

No. 31 of 1975

## AN ORDINANCE

To amend the *Unit Titles Ordinance 1970-1971*.

I, THE GOVERNOR-GENERAL of Australia, acting with the advice of the Executive Council, hereby make the following Ordinance under the *Seat of Government (Administration) Act 1910-1973*.

Dated this Thirtieth day of September, 1975.

JOHN R. KERR  
Governor-General.

By His Excellency's Command,

GORDON M. BRYANT  
Minister of State for the Capital Territory.

### UNIT TITLES ORDINANCE 1975

1. (1) This Ordinance may be cited as the *Unit Titles Ordinance 1975*.<sup>\*</sup> Short title and citation.

(2) The *Unit Titles Ordinance 1970-1971*<sup>†</sup> is in this Ordinance referred to as the Principal Ordinance.

(3) The Principal Ordinance as amended by this Ordinance may be cited as the *Unit Titles Ordinance 1970-1975*.

2. Section 12 of the Principal Ordinance is amended by omitting paragraph (1)(b) and substituting the following paragraph:— Documents to be included in proposals.

“ (b) a schedule specifying—

- (i) in respect of each unit—a whole number, being the unit entitlement proposed for that unit;
- (ii) a whole number, being the aggregate unit entitlement proposed for all the units; and
- (iii) the rent (however expressed) that it is proposed will be reserved under the lease of each unit; and ”.

3. Section 16 of the Principal Ordinance is amended— Approval of sub-division.

(a) by omitting paragraphs (1)(b) and (c) and substituting the following paragraphs:—

- “ (b) the schedule of unit entitlement is reasonable, having regard to the respective values of the units;
- (c) the proposals conform to the preceding provisions of this Part; and

<sup>\*</sup> Notified in the *Australian Government Gazette* on 1 October 1975.  
<sup>†</sup> Ordinance No. 31, 1970, as amended by No. 10, 1971.

(d) in the case of proposals that have been submitted to the Minister after the commencement of the *Unit Titles Ordinance 1975*, the rent proposed to be reserved under the lease of each unit is reasonable in the circumstances of the sub-division.”; and

(b) by adding at the end thereof the following sub-sections:—

“ (4) Where the Minister refuses to approve proposals on the ground that the rent proposed to be reserved under the lease of each unit is not reasonable, he shall specify to the lessee of the parcel, in the case of each unit, the rent that he considers to be reasonable and the rent so specified shall, subject to this section, be taken to be a reasonable rent for the purposes of paragraph (1)(d).

“ (5) Where the Minister refuses to approve proposals on the ground referred to in sub-section (4), the lessee of the parcel, within 30 days of being notified of the Minister's refusal, may request the Valuation Review Board referred to in section 30 of the *Rates Ordinance 1926-1975* to review any of the rents specified by the Minister, whereupon the Board shall review those rents and, subject to sub-section (8), may confirm the rents as reasonable or set them aside wholly or in part and substitute such other rents as, in the opinion of the Board, are reasonable.

“ (6) Subject to sub-section (7), a rent confirmed or substituted by the Board under sub-section (5) shall be taken to be a reasonable rent for the purposes of paragraph (1)(d).

“ (7) Where a rent specified by the Minister has been reviewed by the Valuation Review Board, the Minister or the lessee may, within 30 days of the decision of the Board on the review, appeal to the Supreme Court which shall hear and determine the appeal and, subject to sub-section (8), may confirm or set aside the decision of the Board or may vary that decision in such a manner as to the Court seems proper whereupon the decision as so varied has effect as if it had been the decision of the Board.”.

“ (8) Where, in pursuance of sub-section (4), the Minister has specified rents in respect of the leases of the units and the amounts of those rents in the aggregate are the same as the amount of rent payable under the lease of the parcel, neither the Valuation Review Board nor the Supreme Court shall, in substituting a rent or rents, cause the aggregate of the amounts of all of the rents to be an amount other than that payable under the lease of the parcel.”.

Conditional approval of sub-division.

4. Section 17 of the Principal Ordinance is amended—

(a) by omitting the words “An approval under the last preceding section” and substituting the words “(1) Subject to this section, an approval under section 16”; and

(b) by adding at the end thereof the following sub-section:—

“(2) Sub-section (1) does not apply where each of the units and each of the unit subsidiaries (if any) into which it is proposed to sub-divide the parcel is a part of the parcel wholly unlimited in its vertical dimensions.”.

