

Australian Capital Territory

Civil Law (Sale of Residential Property) Act 2003

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About this republication

The republished law

This is a republication of the *Civil Law (Sale of Residential Property) Act 2003* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 1 November 2025. It also includes any commencement, amendment, repeal or expiry affecting this republished law to 1 November 2025.

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 $160 for an individual and $810 for a corporation (see *Legislation Act 2001*, s 133).



Australian Capital Territory

Civil Law (Sale of Residential Property) Act 2003

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Civil Law (Sale of Residential Property) Act 2003

An Act to make provision in relation to the sale of residential property, and for other purposes

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Part 1 Preliminary

1 Name of Act

This Act is the *Civil Law (Sale of Residential Property) Act 2003*.

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 '***units plan***—see the *Unit Titles Act 2001*, section 7.' means that the term 'units plan' is defined in that section 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.

5 Offences against Act—application of Criminal Code etc

Other legislation applies in relation to offences against this Act.

Note 1 *Criminal Code*

The Criminal Code, ch 2 applies to all offences against this Act (see Code, pt 2.1).

The chapter sets out the general principles of criminal responsibility (including burdens of proof and general defences), and defines terms used for offences to which the Code applies (eg ***conduct***, ***intention***, ***recklessness*** and ***strict liability***).

Note 2 *Penalty units*

The Legislation Act, s 133 deals with the meaning of offence penalties that are expressed in penalty units.

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Part 2 Sale of residential property

6 Application of pt 2

(1) This part applies to a contract, or proposed contract, for the sale of residential property.

(2) However, this part does not apply to a contract, or proposed contract, for the sale of residential property if—

(a) the contract arises from the exercise of an option to buy the property and—

(i) the option was contained in a will or sublease; or

(ii) the period for exercise of the option was longer than 60 days; or

(b) the buyer is a related person of the seller.

(3) Also, this part does not apply to a contract, or proposed contract, for the sale of residential property—

(a) if—

(i) the property is an affected unit; and

(ii) the Territory is buying the property under the buyback scheme; or

(b) if—

(i) the property is an eligible impacted property; and

(ii) the Territory is buying the property under the eligible impacted property buyback program.

(4) In this section:

affected unit means a unit that contains or has contained loose-fill asbestos insulation.

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buyback scheme means the scheme involving the acquisition by the Territory of residential premises that contain or have contained loose-fill asbestos insulation.

eligible impacted property—see section 9A (1).

eligible impacted property buyback program—see section 9A (1).

loose-fill asbestos insulation—see the *Dangerous Substances Act 2004*, section 47I.

related person—see the *Duties Act 1999*, section 77A (3).

7 Definitions for pt 2

In this part:

building conveyancing inquiry documents, for a residence, means the documents prescribed under the regulations for this definition.

class A unit means a class A unit under the *Unit Titles Act 2001*, section 10.

class B unit means a class B unit under the *Unit Titles Act 2001*, section 11.

encumbrance, in relation to residential property proposed to be sold, includes an unregistered or statutory encumbrance, but does not include an encumbrance that is to be released or discharged on or before completion of the sale.

lease conveyancing inquiry documents, for a property, means the documents prescribed under the regulations for this definition.

prospective buyer, of residential property, includes a prospective grantee of an option to buy the property.

rescission notice means a notice given under section 14 (Right to rescind during cooling-off period).

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residence means a building (or part of a building) used, or intended for use, as a single dwelling, and includes any outbuildings or other structures used in conjunction with the building or part.

seller, of residential property, means a person who—

(a) has a legal or equitable interest in the property that the person is entitled to sell; and

(b) offers to sell, or invites an offer to buy, the interest.

sublease—see the *Planning Act 2023*, section 256.

unapproved structure means—

(a) a structure—

(i) the building of which contravened the *Building Act 2004*, or other territory law regulating building work, at the time it was built; or

(ii) the use or occupancy of which contravenes the *Building Act 2004*; or

(b) a structure—

(i) the building of which required development approval under the *Planning Act 2023*, or other territory law regulating development, at the time it was built; and

(ii) that had no approval or, when built, did not comply with the approval.

8 Meaning of *residential property*

(1) In this Act:

residential property is—

(a) vacant land on which the construction of 1 or more residences is permitted under the territory lease relating to the land; or

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(b) land on which there is (or there is under construction) 1 or 2 residences; or

(c) a unit.

(2) However, ***residential property*** does not include—

(a) land or a unit with an area of more than 3 hectares; or

(b) land or a unit if the purpose clause of the territory lease relating to the land or unit permits a use other than residential or rural residential (except if the use is incidental to a residential or rural residential use); or

(c) a retirement village; or

(d) an interest in a retirement village that is not—

(i) a unit; or

(ii) a lot in a community title scheme under the *Community Title Act 2001*; or

(e) land if the purpose clause of the territory lease relating to the land requires development of the land (a ***developer's holding lease***).

9 Meaning of *required documents*

(1) For this part, the ***required documents***, in relation to a sale of residential property, are a copy of the proposed contract for the sale of the property (other than the excluded particulars) including the following documents:

(a) a copy of the Crown lease;

(b) a current certified extract from the land titles register showing all interests affecting the property;

(c) a copy of the deposited plan;

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(d) a copy of any encumbrance that is shown in the land titles register (for example, a restrictive covenant or an easement);

(e) if there is an encumbrance that is not shown in the land titles register—a statement about the encumbrance that complies with the requirements (if any) prescribed under the regulations;

(f) a copy of the lease conveyancing inquiry documents for the property;

(g) for a unit, a copy of—

(i) if there is a registered units plan—

(A) the registered units plan; and

(B) a unit title sale certificate for the unit dated not earlier than 3 months before the day the property was first advertised or offered for sale or listed by an agent; and

Note A person who enters into a contract for sale of a unit may ask the owners corporation for a unit title sale update certificate (see *Unit Titles (Management) Act 2011*, s 119 (1) (b)).

(C) if the owners corporation for the units plan is a party to a building management statement under the *Land Titles Act 1925*, section 123E (1)—the building management statement; and

(D) if the land titles register includes 1 or more entries in relation to alternative rules of the owners corporation—a certified extract from the register of the compilation of the alternative rules registered under the *Land Titles (Unit Titles) Act 1970*, section 27 or section 27A; and

(ii) if there is no registered units plan—the disclosure statement required under the *Civil Law (Property) Act 2006*, section 260; and

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(iii) a current certified extract from the land titles register showing all interests affecting the common property; and

(iv) if the unit is an adaptable housing dwelling—the documents prescribed by regulation;

(h) for each residence covered by the proposed contract, a copy of each of the following:

(i) the building conveyancing inquiry documents for the residence;

(ii) the energy efficiency rating statement (if any) required under section 23;

(iii) a building and compliance inspection report from an inspection carried out not earlier than 3 months before the day the property was first advertised or offered for sale or listed by an agent (and, if the seller has obtained 2 or more reports in the 6 months before that date, each report);

(iv) if the residence has been occupied—a pest inspection report from an inspection carried out not earlier than 3 months before the day the property was first advertised or offered for sale or listed by an agent (and, if the seller has obtained 2 or more reports in the 6 months before that date, each report);

(i) if there are premises covered by the proposed contract and there is a current asbestos assessment report for the premises (or some or all of them)—a copy of each current asbestos assessment report;

(j) if there are premises covered by the proposed contract, but there is no current asbestos assessment report for the premises (or any of them), or, if a current asbestos assessment report for the premises (or any of them) exists but the seller cannot, after taking reasonable steps, find or get the report—an asbestos advice;

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(k) if there is a regulated swimming pool on the premises covered by the proposed contract—the documents prescribed by regulation;

Note For a unit, documents about a regulated swimming pool on common property of the units plan may also be required in the unit title sale certificate under par (g) (i) (B).

(l) any other document prescribed by regulation.

(2) However—

(a) the building conveyancing inquiry documents and building and compliance inspection report are not required for—

(i) a class A unit; or

(ii) a residence that has not previously been occupied or sold as a dwelling; or

(iii) a residence that is to be erected or developed before completion of the sale; and

(b) a document mentioned in subsection (1) (g) (iv) is not required for a unit that is a residence mentioned in paragraph (a) (iii); and

(c) a pest inspection report is not required for a class A unit; and

(d) a document mentioned in subsection (1) is not required if the seller cannot obtain the document after taking all reasonable steps to obtain it; and

(e) for a sale of vacant land under a developer's holding lease, the ***required documents*** are—

(i) a copy of the holding lease; and

(ii) a copy of the development conditions or, if they are not finalised, the draft development conditions for the lease.

