a false or misleading document (see Criminal Code, pt 3.4).

(3) The period stated under subsection (1) (a) must be at least 20 working days or, if a shorter period is prescribed by regulation, the shorter period.

(4) The unit title assessor may, on application before the end of the period stated under subsection (1) (a), extend the period within which the further information must be provided once only, for a period not longer than 20 working days.

22E Unit title assessment report applications—effect of failure to provide further information

(1) This section applies if—

(a) a unit title assessor has asked for further information under section 22C in relation to an application; and

(b) the applicant has not provided some or all of the information by—

(i) the end of the period stated in the request; or

(ii) if the unit title assessor has extended the period within which the further information must be provided—the end of that period; and

(c) the applicant and the unit title assessor have not agreed that the unit title assessor will obtain the further information.

(2) The unit title assessor may refuse to prepare and provide a unit title assessment report under section 22B.

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

22F Unit title applications—authority may require further information

(1) This section applies if—

(a) an applicant has provided a unit title assessment report under section 17; and

(b) further information is needed for the planning and land authority to be able to decide the application under section 20; and

(c) the authority believes on reasonable grounds that the further information will help the authority to decide the application

(2) The authority may, by written notice, ask the applicant to give the authority stated further information in relation to the application.

22G Unit title applications—contents of request for further information

(1) A request under section 22F must—

(a) state the period within which the further information asked for must be provided; and

(b) if the further information is not a document—state that the further information must be provided in writing; and

(c) state that the applicant need not provide the further information, but if the applicant fails to provide some or all of the information in accordance with the request, the authority may refuse to approve the unit title application under section 20 (7).

(2) The period stated under subsection (1) (a) must be at least 20 working days or, if a shorter period is prescribed by regulation, the shorter period.

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

(3) The authority may, on application before the end of the period stated under subsection (1) (a), extend the period within which the further information must be provided once only, for a period not longer than 20 working days.

Division 3.2 Endorsement of units plan for registration

23 Notice of approval of unit title applications

(1) If the planning and land authority approves a unit title application for a parcel, the authority must give the lessee of the parcel—

(a) written notice of approval including—

(i) if the application provides for a staged development—a copy of the development statement, signed by the authority, as amended (if at all) under section 22; and

(ii) particulars of any security required under section 24; and

(b) a schedule setting out the rent to be reserved under the lease of each unit and the provisions subject to which the lease of the unit is to be held; and

(c) a schedule setting out the provisions subject to which the lease of the common property is to be held.

(2) The rent reserved under the lease of a unit as indicated in the schedule mentioned in subsection (1) (b) is the rent for that unit (including any unit subsidiary annexed to the unit) indicated in the application or as decided by the planning and land authority under section 21 (Unit title applications—reasonable rent).

24 Security for staged developments and unfinished work

(1) This section applies to—

(a) a staged development; or

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

(b) any works (including, for example, landscaping, roadworks and work on driveways) required to give effect to a development provided for in an approved unit title application that (in the planning and land authority's opinion) will not be complete when the units plan is endorsed under section 27.

Note An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

(2) If this section applies, the planning and land authority may, by written notice to the lessee of the parcel, require the lessee to give a bond to the Territory providing security for—

(a) if it is a staged development—the completion of the development in accordance with the development statement; or

(b) in any other case—the completion of the works, as provided for in the unit title application, within the time stated in the notice.

Note If a form is approved under s 180 for a bond, the form must be used.

(3) The required security must not exceed—

(a) for a staged development—10% of the total cost of the work required to be carried out to complete the staged development; or

(b) in any other case—the amount required to complete the incomplete works under the notice.

(4) If a bond is forfeited, the Territory is entitled to all of the security or to a lesser amount decided by the planning and land authority.

25 Territory rent for common property lease

The rent reserved under a lease of common property is 5 cents per year payable if and when demanded.

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

26 Territory rent for unit leases—unit title proposals approved before 1 October 1975

If proposals for the subdivision of a parcel of land were approved under the *Unit Titles Act 1970* before 1 October 1975 (whether conditionally or otherwise), the rent reserved under the lease of any unit provided for by the proposals is 5 cents per year payable if and when demanded.

27 Endorsement of units plan for registration

(1) If the planning and land authority has approved a unit title application, the lessee of the parcel may submit to the authority for endorsement under this section a units plan consisting of the following documents:

(a) diagrams showing the subdivision as approved (including the nature and extent of any encroachment mentioned in section 20 (1) (d) (Unit title applications—approval));

(b) if the application provides for a staged development—

(i) the development statement as approved; or

(ii) if the development statement has been amended under section 29—the development statement as amended;

(c) the schedule of unit entitlement as approved;

(d) the schedules of rent and lease provisions given to the lessee under section 23 (1) (b) and (c).

(2) The documents must comply with the regulations.

(3) The planning and land authority must approve the documents as the units plan in accordance with the regulations unless—

(a) there has been any development on the parcel since the application was approved by the authority (except any part of a staged development carried out in accordance with the development statement); or

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

(b) the lessee is in breach of the lease, or of a provision of (or requirement under) the *Planning and Development Act 2007* that applies because the lessee is the lessee of the parcel; or

(c) the documents submitted to the authority are not in accordance with the application as approved, or do not comply with this section; or

(d) the full amount of any security required under section 24 has not been provided with the documents.

28 Lapse of endorsement after 3 months

(1) An endorsement of a units plan (under section 27) ceases to have effect—

(a) 3 months after it was made, unless the units plan has been lodged with the registrar-general for registration under the *Land Titles (Unit Titles) Act 1970*; or

(b) if the units plan is lodged within 3 months after the endorsement was made, and is subsequently withdrawn under that Act, section 26—when the endorsement under that section is made by the registrar-general.

(2) If an endorsement of a units plan ceases to have effect, the lessee of the parcel may again submit the units plan to the planning and land authority for endorsement under section 27.

(3) If the lessee of the parcel again submits the units plan to the planning and land authority for endorsement under section 27, that section and this section apply as if the previous endorsement had not been made.

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

Division 3.3 Amendment of development statements

29 Amendment of development statements before registration

(1) After a unit title application providing for a staged development is approved (under section 20) and before the units plan is registered, the lessee of the parcel may apply to the planning and land authority for the amendment of the development statement.

Note 1 A fee may be determined under s 179 for this section.

Note 2 If a form is approved under s 180 for an application, the form must be used.

(2) The planning and land authority may amend the development statement as applied for if satisfied on reasonable grounds that—

(a) the applicant has obtained the written agreement to the amendment of each person with an interest in the parcel (except any interested person to whom subsection (3) applies); and

(b) any change of unit or common property boundaries provided for by the amendment is a minor boundary change.

(3) The planning and land authority may amend the development statement despite the applicant's failure to obtain an interested person's agreement if the authority is satisfied on reasonable grounds that—

(a) the applicant could not reasonably be aware of that interest, or has made reasonable efforts to obtain the agreement; and

(b) either—

(i) the interested person would not suffer any substantial long-term detriment because of the proposed amendment; or

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

(ii) despite that failure, it is desirable to authorise the amendment having regard to the overall interests of everyone with interests in the parcel.

(4) The planning and land authority may refuse to amend the development statement if, in the authority's opinion based on reasonable grounds, the amendment would result in the development having a significantly adverse effect on anyone's amenity while it is taking place.

Examples of people whose amenity may be affected

1 owners or occupiers of units

2 owners or occupiers of nearby premises

3 members of the public who regularly use the surrounding area

Note An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

(5) If the amendment of the development statement requires the change of boundaries, the planning and land authority may amend the schedule of unit entitlement to reflect the change of boundaries, if satisfied on reasonable grounds that the amendment is necessary to reflect accurately a potential change in the relative improved values of the units.

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

30 Amendment of development statements after registration

(1) After a units plan that is subject to a staged development has been registered, and before the development is completed, the lessee of the parcel immediately before registration may apply to the planning and land authority for the amendment of the development statement.

Note 1 A fee may be determined under s 179 for this section.

Note 2 If a form is approved under s 180 for an application, the form must be used.

(2) If the amendment of the development statement only affects an uncompleted stage of a staged development, the planning and land authority may amend the development statement as applied for if satisfied on reasonable grounds that—

(a) the applicant has obtained the written agreement to the amendment of each person with an interest in a unit in that part of the parcel comprising the uncompleted stages of the development (except any interested person to whom subsection (3) applies); and

(b) any change of unit or common property boundaries provided for by the amendment is a minor boundary change within the uncompleted stages of the development.

(3) The planning and land authority may amend the development statement under subsection (2) despite the applicant's failure to obtain an interested person's agreement if the authority is satisfied on reasonable grounds that—

(a) the applicant could not reasonably be aware of that interest, or has made reasonable efforts to obtain the agreement; and

(b) either—

(i) the interested person would not suffer any substantial long-term detriment because of the proposed amendment; or

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

(ii) despite that failure, it is desirable to authorise the amendment having regard to the overall interests of everyone with interests in that part of the parcel comprising the uncompleted stages of the development.

(4) If subsection (2) does not apply, the planning and land authority may amend the development statement as applied for if satisfied on reasonable grounds that—

(a) the application is authorised by a special resolution of the owners corporation made within 3 months before the day the application is given to the authority; and

(b) the applicant has obtained the written agreement of each interested nonvoter (except any interested nonvoter to whom subsection (5) applies); and

(c) any change of unit or common property boundaries provided for by the amendment is a minor boundary change.

(5) The planning and land authority may amend the development statement under subsection (4) despite the applicant's failure to obtain an interested nonvoter's agreement if the authority is satisfied on reasonable grounds that—

(a) the applicant has made reasonable efforts to obtain the agreement; and

(b) either—

(i) the interested nonvoter would not suffer any substantial long-term detriment because of the proposed amendment; or

(ii) despite that failure, it is desirable to authorise the amendment having regard to the overall interests of everyone with interests in the units and the common property.

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

(6) The planning and land authority may refuse to amend the development statement if, in the authority's opinion based on reasonable grounds, the amendment would result in the development having a significantly adverse effect on anyone's amenity while it is taking place.

Examples of people whose amenity may be affected

1 owners or occupiers of units

2 owners or occupiers of nearby premises

3 members of the public who regularly use the surrounding area

Note An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

(7) The planning and land authority may authorise the amendment of the schedule of unit entitlement to reflect a change of boundaries if—

(a) the amendment of the development statement requires the change of boundaries; and

(b) the authority is satisfied, on reasonable grounds, that the amendment is necessary to reflect accurately a change in the relative improved values of the units.

(8) If the planning and land authority authorises the amendment of the schedule of unit entitlement under this section—

(a) the authority must—

(i) endorse the amended schedule of unit entitlement; and

(ii) give a notice of authorisation to the lessee; and

(b) the lessee must lodge with the registrar-general—

(i) the endorsed amended schedule of unit entitlement; and

(ii) the notice of authorisation.

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

(9) If the planning and land authority amends the development statement under this section—

(a) the authority must endorse the amended development statement; and

(b) the lessee must lodge with the registrar-general the endorsed amended development statement.

31 Effect of registration of amendment

(1) On the registration of an amended development statement, and any amended schedule of unit entitlement, lodged under section 30—

(a) the units plan is amended accordingly; and

(b) if unit or common property boundaries are changed—the land covered by each affected lease is the area of land indicated by the boundaries as changed.

(2) A change of unit or common property boundaries under this section is not a variation of a lease for the *Planning and Development Act 2007*, chapter 7 (Development approvals).

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

Part 4 Registration of units plans

Division 4.1 Subdivision, unit leases and common property lease

32 Subdivision of parcel made by registration

On and after the registration of a units plan, the parcel is subdivided as specified in the diagrams in the units plan.

33 Leases of units and common property

(1) On the registration of a units plan, the lease of the parcel ends.

(2) On the registration of the units plan, the former lessee of the parcel becomes the holder of an estate in leasehold in each unit for the term fixed under subsection (5), subject to the provisions in the units plan for each unit, as if a separate lease of that unit for that term and subject to those provisions had been granted to the former lessee by the Territory under the *Planning and Development Act 2007*.

(3) On the registration of the units plan, the owners corporation becomes the holder of an estate of leasehold in the common property for the term fixed under subsection (5), subject to the provisions set out in the units plan for the common property, as if a lease of the common property for that term and subject to those provisions had been granted to the corporation by the Territory under the *Planning and Development Act 2007*.

Note On the registration of a units plan, an owners corporation for the units plan is established (see *Unit Titles (Management) Act 2011*, s 8).

(4) For subsections (2) and (3), registration of a units plan that subdivides a parcel of land under a declared land sublease ends the sublease.

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

(5) The term of the leases of the units and of the common property begins on the registration of the units plan and ends on the date (stated in the units plan) when, apart from the operation of this section, the term of the lease of the parcel would have ended.

(6) The estate of which a person or the owners corporation becomes the holder under this section—

(a) is subject to any mortgage mentioned in the *Land Titles (Unit Titles) Act 1970*, section 8; and

(b) is subject to, and has annexed to it, any easement mentioned in that section; and

(c) is subject to, and has annexed to it, the easements given by this Act, section 35.

(7) In this section:

former lessee means the person who was the lessee of the parcel immediately before registration.

Division 4.2 Easements

34 Unit title easement rights

This division applies to the following rights (***unit title easement rights***) that the owner of a benefited estate may have against the owner of a burdened estate:

(a) rights of support, shelter and protection (including rights for shelter provided by encroaching eaves, awnings or similar structures)—

(i) provided by the burdened estate at the time of the registration of the units plan, or at the time of the latest amendment (if any) of the plan after its registration; and

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

(ii) that will be provided by the burdened estate on compliance by its owner with a building and development provision (if any) in the lease of the burdened estate;

(b) rights to utility services, and to their provision by any reasonable form of utility conduit (including rights for the collection, passage and drainage of rainwater by encroaching eaves, gutters, downpipes or similar structures);

(c) all ancillary rights necessary to make the rights mentioned in paragraphs (a) and (b) effective, including a right of entry by the owner of the benefited estate at all reasonable times on the burdened estate for the inspection and maintenance of—

(i) any building on the estate; and

(ii) facilities for any utility service on the estate; and

(iii) any utility conduit on the estate.

Note ***Estate*** is defined in the dictionary as a unit or common property (in this context).

35 Easements given by this Act

(1) On and after the registration of a units plan, the owner of an estate (a ***benefited estate***) has against the owner of another estate (the ***burdened estate***) any unit title easement rights that are necessary for the reasonable use and enjoyment of the benefited estate.

(2) A unit title easement right under this section is an easement annexed to the benefited estate.

(3) An easement given by this section exists even if the same person is the owner of both the benefited and burdened estates.

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

(4) A person carrying out work in the exercise of a unit title easement right under this section must make good any damage done in carrying out the work.

Note ***Estate*** is defined in the dictionary as a unit or common property (in this context).