5. Section 18 of the Principal Ordinance is amended by omitting paragraphs (1)(b) and (c) and substituting the following paragraphs:—

Documents to be forwarded to lessee by Minister.

- “(b) a schedule setting out, in relation to each of the units, the rent to be reserved under the lease of the unit and the provisions, covenants and conditions subject to which the lease of the unit is to be held;
- (c) a schedule setting out, in relation to the common property, the provisions, covenants and conditions subject to which the lease of the common property is to be held; and
- (d) where, in accordance with section 18A, the Minister requires the lessee of the parcel to give security, a notice informing the lessee of that requirement.”.

6. The Principal Ordinance is amended by inserting after section 18 the following section:—

“18A. (1) Where the Minister gives his approval, not being a conditional approval under section 17, in respect of proposals that provide for the erection or alteration of, or an addition to, a building or buildings, he may require the lessee of the parcel of land to give security in accordance with this section for the due completion, within such time as the Minister may allow, of the erection or alteration of, or addition to, the building or buildings.

Lessee to give security in certain circumstances where proposals approved.

“(2) The security referred to in sub-section (1) is a bond to Australia in accordance with a form approved by the Minister in an amount not exceeding 10 per centum of the total cost of the erection or alteration of, or addition to, the building or buildings with a surety approved by the Minister in the same amount in accordance with a form approved by the Minister.

“(3) Where a bond given in pursuance of sub-section (1) is forfeited, Australia shall be entitled to the whole of the moneys specified in the bond or to such lesser amount as the Minister may determine.

“(4) Where, in relation to a parcel of land—

- (a) the Minister has approved proposals in respect of which security has been given in pursuance of this section;
- (b) the units plan in respect of the proposals has been registered; and
- (c) the lease or an interest in the lease of a unit, being one of the units into which the parcel has been sub-divided, has been transferred or assigned with the consent of the Minister under sub-section 28 (3) of the *City Area Leases Ordinance 1936-1975*,

the proposals in so far as they relate to the erection or alteration of, or addition to, a building in respect of that unit shall be disregarded in determining for the purposes of this section whether the erection or alteration of, or addition to, the building or buildings provided for in the proposals has been duly completed.”.

Rent under leases of units.

7. Section 20 of the Principal Ordinance is amended by inserting after the words “ to the unit ) ” the words “, in the case of a sub-division the proposals for which were approved by the Minister, whether conditionally or otherwise, before the date of commencement of the *Unit Titles Ordinance 1975*.”.

Endorsement of units plan for registration.

8. Section 22 of the Principal Ordinance is amended—

(a) by omitting from sub-section (4) the words “ The Minister shall ” and substituting the words “ Subject to sub-section (6), the Minister shall ”; and

(b) by adding at the end thereof the following sub-sections:—

“ (5) Paragraph (4)(a) does not apply where the proposals approved by the Minister provide for the erection or alteration of, or an addition to, a building or buildings.

“ (6) Where the Minister, in pursuance of section 18A, requires the lessee of the parcel to give security, the Minister shall not make an endorsement under sub-section (4) unless the documents submitted to him under sub-section (1) are accompanied by the security required by the Minister.”.

Easements created by this Ordinance.

9. Section 27 of the Principal Ordinance is amended by omitting paragraph (3)(a) and substituting the following paragraph:—

“ (a) rights of support, shelter and protection—

(i) afforded by the servient tenement at the time of the registration of the units plan; and

(ii) where the lease of the servient tenement is subject to a covenant requiring the proprietor of that tenement to carry out any works on the land included in the lease or on unleased land adjacent to the land included in the lease, that will be afforded by the servient tenement upon compliance by the proprietor with that covenant;”.

General duties.

10. Section 36 of the Principal Ordinance is amended—

(a) by omitting the words “ A corporation shall ” and substituting the words “ (1) Subject to this section, a corporation shall ”; and

(b) by adding at the end thereof the following sub-section:—

“ (2) Where the lease of a unit or the common property is subject to a covenant whereby the lessee is required to carry out any works on the land included in the lease or

on unleased land adjacent to the land included in the lease, paragraphs (1)(b) and (c) shall not apply to the corporation until the issue by the Minister in respect of that covenant, and in respect of any similar covenant to which any other of the leases, in accordance with the units plan, is subject, of a certificate in pursuance of sub-section 28 (2A) of the *City Area Leases Ordinance 1936-1975*.