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(3) The statement and reports mentioned in subsection (1) (h) (iii) and (iv) must have been prepared by someone who—

(a) is not—

(i) a family member of the seller (or the seller's agent or lawyer); or

(ii) a member of a firm that the seller (or the seller's agent or lawyer), or a family member of the seller (or the seller's agent or lawyer), is a member of; or

(iii) someone else carrying on a business if the seller (or the seller's agent or lawyer), or a family member of the seller (or the seller's agent or lawyer), has a direct or indirect right to participate in the profits of the business; and

(b) has the professional indemnity insurance (if any) required by regulation.

(4) In this section:

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

asbestos advice means an advice prepared under the *Dangerous Substances Act 2004*, section 47M.

asbestos assessment report, for premises—see the *Dangerous Substances Act 2004*, section 47K.

current asbestos assessment report, for premises, means an asbestos assessment report for the premises if the premises have not been changed, since the report was made, in a way that would affect the accuracy of the report.

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excluded particulars, in relation to a proposed contract for the sale of residential property, means—

(a) the name and address of, and contact details for, the buyer; and

(b) the name and address of, and contact details for, the buyer's lawyer; and

(c) the purchase price; and

(d) the date of the contract; and

(e) a description of any furnishings or goods to be included in the sale of the property.

owners corporation, for a units plan—see the *Unit Titles (Management) Act 2011*, dictionary.

premises includes land or a structure and any part of an area of land or a structure.

regulated swimming pool—see the *Building Act 2004*, section 83B (1).

9A Meaning of *eligible impacted property* and *eligible impacted property buyback program*—pt 2

(1) In this part:

eligible impacted property means residential premises determined by the Minister to be eligible to be purchased by the Territory under the eligible impacted property buyback program.

eligible impacted property buyback program means the program involving the acquisition, by the Territory, of eligible impacted properties.

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(2) In making a determination under the definition of ***eligible impacted property*** in relation to residential premises, the Minister may consider the following:

(a) whether the residential premises are structurally dependent on the affected residential premises;

(b) whether—

(i) the owner of the affected residential premises has agreed to surrender the lease on which the premises are located, or sell the premises, to the Territory under the buyback scheme; and

(ii) if subparagraph (i) applies—the lease has been surrendered or the contract for the sale of the affected residential premises has been completed;

(c) whether loose-fill asbestos insulation has been found in the residential premises or whether migration pathways are identified between the residential premises and the affected residential premises;

Examples—migration pathways

- a shared cavity wall that loose-fill asbestos insulation could have fallen into
- a roof space that is continuous with the affected residential premises
- a sub-floor that is continuous with the affected residential premises

(d) whether the safe, efficient or practical demolition of the affected residential premises will be adversely affected by a shared structure or the location of the residential premises;

(e) anything else the Minister considers relevant.

(3) In this section:

affected residential premises means residential premises that contain, or have contained, loose-fill asbestos insulation.

buyback scheme—see section 6 (4).

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loose-fill asbestos insulation—see the *Dangerous Substances Act 2004*, section 47I.

residential premises means premises, or a part of premises, that are a class 1 or class 2 building.

10 Proposed contract etc to be available for inspection

(1) A seller of residential property (other than a unit in a retirement village) commits an offence if all the required documents are not available for inspection by a prospective buyer (or an agent for a prospective buyer) at all reasonable times when an offer to buy the property may be made to the seller.

Maximum penalty: 10 penalty units.

(2) Subsection (1) does not apply in relation to a failure by a seller to make all the required documents available for inspection by a prospective buyer if—

(a) the seller engaged a lawyer to prepare the proposed contract for the sale of the property; and

(b) the lawyer did not give the seller the required documents to which the failure relates; and

(c) the seller believed on reasonable grounds that he or she had received all the required documents; and

(d) the seller made all the required documents given to the seller by the lawyer available for inspection in accordance with subsection (1).

(3) An offence against this section is a strict liability offence.

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10A Certain documents etc to be available—sale of unit in retirement village

(1) A seller of a unit in a retirement village commits an offence if all the initial required documents for the unit are not available for inspection by a prospective buyer (or an agent for a prospective buyer) at all reasonable times when an offer to buy the property may be made to the seller.

Maximum penalty: 10 penalty units.

(2) A seller of a unit in a retirement village must make the later required documents available for inspection by a prospective buyer not later than 14 days before the day the contract is made, unless the prospective buyer agrees otherwise.

(3) However, if a prospective buyer asks, in writing, to inspect a later required document earlier than required under subsection (2), the seller must make the document available for inspection by the later of—

(a) the day requested; and

(b) 14 days after the request is made.

(4) The seller of a unit in a retirement village commits an offence if the seller does not make a later required document available for inspection by a prospective buyer (or an agent of the prospective buyer) in accordance with subsection (2) or (3).

Maximum penalty: 10 penalty units.

(5) Subsections (1) and (4) do not apply in relation to a failure by a seller to make the initial required documents and later required documents (the ***relevant required documents***) available for inspection by a prospective buyer if—

(a) the seller engaged a lawyer to prepare the proposed contract for the sale of the property; and

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(b) the lawyer did not give the seller all the relevant required documents to which the failure relates; and

(c) the seller believed on reasonable grounds that the seller had received all the relevant required documents; and

(d) the seller made all the relevant required documents given to the seller by the lawyer available for inspection under subsection (1), (2) or (3).

(6) An offence against this section is a strict liability offence.

(7) In this section:

initial required documents, for a unit in a retirement village, means a copy of the following documents mentioned in section 9 (1):

(a) paragraphs (a) to (c);

(b) paragraph (e);

(c) paragraph (g) (i) (A) and (ii);

(d) paragraphs (i) and (j);

(e) any other document prescribed by regulation.

later required documents, for a unit in a retirement village, means a copy of—

(a) the following documents mentioned in section 9 (1):

(i) paragraph (d);

(ii) paragraph (f);

(iii) paragraph (g) (iii);

(iv) paragraph (h) (i) and (ii); and

(b) the unit title sale certificate for the unit dated not earlier than 3 months before the day the contract for the sale of the unit is made; and

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(c) for the sale of a class B unit in a retirement village—

(i) a building and compliance inspection report from an inspection carried out not earlier than 3 months before the day the contract for the sale of the unit is made; and

(ii) if the unit has been occupied—a pest inspection report from an inspection carried out not earlier than 3 months before the day the contract for the sale of the unit is made; and

(d) any other document prescribed by regulation.

11 Certain conditions to be included in contract

(1) A contract for the sale of residential property must include conditions to the following effect:

(a) except as disclosed in the contract—

(i) the property is sold free of encumbrances other than the encumbrances shown in the land titles register; and

(ii) the buyer is entitled to vacant possession on completion of the contract;

(b) if, before completion of the contract, the buyer becomes aware of a breach of a condition mentioned in paragraph (a), the buyer may—

(i) rescind the contract; or

(ii) complete the contract and claim damages;

(c) except as disclosed in the contract, there are no unapproved structures;

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(d) if, before completion of the contract, the buyer becomes aware of an unapproved structure that is not disclosed in the contract, the buyer may—

(i) ask the seller to arrange for the structure to be approved before completion of the contract; and

(ii) if the structure is not approved before completion—rescind the contract, or complete the contract and claim damages.

(e) the buyer may not make any requisitions on the title to the property;

(f) the seller warrants that, at the date the contract is made—

(i) the seller will, at the time of completion, be able to complete the contract; and

(ii) the seller has no knowledge of any unsatisfied judgments, orders or writs affecting the property; and

(iii) the seller has no knowledge of any current or threatened claims, notices or proceedings that may lead to a judgment, order or writ affecting the property;

(g) the seller warrants that, at the date the contract is completed—

(i) the seller will be, or will be able to be, the registered proprietor of the territory lease relating to the property (if any); and

(ii) there are no unsatisfied judgments, orders or writs affecting the property; and

(iii) the seller has no knowledge of any current or threatened claims, notices or proceedings that may lead to a judgment, order or writ affecting the property;

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(h) if, before completion of the contract, the buyer becomes aware of an error in the description of the property the buyer may—

(i) ask the seller to arrange for the error to be corrected before completion of the contract; and

(ii) if the error is not corrected before completion—

(A) for an error that is material—rescind the contract, or complete the contract and claim damages; and

(B) for an error that is not material—complete the contract and claim damages;

(i) the following required documents for the sale form part of the contract:

(i) for the sale of a unit in a retirement village—the initial required documents and the later required documents mentioned in section 10A (7);

(ii) in any other case—the required documents mentioned in section 9 (1) (a) to (l).

(2) However, the conditions mentioned in subsection (1) (f) (ii) and (iii) and (g) (i), (ii) and (iii) are not required to be included in a contract if the property is being sold—

(a) by a mortgagee in possession of the property, or exercising a power of sale; or

(b) by a registered or official trustee, or the official receiver, under the *Bankruptcy Act 1966* (Cwlth); or

(c) under a court order.

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(3) Also, the condition mentioned in subsection (1) (h) is not required to be included in a contract if the contract is for the sale of a unit in a units plan before the units plan is registered.