36 Easements declared by owners corporations

(1) An owners corporation may, by ordinary resolution, with the consent of the owners of each affected estate, declare that the owner of an estate (a ***benefited estate***) has against the owner of another estate (the ***burdened estate***) any unit title easement rights that are necessary for the reasonable support and maintenance of an encroachment of a kind prescribed by regulation.

(2) A unit title easement right declared by an owners corporation under this section is an easement annexed to the benefited estate.

(3) An easement declared by an owners corporation under this section exists even if the same person is the owner of both the benefited and burdened estates.

(4) A person carrying out work in the exercise of a unit title easement right under this section must make good any damage done in carrying out the work.

(5) An easement declared by an owners corporation under this section may only be revoked—

(a) by special resolution of the owners corporation; and

(b) with the consent of the owners of each affected estate.

Note ***Estate*** is defined in the dictionary as a unit or common property (in this context).

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

37 Registration—easements declared by owners corporations

A resolution of an owners corporation under section 36 declaring or revoking an easement takes effect on the registration of the easement, or of a memorandum of extinguishment of the easement, together with written evidence of the consent of the owners of each affected estate.

Division 4.3 Encroachments on public unleased land

37A Effect of registration of units plan with encroachment on public unleased land

(1) This section applies if—

(a) a units plan is registered for a parcel; and

(b) the plan shows an encroachment on public unleased land by an attachment to a building on the parcel.

Note ***Attachment*** and ***encroachment***—see the dictionary.

(2) This Act, the *Unit Titles (Management) Act 2011* and the *Land Titles (Unit Titles) Act 1970*, other than the provisions relating to ownership of interests and certificates of title, apply to the encroachment—

(a) if the units plan shows the encroachment is for use with a unit—as if it were part of the unit; and

(b) in any other case—as if it were common property.

Note The *Land Titles (Unit Titles) Act 1970*, s 4 (1) provides that it is incorporated with and must be read as one with the *Land Titles Act 1925*.

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

Part 10 Amendment of units plans

Division 10.1 Amendment of schedule of unit entitlement

146 Unit entitlement authority—grant

(1) An owners corporation may apply to the planning and land authority for authority (a ***unit entitlement authority***) for the amendment of the schedule of unit entitlement.

Note 1 A fee may be determined under s 179 for this section.

Note 2 If a form is approved under s 180 for an application, the form must be used.

(2) The planning and land authority may, by written notice to the owners corporation, grant a unit entitlement authority if satisfied on reasonable grounds that—

(a) the application is authorised by a special resolution of the owners corporation made within 3 months before the day the application is made; and

(b) the amendment is necessary to reflect accurately the current relative improved values of the units, or a change in those values that is anticipated after a particular event happens.

(3) The planning and land authority may grant a unit entitlement authority subject to the condition that it is to take effect only when a stated event happens.

(4) If the owners corporation applies for a unit entitlement authority that is to remain in force for longer than 3 months, the planning and land authority may, in authorising the unit entitlement amendment, if satisfied that an extended period is justified—

(a) allow the extended period applied for; or

(b) allow a shorter extended period.

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

147 Unit entitlement authorities—period of effect

(1) A unit entitlement authority remains in force for—

(a) 3 months after it is given, or after an event stated in the authority happens; or

(b) any extended period allowed under section 146 (4).

(2) A unit entitlement authority must state the period for which it is in force.

148 Unit entitlement authorities—registration

On the registration of a unit entitlement authority, the units plan is amended accordingly.

Note A unit entitlement authority may be registered with the registrar-general under the *Land Titles (Unit Titles) Act 1970* on lodgment by the owners corporation within the period of effect of the authority (see dict, def ***registered***).

Division 10.2 Minor boundary changes

149 Boundary authority—grant

(1) An owners corporation may apply to the planning and land authority for authority (a ***boundary authority***) for the change of any unit or common property boundaries, together with any consequential amendment of the schedule of unit entitlement.

Note 1 A fee may be determined under s 179 for this section.

Note 2 If a form is approved under s 180 for an application, the form must be used.

(2) The planning and land authority may grant a boundary authority if satisfied on reasonable grounds that—

(a) the application is authorised by a unanimous resolution of the owners corporation made within 3 months before the application is made; and

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

(b) the corporation has obtained the written agreement of each interested nonvoter (except any interested nonvoter to whom subsection (3) applies); and

(c) the authorised boundary change is a minor boundary change; and

Note A ***minor boundary change*** is a change to the boundaries of the units or the common property that is described in s 16.

(d) if an amendment of the schedule of unit entitlement is authorised—the amendment is necessary to reflect accurately a change in the relative improved values of the units because of the change of boundaries as authorised.

(3) The planning and land authority may grant a boundary authority despite the owners corporation's failure to obtain an interested nonvoter's agreement if the planning and land authority is satisfied on reasonable grounds that—

(a) the corporation has made reasonable efforts to obtain the agreement; and

(b) either—

(i) the interested nonvoter would not suffer any substantial long-term detriment because of the proposed change; or

(ii) despite that failure, it is desirable to authorise the change having regard to the overall interests of everyone with interests in the units and the common property.

(4) If the owners corporation applies for a boundary authority that is to remain in force for longer than 3 months, the planning and land authority may, in authorising the change, if satisfied that an extended period is justified—

(a) allow the extended period applied for; or

(b) allow a shorter extended period.

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

150 Boundary authority—period of effect

(1) A boundary authority remains in force for—

(a) 3 months after it is given; or

(b) any extended period allowed under section 149 (4).

(2) A boundary authority must state the period for which it is in force.

151 Boundary authorities—registration

(1) On the registration of a boundary authority—

(a) the units plan is amended accordingly; and

(b) the land covered by each affected lease is the area of land indicated by the boundaries as changed.

Note A unit entitlement authority may be registered with the registrar-general under the *Land Titles (Unit Titles) Act 1970* on lodgment by the owners corporation within the period of effect of the authority (see dict, def ***registered***).

(2) A change of unit or common property boundaries under this section is not a variation of a lease for the *Planning and Development Act 2007*, chapter 7 (Development approvals).

Division 10.3 Building damage schemes

152 What is a *building damage scheme*?

A ***building damage scheme*** for a units plan is a scheme for—

(a) the reinstatement of any building on the parcel that is damaged or destroyed; and

(b) the elimination of any class A unit that is damaged or destroyed (unless the unit is to be reinstated); and

(c) the consequential amendment of the units plan; and

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

(d) the application of any insurance amount paid (or payable) for the damage or destruction to any building on the parcel; and

(e) the payment of compensation (or other money) to the owner of any unit, and anyone else who may be adversely affected by the scheme.

153 Building damage orders—right of appearance

(1) The following have a right to appear on an application for a provisional building damage order or a final building damage order:

(a) the owners corporation;

(b) a unit owner, or another person with an interest in a unit, or the common property, that is recorded on the corporate register;

(c) an insurer who has insured a building on the parcel for the *Unit Titles (Management) Act 2011*, section 100;

(d) the director-general, on behalf of the Territory.

Note A unit owner or the owners corporation may apply for a provisional building damage order (see s 154 (2)). The applicant for a provisional building damage order may apply for a final building damage order (see s 157 (2)).

(2) The applicant must serve a copy of the application on everyone else who has a right to appear, except the director-general.

Note The applicant may serve the application on a person who has a right to appear at the person's address for correspondence shown on the corporate register. Other forms of service are also permitted, see the *Unit Titles (Management) Act 2011*, s 124.

(3) A person who has a right to appear may be represented by a lawyer or someone else.

(4) The registrar of the ACAT must give a copy of an application to the director-general.

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

154 Provisional building damage order—application

(1) This section applies if—

(a) after the registration of a units plan, a building on the parcel is damaged or destroyed, unless the damage or destruction happens in the course of the demolition or development of the building; and

(b) the planning and land authority has given—

(i) a development approval under the *Planning and Development Act 2007*, chapter 7 for a development consisting of the reinstatement or elimination of any unit or building (or part of a unit or building) on the parcel (a ***unit redevelopment***); or

(ii) if the unit redevelopment is exempt from the requirement to obtain development approval under the *Planning and Development Act 2007*, chapter 7—a certificate under subsection (4); and

(c) a cancellation authority or cancellation order for the units plan is not in force; and

(d) an application for a cancellation authority or cancellation order for the units plan is not pending.

(2) If this section applies, the owners corporation authorised by an ordinary resolution, or a unit owner, may apply to the ACAT for an order (a ***provisional building damage order***) approving a building damage scheme incorporating the unit redevelopment.

(3) The application must be accompanied by—

(a) the proposed building damage scheme; and

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

(b) as the case requires—

(i) a copy of the development approval mentioned in subsection (1) (b) (i), certified by the planning and land authority as a true copy; or

(ii) a copy of the certificate mentioned in subsection (1) (b) (ii).

(4) On application by the applicant for the provisional damage order, if the planning and land authority is satisfied that approval under this Act or any other relevant territory law for the unit redevelopment would still have been given if the proposals for the subdivision of the parcel under this Act, or any other relevant development proposals, had shown the units plan as it is proposed to be altered by the unit redevelopment, the authority must give the applicant a certificate to that effect.

Note 1 A fee may be determined under s 179 for this section.

Note 2 If a form is approved under s 180 for an application, the form must be used.

155 Provisional building damage order—approval of scheme

(1) The ACAT may make a provisional building damage order on application under section 154 if satisfied that—

(a) the damage or destruction to the building did not happen in the course of the development or demolition of the building; and

(b) the planning and land authority has given the development approval or certificate mentioned in section 154 (1) (b); and

(c) it is just and equitable to do so.

(2) The certified copy of the development approval accompanying the application (see section 154 (3) (b)) is evidence that the planning and land authority has given the relevant approval.

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

(3) The ACAT may make any ancillary order necessary or convenient for giving effect to a provisional building damage order.

156 Provisional building damage order—period of effect

A provisional building damage order, or any ancillary order, remains in force for—

(a) the period (not longer than 3 months) stated in the order; or

(b) an extended or further extended period stated in an ACAT order for extension made on application by the applicant for the provisional building damage order while the provisional building damage order (or the ancillary order) is in force.

157 Final building damage order—amendment of units plan

(1) This section applies while a provisional building damage order approving a building damage scheme is in force.

(2) On application by the applicant for the provisional building damage order, the ACAT may make an order (a ***final building damage order***) authorising the amendment of the units plan in accordance with the building damage scheme approved under the provisional building damage order.

(3) The ACAT may make a final building damage order only if satisfied that—

(a) the approved building damage scheme has been carried out as far as practicable; and

(b) any order ancillary to the provisional building damage order has been complied with.

(4) The ACAT may make any ancillary order necessary or convenient for giving effect to a final building damage order.

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

158 Final building damage order—period of effect

A final building damage order, or any ancillary order, remains in force for—

(a) the period (not longer than 3 months) stated in the order; or

(b) an extended or further extended period stated in an ACAT order for extension made on application by the applicant for the final building damage order while the final building damage order (or the ancillary order) is in force.

159 Final building damage order—registration

(1) On the registration of a final building damage order—

(a) the units plan is amended in accordance with the approved building damage scheme; and

(b) if unit or common property boundaries are changed—the land covered by each affected lease is the area of land indicated by the boundaries as changed.

(2) In addition, on the registration of a final building damage order authorising the elimination of a unit—

(a) the lease of the eliminated unit ends; and

(b) the land covered by the lease of the unit immediately before the registration of the order is included in the land covered by the lease of the common property.

(3) A change of unit or common property boundaries under this section is not a variation of a lease for the *Planning and Development Act 2007*, chapter 7 (Development approvals).

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

Part 11 Cancellation of units plans

Division 11.1 Cancellation authority

160 Cancellation authority—grant by planning and land authority

(1) An owners corporation may apply to the planning and land authority for authority (a ***cancellation authority***) for the cancellation of the units plan.

Note 1 A fee may be determined under s 179 for this section.

Note 2 If a form is approved under s 180 for an application, the form must be used.

(2) On application for a cancellation authority, the planning and land authority may—

(a) grant the cancellation authority; or

(b) refuse to grant the cancellation authority.

(3) The planning and land authority may grant a cancellation authority only if satisfied that—

(a) the application is supported by a unanimous resolution of the corporation made within 3 months before the application is made; and

(b) the corporation has obtained the written agreement of each interested nonvoter (except any interested nonvoter to whom subsection (4) applies).

(4) The planning and land authority may grant a cancellation authority despite the owners corporation's failure to obtain an interested nonvoter's agreement if the planning and land authority is satisfied on reasonable grounds that—

(a) the corporation has made reasonable efforts to obtain the agreement; and

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

(b) either—

(i) the interested nonvoter would not suffer any substantial long-term detriment because of the proposed cancellation; or

(ii) despite that failure, it is desirable to authorise the cancellation having regard to the overall interests of everyone with interests in the units and the common property.

(5) If the owners corporation applies for a cancellation authority that is to remain in force for longer than 3 months, the planning and land authority may, in authorising cancellation, if satisfied that an extended period is justified—

(a) allow the extended period applied for; or

(b) allow a shorter extended period.

(6) A cancellation authority must include a declaration of the provisions that are to govern the new lease arising under section 162 if the planning and land authority considers on reasonable grounds that it is desirable to do so to take account of any variation of a lease of any unit, or of the common property, made (or applied for) since the units plan was registered.

161 Cancellation authority—period of effect

(1) A cancellation authority remains in force for—

(a) 3 months after it is given; or

(b) any period allowed under section 160 (5).

(2) A cancellation authority must state the period for which it is in force.

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

Division 11.2 Cancellation orders

161A Cancellation orders—Supreme Court powers

(1) An owners corporation may apply to the Supreme Court for an order (a ***cancellation order***) authorising the cancellation of the units plan.

(2) On an application for a cancellation order, the Supreme Court may—

(a) make a cancellation order; or

(b) make a provisional cancellation order under section 161B; or

(c) dismiss the application.

(3) The Supreme Court may make a cancellation order only if satisfied that it is just and equitable to make the order (including any directions, or a declaration, mentioned in subsection (4)) having regard to the interests of everyone with interests in the units.

(4) A cancellation order may include either or both of the following:

(a) directions to be complied with after cancellation of the units plan;

(b) a declaration of the provisions that are to govern the new lease arising under section 162 to take account of any variation of a lease of any unit, or the common property, made or applied for since the units plan was registered.

(5) A direction mentioned in subsection (4) (a) may be enforced as if it were a judgment of the Supreme Court obtained by someone for whose benefit the direction was given against the person required to comply with the direction.

(6) A cancellation order remains in force for the period stated in the order.

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

161B Cancellation orders—provisional orders

(1) On an application for a cancellation order for a units plan, the Supreme Court may make a provisional cancellation order for the units plan imposing conditions or giving directions (or both) to be complied with before the court makes a cancellation order.

