



Australian Capital Territory

Planning and Unit Titles Legislation Amendment Act 2021

A2021-5

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Australian Capital Territory

Planning and Unit Titles Legislation Amendment Act 2021

A2021-5

An Act to amend legislation about planning and unit titles

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

Part 1 Preliminary

1 Name of Act

This Act is the *Planning and Unit Titles Legislation Amendment Act 2021*.

2 Commencement

This Act commences on the day after its notification day.

Note The naming and commencement provisions automatically commence on the notification day (see [Legislation Act](#), s 75 (1)).

3 Legislation amended

This Act amends the following legislation:

- *Civil Law (Property) Act 2006*
- *Civil Law (Property) Regulation 2020*
- *Civil Law (Sale of Residential Property) Act 2003*
- *Planning and Development Act 2007*
- *Unit Titles (Management) Act 2011*.

Part 2 Civil Law (Property) Act 2006

4 Definitions—pt 2.9 Section 259, new definition of *unit subsidiary*

insert

unit subsidiary—see the *Unit Titles Act 2001*, section 12.

5 Meaning of *type 1 matter* and *type 2 matter* New section 259A (1) (b) (va)

insert

- (va) the size of a unit subsidiary for the unit, if the change is a decrease of 10% or more and is not a type 1 matter;

6 New section 259A (2A)

insert

- (2A) In calculating a change for subsection (1), any potential variation must be disregarded.

7 Section 259A (3), new definition of *potential variation*

insert

potential variation, in relation to a disclosure statement, means information in the disclosure statement about the allowable change in the layout or size of the unit, unit subsidiary or unit entitlement estimate.

**8 Contract for sale of unit before registration of units plan
Section 260 (4), definition of *unit subsidiary***

omit

9 Dictionary, new definition of *unit subsidiary*

insert

unit subsidiary, for part 2.9 (Unit Titles)—see the [Unit Titles Act 2001](#), section 12.

Part 3 **Civil Law (Property)
Regulation 2020**

10 **Type 1 matter in disclosure statement—Act,
s 259A (1) (a) (iv)
Section 1A**

omit

Part 4 Civil Law (Sale of Residential Property) Act 2003

11 **Meaning of *required* documents Section 9 (1) (g) (i) (B), new note**

insert

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

12 **Section 9 (1) (h) (v)**

omit

13 **Certain documents etc to be available—sale of unit in retirement village Section 10A (7), definition of *later required documents*, paragraph (a) (iv)**

substitute

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

Part 5 Planning and Development Act 2007

14 Meaning of *community concessional lease provisions* Section 253G (d)

omit

certificate of compliance

substitute

certificate of occupancy

15 Restrictions on dealings with concessional leases Section 265 (3)

substitute

(3) However, subsection (2) does not apply to a dealing—

(a) registered under the *Land Titles Act 1925*; or

Note The registration of an interest in land under the *Land Titles Act 1925* takes priority over any other interest in the land, subject to some exceptions (see that [Act](#), s 58).

(b) made under any of the following orders:

(i) an order of the Family Court;

(ii) an order of another court having jurisdiction under the *Family Law Act 1975* (Cwlth);

(iii) an order under the *Domestic Relationships Act 1994*, division 3.2 (Adjustment of property interests) adjusting the property interests of parties in a domestic relationship;
or

- (c) that happens by operation of, or under, bankruptcy or insolvency; or
- (d) in any circumstances prescribed by regulation.

Part 6 Unit Titles (Management) Act 2011

16 Unit title certificate and access to owners corporation records New section 119 (7)

insert

(7) In this section:

eligible person includes a person who enters into a contract for sale of the unit in relation to which access to information is required.

17 Proxy votes Schedule 3, section 3.26 (4)

after

A person

insert

, other than the chairperson,

18 Schedule 3, new section 3.26 (5)

insert

(5) If a person holds more proxy votes than they can exercise under subsection (4), the chairperson must exercise the excess proxy votes.

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 2 December 2020.

2 Notification

Notified under the [Legislation Act](#) on 8 April 2021.

3 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

I certify that the above is a true copy of the Planning and Unit Titles Legislation Amendment Bill 2021, which originated in the Legislative Assembly as the Planning and Unit Titles Legislation Amendment Bill 2020 and was passed by the Assembly on 31 March 2021.

Clerk of the Legislative Assembly

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