Note The *Civil Law (Property) Act 2006*, division 2.9.3 incorporates a number of implied warranties into a contract for the sale of a unit in a units plan before the units plan is registered.

(4) If a contract for the sale of residential property is entered into and the contract does not include a condition required under subsection (1) to be included in the contract, the condition is taken to be included in the contract.

12 Cooling-off period

(1) There is a cooling-off period for every contract for the sale of residential property during which the buyer may exercise the right under section 14 to give a rescission notice.

(2) However, there is no cooling-off period for a contract for the sale of residential property if—

(a) the buyer is a corporation; or

(b) the property is sold by tender; or

(c) the property is sold by auction; or

(d) the contract is made on the same day as the property was offered for sale by auction but passed in, and the buyer was recorded in the bidders record at the auction as—

(i) a bidder; or

(ii) a person for whom a bidder was bidding; or

(e) the buyer waives the cooling-off period under section 13.

(3) The cooling-off period begins when the contract is made and ends at 5 pm on the 5th working day after the day the cooling-off period begins.

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(4) The cooling-off period may be extended or shortened—

(a) by a provision in the contract; or

(b) by a separate written agreement between the parties before, at or after the time the contract is made (but before the end of the cooling-off period).

(5) However, a provision or agreement shortening the cooling-off period does not take effect until—

(a) the buyer receives legal advice from a lawyer in relation to the shortening of the cooling-off period; and

(b) the lawyer signs a certificate that complies with section 17 to that effect; and

(c) the buyer gives a copy of the certificate to the seller.

13 Buyer may waive cooling-off period

The buyer under a contract for sale of residential property may waive the cooling-off period for the contract if, before entering into the contract—

(a) the buyer receives legal advice from a lawyer in relation to the effect of the cooling-off period; and

(b) the lawyer signs a certificate that complies with section 17 to that effect; and

(c) the buyer gives a copy of the certificate to the seller.

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14 Right to rescind during cooling-off period

(1) The buyer under a contract for the sale of residential property may give the seller a written notice (a ***rescission notice***) to the effect that the buyer rescinds the contract.

Note 1 If a form is approved under s 39 for a rescission notice, the form must be used.

Note 2 For how documents may be served, see the Legislation Act, pt 19.5.

(2) The rescission notice may only be given during the cooling-off period, but is ineffective if given after completion of the contract.

(3) The rescission notice must be signed by the buyer or his or her lawyer.

(4) If the question whether a rescission notice has been given arises in a legal proceeding, the burden of proving the giving of the notice is on the buyer.

15 Consequences of rescission

(1) If a rescission notice is given for a contract for the sale of residential property in accordance with section 14, the contract is taken to be rescinded from the time it was entered into subject to the rights and obligations set out in subsections (2) to (7).

(2) The buyer forfeits 0.25% of the purchase price of the property to the seller.

(3) The amount forfeited may be recovered from any deposit paid under the contract.

(4) If the deposit is insufficient, the balance of the amount forfeited may be recovered from the buyer as a debt.

(5) The balance of the deposit remaining after deduction of any amount forfeited must be paid to the buyer.

(6) An amount payable to the buyer under subsection (5) may be recovered from the seller as a debt.

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(7) The buyer and seller are not liable to pay any other amounts for damages, costs or expenses.

Note See the *Duties Act 1999*, s 50 in relation to any liability for duty payable in relation to the contract.

16 Effect on agent's right to commission

An agent is not entitled to any commission or expenses from a seller in relation to a contract that is rescinded under—

(a) a condition mentioned in section 11 (Certain conditions to be included in contract); or

(b) section 14 (Right to rescind during cooling-off period).

17 Certificate

A certificate mentioned in section 12 (5) (Cooling-off period) or section 13 (Buyer may waive cooling-off period) complies with this section if it—

(a) is in writing; and

(b) is signed by a lawyer who is not—

(i) acting for the seller; or

(ii) a member or employee of a firm of which the lawyer acting for the seller is a member or employee; and

(c) indicates whether it is given for section12 (5) or section 13; and

(d) states the names of the parties to the contract and details of the residential property the subject of the contract; and

(e) contains a statement to the effect that the lawyer explained to the buyer—

(i) the nature of the certificate; and

(ii) the effect of giving the certificate to the seller.

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18 Buyer to reimburse seller for cost of certain reports

(1) On completion of a contract for the sale of residential property, the seller is entitled to reimbursement from the buyer for the cost of obtaining the following reports for the contract:

(a) a building and compliance inspection report required under section 9 (1) (h) (iii) or section 10A (or, if the seller obtained more than 1 report, the first report);

(b) a pest inspection report required under section 9 (1) (h) (iv) or section 10A (or, if the seller obtained more than 1 report, the first report).

(2) In this section:

cost, of a report, does not include any amount paid for an additional service in relation to the report.

Example

A seller pays an amount additional to the ordinary cost of obtaining an inspection report to obtain the report within a shorter than usual period. The buyer is not liable to reimburse the seller the additional amount.

19 Compensation to buyer for false report etc

(1) This section applies if—

(a) a person buys residential property under a contract; and

(b) a statement or report mentioned in section 9 (1) (h) (ii), (iii) or (iv) or in section 10A (7), definition of ***later required documents***, paragraph (a) (iv), (c) (i) or (ii), is made available to the buyer; and

(c) the statement or report is false or misleading in a material particular or is otherwise prepared without the exercise of reasonable skill and care; and

(d) because of that, the buyer incurs loss or expense.

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(2) The person who prepared the statement or report is liable to compensate the buyer for the loss or expense.

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Part 2A Off-the-plan contracts

19A Definitions—pt 2A

(1) In this part:

delay event, in relation to an off-the-plan contract—

(a) means any event delaying or preventing completion of the contract including—

(i) an event delaying or preventing the construction of a building or other related works; and

(ii) a delay in obtaining any approval, registration, permission, exemption, insurance or any other thing necessary for completion of the contract; but

(b) does not include—

(i) an event delaying or preventing completion of the contract that the buyer has caused or substantially contributed to; and

(ii) an event prescribed by regulation.

off-the-plan contract means a contract for the sale of—

(a) a unit for residential use before the units plan for the unit is registered; or

(b) a residence (other than a unit) on land identified in the contract before the certificate of occupancy for the residence is issued; or

(c) vacant land for residential use identified in the contract before the Crown lease for the land is registered.

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rescission provision, in an off-the-plan contract, means a provision that allows the contract to be rescinded—

(a) if a sunset event stated in the contract does not happen before the sunset date for the event; or

(b) if a delay event stated in the contract happens; or

(c) for any other reason prescribed by regulation.

sunset date, in relation to a sunset event in an off-the-plan contract, means a date, or period in which, the sunset event must happen.

sunset event, in relation to an off-the-plan contract, means—

(a) for the sale of a unit for residential use—the registration of the units plan for the unit; or

(b) for the sale of a residence—the issue of a certificate of occupancy for the residence; or

(c) for the sale of vacant land for residential use—the registration of the Crown lease for the land; or

(d) the issue of a certificate of occupancy in relation to the unit; or

(e) the issue of a certificate of compliance for the Crown lease for the unit or land; or

(f) an event prescribed by regulation.

(2) In this section:

certificate of compliance—see the *Planning Act 2023*, dictionary.

certificate of occupancy—see the *Building Act 2004*, dictionary.

registered means registered with the registrar-general under the—

(a) *Land Titles Act 1925*; or

(b) *Land Titles (Unit Titles) Act 1970*.

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19B Rescission under rescission provision

A seller under an off-the-plan contract containing a rescission provision may only rescind the contract under the provision if—

(a) each buyer under the contract, after being given a notice under section 19C, consents in writing to the rescission; or

(b) the Supreme Court has made an order under section 19D allowing the seller to rescind the contract under the provision; or

(c) a circumstance prescribed by regulation applies.

19C Notice of intention to rescind under rescission provision

(1) A seller under an off-the-plan contract proposing to rescind the contract under a rescission provision must give each buyer under the contract written notice at least 28 days before the day of the proposed rescission.

(2) The written notice must state the following:

(a) the reason for the seller's proposed rescission of the contract;

(b) a statement to the effect that the buyer may, but need not, consent to the proposed rescission;

(c) a statement explaining the effect of section 19B and section 19D (4).

19D Supreme Court may allow rescission

(1) A seller under an off-the-plan contract containing a rescission provision may apply to the Supreme Court for an order allowing the seller to rescind the contract under the provision.

(2) The Supreme Court must not make the order unless the seller satisfies the court that it is just and equitable to make the order.