(2) The Supreme Court may make a provisional cancellation order for a units plan only if satisfied that—

(a) it is necessary for either or both of the following purposes:

(i) to protect the interests of the Territory;

(ii) to adjust the rights and duties of everyone who has registered interests in the units, between each other, to the extent that the rights and duties may be affected by the cancellation of the units plan; and

(b) it is just and equitable to make the order having regard to the interests of everyone with interests in the units.

(3) A provisional cancellation order remains in force for the period stated in the order.

161C Cancellation orders—after provisional order is made

(1) This section applies if—

(a) the Supreme Court makes a provisional cancellation order for a units plan on an application under section 161A; and

(b) the owners corporation subsequently applies for a cancellation order under that section.

(2) The Supreme Court may make a cancellation order under section 161A if satisfied that the conditions and directions stated in the provisional cancellation order have been complied with.

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

161D Cancellation orders—right of appearance

(1) The following have a right to appear on an application for a cancellation order for a units plan:

(a) the owners corporation;

(b) a unit owner;

(c) someone else with an interest in a unit, or the common property, that is recorded on the corporate register;

(d) an insurer who has insured a building on the parcel for the *Unit Titles (Management) Act 2011*, section 100 (Building insurance by owners corporation);

(e) the director-general, for the Territory.

(2) An owners corporation that applies for a cancellation order must serve a copy of the application on everyone else who has a right to appear, except the director-general.

Note The applicant may serve the application on a person who has a right to appear at the person's address for correspondence shown on the corporate register. Other forms of service are also permitted, see the *Unit Titles (Management) Act 2011*, s 124.

(3) A person who has a right to appear may be represented by a lawyer or someone else.

(4) The registrar of the Supreme Court must give a copy of an application for a cancellation order to the director-general.

Division 11.3 Effects of cancellation

162 Cancellation of units plan—effects

On the registration of a cancellation authority or cancellation order—

(a) the units plan is cancelled; and

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

(b) the owners corporation is dissolved (see section 164); and

(c) the lease of the common property and the lease of each of the units end; and

(d) the land covered by those leases forms 1 parcel of land; and

(e) a new lease arises over that parcel in the terms provided by section 163.

163 Cancellation of units plan—new lease over parcel

(1) The new lease arising under section 162 (e)—

(a) is held by—

(i) the owners of the units immediately before registration of the authority as tenants in common in shares proportional to their former unit entitlement; or

(ii) if there was a single owner of all the units immediately before the registration of the authority—by the owner; and

(b) expires on the day each of the leases of the units, and the lease of the common property, would have expired if it were not for the cancellation of the units plan; and

(c) is otherwise governed by the provisions to which the lease of the parcel was subject immediately before the registration of the units plan, subject to any declaration of the planning and land authority under section 160 (6) (Cancellation authority—grant by planning and land authority) or any declaration of the Supreme Court under section 161A (4) (b) (Cancellation orders—Supreme Court powers).

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

(2) If immediately before the registration of the authority, 2 or more people were the owners of a unit, 2 or more units or all the units (whether as joint tenants or tenants in common), the share in the estate, or the whole estate, vests in them under subsection (1) (a)—

(a) if they were joint tenants—jointly; or

(b) if they were tenants in common—as tenants in common in shares proportional to their former shares in the unit or units.

(3) The share in the estate that vests in a person under subsection (1) (a) is subject to any mortgage and easement mentioned in the *Land Titles (Unit Titles) Act 1970*, section 17.

164 Dissolution of owners corporation

(1) On the dissolution of an owners corporation (on cancellation of the units plan)—

(a) all rights (at law or in equity) of the corporation immediately before the dissolution vest in the former members as tenants in common in shares proportional to their unit entitlement immediately before the dissolution; and

(b) the former members are liable separately and together for all the liabilities of the corporation existing immediately before dissolution.

(2) For subsection (1), a reference in a document to an owners corporation that has been dissolved is taken to be a reference to the former members.

Example of a document

A contract signed by the owners corporation before the dissolution under which the corporation owes, or is owed, an amount.

Note An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

(3) The operation of subsection (1) on the owners corporation may be varied by cancellation dissolution order (under section 165).

165 Dissolution of owners corporation—Supreme Court powers

(1) On an application by an owners corporation authorised by an ordinary resolution, or a person with an interest in a unit, the Supreme Court may, if it considers that it is just and equitable to do so—

(a) by order (a ***cancellation dissolution order***), vary the operation of section 164 (1) (Dissolution of owners corporation) on the corporation and its members; and

(b) make any orders that are necessary or convenient for giving effect to the cancellation dissolution order.

(2) The application may only be made before the units plan is cancelled (on registration of the cancellation authority).

(3) The following have a right to appear on the application:

(a) the owners corporation;

(b) a unit owner;

(c) someone else with an interest in a unit, or the common property, that is recorded on the corporate register;

(d) an insurer who has insured a building on the parcel for the *Unit Titles (Management) Act 2011*, section 100;

(e) the director-general, on behalf of the Territory.

(4) The applicant must serve a copy of the application on everyone else who has a right to appear, except the director-general.

Note The applicant may serve the application on a person who has a right to appear at the person's address for correspondence shown on the corporate register. Other forms of service are also permitted, see the *Unit Titles (Management) Act 2011*, s 124.

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

(5) A person who has a right to appear may be represented by a lawyer or someone else.

(6) The registrar of the Supreme Court must give a copy of the application to the director-general.

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

Part 11A Changing 2-unit units plans to subdivisions

165A Application—pt 11A

This part applies to a units plan with only 2 units.

165B Subdivision of units plan—application

(1) An owners corporation to which this part applies may, on behalf of the members of the corporation, apply for development approval under the *Planning and Development Act 2007* to subdivide the parcel of land covered by the leases of the units and common property into 2 parcels in accordance with a subdivision plan.

(2) The *Planning and Development Act 2007*, chapter 11 applies to the owners corporation as if the corporation were the lessee of the parcel of land.

Note A development approval for the subdivision of a units plan must be conditional on the units plan being cancelled (see *Planning and Development Act 2007*, s 165 (2) (b)).

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

Part 12 Lease variations and grants of further leases

Division 12.1 Variation of leases

166 Development applications to vary lease under Planning and Development Act

(1) An application for development approval for the variation of a unit or common property lease may be made under the *Planning and Development Act 2007*, chapter 7 (Development approvals) only if—

(a) all members of the owners corporation have been given notice of the proposed application under subsection (2); and

(b) the application is authorised by unopposed resolution; and

(c) a certificate under the corporation's seal is provided confirming that the requirements mentioned in paragraphs (a) and (b) have been met; and

(d) if the unit or common property lease is in a units plan that subdivides a parcel of land under a declared land sublease—the Crown lessee consents, in writing, to the application.

(2) The notice of general meeting including notice of the motion to authorisation the application must set out—

(a) details of the variation sought; and

(b) the implications of the proposed variation for the unit entitlement and property interests of the members.

(3) If an application for development approval for the variation of a unit lease or common property lease is approved under the *Planning and Development Act 2007*, chapter 7, the planning and land authority must give each member of the owners corporation written notice of the approval stating the date the approval is to take effect.

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

167 Lease variation—amendment of schedule of unit entitlement

(1) On the variation of the lease of a unit, the planning and land authority may, by written notice to the registrar-general, direct that the schedule of unit entitlement be amended if the authority considers it necessary to do so to reflect accurately any change in the relative improved values of the units because of the variation.

(2) On the registration of the planning and land authority's direction to amend the schedule of unit entitlement, the units plan is amended accordingly.

Division 12.2 Grants of further leases

167AA Declared land subleases—grant of further leases

(1) This section applies if—

(a) a units plan subdivides land under a declared land sublease; and

(b) the owners corporation, as owner of an old lease of common property and on behalf of each owner of an old lease of a unit, applies, in writing, before the expiry of the old leases for the grant of a further lease of the units and common property in the units plan; and

(c) any criteria prescribed by regulation are satisfied.

(2) The Crown lessee must, within 30 days of receiving the application, grant, or refuse to grant, further leases for—

(a) the same term as the old leases; or

(b) a different term as agreed between the Crown lessee and the owners corporation of not less than 50 years.

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

(3) A further lease—

(a) must authorise each use of the leased land, and any building or structure on the land, that the old lease authorised; and

(b) is subject to any easement benefitting or burdening the leased land to which the old lease was subject.

(4) A further lease begins on the day after—

(a) the day the old lease is surrendered; or

(b) for a further lease granted on application after the expiry of the old lease—the day after the old lease expires.

(5) If the term of a further lease granted under subsection (2) is not longer than the term of the old lease, the Crown lessee may not require the sublessee, the owners corporation or a unit owner to pay any amount for the grant of the further lease that is more than the cost of granting the further lease.

(6) If the Crown lessee refuses to grant the further leases for which the owners corporation has applied—

(a) the Crown lessee must give the owners corporation reasons for the refusal, in writing; and

(b) the owners corporation may apply to the ACAT for an order requiring the Crown lessee to grant the further leases on the terms the ACAT considers appropriate.

(7) If further leases are granted, the sublessee, owners corporation and unit owners are not liable to pay the Crown lessee for the improvements on the land or part of the land.

(8) In this section:

improvement, in relation to land—see the *Land Titles Act 1925*, section 88H (6).

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

non-residential unit leases means leases of units and common property under a units plan that authorises non-residential use of the units.

old leases means leases of units and common property under a units plan that subdivides land under a declared land sublease.

167A Grant of further leases—generally

(1) This section applies if the owners corporation of a units plan intends to apply for the grant of a further lease of the units and common property in the units plan under—

(a) the *Planning and Development Act 2007*, section 254; or

(b) for a units plan that subdivides land under a declared land sublease—section 167AA.

(2) The owners corporation must—

(a) hold a general meeting; and

(b) include in the notice of the general meeting a statement to the effect that—

(i) it intends to apply for the further leases; and

(ii) to allow the further leases to be granted, each owner of a unit in the units plan must give the certificate of title for the lease of the unit to the registrar-general; and

(c) at the meeting, seek authority by ordinary resolution, if the owners corporation applies for the grant of the further leases—

(i) to notify the registrar-general in writing about the application (a ***further lease notice***) accompanied by evidence of the resolution; and

Note 1 The *Unit Titles (Management) Act 2011*, sch 3, s 3.19 sets out requirements for evidence of resolutions of owners corporations.

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

Note 2 It is an offence to make a false or misleading statement, give false or misleading information or produce a false or misleading document (see Criminal Code, pt 3.4).

(ii) to do anything else necessary on behalf of an owner of a unit to ensure the grant of the further leases.

Examples—par (c) (ii)

1 deal with a mortgagee in relation to the unit to obtain the mortgagee's consent to the application for the further lease

2 sign on behalf of a unit owner any document required by the registrar-general to ensure the grant of a further lease

Note 1 If a form is approved under s 180 for this provision, the form must be used.

Note 2 An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

(3) Subsection (4) applies if—

(a) the owners corporation gives the registrar-general a further lease notice; and

(b) the certificate of title, or other evidence of title, for a lease to which the further lease notice relates is not given to the registrar-general within 28 days after the further lease notice is given to the registrar-general.

(4) For the *Land Titles Act 1925*, section 86 (5) (Surrender of lease), the certificate of title for the lease is taken to have been given to the registrar-general.

167B Declared land subleases—surrender of leases in units without grant of further leases

(1) This section applies if a units plan subdivides land under a declared land sublease.

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

(2) The owners corporation may, on behalf of the unit owners, surrender the leases with the written consent of the Crown lessee.

Note If a lease is subject to a registered mortgage or encumbrance, the mortgagee or encumbrancee must also consent to the surrender (see *Land Titles Act 1925*, s 86 (7)).

(3) If a lease is surrendered under subsection (2), the *Land Titles Act 1925*, section 88H (Surrender etc of land sublease—payment for improvements) applies.

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

Part 13 Expiry and termination of unit leases

168 Effects of lease expiry

(1) On the expiry of the terms of the leases of the units and the common property in a units plan (as extended, if at all, under the *Unit Titles Act 1970*, section 108)—

(a) the units plan is cancelled; and

(b) the owners corporation is dissolved; and

(c) for each unit, the Territory (or, if the units plan subdivides a parcel of land under a declared land sublease, the Crown lessee) is liable to pay a share of the value of the buildings on the parcel (on the date of expiry) proportional to the unit entitlement of the unit immediately before the expiry.

(2) The Territory (or, if the units plan subdivides a parcel of land under a declared land sublease, the Crown lessee) is liable to pay the amount mentioned in subsection (1) (c) for a unit—

(a) to the person who owned the unit immediately before the expiry of the leases; or

(b) if the unit was owned by 2 or more people immediately before the expiry of the leases—to each co-owner in proportion to the co-owner's former share in the unit.

(3) The value of the amount mentioned in subsection (1) (c) must be worked out under the *Planning and Development Act 2007*, section 295 as if the Territory (or, if the units plan subdivides a parcel of land under a declared land sublease, the Crown lessee) were the planning and land authority.

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

(4) Subsection (5) applies if—

(a) the term of a lease of a unit or common property in a units plan that subdivides a parcel of land under a declared land sublease expires; and

(b) the owners corporation has not given the Crown lessee at least 6 month's written notice before the lease expired that the owners corporation did not intend to apply for a further lease under section 167AA.

(5) The Crown lessee may deduct the amount (up to the prescribed amount) of any expenditure reasonably incurred by the Crown lessee in subleasing the land, or part of the land, under the expired leases to someone else from the amount payable by the Crown lessee under subsection (1) (c).

(6) On the dissolution of an owners corporation under subsection (1)—

(a) all rights (at law or in equity) vested in the corporation immediately before the expiry are vested in the former members as tenants in common in shares proportional to their former unit entitlement; and

(b) the former members are liable separately and together for all the liabilities of the corporation existing immediately before the dissolution.

(7) For subsection (1), a reference in a document to an owners corporation that has been dissolved is taken to be a reference to the former members.

Example of a document

A contract signed by the owners corporation before the dissolution under which the corporation owes, or is owed, an amount.

Note An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

(8) The operation of subsection (6) on the owners corporation may be varied by expiry dissolution order (under section 169).

169 Dissolution of owners corporation on lease expiry—Supreme Court powers

(1) On an application by an owners corporation authorised by an ordinary resolution, or a person with an interest in a unit, the Supreme Court may, if it considers that it is just and equitable to do so—

(a) by order (an ***expiry dissolution order***), vary the operation of section 168 (6) (Effects of lease expiry) on the corporation and its members; and

(b) make any orders that are necessary or convenient for giving effect to the expiry dissolution order.

(2) The application may only be made before the dissolution of the owners corporation (on the expiry of the terms of the leases and common property).