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(3) In deciding whether it is just and equitable to make the order, the Supreme Court must take into account the following:

(a) the terms of the off-the-plan contract, including whether a term is intended to avoid the operation of this part;

(b) whether the seller has acted unreasonably or in bad faith;

(c) whether factors beyond the seller's reasonable control have affected the seller's ability to complete the contract or the viability of the seller's business;

(d) what reasonable actions the seller has taken to—

(i) avoid a rescission event; or

(ii) if a rescission event has happened—minimise the effect of the event on the seller's ability to complete the contract;

(e) whether there is a reasonable prospect of the seller completing the contract;

(f) whether the unit or land the subject of the contract has increased in value;

(g) the effect of the rescission on the buyer;

(h) whether the buyer has been performing their obligations under the contract;

(i) the effect of completing the contract on the seller;

(j) any other matter that the court considers relevant;

(k) any other matter prescribed by regulation.

Examples—par (c)

1 disruption to supply of building materials

2 significant increase in cost of goods and services

3 inability to obtain or retain finance for the development

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4 changes in the law affecting the development, building standards etc

5 imposition of conditions on development approval that require major changes to the development

Example—par (e)

the extent to which a development has been completed

Example—par (g)

the ability of the buyer to enter the housing market after rescission of the contract

(4) The seller must pay the costs of the buyer in relation to a proceeding for the order unless the seller satisfies the Supreme Court that the buyer unreasonably withheld consent to the rescission of the off-the-plan contract under the rescission provision.

(5) The Supreme Court may, in dealing with an application made under this section, make any other order, including an order for damages, that the court thinks fit.

(6) In this section:

rescission event means—

(a) a delay event; or

(b) an event prescribed by regulation under section 19A (1), definition of ***rescission provision***, paragraph (c).

19E No automatic rescission of off-the-plan contracts

(1) A rescission provision in an off-the-plan contract—

(a) does not automatically rescind the contract on an event allowing the contract to be rescinded happening; and

(b) only operates to allow the contract to be rescinded by the seller under the contract in accordance with this part.

(2) This section does not affect any right that a buyer under an off-the-plan contract may have to rescind the contract.

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19F Review—pt 2A

(1) The Minister must review the operation of this part as soon as practicable after the end of its 2nd year of operation.

(2) The Minister must present a report of the review to the Legislative Assembly within 6 months after the day the review is started.

(3) This section expires 5 years after the day this part commences.

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Part 3 Energy efficiency ratings

20 Definitions for pt 3

In this part:

energy efficiency rating means the energy efficiency rating contained in an energy efficiency rating statement.

energy efficiency rating statement—see the *Construction Occupations (Licensing) Act 2004*, section 123AC.

mobile home means a dwelling (whether or not on wheels) that can be transferred from place to place and re-erected.

premises means premises that may lawfully be used for residential purposes, but does not include any of the following:

(a) a caravan or mobile home;

(b) a hotel or motel;

(c) premises used for the purposes of a club;

(d) premises on the campus of an educational institution;

(e) a retirement village;

(f) an interest in a retirement village that is not—

(i) a unit; or

(ii) a lot in a community title scheme under the *Community Title Act 2001*;

(g) a residential care home that is provided by a registered provider under the *Aged Care Act 2024* (Cwlth);

(h) premises in relation to which approval has been given under the *Planning Act 2023*, chapter 7 for a development involving the demolition of the premises;

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(i) premises in relation to which demolition is exempt from requiring development approval under the *Planning (Exempt Development) Regulation 2023*, schedule 1, section 1.132;

(j) premises in relation to which a controlled activity order has been made under the *Planning Act 2023*, part 12.3 directing the demolition of the premises;

(k) premises in relation to which a notice requiring that they be demolished has been given under the *Building Act 2004,* section 62;

(l) premises in relation to which a demolition order has been issued under the *Building Act 2004*, section 63A;

(m) premises prescribed under the regulations.

22 Energy efficiency rating—advertising

(1) A person commits an offence if—

(a) the person publishes an advertisement for the sale of premises; and

(b) the advertisement does not contain a statement of the energy efficiency rating of the habitable part of the premises.

Maximum penalty: 5 penalty units.

(2) An offence against subsection (1) is a strict liability offence.

(3) A person commits an offence if—

(a) the person publishes an advertisement for the sale of premises; and

(b) the advertisement includes a statement of the energy efficiency rating of the habitable part of the premises; and

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(c) the statement is false or misleading.

Maximum penalty: 5 penalty units.

(4) Subsection (3) (c) does not apply if the statement is not false or misleading in a material particular.

(5) An offence against subsection (3) is a strict liability offence.

23 Energy efficiency rating statement

(1) Before entering into a contract for the sale of premises, the seller must give the prospective buyer—

(a) a copy of an energy efficiency rating statement for the habitable part of the premises; or

(b) a copy of a new energy efficiency rating statement for the habitable part of the premises if—

(i) building work has been carried out on the premises that affects the energy efficiency rating of the habitable part of the premises; and

(ii) before that building work was carried out, an energy efficiency rating statement had been prepared for the habitable part of the premises.

(2) On receiving a copy of an energy efficiency rating statement under subsection (1), a prospective buyer must certify in writing that he or she has received it.

(3) If the seller fails to comply with subsection (1), the seller is liable to pay to the buyer an amount equal to 0.5% of the purchase price of the premises.

(4) The seller is taken to have complied with subsection (1) if an energy efficiency rating statement under subsection (1) (a) or (b) and the certificate under subsection (2) form part of the contract for sale.

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(5) This section does not apply to a contract for the sale of residential property mentioned in section 6 (3) (Application of pt 2).

(6) In this section:

building work—see the *Building Act 2004*, section 6.

energy efficiency rating statement means an energy efficiency rating statement that is not false or misleading in a material particular.

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Part 3A Adaptable housing

23B Adaptable housing—advertising

(1) A person commits an offence if—

(a) the person publishes an advertisement for the sale of premises; and

(b) the premises are an adaptable housing dwelling; and

(c) the advertisement does not contain a statement that the premises are an adaptable housing dwelling.

Maximum penalty: 5 penalty units.

(2) An offence against subsection (1) is a strict liability offence.

(3) In this section:

premises—see section 20.

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Part 4 Public auctions of residential property

24 Definitions for pt 4

In this part:

bidder number—see section 25 (2) (e).

bidders record—see section 25 (1).

proof of identity means—

(a) an Australian driver licence; or

(b) an Australian passport; or

(c) another proof of identity prescribed under the regulations.

public auction means an auction that has been publicly advertised.

residential property—see section 8.

seller, of residential property—see section 7.

25 Bidders record

(1) Before residential property is offered for sale at a public auction, the seller's agent must make a record (a ***bidders record***) of the people who can bid at the auction.

(2) The bidders record must contain the following information for each person who can bid at the auction:

(a) the person's name and address;

(b) the details prescribed under the regulations about the proof of identity for the person sighted by the agent;

(c) whether the person is bidding for himself or herself or for someone else;

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(d) if the person is bidding for someone else (the ***principal***)—the name and address of the principal; and

(e) an identifying number (the ***bidder number***) given to the person for the auction by the agent;

(f) the other information (if any) prescribed under the regulations.

(3) The agent must keep the bidders record for 3 years.

(4) The regulations may make provision in relation to bidders records, including—

(a) entitling a seller of residential property to inspect the bidders record for the sale; and

(b) how a bidders record is to be made and kept.

26 Bidder's name and address to be established by proof of identity

(1) An agent commits an offence if the agent—

(a) enters a person's name and address in the bidders record for an auction as a person who is bidding for himself or herself; and

(b) has not sighted proof of identity for the person.

Maximum penalty: 50 penalty units.

(2) An agent commits an offence if the agent—

(a) enters a person's name and address in the bidders record for an auction as a person (the ***principal***) for whom someone else is bidding; and

(b) has not sighted a written authority for the other person to bid for the principal that states the principal's name and address.

Maximum penalty: 50 penalty units.

(3) An offence against this section is a strict liability offence.

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(4) An agent must not enter any details of a person in a bidders record if the agent knows, or is reckless about whether, the details are false.

Maximum penalty: 50 penalty units.

(5) Subsection (4) does not apply if the details are not false in a material particular.

27 Confidentiality of bidders record

(1) An agent who makes a bidders record commits an offence if the agent—

(a) discloses information contained in the bidders record; or

(b) uses the bidders record, or information contained in it, for a purpose not related to the auction.

Maximum penalty: 50 penalty units.

(2) Subsection (1) (a) does not apply to a disclosure that is authorised or required under this Act or another Territory law.

(3) An offence against this section is a strict liability offence.

28 Bids only to be taken from recorded bidders

(1) The auctioneer at a sale of residential property by public auction commits an offence if the auctioneer—

(a) takes a bid from a person who is not displaying the person's bidder number for the auction; or

(b) takes a bid from a person and does not audibly acknowledge the person's bidder number for the auction when taking the bid.

Maximum penalty: 50 penalty units.

(2) An offence against this section is a strict liability offence.

(3) An auctioneer who refuses to take a bid from a person because of this section does not incur a liability to anyone because of the refusal.

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(4) The taking of a bid in contravention of this section does not affect the validity of the bid (or its taking or acceptance) and the bid (and its taking or acceptance) are as valid for all purposes as if this section had not been enacted.

29 Dummy bidding prohibited

(1) A seller of residential property must not—

(a) make a bid at a public auction of the property; or

(b) arrange for someone else to make a bid for the seller at a public auction of the property.

Maximum penalty: 100 penalty units.

(2) A person must not make a bid for the seller of residential property at a public auction of the property.

Maximum penalty: 100 penalty units.

(3) An offence against this section is a strict liability offence.

(4) Subsections (1) and (2) do not apply to a bid made in accordance with section 30.

(5) For subsection (2)—

(a) a bid may be found to have been made for a seller even though it was not made at the request of, or with the knowledge of, the seller; and

(b) evidence that, in making a bid, the bidder intended to benefit the seller is evidence that the bidder made the bid for the seller.

(6) It does not matter that a person making a bid in contravention of this section is not in the ACT or Australia when the bid is made.

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30 Permissible seller bid

(1) The auctioneer of residential property at a public auction may make 1 bid for the seller if—

(a) the conditions of the auction permit the making of the bid; and

(b) before bidding begins, the auctioneer orally declares at the auction that the conditions permit the making of the bid; and

(c) immediately before or when making the bid, the auctioneer states audibly to the bidders that the bid is being made for the seller (for example, by stating 'seller bid').

(2) It is not sufficient compliance with the requirement under subsection (1) (c) to identify a bid as a seller bid if the auctioneer only identifies the seller by name without stating that the person named is the seller.

31 Offences by auctioneers about bids

(1) The auctioneer of residential property at a public auction must not accept a bid at the auction if the auctioneer knows that the bid was made by or for the seller of the property.

Maximum penalty: 100 penalty units.

(2) The auctioneer of residential property at a public auction must not acknowledge the making of a bid at the auction if no bid was made.

Maximum penalty: 100 penalty units.

(3) An offence against subsection (2) is a strict liability offence.

31A Standard auction conditions

A public auction of residential property must be conducted in accordance with the standard auction conditions prescribed under the regulations.

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32 Auction conditions to be available before auction begins

(1) The auctioneer of residential property at a public auction commits an offence if—

(a) the auctioneer begins the auction; and

(b) a copy of the conditions of the auction have not been displayed at the place of the auction for at least 30 minutes before the auction begins.

Maximum penalty: 50 penalty units.

(2) An offence against this section is a strict liability offence.

(3) In this section:

conditions, of an auction, means—

(a) the standard auction conditions prescribed under section 31A; and

(b) any other conditions (not inconsistent with the standard auction conditions) decided by the seller for the auction.

33 Last seller bids must be identified if property passed in

(1) This section applies if—

(a) a public auction of residential property is held at which the property is not sold; and

(b) the last bid made before the auction stopped was a bid made by the auctioneer of the property for the seller of the property.

(2) In marketing the residential property, the seller or an agent must not state the amount of the last bid without also stating that it was a bid made for the seller of the property.

Maximum penalty: 100 penalty units.

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(3) A person who tells someone else the amount of the last bid to enable the amount to be published must also tell the other person that the bid was made for the seller of the property.

Maximum penalty: 50 penalty units.

(4) A publisher of property auction sales results must not publish the fact that the residential property was passed in for the amount of the last bid without also stating that the bid was made for the seller of the property.

Maximum penalty: 50 penalty units.

(5) An offence against this section is a strict liability offence.

(6) For subsection (2), a statement is made in marketing property if—

(a) it is made in an advertisement about the property published by the seller or an agent; or

(b) it is made (whether orally or in writing) to a prospective buyer of the property.

(7) Subsections (2) and (4) do not apply if the person making the statement or publishing the amount—

(a) was not present at the auction; and

(b) relied on a statement made by a person who purported to know what happened at the auction.

(8) It is sufficient compliance with subsections (2) and (4) if the amount is described as a 'seller bid'.

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34 Disruption of auction prohibited

(1) This section applies to—

(a) a person intending to make a bid at a public auction of residential property; and

(b) a person acting for someone intending to make a bid at a public auction of residential property.

(2) The person commits an offence if the person intentionally prevents someone else from bidding at the auction.

Maximum penalty: 50 penalty units.

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Part 5 Miscellaneous

35 Service on lawyer

Any document that is authorised or required under this Act to be served on a person (whether the word 'serve', 'give' or 'tell' or any other word is used) may be served on the person's lawyer.

Note For how documents may be served, see the Legislation Act, pt 19.5.

36 Operation of Act cannot be excluded etc

(1) A provision of a contract for the sale of residential property, or any other agreement or arrangement, is void if it would, apart from this subsection, have the effect of excluding, changing or restricting the operation of this Act.

(2) This Act does not affect any right or remedy available otherwise than under this Act.

37 Making false or misleading statements

(1) A person commits an offence if—

(a) the person makes a statement in a relevant document; and

(b) the person does so knowing that the statement—

(i) is false or misleading; or

(ii) omits anything without which the statement is misleading.

Maximum penalty: 100 penalty units.

(2) Subsection (1) (b) (i) does not apply if the statement is not false or misleading in a material particular.

(3) Subsection (1) (b) (ii) does not apply if the omission does not make the statement misleading in a material particular.

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(4) A person commits an offence if—

(a) the person makes a statement in a relevant document; and

(b) the person is reckless about whether the statement—

(i) is false or misleading; or

(ii) omits anything without which the statement is misleading.

Maximum penalty: 50 penalty units.

(5) Subsection (4) (b) (i) does not apply if the statement is not false or misleading in a material particular.

(6) Subsection (4) (b) (ii) does not apply if the omission does not make the statement misleading in a material particular.

(7) In this section:

relevant document means—

(a) an energy efficiency rating statement; or

(b) a building and compliance inspection report; or

(c) a pest inspection report.

38 Giving false or misleading documents

(1) A person commits an offence if—

(a) the person gives a relevant document to someone else; and

(b) the person does so knowing that the relevant document—

(i) is false or misleading; or

(ii) omits anything without which the document is misleading.

Maximum penalty: 100 penalty units.

(2) Subsection (1) (b) (i) does not apply if the document is not false or misleading in a material particular.

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(3) Subsection (1) (b) (ii) does not apply if the omission does not make the document misleading in a material particular.

(4) Subsection (1) does not apply to a person who gives a document if the document is accompanied by a signed statement—

(a) stating that the document is, to the signing person's knowledge, false or misleading in a material particular; and

(b) setting out, or referring to, the material particular in which the document is, to the signing person's knowledge, false or misleading.

(5) The statement under subsection (4) must be signed by—

(a) the person; or

(b) if the person who produces the document is a corporation—by an executive officer of the corporation.

(6) In this section:

relevant document—see section 37.

39 Approved forms

(1) The Minister may approve forms for this Act.

(2) If the Minister 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.

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40 Regulation-making power

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

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

(2) The regulations may create offences for contraventions of the regulations and fix maximum penalties of not more than 10 penalty units for offences against the regulations.

(3) The regulations may incorporate a law or instrument, or a provision of a law or instrument, as in force from time to time.

(4) In this section:

incorporate includes apply and adopt.

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Part 9 Transitional—Civil Law (Sale of Residential Property) Amendment Act 2021

50 Existing off-the-plan contracts

(1) Part 2A applies to an off-the-plan contract in force immediately before the day part 2A commences.

(2) In this section:

off-the-plan contract—see section 19A (1).

51 Expiry—pt 9

This part expires 5 years after the day it commences.

Note A transitional provision is repealed on its expiry but continues to have effect after its repeal (see Legislation Act, s 88).

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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:

- Australian driver licence
- corporation
- domestic partner (see s 169 (1))
- land titles register
- lawyer
- territory lease.

adaptable housing dwelling means a dwelling prescribed by regulation.

agent means—

(a) a person who holds a licence under the *Agents Act 2003* as a real estate agent; or

(b) a person registered under that Act as an assistant real estate agent.

bidder number, for part 4 (Public auctions of residential property)—see section 25 (2) (e).

bidders record—see section 25 (1).

building and compliance inspection report means a building and compliance inspection report prescribed by regulation.

building conveyancing inquiry documents, for part 2 (Sale of residential property)—see section 7.

building management statement—see the *Land Titles Act 1925*, section 123C (1).

class A unit, for part 2 (Sale of residential property)—see section 7.

class B unit, for part 2 (Sale of residential property)—see section 7.