(3) The following have a right to appear on an application:

(a) the owners corporation;

(b) a unit owner;

(c) someone else with an interest in a unit, or the common property, that is recorded on the corporate register;

(d) an insurer who has insured a building on the parcel for the *Unit Titles (Management) Act 2011*, section 100;

(e) the director-general, on behalf of the Territory.

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

(4) The applicant must serve a copy of the application on everyone else who has a right to appear, except the director-general.

Note The applicant may serve the application on a person who has a right to appear at the person's address for correspondence shown on the corporate register. Other forms of service are also permitted, see the *Unit Titles (Management) Act 2011*, s 124.

(5) A person who has a right to appear may be represented by a lawyer or someone else.

(6) The registrar of the Supreme Court must give a copy of the application to the director-general.

170 Effect of termination of unit lease

(1) If the registrar-general, under the *Land Titles (Unit Titles) Act 1970*, section 23, enters on a units plan a memorial of the termination of the lease of a unit—

(a) the interest of the lessee in the unit ends; and

(b) the land that was, immediately before the endorsement, covered by the lease continues to be a unit despite the termination; and

(c) the unit entitlement of the unit is omitted from the schedule of unit entitlement; and

(d) the unit entitlement of each other unit is increased in proportion (so that the total unit entitlement remains unchanged).

(2) After the termination of the lease of a unit and until a further lease of that unit is granted—

(a) the easements given by section 35 continue, as they benefit or burden the unit; and

(b) any easement declared under section 36 in effect at the time of termination continues, as it benefits or burdens the unit; and

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

(c) all those easements are enforceable by and against the planning and land authority as if the authority were the owner of the unit; and

(d) a person authorised in writing by the authority has the same rights to use the common property as the owner of the unit would have had if the lease had not been terminated.

Note This section does not apply to a lease surrendered under the *Planning and Development Act 2007*, s 254 or a lease under a units plan that subdivides land under a declared land sublease surrendered under this Act, s 167AA (see dict, def ***termination***).

171 New unit lease

(1) If, after the termination of the lease of a unit, a person becomes entitled under the *Planning and Development Act 2007* to the grant of a lease of the unit, the planning and land authority must—

(a) lodge with the registrar-general written notice of that fact; and

(b) give the owners corporation written notice accordingly.

(2) On the entry on the units plan of a memorial under the *Land Titles (Unit Titles) Act 1970*, section 24, the person entitled to the grant of the lease becomes the holder of an estate of leasehold in the unit for the term mentioned in subsection (3) and subject to the provisions set out in the units plan for the lease of that unit, as if a lease of that unit for that term and subject to those provisions had been granted to the person by the Territory under the *Planning and Development Act 2007*.

(3) The term of the lease begins on the registration of the notice and expires on the same day (stated in the units plan) as the terms of the leases of the other units.

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

(4) When a person becomes the holder of an estate in leasehold under this section—

(a) the easements given by section 35 continue, as they benefit or burden the unit; and

(b) any easement declared under section 36 to which the terminated lease was subject continues, as it benefits or burdens the unit.

Note This section does not apply to a new lease granted after a lease has been surrendered under the *Planning and Development Act 2007*, s 254 (see dict, def ***termination***).

172 New unit lease—schedule of unit entitlement

(1) This section applies if, after the termination of the lease of a unit, a person becomes entitled under the *Planning and Development Act 2007* to the grant of a lease of the unit.

(2) On the entry on the units plan of memorials under the *Land Titles (Unit Titles) Act 1970*, section 24, the schedule of unit entitlement has the same effect as it had immediately before the entry was made on that schedule under that Act, section 23 on the termination of the previous lease.

Note This section does not apply to a further lease, or a further lease under a units plan that subdivides land under a declared land sublease, granted after a lease has been surrendered under the *Planning and Development Act 2007*, s 254 or this Act, s 167AA (see dict, def ***termination***).

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

Part 14 Notification and review of decisions

173 Definitions—pt 14

In this part:

internally reviewable decision means a decision mentioned in schedule 1, column 3 under a provision of this Act mentioned in column 2 in relation to the decision.

internal reviewer—see section 174A.

internal review notice—see the *ACT Civil and Administrative Tribunal Act 2008*, section 67B (1).

reviewable decision means an internal reviewer's decision in relation to an internally reviewable decision.

173A Internal review notices

(1) If the planning and land authority makes an internally reviewable decision, the authority must give an internal review notice only to each person mentioned in schedule 1, column 4 in relation to the decision.

Note 1 The requirements for internal review notices are prescribed under the *ACT Civil and Administrative Tribunal Act 2008*.

Note 2 Section 174 gives a person who is given an internal review notice the right to object to the internally reviewable decision (unless the person was the applicant for the decision, and the decision was made in the applicant's favour).

(2) However, the planning and land authority is not required to give an internal review notice to a person with an interest in a parcel, or an interested non-voter, in relation to a decision if the authority is not, and could not reasonably be, aware of the person's interest because of the process of reaching the decision.

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

(3) An internal review notice given to a person in relation to a decision must include a statement to the effect that the person may not object to the decision if—

(a) the person applied for the decision; and

(b) the decision was made in accordance with the application.

174 Objections

(1) A person mentioned in schedule 1, column 4 in relation to an internally reviewable decision may object to the decision.

(2) However, a person may not object to a decision if—

(a) the person applied for the decision; and

(b) the decision was made in accordance with the application.

(3) The objection must—

(a) be in writing; and

(b) state the person's name and address; and

(c) set out the person's reasons for making the application; and

(d) be given to the planning and land authority.

Note If a form is approved under s 180 for the objection, the form must be used.

(4) The objection must be given to the planning and land authority within—

(a) 28 days after the day the person is given the internal review notice for the decision; or

(b) any longer period allowed by the planning and land authority before or after the end of the 28-day period.

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

174A Internal reviewer

The planning and land authority must arrange for a person (the ***internal reviewer***) who did not make the internally reviewable decision to review the decision.

175 Review by internal reviewer

(1) The internal reviewer for an internally reviewable decision must review the decision.

(2) The review must happen within 28 days (the ***28-day period***) after the day the planning and land authority receives the objection to the internally reviewable decision.

(3) The internal reviewer must—

(a) allow the objection and substitute the reviewer's own decision; or

(b) disallow the objection.

(4) If the objection is not decided within the 28-day period, the objection is taken to have been disallowed by the internal reviewer.

176 Reviewable decision notices

If an internal reviewer makes a reviewable decision, the reviewer must give a reviewable decision notice only to each person to whom an internal review notice is required to be given in relation to the decision.

Note The requirements for reviewable decision notices are prescribed under the *ACT Civil and Administrative Tribunal Act 2008*.

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

177 Effect of decision to allow objection

If a decision is made to allow an objection and to substitute a new decision for the decision objected to—

(a) the decision objected to no longer has effect from the date of the reviewable decision notice; and

(b) this Act applies as if the substituted decision had been made on the date of the notice, subject to paragraph (c); and

(c) this part does not apply to the substituted decision.

177A Applications for review

The person in relation to whom a reviewable decision is made may apply to the ACAT for review of the decision.

Note If a form is approved under the *ACT Civil and Administrative Tribunal Act 2008* for the application, the form must be used.

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

Part 15 Miscellaneous

179 Determination of fees

(1) The Minister may determine fees for this Act.

Note The Legislation Act contains provisions about the making of determinations and regulations relating to fees (see pt 6.3)

(2) A determination is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the Legislation Act.

180 Approved forms

(1) The planning and land authority may approve forms for this Act.

(2) If the planning and land authority approves a form for a particular purpose, the approved form must be used for that purpose.

Note For other provisions about forms, see the Legislation Act, s 255.

(3) An approved form is a notifiable instrument.

Note A notifiable instrument must be notified under the Legislation Act.

181 Regulation-making power

(1) The Executive may make regulations for this Act.

(2) A regulation may create offences and fix maximum penalties of not more than 60 penalty units for the offences.

Note A regulation must be notified, and presented to the Legislative Assembly, under the Legislation Act.

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

Schedule 1 Reviewable decisions

(see s 173)

column 1 item	column 2 Act provision	column 3 reviewable decision	column 4 person
1	20 (6)	refusal to approve a unit title application on the grounds of inconsistency with the heritage register	lessee of the parcel
2	21 (1)	determination of a reasonable rent to be reserved under the lease of a unit in a units plan	lessee of the parcel
3	22	amendment of a development statement	lessee of the parcel
4	29	amendment of a development statement before registration of the units plan	each person with an interest in the parcel
5	29	refusal to amend a development statement before registration of the units plan	each person with an interest in the parcel
6	29 (5)	amendment of a schedule of unit entitlement in amending a development statement before registration of the units plan	each person with an interest in the parcel

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

column 1 item	column 2 Act provision	column 3 reviewable decision	column 4 person
7	30	amendment of a development statement after registration of the units plan.	(a) lessee of the parcel immediately before registration (b) owners corporation (c) each interested nonvoter
8	30	refusal to amend a development statement after registration of the units plan	(a) lessee of the parcel immediately before registration (b) owners corporation (c) each interested nonvoter
9	30 (7) (a)	authorisation of amendment of a schedule of unit entitlement in amending a development statement after registration of the units plan	(a) lessee of the parcel immediately before registration (b) owners corporation (c) each interested nonvoter
10	146	refusal to grant unit entitlement authority	owners corporation

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

column 1 item	column 2 Act provision	column 3 reviewable decision	column 4 person
11	146	grant of unit entitlement authority otherwise than as applied for	owners corporation
12	146 (4) (b)	grant of shorter extended period than applied for, for which a unit entitlement authority is to remain in force	owners corporation
13	149	grant of boundary authority	(a) owners corporation (b) each interested nonvoter
14	149	refusal to grant boundary authority	(a) owners corporation (b) each interested nonvoter
15	149 (4) (b)	grant of shorter extended period than applied for, for which a boundary authority is to remain in force	(a) owners corporation (b) each interested nonvoter
16	154 (4)	grant of certificate about unit redevelopment	applicant for certificate
17	160	grant of cancellation authority	(a) owners corporation (b) each interested nonvoter

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

column 1 item	column 2 Act provision	column 3 reviewable decision	column 4 person
18	160	refusal to grant cancellation authority	(a) owners corporation (b) each interested nonvoter
19	160 (4) (b)	grant of shorter extended period than applied for, for which a cancellation authority is to remain in force	(a) owners corporation (b) each interested nonvoter
20	160 (5)	grant of cancellation authority including a declaration of provisions that are to govern the new lease arising under section 163	(a) owners corporation (b) each interested nonvoter

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

Dictionary

(see s 3)

Note 1 The Legislation Act contains definitions and other provisions relevant to this Act.

Note 2 For example, the Legislation Act, dict, pt 1, defines the following terms:

- ACAT
- appoint
- director-general (see s 163)
- exercise
- function
- heritage register
- planning and land authority
- reviewable decision notice.

address for correspondence—see the *Unit Titles (Management) Act 2011*, dictionary.

administrator—see the *Unit Titles (Management) Act 2011*, dictionary.

annexed—see section 12A.

appoint includes engage.

attachment, in relation to a building, means—

(a) an eave, gutter or downpipe; or

(b) an awning; or

(c) anything attached to the building prescribed by regulation.

benefited estate—see section 35 (Easements given by this Act) and section 36 (Easements declared by owners corporations).

boundary authority—see section 149.

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

building includes—

(a) a structure; and

(b) any other improvement (including fixtures, fittings and site improvements); and

(c) as shown in a unit title application—a building, structure or improvement (including fixtures, fittings and site improvements) proposed to be erected, or as proposed to be altered or added to.

Examples of site improvements

1 a paved path

2 a paved barbecue area

Note An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

building and development provision, in relation to a lease—see the *Planning and Development Act 2007*, section 234.

building damage scheme—see section 152.

burdened estate—see section 35 (Easements given by this Act) and section 36 (Easements declared by owners corporations).

cancellation authority—see section 160.

cancellation dissolution order—see section 165 (Dissolution of owners corporation—Supreme Court powers).

cancellation order—see section 161A (Cancellation orders—Supreme Court powers).

class A unit—see section 10.

class B unit—see section 11.

common property—see section 13.

company—see the *Unit Titles (Management) Act 2011*, dictionary.

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

corporate register—see the *Unit Titles (Management) Act 2011*, section 113.

Crown lease—see the *Land Titles Act 1925*, dictionary.

Crown lessee, in relation to a declared land sublease, means the lessee under the Crown lease under which the sublease is granted.

declared land sublease—see the *Planning and Development Act 2007*, section 312C.

developer means the lessee of a parcel who applies for the approval of the subdivision of the parcel under section 17 (Unit title applications—general requirements).

development, of a parcel, a unit or common property—

(a) means the erection, alteration or addition of a building on the parcel, unit or common property; and

(b) for a unit title application—includes a proposal for the erection, alteration or addition of a building on the parcel, unit or common property.

development statement means a statement about a staged development, accompanying a unit title application (as amended under section 22 (Unit title applications—amendment of development statement by authority), or amended under section 29 (Amendment of development statements before registration) or section 30 (Amendment of development statements after registration)).

encroachment includes a projection at, above or below ground level.

entitled to vote, in relation to a motion at a general meeting of an owners corporation—see the *Unit Titles (Management) Act 2011*, dictionary.

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

estate, in relation to a unit title easement right given by this Act, means the unit or common property benefited or burdened by the right.

Note See div 4.2 (Easements) (which defines ***unit title easement rights*** in s 34 and ***benefited estate*** and ***burdened estate*** in s 35 and s 36).

executive member, of an owners corporation—see the *Unit Titles (Management) Act 2011*, dictionary.

expiry dissolution order—see section 169 (Dissolution of owners corporation on lease expiry—Supreme Court powers).

final building damage order—see section 157.

former members, of an owners corporation that is dissolved, means the people who were the members of the corporation immediately before the dissolution.

improved value, for calculating the unit entitlement of a unit (whether before or after the registration of the units plan) means—

(a) for a class A unit—the total of the following values:

(i) the value of the unit itself;

(ii) for any unit subsidiaries annexed to the unit that are buildings or parts of buildings—the value of the buildings or parts of buildings;

(iii) for any unit subsidiaries annexed to the unit that are constituted by land—the combined value of the land and all buildings on the land; or

(b) for a class B unit—the total of the following values:

(i) the combined value of the land occupied by the unit itself and of all buildings on the land;

(ii) for any unit subsidiaries annexed to the unit that are buildings or parts of buildings—the value of the buildings or parts of buildings;

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

(iii) for any unit subsidiaries annexed to the unit that are constituted by land—the combined value of the land and all buildings on the land.

interest, in a unit or common property—

(a) means a legal or equitable estate or interest (whether registered or unregistered) in the lease of the unit or of the common property; and

(b) if a units plan subdivides a parcel of land under a declared land sublease—includes the interest of the Crown lessee in the land; but

(c) does not include an interest in a lease of a unit.

interested nonvoter—a person with an interest in a unit or the common property is an ***interested nonvoter*** in relation to an application under this Act for amendment of a development statement (under section 30), a boundary authority (under section 149) or a cancellation authority (under section 160) if—

(a) the interest was shown on the corporate register (or known to an executive member) when the application was made; and

(b) either—

(i) the person's interest was in a unit (otherwise than as mortgagee) or the common property when the resolution authorising the application was passed, but the person was not entitled to vote on the resolution; or

(ii) the person's interest was as mortgagee in a unit when the resolution authorising the application was passed, but the mortgagee was not entitled to vote on the resolution through a mortgagee's representative.