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delay event, in relation to an off-the-plan contract, for part 2A (Off-the-plan contracts)—see section 19A (1).

developer's holding lease—see section 8 (2) (e).

eligible impacted property, for part 2 (Sale of residential property)—see section 9A (1).

eligible impacted property buyback program, for part 2 (Sale of residential property)—see section 9A (1).

encumbrance, for part 2 (Sale of residential property)—see section 7.

energy efficiency rating, for part 3 (Energy efficiency ratings)—see section 20.

energy efficiency rating statement, for part 3 (Energy efficiency ratings)—see the *Construction Occupations (Licensing) Act 2004*, section 123AC.

family member, of a person, means—

(a) the person's domestic partner; or

(b) the person's parent or child; or

(c) the person's brother, sister, half-brother or half-sister; or

(d) the parent or child of the person's domestic partner.

lease conveyancing inquiry documents, for part 2 (Sale of residential property)—see section 7.

mobile home, for part 3 (Energy efficiency ratings)—see section 20.

off-the-plan contract, for part 2A (Off-the-plan contracts)—see section 19A (1).

pest inspection report means a pest inspection report prescribed by regulation.

premises, for part 3 (Energy efficiency ratings)—see section 20.

proof of identity, for part 4 (Public auctions of residential property)—see section 24.

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prospective buyer, for part 2 (Sale of residential property)—see section 7.

public auction, for part 4 (Public auctions of residential property)—see section 24.

publish—something is ***published*** if it is—

(a) included in a newspaper, periodical publication or other publication; or

(b) publicly exhibited in, on, over or under a building, vehicle or place (whether or not a public place and whether on land or water), or in the air in view of people on a street or in a public place; or

(c) contained in a document given to someone or left on premises where someone lives or works; or

(d) broadcast by radio or television; or

(e) electronically disseminated in another way (for example by inclusion on a web site).

required documents, for part 2 (Sale of residential property)—see section 9.

rescission notice, for part 2 (Sale of residential property)—see section 7.

rescission provision, in an off-the-plan contract, for part 2A (Off-the-plan contracts)—see section 19A (1).

residence, for part 2 (Sale of residential property)—see section 7.

residential property—see section 8.

retirement village—see the *Retirement Villages Act 2012*, section 10.

seller, of residential property, for—

(a) part 2 (Sale of residential property)—see section 7; and

(b) part 4 (Public auctions of residential property)—see section 7.

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sublease, for part 2 (Sale of residential property)—see the *Planning Act 2023*, section 256.

sunset date, in relation to a sunset event in an off-the-plan contract, for part 2A (Off-the-plan contracts)—see section 19A (1).

sunset event, in relation to an off-the-plan contract, for part 2A (Off-the-plan contracts)—see section 19A (1).

unapproved structure, for part 2 (Sale of residential property)—see section 7.

unit—see the *Unit Titles Act 2001*, section 9.

units plan—see the *Unit Titles Act 2001*, section 7.

unit title sale certificate, for a unit—see the *Unit Titles (Management) Act 2011*, section 119 (1) (a).

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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
underlining = whole or part not commenced or to be expired

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3 Legislation history

Civil Law (Sale of Residential Property) Act 2003 A2003-40
notified LR 8 September 2003
s 1, s 2 commenced 8 September 2003 (LA s 75 (1))
remainder commenced 1 July 2004 (s 2)

as amended by

Construction Occupations Legislation Amendment Act 2004 A2004-13 sch 2 pt 2.3
notified LR 26 March 2004
s 1, s 2 commenced 26 March 2004 (LA s 75 (1))
sch 2 pt 2.3 commenced 1 September 2004 (s 2 and see Construction Occupations (Licensing) Act 2004 A2004-12, s 2 and CN2004-8)

Justice and Community Safety Legislation Amendment Act 2004 (No 2) A2004-32 pt 4
notified LR 29 June 2004
s 1, s 2 commenced 29 June 2004 (LA s 75 (1))
pt 4 commenced 1 July 2004 (s 2 (2))

Asbestos Legislation Amendment Act 2006 A2006-16 sch 1 pt 1.3 (as am by A2006-24 s 4)
notified LR 18 May 2006
s 1, s 2 commenced 18 May 2006 (LA s 75 (1))
sch 1 pt 1.3 commenced 1 July 2006 (s 2 (1) as am by A2006-24 s 4)

Asbestos Legislation Amendment Act 2006 (No 2) A2006-24
notified LR 18 May 2006
s 1, s 2 commenced 18 May 2006 (LA s 75 (1))
remainder commenced 19 May 2006 (s 2)

Note This Act only amends the Asbestos Legislation Amendment Act 2006 A2006-16.

Planning and Development (Consequential Amendments) Act 2007 A2007-25 sch 1 pt 1.5
notified LR 13 September 2007
s 1, s 2 commenced 13 September 2007 (LA s 75 (1))
sch 1 pt 1.5 commenced 31 March 2008 (s 2 and see Planning and Development Act 2007 A2007-24, s 2 and CN2008-1)

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Justice and Community Safety Legislation Amendment Act 2008 A2008-7 sch 1 pt 1.4

notified LR 16 April 2008
s 1, s 2 commenced 16 April 2008 (LA s 75 (1))
sch 1 pt 1.4 commenced 7 May 2008 (s 2)

Statute Law Amendment Act 2008 A2008-28 sch 3 pt 3.11

notified LR 12 August 2008
s 1, s 2 commenced 12 August 2008 (LA s 75 (1))
sch 3 pt 3.11 commenced 26 August 2008 (s 2)

Construction Occupations Legislation Amendment Act 2010 (No 2) A2010-32 pt 3

notified LR 1 September 2010
s 1, s 2 commenced 1 September 2010 (LA s 75 (1))
s 3 commenced 18 February 2011 (LA s 75AA)
pt 3 commenced 1 March 2011 (s 2 and LA s 79)

Fair Trading (Australian Consumer Law) Amendment Act 2010 A2010-54 sch 3 pt 3.3

notified LR 16 December 2010
s 1, s 2 commenced 16 December 2010 (LA s 75 (1))
sch 3 pt 3.3 commenced 1 January 2011 (s 2 (1))

Statute Law Amendment Act 2011 A2011-3 sch 3 pt 3.7

notified LR 22 February 2011
s 1, s 2 commenced 22 February 2011 (LA s 75 (1))
sch 3 pt 3.7 commenced 1 March 2011 (s 2)

Unit Titles (Management) Act 2011 A2011-41 sch 5 pt 5.3

notified LR 3 November 2011
s 1, s 2 commenced 3 November 2011 (LA s 75 (1))
sch 5 pt 5.3 commenced 30 March 2012 (s 2 and CN2012-6)

Justice and Community Safety Legislation Amendment Act 2013 A2013-7 sch 1 pt 1.3

notified LR 1 March 2013
s 1, s 2 commenced 1 March 2013 (LA s 75 (1))
sch 1 pt 1.3 commenced 4 March 2013 (s 2 and see Retirement Villages Act 2012 A2012-38, s 2 and LA s 79)

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

Dangerous Substances (Loose-fill Asbestos Eradication) Legislation Amendment Act 2015 A2015-6 sch 1 pt 1.1

notified LR 31 March 2015
s 1, s 2 commenced 31 March 2015 (LA s 75 (1))
sch 1 pt 1.1 commenced 17 April 2015 (s 2 and CN2015-6)

Building (Loose-fill Asbestos Eradication) Legislation Amendment Act 2015 A2015-42 pt 5

notified LR 5 November 2015
s 1, s 2 commenced 5 November 2015 (LA s 75 (1))
pt 5 commenced 13 November 2015 (s 2 (1) and CN2015-21)

Justice and Community Safety Legislation Amendment Act 2016 A2016-37 sch 1 pt 1.3

notified LR 22 June 2016
s 1, s 2 commenced 22 June 2016 (LA s 75 (1))
sch 1 pt 1.3 commenced 29 June 2016 (s 2)

Revenue Legislation Amendment Act 2017 A2017-1 sch 1 pt 1.1

notified LR 22 February 2017
s 1, s 2 commenced 22 February 2017 (LA s 75 (1))
sch 1 pt 1.1 commenced 18 September 2017 (s 2 (1) and CN2017-5)

Retirement Villages Legislation Amendment Act 2019 A2019-10 pt 2

notified LR 11 April 2019
s 1, s 2 commenced 11 April 2019 (LA s 75 (1))
pt 2 commenced 1 July 2019 (s 2 (1) and CN2019-11)

Unit Titles Legislation Amendment Act 2020 A2020-4 pt 3

notified LR 27 February 2020
s 1, s 2 commenced 27 February (LA s 75 (1))
pt 3 commenced 1 November 2020 (s 2 (1) and CN2020-11)

Land Titles (Electronic Conveyancing) Legislation Amendment Act 2020 A2020-16 sch 1 pt 1.5

notified LR 13 May 2020
s 1, s 2 commenced 13 May 2020 (LA s 75 (1))
sch 1 pt 1.5 commenced 1 June 2020 (s 2 and see Electronic Conveyancing National Law (ACT) Act 2020 A2020-15 s 2)