Examples—interested nonvoters

1 The proprietor of a property adjoining the parcel on which the units stand, if the property benefits from an easement over the common property, and the proprietor's easement interest is shown on the corporate register.

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

2 For par (b) (i), a part-owner of a unit that is owned by 2 or more people, if the part-owner was not the representative for the unit when the application was authorised at a general meeting. The part-owner would not have been 'entitled to vote' under the *Unit Titles (Management) Act 2011*, sch 3, s 3.20.

3 For par (b) (i), an owner of a unit for which a mortgagee has issued a mortgagee voting notice under the *Unit Titles (Management) Act 2011*, sch 3, s 3.23. The owner would not have been 'entitled to vote' under that Act, sch 3, s 3.20.

4 For par (b) (ii), the mortgagee of a unit who was not entitled to vote on the motion authorising the application because the mortgagee did not (or was not entitled to) issue a mortgagee voting notice under the *Unit Titles (Management) Act 2011*, sch 3, s 3.23.

Note An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

internally reviewable decision, for part 14 (Notification and review of decisions)—see section 173.

internal reviewer, for part 14 (Notification and review of decisions)—see section 174A.

internal review notice, for part 14 (Notification and review of decisions)—see the *ACT Civil and Administrative Tribunal Act 2008*, section 67B (1).

lease means—

(a) for a unit—the lease of the unit under—

(i) section 33 (2) (Leases of units and common property); or

(ii) section 167AA (Declared land subleases—grant of further leases); or

(iii) section 171 (2) (New unit lease); or

(iv) the *Planning and Development Act 2007*, section 254 (Grant of further leases); or

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

(b) for common property—the lease of the common property under—

(i) section 33 (3) (Leases of units and common property); or

(ii) section 167AA (Declared land subleases—grant of further leases); or

(iii) the *Planning and Development Act 2007*, section 254 (Grant of further leases); or

(c) for a parcel—

(i) the lease of the parcel—

(A) granted under the *Planning and Development Act 2007*; or

(B) arising under section 162 (Cancellation of units plan—effects) of this Act; or

(ii) if the parcel is land under a declared land sublease—the declared land sublease.

lessee means—

(a) for a unit—the owner of the unit; or

(b) for the common property—the owners corporation; or

(c) for a parcel—the registered proprietor of the lease of the parcel.

maintenance, of a building, a facility for a utility service or a utility conduit, means maintenance in good repair and working order, and includes—

(a) repair; and

(b) replacement; and

(c) renewal; and

(d) restoration.

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

member, of an owners corporation—see the *Unit Titles (Management) Act 2011*, dictionary.

minor boundary change—see section 16.

mortgage—see the *Unit Titles (Management) Act 2011*, dictionary.

mortgagee—see the *Unit Titles (Management) Act 2011*, dictionary.

mortgagee's representative—see the *Unit Titles (Management) Act 2011*, schedule 3, section 3.23.

ordinary resolution—see the *Unit Titles (Management) Act 2011*, dictionary.

owner means—

(a) for a unit—the registered proprietor of the lease of the unit; or

Note The term *unit owner* is also defined in the dictionary with the same meaning.

(b) for common property—the owners corporation.

owners corporation—see the *Unit Titles (Management) Act 2011*, dictionary.

parcel—see section 5.

part-owner, of a unit—see the *Unit Titles (Management) Act 2011*, dictionary.

proprietor, of an interest in land, includes anyone who is entitled to exercise the rights of the proprietor in relation to the land.

Examples

1 someone to whom the proprietor has assigned those rights

2 the heir, executor or administrator of the proprietor

3 the trustee in relation to the proprietor's interest under the *Bankruptcy Act 1966* (Cwlth)

4 for a company that is a proprietor, the company's liquidators

Note An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

provisional building damage order—see section 154.

provisions, of a lease, means the provisions, covenants and conditions subject to which the lease is held.

public unleased land—see the *Public Unleased Land Act 2013*, section 8.

registered means registered with the registrar-general under the *Land Titles Act 1925* or the *Land Titles (Unit Titles) Act 1970*.

reviewable decision, for part 14 (Notification and review of decisions)—see section 173.

schedule of unit entitlement, in relation to a units plan, means the schedule of unit entitlement forming part of the plan under section 8.

special resolution—see the *Unit Titles (Management) Act 2011*, dictionary.

staged development, in relation to a unit title application—see section 17 (4) (Unit title applications—general requirements).

termination, of a lease of a unit, does not include the termination of the lease on surrender under—

(a) the *Planning and Development Act 2007*, section 254 (Grant of further leases); or

(b) for leases under a units plan that subdivides land under a declared land sublease—section 167AA.

unanimous resolution—see the *Unit Titles (Management) Act 2011*, dictionary.

unit—see section 9.

unit entitlement—see section 8.

unit entitlement authority—see section 146.

unit owner means the registered proprietor of the lease of the unit.

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

units plan means the units plan under section 7.

unit subsidiary—see section 12.

unit title application—see section 6.

unit title assessment report—see section 22B.

unit title assessor—see section 22A.

unit title easement rights—see section 34.

unopposed resolution—see the *Unit Titles (Management) Act 2011*, dictionary.

utility conduit means a conduit of any kind for the provision of a utility service, and includes, for example, pipes, wires, cables and ducts for a utility service.

utility services includes—

(a) the collection and passage of stormwater; and

(b) the supply of water (for drinking or any other use); and

(c) sewerage and drainage services; and

(d) garbage collection services; and

(e) gas, electricity and air services (including airconditioning and heating); and

(f) communication services (including telephone, radio, television and internet).

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

Endnotes

1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws are not included in the republished law. The details of these laws are underlined in the legislation history. Uncommenced expiries are underlined in the legislation history and amendment history.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

2 Abbreviation key

A = Act
AF = Approved form
am = amended
amdt = amendment
AR = Assembly resolution
ch = chapter
CN = Commencement notice
def = definition
DI = Disallowable instrument
dict = dictionary
disallowed = disallowed by the Legislative Assembly
div = division
exp = expires/expired
Gaz = gazette
hdg = heading
IA = Interpretation Act 1967
ins = inserted/added
LA = Legislation Act 2001
LR = legislation register
LRA = Legislation (Republication) Act 1996
mod = modified/modification
NI = Notifiable instrument
o = order
om = omitted/repealed
ord = ordinance
orig = original
par = paragraph/subparagraph
pres = present
prev = previous
(prev...) = previously
pt = part
r = rule/subrule
reloc = relocated
renum = renumbered
R[X] = Republication No
RI = reissue
s = section/subsection
sch = schedule
sdiv = subdivision
SL = Subordinate law
sub = substituted
<u>underlining</u> = whole or part not commenced or to be expired

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

3 Legislation history

Unit Titles Act 2001 A2001-16

notified 5 April 2001 (Gaz 2001 No 14)
s 1, s 2 commenced 5 April 2001 (IA s 10B)
s 182, s 185 and s 189 commenced 5 April 2001 (s 1)
remainder commenced 5 October 2001 (LA s 79)

as amended by

Legislation (Consequential Amendments) Act 2001 A2001-44 pt 401

notified 26 July 2001 (Gaz 2001 No 30)
s 1, s 2 commenced 26 July 2001 (IA s 10B)
pt 401 commenced 5 October 2001 (s 2 (2) and amdts 1.4149-1.4161)

Statute Law Amendment Act 2001 (No 2) A2001-56 pt 3.51

notified 5 September 2001 (Gaz 2001 No S65)
s 1, s 2 commenced 5 September 2001 (s 2 (1))
amdts commenced 12 September 2001 (s 2 (2), amdt 3.859, amdt 3.860)

Community Title Act 2001 A2001-58 s 103

notified 10 September 2001 (Gaz 2001 No S66)
s 1, s 2 commenced 10 September 2001 (IA s 10B)
s 103 commenced 10 March 2002 (LA s 79)

Statute Law Amendment Act 2002 A2002-30 pt 3.84

notified LR 16 September 2002
s 1, s 2 taken to have commenced 19 May 1997 (LA s 75 (2))
amdt 3.929 taken to have commenced 5 October 2001 (s 2 (2))
pt 3.84 remainder commenced 17 September 2002 (s 2 (1))

Planning and Land (Consequential Amendments) Act 2002 A2002-56 sch 3 pt 3.16

notified LR 20 December 2002
s 1, s 2 commenced 20 December 2002 (LA s 75 (1))
sch 3 pt 3.16 commenced 1 July 2003 (s 2 and see Planning and Land Act 2002 A2002-55, s 2)

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

Statute Law Amendment Act 2005 A2005-20 sch 3 pt 3.70
notified LR 12 May 2005
s 1, s 2 taken to have commenced 8 March 2005 (LA s 75 (2))
sch 3 pt 3.70 commenced 2 June 2005 (s 2 (1))

Unit Titles Amendment Act 2005 A2005-25
notified LR 11 May 2005
s 1, s 2 commenced 11 May 2005 (LA s 75 (1))
remainder commenced 12 May 2005 (s 2)

Unit Titles (Staged Development) Amendment Act 2005 A2005-37
notified LR 26 August 2005
s 1, s 2 commenced 26 August 2005 (LA s 75 (1))
remainder commenced 14 September 2005 (s 2 and CN2005-21)

Statute Law Amendment Act 2006 A2006-42 sch 3 pt 3.24
notified LR 26 October 2006
s 1, s 2 taken to have commenced 12 November 2005 (LA s 75 (2))
sch 3 pt 3.24 commenced 16 November 2006 (s 2 (1))

Planning and Development (Consequential Amendments) Act 2007 A2007-25 sch 1 pt 1.32
notified LR 13 September 2007
s 1, s 2 commenced 13 September 2007 (LA s 75 (1))
sch 1 pt 1.32 commenced 31 March 2008 (s 2 and see Planning and Development Act 2007 A2007-24, s 2 and CN2008-1)

Unit Titles Amendment Act 2008 A2008-9
notified LR 17 April 2008
s 1, s 2 commenced 17 April 2008 (LA s 75 (1))
remainder commenced 18 April 2008 (s 2)

ACT Civil and Administrative Tribunal Legislation Amendment Act 2008 (No 2) A2008-37 sch 1 pt 1.102
notified LR 4 September 2008
s 1, s 2 commenced 4 September 2008 (LA s 75 (1))
sch 1 pt 1.102 commenced 2 February 2009 (s 2 (1) and see ACT Civil and Administrative Tribunal Act 2008 A2008-35, s 2 (1) and CN2009-2)

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

Unit Titles Amendment Act 2008 (No 2) A2008-45

notified LR 10 September 2008
s 1, s 2 commenced 10 September 2008 (LA s 75 (1))
s 3 commenced 2 February 2009 (s 2 (1) and CN2008-18)
s 4, s 48 (new section 251) commenced 10 September 2009 (s 2 (1) and CN2008-18)
s 7, s 16, s 39, s 42, s 45, s 46, s 49, s 50, s 53 commenced 2 February 2009 (s 2 (2))
s 15, s 52 (def ***manager***) commenced 1 July 2009 (s 2 (1) and CN2008-18)
remainder commenced 31 March 2009 (s 2 (1) and CN2008-18)

Statute Law Amendment Act 2009 (No 2) A2009-49 sch 3 pt 3.81

notified LR 26 November 2009
s 1, s 2 commenced 26 November 2009 (LA s 75 (1))
sch 3 pt 3.81 commenced 17 December 2009 (s 2)

Construction Occupations Legislation Amendment Act 2010 A2010-8 pt 3

notified LR 3 March 2010
s 1, s 2 commenced 3 March 2010 (LA s 75 (1))
pt 3 commenced 3 September 2010 (s 2 (2) and LA s 79)

Construction Occupations Legislation (Exemption Assessment) Amendment Act 2010 A2010-24 pt 6

notified LR 8 July 2010
pt 1 commenced 8 July 2010 (s 2 (1))
pt 6 commenced 3 September 2010 (s 2 (2) and see Construction Occupations Legislation Amendment Act 2010 A2010-8 (s 2 (2) and LA s 79)

Justice and Community Safety Legislation Amendment Act 2010 (No 4) A2010-50 sch 1 pt 1.12

notified LR 14 December 2010
s 1, s 2 commenced 14 December 2010 (LA s 75 (1))
sch 1 pt 1.12 commenced 21 December 2010 (s 2 (1))

Planning and Development (Lease Variation Charges) Amendment Act 2011 A2011-19 sch 1 pt 1.2

notified LR 30 June 2011
s 1, s 2 commenced 30 June 2011 (LA s 75 (1))
sch 1 pt 1.2 commenced 1 July 2011 (s 2)

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

Administrative (One ACT Public Service Miscellaneous Amendments) Act 2011 A2011-22 sch 1 pt 1.161

notified LR 30 June 2011
s 1, s 2 commenced 30 June 2011 (LA s 75 (1))
sch 1 pt 1.161 commenced 1 July 2011 (s 2 (1))

Planning and Building Legislation Amendment Act 2011 A2011-23 pt 10

notified LR 6 July 2011
pt 1 commenced 6 July 2011 (s 2 (1))
pt 10 commenced 7 July 2011 (s 2 (5))

Unit Titles (Management) Act 2011 A2011-41 sch 5 pt 5.12

notified LR 3 November 2011
s 1, s 2 commenced 3 November 2011 (LA s 75 (1))
sch 5 pt 5.12 commenced 30 March 2012 (s 2 and CN2012-6)

Planning, Building and Environment Legislation Amendment Act 2012 A2012-23 pt 6

notified LR 28 May 2012
s 1, s 2 commenced 28 May 2012 (LA s 75 (1))
pt 6 commenced 29 May 2012 (s 2)

Public Unleased Land Act 2013 A2013-3 sch 2 pt 2.13

notified LR 21 February 2013
s 1, s 2 commenced 21 February 2013 (LA s 75 (1))
sch 2 pt 2.13 commenced 1 July 2013 (s 2)

Planning, Building and Environment Legislation Amendment Act 2013 A2013-15 pt 10

notified LR 21 May 2013
s 1, s 2 commenced 21 May 2013 (LA s 75 (1))
pt 10 commenced 22 May 2013 (s 2)

Planning, Building and Environment Legislation Amendment Act 2014 A2014-23 pt 6

notified LR 26 May 2014
s 1, s 2 commenced 26 May 2014 (LA s 75 (1))
pt 6 commenced 27 May 2014 (s 2)