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

Loose-fill Asbestos Legislation Amendment Act 2020 A2020-20 sch 1 pt 1.2

notified LR 27 May 2020
s 1, s 2 commenced 27 May 2020 (LA s 75 (1))
sch 1 pt 1.2 commenced 1 July 2020 (s 2)

Justice Legislation Amendment Act 2020 A2020-42 pt 4

notified LR 27 August 2020
s 1, s 2 commenced 27 August 2020 (LA s 75 (1))
pt 4 commenced 1 November 2020 (s 2 (3) and see Unit Titles Legislation Amendment Act 2020 A2020-4, s 2 (1) and CN2020-11)

Planning and Unit Titles Legislation Amendment Act 2021 A2021-5 pt 4

notified LR 8 April 2021
s 1, s 2 commenced 8 April 2021 (LA s 75 (1))
pt 4 commenced 9 April 2021 (s 2)

Loose-fill Asbestos Legislation Amendment Act 2021 A2021-16 pt 2

notified LR 1 July 2021
s 1, s 2 commenced 1 July 2021 (LA s 75 (1))
pt 2 commenced 18 August 2021 (s 2)

Planning and Unit Titles Legislation Amendment Act 2021 (No 2) A2021-25 sch 1 pt 1.2

notified LR 17 November 2021
s 1, s 2 commenced 17 November 2021 (LA s 75 (1))
sch 1 pt 1.2 commenced 18 November 2021 (s 2)

Civil Law (Sale of Residential Property) Amendment Act 2021 A2021-32

notified LR 10 December 2021
s 1, s 2 taken to have commenced 9 November 2021 (LA s 75 (2))
remainder taken to have commenced 9 November 2021 (s 2)

Fair Trading and Other Justice Legislation Amendment Act 2022 A2022-8 sch 1 pt 1.2

notified LR 11 May 2022
s 1, s 2 commenced 11 May 2022 (LA s 75 (1))
sch 1 pt 1.2 commenced 1 July 2022 (s 2 (2))

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Revenue Legislation Amendment Act 2023 A2023-6 sch 1 pt 1.1
notified LR 11 April 2023
s 1, s 2 commenced 11 April 2023 (LA s 75 (1))
sch 1 pt 1.1 commenced 1 October 2023 (s 2 (3) and see CN2023-8)

Unit Titles Legislation Amendment Act 2023 A2023-24 pt 2
notified LR 23 June 2023
s 1, s 2 commenced 23 June 2023 (LA s 75 (1))
pt 2 commenced 1 July 2023 (s 2)

Planning (Consequential Amendments) Act 2023 A2023-36 sch 1 pt 1.10
notified LR 29 September 2023
s 1, s 2 commenced 29 September 2023 (LA s 75 (1))
sch 1 pt 1.10 commenced 27 November 2023 (s 2 (1) and see Planning Act 2023 A2023-18, s 2 (2) and CN2023-10)

Building (Swimming Pool Safety) Legislation Amendment Act 2023 A2023-46 pt 4
notified LR 15 November 2023
s 1, s 2 commenced 15 November 2023 (LA s 75 (1))
pt 4 commenced 1 May 2024 (s 2 (1))

Housing and Consumer Affairs Legislation Amendment Act 2024 A2024-29 sch 1 pt 1.3
notified LR 9 July 2024
s 1, s 2 taken to have commenced 1 July 2024 (LA s 75 (2))
sch 1 pt 1.3 commenced 16 July 2024 (s 2 (1))

Property Developers Act 2024 A2024-36 sch 2 pt 2.4
notified LR 10 July 2024
s 1, s 2 commenced 10 July 2024 (LA s 75 (1))
sch 2 pt 2.4 awaiting commencement

Justice and Community Safety Legislation Amendment Act 2025 (No 3) A2025-22 pt 2 and sch 1 pt 1.1
notified LR 12 September 2025
s 1, s 2 commenced 12 September 2025 (LA s 75 (1))
pt 2 commenced 13 September 2025 (s 2 (1))
sch 1 pt 1.1 commenced 1 November 2025 (s 2 (3) (a) and see Aged Care Act 2024 (Cwlth) s 7)

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4 Amendment history

Commencement

s 2 om LA s 89 (4)

Dictionary

s 3 am A2023-6 amdt 1.1

Application of pt 2

s 6 am A2015–6 amdt 1.1; A2015-42 s 18, s 19; A2020-20 amdt 1.4; A2021-16 s 4; A2023-6 amdt 1.2

Definitions for pt 2

s 7 def ***building and compliance inspection report*** ins A2004-32 s 13
om A2011-3 amdt 3.84
def ***building inspection report*** om A2004-32 s 14
def ***encumbrance*** sub A2004-32 s 15
def ***lease*** om A2007-25 amdt 1.15
def ***pest inspection report*** om A2011-3 amdt 3.84
def ***pest treatment certificate*** om A2004-32 s 16
def ***seller*** am A2004-32 s 17
def ***sublease*** sub A2007-25 amdt 1.16; A2023-36 amdt 1.71
def ***unapproved structure*** sub A2004-13 amdt 2.10; A2007-25 amdt 1.17
am A2023-36 amdt 1.72
def ***unit*** om A2021-32 s 4
def ***units plan*** ins A2019-10 s 4
om A2021-32 s 4

Meaning of *residential property*

s 8 am A2004-32 s 18, s 19; pars renum R1 LA (see A2004-32 s 20); A2007-25 amdts 1.18-1.20; A2010-54 amdt 3.7; A2013-7 amdt 1.4; pars renum R12 LA

Meaning of *required documents*

s 9 am A2004-32 ss 21-28, ss 30-34; pars renum R1 LA (see A2004-32 s 29); A2006-16 amdts 1.24-1.26; A2010-32 s 10; A2016-37 amdt 1.9; A2020-16 amdts 1.13-1.15; A2020-20 amdt 1.5; A2020-4 ss 22-26; pars renum R21 LA; A2020-42 s 11; A2021-5 s 11, s 12; A2021-25 amdt 1.2; A2021-32 s 5, s 6; A2023-24 s 4, s 5; A2023-46 s 26, s 27; pars renum R29 LA; A2024-29 amdt 1.5, amdt 1.6; A2025-22 s 4

Meaning of *eligible impacted property* and *eligible impacted property buyback program*—pt 2

s 9A ins A2015-42 s 20
am A2020-20 amdt 1.6

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Proposed contract etc to be available for inspection
s 10 am A2004-32 s 35
sub A2008-7 amdt 1.22
am A2019-10 s 5

Certain documents etc to be available—sale of unit in retirement village
s 10A ins A2019-10 s 6
am A2021-5 s 13; A2024-29 amdt 1.7

Certain conditions to be included in contract
s 11 am A2004-32 ss 36-44; A2006-16 amdt 1.27; A2007-25 amdt 1.21; A2019-10 s 7; A2020-16 amdt 1.16; A2020-4 s 27; ss renum R21 LA

Buyer may waive cooling-off period
s 13 am A2004-32 s 45

Consequences of rescission
s 15 am A2017-1 amdt 1.1

Buyer to reimburse seller for cost of certain reports
s 18 am A2004-32 s 46; A2008-7 amdt 1.23; A2016-37 amdt 1.10; A2019-10 s 8

Compensation to buyer for false report etc
s 19 am A2008-28 amdt 3.41; A2019-10 s 9

Off-the-plan contracts
pt 2A hdg ins A2021-32 s 7

Definitions—pt 2A
s 19A ins A2021-32 s 7
am A2023-36 amdt 1.73
def ***delay event*** ins A2021-32 s 7
def ***off-the-plan contract*** ins A2021-32 s 7
def ***rescission provision*** ins A2021-32 s 7
def ***sunset date*** ins A2021-32 s 7
def ***sunset event*** ins A2021-32 s 7

Rescission under rescission provision
s 19B ins A2021-32 s 7

Notice of intention to rescind under rescission provision
s 19C ins A2021-32 s 7

Supreme Court may allow rescission
s 19D ins A2021-32 s 7

No automatic rescission of off-the-plan contracts
s 19E ins A2021-32 s 7

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Review—pt 2A

s 19F ins A2021-32 s 7
exp 9 November 2026 (s 19F (3))

Definitions for pt 3

s 20 def ***energy efficiency rating guidelines*** ins A2007-25 amdt 1.22
om A2010-32 s 11
def ***energy efficiency rating statement*** am A2004-32 s 47
sub A2007-25 amdt 1.23; A2010-32 s 12
def ***premises*** am A2004-13 amdt 2.11; A2007-25 amdt 1.24; pars renum R6 LA; A2013-7 amdt 1.5; pars renum R12 LA; A2023-36 amdts 1.74-1.76; pars renum R28 LA; A2025-22 amdt 1.1
def ***retirement village*** om A2013-7 amdt 1.6