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

Planning and Development (University of Canberra and Other Leases) Legislation Amendment Act 2015 A2015-19 pt 19

notified LR 11 June 2015
s 1, s 2 commenced 11 June 2015 (LA s 75 (1))
pt 19 commenced 1 July 2015 (s 2 and CN2015-9)

Red Tape Reduction Legislation Amendment Act 2016 A2016-18 sch 3 pt 3.46

notified LR 13 April 2016
s 1, s 2 commenced 13 April 2016 (LA s 75 (1))
sch 3 pt 3.46 commenced 27 April 2016 (s 2)

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

4 Amendment history

Long title
long title — am A2011-41 amdt 5.32

Commencement
s 2 — om LA s 89 (4)

Dictionary
s 3 — am A2011-41 amdt 5.33

Parcels
s 5 — am A2015-19 s 120

Units plan
s 7 — am A2005-37 s 4; pars renum R8 LA (see A2005-37 s 5)

Class B units
s 11 — am A2008-9 amdt 1.1

Meaning of *annexed*
s 12A — ins A2005-20 amdt 3.447

Minor boundary changes
s 16 — am A2015-19 s 121

Unit title applications—general requirements
s 17 — am A2001-44 amdt 1.4149; A2002-56 amdt 3.75; A2005-37 s 6; A2007-25 amdt 1.180; A2008-9 s 4; A2008-45 s 4; A2010-8 s 16; A2010-24 s 52; A2011-23 s 41; A2012-23 s 41, s 42; ss renum R24 LA; A2014-23 s 27; pars renum R28 LA

Unit title applications—land under declared land sublease
s 17A — ins A2015-19 s 122

Unit title applications—class A units and class B units
s 18 — am A2008-9 amdt 1.2

Unit title applications—unit subsidiaries
s 19 — am A2008-9 amdt 1.2

Unit title applications—approval
s 20 — am A2001-44 amdt 1.4150, amdt 1.4151; A2002-56 amdt 3.75, amdt 3.76; A2005-37 s 7, s 8; A2006-42 amdt 3.210, amdt 3.211; A2007-25 amdt 1.181, amdt 1.182; A2008-9 s 5, s 6; A2010-8 s 17; ss renum R18 LA; A2011-19 amdt 1.2, amdt 1.3; ss renum R21 LA; A2011-23 ss 42-45; ss renum R22 LA; A2013-3 amdt 2.36

Unit title applications—reasonable rent
s 21 — am A2002-56 amdts 3.57-3.59; A2008-37 amdt 1.504

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

Unit title applications—amendment of development statement by authority
s 22 sub A2002-56 amdt 3.60

Unit title assessment reports for unit title applications
div 3.1A hdg ins A2010-8 s 18

Meaning of *unit title assessor*
s 22A ins A2010-8 s 18

Unit title assessment reports
s 22B ins A2010-8 s 18
am A2010-24 s 53

Unit title assessment report applications—unit title assessor may require further information
s 22C ins A2010-8 s 18
am A2010-24 s 54

Unit title assessment report applications—contents of request for further information
s 22D ins A2010-8 s 18
am A2016-18 amdt 3.217

Unit title assessment report applications—effect of failure to provide further information
s 22E ins A2010-8 s 18

Unit title applications—authority may require further information
s 22F ins A2010-8 s 18

Unit title applications—contents of request for further information
s 22G ins A2010-8 s 18

Notice of approval of unit title applications
s 23 am A2002-56 amdt 3.61, amdt 3.75, amdt 3.76

Security for staged developments and unfinished work
s 24 am A2001-44 amdt 1.4152, amdt 1.4153; A2002-56 amdt 3.62, amdt 3.75

Endorsement of units plan for registration
s 27 am A2002-56 amdt 3.63, amdt 3.75, amdt 3.76; A2005-37 s 9; pars renum R8 LA (see A2005-37 s 10); A2007-25 amdt 1.182; A2008-9 s 7

Lapse of endorsement after 3 months
s 28 am A2002-56 amdt 3.75

Amendment of development statements before registration
s 29 am A2001-44 amdt 1.4154; A2002-56 amdt 3.64, amdt 3.65, amdt 3.75

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

Amendment of development statements after registration

s 30 am A2001-44 amdt 1.4154; A2002-56 amdt 3.66, amdt 3.67, amdt 3.75, amdt 3.76; A2005-37 ss 11-14; ss renum R8 LA (see A2005-37 s 15); A2008-45 s 5

Effect of registration of amendment

s 31 sub A2005-37 s 16
am A2007-25 amdt 1.183

Developer disclosure

div 3.4 hdg ins A2008-45 s 6
reloc to Civil Law (Property) Act 2006 div 2.9.2 hdg by A2011-41 amdt 5.38

Contract for sale of unit before registration of units plan

s 31A ins A2008-45 s 6
am A2011-41 amdts 5.34-5.37
reloc to Civil Law (Property) Act 2006 s 260 by A2011-41 amdt 5.38

Leases of units and common property

s 33 am A2007-25 amdt 1.184; A2011-41 amdt 5.39; A2015-19 s 123; ss renum R29 LA

Unit title easement rights

s 34 am A2007-25 amdt 1.185

Encroachments on public unleased land

div 4.3 hdg ins A2008-9 s 8
sub A2013-3 amdt 2.37

Effect of registration of units plan with encroachment on public unleased land

s 37A hdg sub A2013-3 amdt 2.38
s 37A ins A2008-9 s 8
am A2011-41 amdt 5.40; A2013-3 amdt 2.39

Owners corporations generally

pt 5 hdg om A2011-41 amdt 5.41

Establishment and legal status of owners corporation

div 5.1 hdg om A2011-41 amdt 5.41

Establishment of owners corporations

s 38 om A2011-41 amdt 5.41

Legal status of owners corporation

s 39 om A2011-41 amdt 5.41

Membership and representatives

div 5.2 hdg om A2011-41 amdt 5.41

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

Members of owners corporation
s 40 om A2011-41 amdt 5.41

Multiple owners of units—authorisation of representatives
s 41 om A2011-41 amdt 5.41

Multiple owners of units—functions of representatives
s 42 om A2011-41 amdt 5.41

Company-owned units—authorisation of representatives
s 43 om A2011-41 amdt 5.41

Company-owned units—functions of representatives
s 44 om A2011-41 amdt 5.41

Evidence of representative status
s 45 om A2011-41 amdt 5.41

General functions
div 5.3 hdg om A2011-41 amdt 5.41

General functions
s 46 om A2011-41 amdt 5.41

Restriction on owners corporation during developer control period
s 46A ins A2008-45 s 7
om A2011-41 amdt 5.41

Common property ownership
s 47 om A2011-41 amdt 5.41

Dealings in property
s 48 am A2001-58 s 103; A2008-45 s 8, s 9
om A2011-41 amdt 5.41

Special privileges relating to common property
s 49 om A2011-41 amdt 5.41

Surrender of leases in units
s 49A reloc and renum as s 167A

Exemptions for units plans with 4 or fewer units
s 50 am A2008-45 s 10
om A2011-41 amdt 5.43

General duties
s 51 am A2002-56 amdt 3.75; A2005-37 s 17; pars renum R8 LA (see A2005-37 s 18); A2007-25 amdt 1.186; A2008-45 s 11
om A2011-41 amdt 5.43

Animals—owners corporation's consent
s 51A ins A2008-45 s 12
om A2011-41 amdt 5.43

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

Structural defects—owners corporation may represent members

s 51B	ins A2008-45 s 12 om A2011-41 amdt 5.43

Owners corporation—entry to units

s 51C	ins A2008-45 s 12 om A2011-41 amdt 5.43

Work on behalf of particular unit owners or occupiers

s 52	am A2008-45 s 13

Recovery of costs—agreements under s 52

s 53	om A2011-41 amdt 5.43

Recovery of expenditure resulting from member or unit occupier's fault

s 54	om A2011-41 amdt 5.43

People appointed by owners corporation to help run owners corporation

div 5.3A hdg	ins A2008-45 s 15 om A2011-41 amdt 5.43

Manager—appointment

s 55	om A2008-45 s 14 ins A2008-45 s 15 om A2011-41 amdt 5.43

Manager—conditions of appointment

s 55A	ins A2008-45 s 15 om A2011-41 amdt 5.43

Manager—functions

s 55B	ins A2008-45 s 15 om A2011-41 amdt 5.43

Manager—ending appointment

s 55C	ins A2008-45 s 15 am A2009-49 amdt 3.204 om A2011-41 amdt 5.43

Manager—remedial breaches

s 55D	ins A2008-45 s 15 om A2011-41 amdt 5.43

Manager—code of conduct

s 55E	ins A2008-45 s 15 om A2011-41 amdt 5.43

Manager—public liability insurance

s 55F	ins A2008-45 s 15 om A2011-41 amdt 5.43

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

Manager—delegated functions

s 55G ins A2008-45 s 15
om A2011-41 amdt 5.43

Communications officer—appointment

s 55H ins A2008-45 s 15
om A2011-41 amdt 5.43

Communications officer—function

s 55I ins A2008-45 s 15
om A2011-41 amdt 5.43

Service contractors

div 5.3B hdg ins A2008-45 s 16
om A2011-41 amdt 5.43

Service contractor—contract and functions

sdiv 5.3B.1 hdg ins A2008-45 s 16
om A2011-41 amdt 5.43

Definitions—div 5.3B

s 55J ins A2008-45 s 16
om A2011-41 amdt 5.43
def ***service contract*** ins A2008-45 s 16
om A2011-41 amdt 5.43
def ***service contractor*** ins A2008-45 s 16
om A2011-41 amdt 5.43
def ***service contractor services*** ins A2008-45 s 16
om A2011-41 amdt 5.43

Service contractor—contract

s 55K ins A2008-45 s 16
om A2011-41 amdt 5.43

Service contractor not to be contracted for longer than 25 years

s 55L ins A2008-45 s 16
om A2011-41 amdt 5.43

Service contractor—functions

s 55M ins A2008-45 s 16
om A2011-41 amdt 5.43

Service contractor—transfer

s 55N ins A2008-45 s 16
om A2011-41 amdt 5.43

Service contractor—ending contract

s 55O ins A2008-45 s 16
am A2009-49 amdt 3.205
om A2011-41 amdt 5.43

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

Service contractor—remedial breaches
s 55P ins A2008-45 s 16
om A2011-41 amdt 5.43

Service contractor—contract and functions
sdiv 5.3B.2 hdg ins A2008-45 s 16
om A2011-41 amdt 5.43

Meaning of *financed service contract* and *financier*—subdiv 5.3B.2
s 55Q ins A2008-45 s 16
om A2011-41 amdt 5.43

Who is a *financier* for a service contract?
s 55R ins A2008-45 s 16
om A2011-41 amdt 5.43

Financed service contract—notice of change
s 55S ins A2008-45 s 16
om A2011-41 amdt 5.43

Financed service contract—limitation on ending
s 55T ins A2008-45 s 16
om A2011-41 amdt 5.43

Financed service contract—person authorised to act for financier
s 55U ins A2008-45 s 16
om A2011-41 amdt 5.43

Financed service contract—agreement between owners corporation and financier prohibited
s 55V ins A2008-45 s 16
om A2011-41 amdt 5.43

Finances of owners corporation
div 5.4 hdg om A2011-41 amdt 5.43

Definitions—div 5.4
s 55W ins A2008-45 s 17
om A2011-41 amdt 5.43
def ***initial sinking fund plan*** ins A2008-45 s 17
om A2011-41 amdt 5.43
def ***sinking fund expenditure*** ins A2008-45 s 17
om A2011-41 amdt 5.43
def ***sinking fund plan*** ins A2008-45 s 17
om A2011-41 amdt 5.43

Banking and investment of money of corporation
s 56 om A2011-41 amdt 5.43

Prohibition on business
s 57 om A2011-41 amdt 5.43

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

Borrowing powers

s 58	am A2008-45 s 18 om A2011-41 amdt 5.43

General funds (administrative or special purpose funds)

s 59	am A2005-20 amdt 3.448 om A2011-41 amdt 5.43

Contributions to general funds

s 60	om A2011-41 amdt 5.43

Sinking funds

s 61	am A2008-45 s 19, s 20 om A2011-41 amdt 5.43

Sinking funds—owners corporation to prepare initial 10-year plan

s 62	sub A2008-45 s 21 (4)-(6) exp 31 March 2011 (s 62 (6) (LA s 88 declaration applies)) om A2011-41 amdt 5.43

Sinking funds—review of initial sinking fund plan

s 63	sub A2008-45 s 21 om A2011-41 amdt 5.43

Sinking funds—owners corporation to prepare subsequent 10-year plans

s 63A	ins A2008-45 s 21 om A2011-41 amdt 5.43

Sinking funds—review of sinking fund plan

s 63B	ins A2008-45 s 21 om A2011-41 amdt 5.43

Sinking funds—contributions

s 64	om A2011-41 amdt 5.43

General and sinking funds in staged developments

s 64A	ins A2005-37 s 19 om A2011-41 amdt 5.43

Discounts and interest—amounts owing

s 65	am A2008-45 s 22, s 23 om A2011-41 amdt 5.43

Recovery of amounts owing

s 66	om A2011-41 amdt 5.43

Security for unpaid amounts—declaration of charge

s 67	om A2011-41 amdt 5.43

Security for unpaid amounts—discharge

s 68	om A2011-41 amdt 5.43

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

Liability of co-owners
s 69 om A2011-41 amdt 5.43

Information
div 5.5 hdg om A2011-41 amdt 5.43

Corporate register—establishment
s 70 om A2011-41 amdt 5.43

Corporate register—information for inclusion
s 71 am A2005-20 amdt 3.449
om A2011-41 amdt 5.43

Corporate register—access
s 72 om A2011-41 amdt 5.43

Names and addresses of executive members
s 73 om A2011-41 amdt 5.43

Insurance information
s 74 om A2011-41 amdt 5.43

Unit title certificate and access to owners corporation records
s 75 am A2001-44 amdt 1.4155, amdt 1.4156
sub A2008-45 s 24
om A2011-41 amdt 5.43

Acting on information in unit title certificate
s 76 om A2011-41 amdt 5.43

Failure to provide information (or certificate)—offence
s 77 om A2011-41 amdt 5.43

Owners corporation name, address and letterbox
s 78 am A2001-44 amdt 1.4157
om A2011-41 amdt 5.43

Service of documents on owners corporation
s 79 sub A2002-30 amdt 3.925
om A2011-41 amdt 5.43

Service of documents on members, interested people and occupiers
s 80 am A2002-30 amdt 3.926, amdt 3.927