Energy efficiency rating guidelines

s 20A ins A2007-25 amdt 1.25
om A2010-32 s 13

Industry and environment impact statement

s 21 om A2010-32 s 13

Energy efficiency rating statement

s 23 am A2004-13 amdt 2.12, amdt 2.13; A2015–6 amdt 1.2; ss renum R13 LA

Adaptable housing

pt 3A hdg ins A2020-4 s 28

Meaning of *adaptable housing dwelling*

s 23A ins A2020-4 s 28
om A2020-42 s 12

Adaptable housing—advertising

s 23B ins A2020-4 s 28
am A2020-42 ss 13-15

Bidders record

s 25 am A2004-32 s 48

Bidder's name and address to be established by proof of identity

s 26 am A2004-32 s 49

Standard auction conditions

s 31A ins A2004-32 s 50

Auction conditions to be available before auction begins

s 32 am A2004-32 s 51

Making false or misleading statements

s 37 am A2004-32 s 52

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Approved forms
s 39 am A2011-3 amdt 3.85

Regulation-making power
s 40 am A2004-32 s 53

Repeal and consequential amendments
pt 6 hdg om LA s 89 (3)

Repeal of Energy Efficiency Ratings (Sale of Premises) Act 1997
s 41 om LA s 89 (3)

Transitional
pt 7 hdg ins A2004-32 s 54
exp 1 July 2005 (s 47)

Transitional—meaning of building work for s 23 (5)
s 42 orig s 42 om LA s 89 (3)
(prev s 43) ins A2004-13 amdt 2.14
exp 1 July 2005 (s 42 (2))

Contracts entered into before 1 July 2004
s 43 orig s 43 as ins A2004-13 amdt 2.14
renum as s 42
ins A2004-32 s 54
exp 1 July 2005 (s 47)

Required documents not available before 31 October 2004
s 44 ins A2004-32 s 54
exp 31 October 2004 (s 44)

Transitional regulations
s 45 ins A2004-32 s 54
exp 1 July 2005 (s 47)

Modification of pt 7's operation
s 46 ins A2004-32 s 54
exp 1 July 2005 (s 47)

Expiry of pt 7
s 47 ins A2004-32 s 54
exp 1 July 2005 (s 47)

Transitional—Justice and Community Safety Legislation Amendment Act 2016
pt 8 hdg ins A2016-37 amdt 1.11
exp 29 June 2017 (s 49)

Application of amendments
s 48 ins A2016-37 amdt 1.11
exp 29 June 2017 (s 49)

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Expiry—pt 8

s 49 ins A2016-37 amdt 1.11
exp 29 June 2017 (s 49)

Transitional—Civil Law (Sale of Residential Property) Amendment Act 2021

pt 9 hdg ins A2021-32 s 8
exp 9 November 2026 (s 51)

Existing off-the-plan contracts

s 50 ins A2021-32 s 8
exp 9 November 2026 (s 51)

Expiry—pt 9

s 51 ins A2021-32 s 8
exp 9 November 2026 (s 51)

Consequential amendments

sch 1 om LA s 89 (3)

Dictionary

dict am A2007-25 amdt 1.26; A2020-16 amdt 1.17
def ***adaptable housing dwelling*** ins A2020-4 s 29
sub A2020-42 s 16
def ***agent*** am A2022-8 amdt 1.4
def ***building and compliance inspection report*** ins A2004-32 s 56
sub A2011-3 amdt 3.86
def ***building inspection report*** om A2004-32 s 57
def ***building management statement*** ins A2020-4 s 30
sub A2021-25 amdt 1.3
def ***delay event*** ins A2021-32 s 9
def ***developer's holding lease*** ins A2004-32 s 58
def ***eligible impacted property*** ins A2015-42 s 21
def ***eligible impacted property buyback program*** ins A2015-42 s 21
def ***energy efficiency rating guidelines*** ins A2007-25 amdt 1.27
om A2010-32 s 14
def ***energy efficiency rating statement*** sub A2010-32 s 15
def ***lease*** om A2007-25 amdt 1.28
def ***off-the-plan contract*** ins A2021-32 s 9
def ***pest inspection report*** sub A2011-3 amdt 3.86
def ***pest treatment certificate*** om A2004-32 s 59
def ***related person*** om A2023-6 amdt 1.3
def ***rescission provision*** ins A2021-32 s 9
def ***retirement village*** sub A2013-7 amdt 1.7
def ***sublease*** sub A2007-25 amdt 1.29; A2023-36 amdt 1.77
def ***sunset date*** ins A2021-32 s 9
def ***sunset event*** ins A2021-32 s 9

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def ***unit*** sub A2021-32 s 10
def ***units plan*** ins A2021-32 s 11
def ***unit title certificate*** ins A2004-32 s 60
am A2011-41 amdt 5.7
om A2024-29 amdt 1.8
def ***unit title sale certificate*** ins A2024-29 amdt 1.9

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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 1 July 2004	1 July 2004- 31 Aug 2004	A2004-32	new Act and amendments by A2004-32
R2 1 Sept 2004	1 Sept 2004– 31 Oct 2004	A2004-32	amendments by A2004-13
R3 1 Nov 2004	1 Nov 2004– 1 July 2005	A2004-32	commenced expiry
R4 2 July 2005	2 July 2005– 30 June 2006	A2004-32	commenced expiry
R5 1 July 2006	1 July 2006– 30 Mar 2008	A2006-24	amendments by A2006-16 as amended by A2006-24
R6 31 Mar 2008	31 Mar 2008– 6 May 2008	A2007-25	amendments by A2007-25
R7 7 May 2008	7 May 2008– 25 Aug 2008	A2008-7	amendments by A2008-7
R8 26 Aug 2008	26 Aug 2008— 31 Dec 2010	A2008-28	amendments by A2008-28
R9 1 Jan 2011	1 Jan 2011– 28 Feb 2011	A2010-54	amendments by A2010-54
R10 1 Mar 2011	1 Mar 2011– 29 Mar 2012	A2011-3	amendments by A2010-32 and A2011-3
R11 30 Mar 2012	30 Mar 2012– 3 Mar 2013	A2011-41	amendments by A2011-41

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5 Earlier republications

Republication No and date	Effective	Last amendment made by	Republication for
R12 4 Apr 2013	4 Apr 2013– 16 Apr 2015	A2013–7	amendments by A2013–7
R13 17 Apr 2015	17 Apr 2015– 12 Nov 2015	A2015-6	amendments by A2015-6
R14 13 Nov 2015	13 Nov 2015– 28 June 2016	A2015-42	amendments by A2015-42
R15 29 June 2016	29 June 2016– 29 June 2017	A2016-37	amendments by A2016-37
R16 30 June 2017	30 June 2017- 17 Sept 2017	A2016–37	expiry of transitional provisions (pt 8)
R17 18 Sep 2017	18 Sep 2017– 30 June 2019	A2017-1	amendments by A2017-1
R18 1 July 2019	1 July 2019– 31 May 2020	A2019-10	amendments by A2019-10
R19 1 June 2020	1 June 2020– 30 June 2020	A2020-16	amendments by A2020-16
R20 1 July 2020	1 July 2020– 31 Oct 2020	A2020-20	amendments by A2020-20
R21 1 Nov 2021	1 Nov 2021– 8 Apr 2021	A2020-42	amendments by A2020-4 and A2020-42
R22 9 Apr 2021	9 Apr 2021– 17 Aug 2021	A2021-5	amendments by A2021-5
R23 18 Aug 2021	18 Aug 2021– 8 Nov 2021	A2021-16	amendments by A2021-16
R23A 9 Nov 2021	9 Nov 2021– 17 Nov 2021	A2021-32	retrospective amendments by A2021-32
R24 18 Nov 2021	18 Nov 2021– 30 June 2022	A2021-25	amendments by A2021-25

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Republication No and date	Effective	Last amendment made by	Republication for
R24 (RI) 18 Nov 2021	18 Nov 2021– 30 June 2022	A2021-32	reissue for retrospective amendments by A2021-32
R25 1 July 2022	1 July 2022– 30 June 2023	A2022-8	amendments by A2022-8
R26 1 July 2023	1 July 2023– 30 Sept 2023	A2023-24	amendments by A2023-24
R27 1 Oct 2023	1 Oct 2023– 26 Nov 2023	A2023-24	amendments by A2023-6
R28 27 Nov 2023	27 Nov 2023– 30 Apr 2024	A2023-36	amendments by A2023-36
R29 1 May 2024	1 May 2024– 15 July 2024	A2023-46	amendments by A2023-46
R30 16 July 2024	16 July 2024– 12 Sept 2025	A2024-29	amendments by A2024-29
R31 13 Sept 2025	13 Sept 2025– 31 Oct 2025	A2025-22	amendments by A2025-22

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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.

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