Decision-making by owners corporations
pt 6 hdg om A2011-41 amdt 5.43

Executive committee
div 6.1 hdg om A2011-41 amdt 5.43

Executive committee—establishment
s 81 om A2011-41 amdt 5.43

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

Executive committee—functions

s 82	am A2008-45 s 25; ss renum R13 LA om A2011-41 amdt 5.43

Executive committee—before the first annual general meeting

s 83	am A2008-45 s 26 om A2011-41 amdt 5.43

Executive committee—after the first annual general meeting

s 84	am A2008-45 s 27, s 28 om A2011-41 amdt 5.43

Meetings of executive committee

s 85	om A2011-41 amdt 5.43

Quorum of executive committee

s 86	om A2011-41 amdt 5.43

Executive committee—office-holders

s 87	sub A2008-45 s 29 om A2011-41 amdt 5.43

Executive committee—chairperson's functions

s 87A	ins A2008-45 s 29 om A2011-41 amdt 5.43

Executive committee—secretary's functions

s 87B	ins A2008-45 s 29 om A2011-41 amdt 5.43

Executive committee—treasurer's functions

s 87C	ins A2008-45 s 29 om A2011-41 amdt 5.43

Voting of executive committee

s 88	om A2011-41 amdt 5.43

Decisions about staged development

s 88A	ins A2005-37 s 20 om A2011-41 amdt 5.43

Decisions about use of common property

s 88B	ins A2008-45 s 30 om A2011-41 amdt 5.43

Decisions about taking legal action

s 88C	ins A2008-45 s 30 om A2011-41 amdt 5.43

Taking urgent legal action

s 88D	ins A2008-45 s 30 om A2011-41 amdt 5.43

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

Delegation by executive committee

s 89	sub A2002-30 amdt 3.928 om A2011-41 amdt 5.43

Contractors and employees

s 90	sub A2008-45 s 31 om A2011-41 amdt 5.43

Minutes, records and accounts

s 91	am A2002-56 amdt 3.75

Validity of acts of executive committee

s 92	om A2011-41 amdt 5.43

General meetings

div 6.2 hdg	om A2011-41 amdt 5.43

Conduct of general meetings

s 93	om A2011-41 amdt 5.43

Annual general meetings

s 94	om A2011-41 amdt 5.43

First annual general meeting

s 95	am A2008-45 s 32, s 33 (3)-(5) exp 30 September 2009 (s 95 (5) (LA s 88 declaration applies)) om A2011-41 amdt 5.43

First annual general meeting—developer to deliver records

s 95A	ins A2008-45 s 34 om A2011-41 amdt 5.43

General meetings other than annual general meetings

s 96	om A2011-41 amdt 5.43

Notice of general meetings

s 97	om A2011-41 amdt 5.43

Defective notice of meetings

s 98	om A2011-41 amdt 5.43

Quorum at a general meeting—owners corporation with 3 or more members

s 99	om A2011-41 amdt 5.43

Notice of reduced quorum decisions and adjournments

s 100	am A2001-44 amdt 1.4158, amdt 1.4159 om A2011-41 amdt 5.43

Reduced quorum decisions—effect

s 101	om A2011-41 amdt 5.43

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

Quorum at a general meeting—owners corporation with 2 members
s 102 am A2008-45 s 35
om A2011-41 amdt 5.43

Chairperson at a general meeting
s 103 om A2011-41 amdt 5.43

Resolutions at general meetings
div 6.3 hdg om A2011-41 amdt 5.43

Decision-making at general meetings
s 104 om A2011-41 amdt 5.43

Ordinary resolutions
s 105 om A2011-41 amdt 5.43

Special resolutions
s 106 om A2011-41 amdt 5.43

Unopposed resolutions
s 107 om A2011-41 amdt 5.43

Unanimous resolutions
s 108 om A2011-41 amdt 5.43

Evidence of resolutions of owners corporation
s 109 om A2011-41 amdt 5.43

Voting at general meetings
div 6.4 hdg om A2011-41 amdt 5.43

Who is entitled to vote?
s 110 om A2011-41 amdt 5.43

Decisions about staged development
s 110A ins A2005-37 s 21
om A2011-41 amdt 5.43

One vote—1 unit
s 111 om A2011-41 amdt 5.43

Voting by mortgagees
s 112 om A2011-41 amdt 5.43

Mortgagee voting notice—amendment and revocation
s 113 am A2002-30 amdt 3.929
om A2011-41 amdt 5.43

Evidence of mortgagee's entitlement to vote
s 114 om A2011-41 amdt 5.43

Proxy votes
s 115 am A2008-45 s 36
om A2011-41 amdt 5.43

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

Proxy votes—limit on developer

s 115A	ins A2008-45 s 37
	om A2011-41 amdt 5.43

Value of votes

s 116	sub A2005-20 amdt 3.450
	om A2011-41 amdt 5.43

Polls

s 117	om A2011-41 amdt 5.43

Voting by chairperson

s 118	om A2011-41 amdt 5.43

Owners corporations with only 2 members—votes divided

s 119	om A2008-45 s 38

Absentee votes—unopposed and unanimous resolutions

s 120	om A2011-41 amdt 5.43

People under 18 or under other legal disabilities

s 121	am A2002-30 amdt 3.930
	om A2011-41 amdt 5.43

Declaration by chairperson of result of voting

s 122	om A2011-41 amdt 5.43

Dispute resolution

div 6.5 hdg	sub A2008-45 s 39
	om A2011-41 amdt 5.43

What is an *ACAT dispute*?

s 123	sub A2008-45 s 39
	om A2011-41 amdt 5.43

Who may apply to the ACAT?

s 124	sub A2008-45 s 39
	om A2011-41 amdt 5.43

Kinds of ACAT orders

s 125	sub A2008-45 s 39
	om A2011-41 amdt 5.43

Owners corporation articles

pt 7 hdg	om A2011-41 amdt 5.43

What are the articles of an owners corporation?

s 126	sub A2008-45 s 40
	om A2011-41 amdt 5.43

Effect of articles

s 127	am A2008-9 amdt 1.3
	om A2011-41 amdt 5.43

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

Amendment of articles

s 128	am A2008-45 s 41; ss renum R13 LA om A2011-41 amdt 5.43

Breach of articles—article infringement notice

s 129	sub A2008-45 s 42 om A2011-41 amdt 5.43

Breach of articles—failure to comply with article infringement notice

s 129A	ins A2008-45 s 42 om A2011-41 amdt 5.43

Breach of articles—request for article infringement notice

s 129B	ins A2008-45 s 42 om A2011-41 amdt 5.43

Application of Legislation Act

s 130 hdg	sub A2001-56 amdt 3.859
s 130	am A2001-56 amdt 3.860 om A2011-41 amdt 5.43

Implied warranties

pt 7A hdg	ins A2008-45 s 43 reloc to Civil Law (Property) Act 2006 div 2.9.3 hdg by A2011-41 amdt 5.47

Meaning of *implied warranties*—div 2.9.3

s 130A hdg	am A2011-41 amdt 5.44
s 130A	ins A2008-45 s 43 am A2011-41 amdt 5.45 reloc to Civil Law (Property) Act 2006 s 261 by A2011-41 amdt 5.47

Purpose—div 2.9.3

s 130B hdg	am A2011-41 amdt 5.44
s 130B	ins A2008-45 s 43 am A2011-41 amdt 5.45 reloc to Civil Law (Property) Act 2006 s 262 by A2011-41 amdt 5.47

Implied warranties and right to cancel—effect

s 130C	ins A2008-45 s 43 am A2011-41 amdt 5.45 reloc to Civil Law (Property) Act 2006 s 263 by A2011-41 amdt 5.47

Implied warranties

s 130D	ins A2008-45 s 43 reloc to Civil Law (Property) Act 2006 s 264 by A2011-41 amdt 5.47

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

Cancellation of contract

s 130E	ins A2008-45 s 43 reloc to Civil Law (Property) Act 2006 s 265 by A2011-41 amdt 5.47

Claim for compensation

s 130F	ins A2008-45 s 43 am A2011-41 amdt 5.46 reloc to Civil Law (Property) Act 2006 s 266 by A2011-41 amdt 5.47

Insurance

pt 8 hdg	om A2011-41 amdt 5.48

Public liability insurance by owners corporation

s 131	om A2011-41 amdt 5.48

Building insurance by owners corporation

s 132	am A2005-37 s 22 om A2011-41 amdt 5.48

Exemptions from building insurance requirements

s 133	om A2011-41 amdt 5.48

Mortgage insurance of unit

s 134	om A2011-41 amdt 5.48

Payment under mortgage insurance policies

s 135	om A2011-41 amdt 5.48

Transfer of mortgagee's interest to insurer

s 136	om A2011-41 amdt 5.48

Application of insurance money by owners corporation

s 137	am A2008-45 s 53 om A2011-41 amdt 5.48

Additional insurance—owners corporation

s 138	om A2011-41 amdt 5.48

Additional insurance—unit owners

s 139	om A2011-41 amdt 5.48

Administrators

pt 9 hdg	om A2011-41 amdt 5.48

Interested parties

div 9.1 hdg	om A2011-41 amdt 5.48

Who may apply for an administration order?

s 140	am A2008-45 s 53; A2011-22 amdt 1.451 om A2011-41 amdt 5.48

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

ACAT appearances and service of applications

s 141 hdg	am A2008-45 s 53
s 141	am A2008-45 s 53; A2011-22 amdt 1.451 om A2011-41 amdt 5.48

Interested parties

div 9.2 hdg	om A2011-41 amdt 5.48

Appointment, removal and functions

s 142	am A2002-30 amdt 3.931; A2008-45 s 53 om A2011-41 amdt 5.48

Removal or replacement of administrator

s 143	am A2008-45 s 53 om A2011-41 amdt 5.48

Functions of administrator

s 144	am A2008-45 s 53 om A2011-41 amdt 5.48

Delegation by administrator

s 145	sub A2002-30 amdt 3.932 om A2011-41 amdt 5.48

Unit entitlement authority—grant

s 146	am A2001-44 amdt 1.4160; A2002-56 amdt 3.75; A2008-45 s 44

Boundary authority—grant

s 149	am A2001-44 amdt 1.4160; A2002-56 amdt 3.75

Boundary authorities—registration

s 151	am A2007-25 amdt 1.187

Building damage orders—right of appearance

s 153	am A2008-45 s 53; A2011-22 amdt 1.451; A2011-41 amdt 5.49, amdt 5.50

Provisional building damage order—application

s 154	am A2001-44 amdt 1.4160; A2002-56 amdt 3.68, amdt 3.69, amdt 3.75; A2005-25 s 4; A2007-25 amdt 1.188; A2008-45 s 53

Provisional building damage order—approval of scheme

s 155	am A2002-56 amdt 3.75; A2008-45 s 53

Provisional building damage order—period of effect

s 156	am A2008-45 s 45

Final building damage order—amendment of units plan

s 157	am A2008-45 s 53

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

Final building damage order—period of effect
s 158 am A2008-45 s 46

Final building damage order—registration
s 159 am A2007-25 amdt 1.189

Cancellation authority—grant by planning and land authority
s 160 hdg sub A2005-25 s 5
s 160 am A2001-44 amdt 1.4160; A2002-56 amdt 3.75; A2005-25 ss 6-8; ss renum R6 LA (see A2005-25 s 9)

Cancellation authority—period of effect
s 161 hdg sub A2005-25 s 10

Cancellation orders
div 11.2 hdg om A2005-25 s 12
ins A2005-25 s 11

Cancellation orders—Supreme Court powers
s 161A ins A2005-25 s 11

Cancellation orders—provisional orders
s 161B ins A2005-25 s 11

Cancellation orders—after provisional order is made
s 161C ins A2005-25 s 11

Cancellation orders—right of appearance
s 161D ins A2005-25 s 11
am A2011-22 amdt 1.451; A2011-41 amdt 5.51, amdt 5.52

Effects of cancellation
div 11.3 hdg ins A2005-25 s 12

Cancellation of units plan—effects
s 162 am A2005-25 s 13

Cancellation of units plan—new lease over parcel
s 163 am A2002-56 amdt 3.75; A2005-25 s 14

Dissolution of owners corporation—Supreme Court powers
s 165 hdg sub A2005-25 s 15
s 165 am A2005-25 s 16, s 17, s 19; pars renum R6 LA (see A2005-25 s 18); A2011-22 amdt 1.451; A2011-41 amdt 5.53, amdt 5.54

Changing 2-unit units plans to subdivisions
pt 11A hdg ins A2008-45 s 47

Application—pt 11A
s 165A ins A2008-45 s 47

Subdivision of units plan—application
s 165B ins A2008-45 s 47

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

Lease variations and grants of further leases
pt 12 hdg sub A2011-41 amdt 5.55; A2015-19 s 124

Variation of leases
div 12.1 hdg ins A2011-41 amdt 5.55

Development applications to vary lease under Planning and Development Act
s 166 hdg sub A2007-25 amdt 1.190
s 166 am A2002-56 amdt 3.75; A2007-25 amdt 1.191, amdt 1.192; A2015-19 s 125

Lease variation—amendment of schedule of unit entitlement
s 167 sub A2002-56 amdt 3.70

Grants of further leases
div 12.2 hdg ins A2011-41 amdt 5.56
sub A2015-19 s 126

Declared land subleases—grant of further leases
s 167AA ins A2015-19 s 126

Grant of further leases—generally
s 167A (prev s 49A) ins A2010-50 amdt 1.53
reloc and renum as s 167A A2011-41 amdt 5.42
sub A2015-19 s 127

Declared land subleases—surrender of leases in units without grant of further leases
s 167B ins A2015-19 s 127

Effects of lease expiry
s 168 am A2015-19 s 128, s 129; ss renum R29 LA

Dissolution of owners corporation on lease expiry—Supreme Court powers
s 169 hdg sub A2005-25 s 20
s 169 am A2005-25 s 21, s 22, s 24; pars renum R6 LA (see A2005-25 s 23); A2011-22 amdt 1.451; A2011-41 amdt 5.57, amdt 5.58

Effect of termination of unit lease
s 170 am A2002-56 amdt 3.71, amdt 3.76; A2007-25 amdt 1.193; A2015-19 s 130

New unit lease
s 171 am A2002-56 amdt 3.75; A2007-25 amdts 1.194-1.196

New unit lease—schedule of unit entitlement
s 172 am A2007-25 amdt 1.197, amdt 1.198; A2015-19 s 131

Notification and review of decisions
pt 14 hdg sub A2008-37 amdt 1.505

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

Definitions—pt 14

s 173	am A2002-56 amdt 3.72, amdt 3.75 sub A2008-37 amdt 1.505 def ***internally reviewable decision*** ins A2008-37 amdt 1.505 def ***internal reviewer*** ins A2008-37 amdt 1.505 def ***internal review notice*** ins A2008-37 amdt 1.505 def ***reviewable decision*** ins A2008-37 amdt 1.505

Internal review notices

s 173A	ins A2008-37 amdt 1.505

Objections

s 174	am A2002-56 amdt 3.75 sub A2008-37 amdt 1.505

Internal reviewer

s 174A	ins A2008-37 amdt 1.505

Review by internal reviewer

s 175	am A2002-56 amdt 3.75 sub A2008-37 amdt 1.505

Reviewable decision notices

s 176	sub A2008-37 amdt 1.505

Effect of decision to allow objection

s 177	sub A2008-37 amdt 1.505

Applications for review

s 177A	ins A2008-37 amdt 1.505

Removal of matters from ACAT to Supreme Court

s 178 hdg	am A2008-45 s 53
s 178	am A2008-45 s 53 om A2011-41 amdt 5.59

Determination of fees

s 179	sub A2001-44 amdt 1.4161 am A2006-42 amdt 3.211; A2011-41 amdt 5.60

Approved forms

s 180	sub A2001-44 amdt 1.4161 am A2002-30 amdt 3.933; A2002-56 amdt 3.75; A2006-42 amdt 3.211

Regulation-making power

s 181	sub A2001-44 amdt 1.4161 am A2010-8 s 19

Repeals and transitional

pt 16 hdg	exp 5 April 2003 (s 194)

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

Definitions for pt 16
s 182 exp 5 April 2003 (s 194)

Repeal of Unit Titles Act 1970 and Unit Titles Regulations
s 183 om LA s 89 (3)

Units plans, corporations and committees
s 184 exp 5 April 2003 (s 194)

Mixed class A and class B unit title proposals
s 185 exp 5 April 2003 (s 194)

Transitional unit title proposals
s 186 exp 5 April 2003 (s 194)

Transitional unit title approvals
s 187 exp 5 April 2003 (s 194)

Representatives—multiply-owned units and company-owned units
s 188 exp 5 April 2003 (s 194)

General meetings notified before commencement day
s 189 exp 5 April 2003 (s 194)

Finances of transitional corporations
s 190 exp 5 April 2003 (s 194)

Work on behalf of unit owners
s 191 exp 5 April 2003 (s 194)

Articles
s 192 exp 5 April 2003 (s 194)

Insurance
s 193 exp 5 April 2003 (s 194)

Expiry of pt 16
s 194 sub A2002-30 amdt 3.934
exp 5 April 2003 (s 194)

Transitional—Unit Titles Amendment Act 2008 (No 2)
pt 20 hdg ins A2008-45 s 48
exp 31 March 2014 (s 254 (LA s 88 declaration applies))

Definitions—pt 20
s 250 ins A2008-45 s 48
exp 31 March 2014 (s 254 (LA s 88 declaration applies))
def ***commencement day*** ins A2008-45 s 48
exp 31 March 2014 (s 254 (LA s 88 declaration applies))
def ***pre-amendment Act*** ins A2008-45 s 48
exp 31 March 2014 (s 254 (LA s 88 declaration applies))

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

Transitional—unit title application for 2-unit units plan

s 251 ins A2008-45 s 48
exp 31 March 2014 (s 254 (LA s 88 declaration applies))

Transitional regulations

s 252 ins A2008-45 s 48
exp 31 March 2014 (s 254 (LA s 88 declaration applies))

Transitional effect—Legislation Act, s 88

s 253 ins A2008-45 s 48
exp 31 March 2014 (s 254 (LA s 88 declaration applies))

Expiry—pt 20

s 254 ins A2008-45 s 48
exp 31 March 2014 (s 254 (LA s 88 declaration applies))

Transitional—Construction Occupations Legislation Amendment Act 2010

pt 25 hdg ins A2010-8 s 20
exp 3 September 2015 (s 303)

Meaning of *commencement day*—pt 25

s 300 ins A2010-8 s 20
exp 3 September 2015 (s 303)

Transitional—unit title applications lodged before commencement day

s 301 ins A2010-8 s 20
exp 3 September 2015 (s 303)

Transitional regulations—pt 25

s 302 ins A2010-8 s 20
exp 3 September 2015 (s 303)

Expiry—pt 25

s 303 ins A2010-8 s 20
exp 3 September 2015 (s 303)

Reviewable decisions

sch 1 hdg sub A2008-37 amdt 1.506
sch 1 am A2006-42 amdt 3.212; A2008-37 amdt 1.507; A2013-15 s 20

Dictionary

dict am A2002-30 amdt 3.935; A2006-42 amdt 3.213; A2008-37 amdt 1.508; A2008-45 s 49; A2009-49 amdt 3.206; A2011-22 amdt 1.452; A2011-41 amdt 5.61
def ***ACAT dispute*** ins A2008-45 s 50
om A2011-41 amdt 5.62
def ***address for correspondence*** sub A2011-41 amdt 5.63
def ***administration order*** om A2011-41 amdt 5.64
def ***administrative fund*** om A2011-41 amdt 5.64
def ***administrator*** sub A2011-41 amdt 5.65
def ***annexed*** sub A2005-20 amdt 3.451

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

def ***appoint*** ins A2008-45 s 50
def ***article*** ins A2005-20 amdt 3.452
om A2011-41 amdt 5.66
def ***attachment*** ins A2008-9 s 9
def ***building and development provision*** ins A2007-25 amdt 1.199
def ***cancellation dissolution order*** sub A2005-25 s 25
def ***cancellation order*** ins A2005-25 s 26
def ***communications officer*** ins A2008-45 s 50
om A2011-41 amdt 5.66
def ***company*** sub A2011-41 amdt 5.67
def ***company representative*** om A2005-20 amdt 3.453
def ***contribution*** om A2011-41 amdt 5.68
def ***corporate register*** sub A2011-41 amdt 5.69
def ***Crown lease*** ins A2015-19 s 132
def ***Crown lessee*** ins A2015-19 s 132
def ***deadlock order*** om A2011-41 amdt 5.70
def ***declared land sublease*** ins A2015-19 s 132
def ***default articles*** sub A2008-45 s 51
om A2011-41 amdt 5.70
def ***developer*** ins A2008-45 s 52
def ***developer control period*** ins A2008-45 s 52
om A2011-41 amdt 5.70
def ***development covenant*** om A2007-25 amdt 1.200
def ***development statement*** sub A2002-56 amdt 3.74
def ***eligible person*** am A2002-56 amdt 3.75
om A2011-41 amdt 5.70
def ***encroachment*** ins A2008-9 s 9
def ***entitled to vote*** sub A2005-20 amdt 3.454; A2011-41 amdt 5.71
def ***executive committee*** om A2011-41 amdt 5.72
def ***executive member*** sub A2011-41 amdt 5.73
def ***expiry dissolution order*** sub A2005-25 s 27
def ***financial year*** om A2011-41 amdt 5.74
def ***financier*** ins A2008-45 s 52
om A2011-41 amdt 5.74
def ***full name*** om A2011-41 amdt 5.74
def ***general fund*** om A2011-41 amdt 5.74
def ***general funds budget*** om A2011-41 amdt 5.74
def ***GST*** om A2005-20 amdt 3.455
def ***implied warranties*** ins A2008-45 s 52
om A2011-41 amdt 5.74
def ***initial sinking fund plan*** ins A2008-45 s 52
om A2011-41 amdt 5.74
def ***interest*** sub A2015-19 s 133
def ***interested non-voter*** am A2011-41 amdt 5.75
def ***interested party*** om A2011-41 amdt 5.76

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

def ***internally reviewable decision*** ins A2008-37 amdt 1.509
def ***internal reviewer*** ins A2008-37 amdt 1.509
def ***internal review notice*** ins A2008-37 amdt 1.509
def ***Land Act*** om A2007-25 amdt 1.201
def ***lease*** am A2007-25 amdt 1.202
sub A2015-19 s 134
def ***manager*** ins A2008-45 s 52
om A2011-41 amdt 5.76
def ***member*** ins A2011-41 amdt 5.77
def ***mortgage*** sub A2011-41 amdt 5.78
def ***mortgagee*** sub A2011-41 amdt 5.78
def ***mortgagee's representative*** om A2005-20 amdt 3.455
ins A2011-41 amdt 5.80
def ***mortgagee voting notice*** om A2011-41 amdt 5.81
def ***mortgage insurance policy*** om A2011-41 amdt 5.79
def ***ordinary resolution*** sub A2011-41 amdt 5.82
def ***owners corporation*** sub A2011-41 amdt 5.82
def ***part-owner*** sub A2011-41 amdt 5.83
def ***proportional share*** om A2011-41 amdt 5.84
def ***public place*** ins A2008-9 s 9
am A2013-3 amdt 2.40
def ***reduced quorum*** om A2011-41 amdt 5.84
def ***reduced quorum decision*** om A2011-41 amdt 5.84
def ***representative*** om A2011-41 amdt 5.84
def ***reviewable decision*** sub A2008-37 amdt 1.510
def ***schedule of unit entitlement*** sub A2005-20 amdt 3.456
def ***secretary*** ins A2008-45 s 52
om A2011-41 amdt 5.84
def ***service contract*** ins A2008-45 s 52
om A2011-41 amdt 5.84
def ***service contractor*** ins A2008-45 s 52
om A2011-41 amdt 5.84
def ***sinking fund*** om A2011-41 amdt 5.84
def ***sinking fund expenditure*** ins A2008-45 s 52
om A2011-41 amdt 5.84
def ***sinking fund plan*** ins A2008-45 s 52
om A2011-41 amdt 5.84
def ***special purpose fund*** om A2011-41 amdt 5.84
def ***special resolution*** sub A2011-41 amdt 5.85
def ***standard quorum*** om A2011-41 amdt 5.86
def ***termination*** sub A2007-25 amdt 1.203; A2015-19 s 134
def ***total sinking fund amount*** om A2011-41 amdt 5.86
def ***treasurer*** ins A2008-45 s 52
om A2011-41 amdt 5.86
def ***unanimous resolution*** sub A2011-41 amdt 5.87
def ***unit owners' representative*** om A2005-20 amdt 3.457
def ***units plan*** sub A2005-20 amdt 3.458

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

def ***unit title assessment report*** ins A2010-8 s 21
def ***unit title assessor*** ins A2010-8 s 21
def ***unit title certificate*** om A2011-41 amdt 5.88
def ***unopposed resolution*** sub A2011-41 amdt 5.89
def ***utility services*** am A2011-41 amdt 5.90
def ***voting value*** om A2011-41 amdt 5.91

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

5 Earlier republications

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (*) in column 1. Electronic and printed versions of an authorised republication are identical.

Republication No and date	Effective	Last amendment made by	Republication for
R1* 5 Oct 2001	5 Oct 2001– 9 Mar 2002	A2001-58	new Act and amendments by A2001-44 and A2001-56
R1 (RI) 27 Sept 2002	5 Oct 2001– 9 Mar 2002	A2001-58	reissue for retrospective amendments by A2002-30
R2* 10 Mar 2002	10 Mar 2002– 16 Sept 2002	A2001-58	amendments by A2001-58
R2 (RI) 27 Sept 2002	10 Mar 2002– 16 Sept 2002	A2001-58	reissue for retrospective amendments by A2002-30
R3 27 Sept 2002	17 Sept 2002– 5 Apr 2003	A2002-30	amendments by A2002-30
R4 7 Apr 2003	6 Apr 2003– 30 June 2003	A2002-56	commenced expiry
R5 1 July 2003	1 July 2003– 11 May 2005	A2002-56	amendments by A2002-56
R6 12 May 2005	12 May 2005– 1 June 2005	A2005-25	amendments by A2005-25
R7 2 June 2005	2 June 2005– 13 Sept 2005	A2005-25	amendments by A2005-20
R8* 14 Sept 2005	14 Sept 2005– 15 Nov 2006	A2005-37	amendments by A2005-37

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

Republication No and date	Effective	Last amendment made by	Republication for
R9 16 Nov 2006	16 Nov 2006– 30 Mar 2008	A2006-42	amendments by A2006-42
R10 31 Mar 2008	31 Mar 2008– 17 Apr 2008	A2007-25	amendments by A2007-25
R11 18 Apr 2008	18 Apr 2008– 1 Feb 2009	A2008-9	amendments by A2008-9
R12 2 Feb 2009	2 Feb 2009– 30 Mar 2009	A2008-45	amendments by A2008-37 and A2008-45
R13 31 Mar 2009	31 Mar 2009– 30 June 2009	A2008-45	amendments by A2008-45
R14 1 July 2009	1 July 2009– 9 Sept 2009	A2008-45	amendments by A2008-45
R15 10 Sept 2009	10 Sept 2009– 30 Sept 2009	A2008-45	amendments by A2008-45
R16* 1 Oct 2009	1 Oct 2009– 16 Dec 2009	A2008-45	commenced expiry
R17 17 Dec 2009	17 Dec 2009– 2 Sept 2010	A2009-49	amendments by A2009-49
R18 3 Sept 2010	3 Sept 2010– 20 Dec 2010	A2010-24	amendments by A2010-8 and A2010-24
R19 21 Dec 2010	21 Dec 2010– 31 Mar 2011	A2010-50	amendments by A2010-50
R20 1 Apr 2011	1 Apr 2011– 30 June 2011	A2010-50	expiry of provision (s 62 (4)-(6))
R21 1 July 2011	1 July 2011– 6 July 2011	A2011-22	amendments by A2011-19 and A2011-22
R22 7 July 2011	7 July 2011– 29 Mar 2012	A2011-23	amendments by A2011-23

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

5 Earlier republications

Republication No and date	Effective	Last amendment made by	Republication for
R23 30 Mar 2012	30 Mar 2012– 28 May 2012	A2011-41	relocation of provisions to Civil Law (Property) Act 2006 and other amendments by A2011-41
R24 29 May 2012	29 May 2012– 21 May 2013	A2012-23	amendments by A2012-23
R25 22 May 2013	22 May 2013– 30 June 2013	A2013-15	amendments by A2013-15
R26* 1 July 2013	1 July 2013– 31 Mar 2014	A2013-3	amendments by A2013-3
R27 1 Apr 2014	1 Apr 2014- 26 May 2014	A2013-3	expiry of transitional provisions (pt 20)
R28 27 May 2015	27 May 2015- 30 June 2015	A2014-23	amendments by A2014-23
R29 1 July 2015	1 July 2015– 3 Sept 2015	A2015-19	amendments by A2015-19
R30 4 Sept 2015	4 Sept 2015– 26 Apr 2016	A2015-19	expiry of transitional provisions (pt 25)

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

6 Expired transitional or validating provisions

This Act may be affected by transitional or validating provisions that have expired. The expiry does not affect any continuing operation of the provisions (see *Legislation Act 2001*, s 88 (1)).

Expired provisions are removed from the republished law when the expiry takes effect and are listed in the amendment history using the abbreviation 'exp' followed by the date of the expiry.

To find the expired provisions see the version of this Act before the expiry took effect. The ACT legislation register has point-in-time versions of this Act.

© Australian Capital Territory 2016

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au