

1992

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Minister for the Environment, Land and Planning)

Unit Titles (Amendment) Bill 1992

**A BILL
FOR**

An Act to amend the *Unit Titles Act 1970*

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

Short title

1. This Act may be cited as the *Unit Titles (Amendment) Act 1992*.

5 Commencement

2. (1) Sections 1, 2 and 3 commence on the day on which this Act is notified in the *Gazette*.

(2) The remaining provisions commence on a day, or respective days, fixed by the Minister by notice in the *Gazette*.

10 (3) If a provision referred to in subsection (2) has not commenced before the end of the period of 6 months commencing on the day on which this Act is notified in the *Gazette*, that provision, by force of this subsection, commences on the first day after the end of that period.

Principal Act

3. In this Act, "Principal Act" means the *Unit Titles Act 1970*.¹

Substitution

5 4. Section 8 of the Principal Act is repealed and the following section substituted:

References to special resolutions

"8. In this Act, a reference to a special resolution shall be read as—

- 10 (a) where the total number of units is more than 2—a reference to a resolution at a duly convened general meeting, passed by votes representing not less than two-thirds of the total number of units and not less than half of the aggregate unit entitlement of the units; or
- (b) where the total number of units is 2—a reference to a resolution passed unanimously at a duly convened general meeting."

15 Proposals for subdivision

5. Section 11 of the Principal Act is amended—

- (a) by omitting from subsection (2) "four" and substituting "2"; and
- (b) by omitting from subsection (2) "one" (wherever occurring) and substituting "1".

20 Chairman of committee

6. Section 54 of the Principal Act is amended by adding at the end the following subsection:

"(4) In the case of a committee of 2, in the event of an equality of votes the chairman is not entitled to a second or casting vote."

25 Voting of committee

7. Section 55 of the Principal Act is amended by adding at the end the following subsection:

"(2) In the case of a committee of 2, all matters shall be decided by a unanimous vote."

30 Substitution

8. Section 65 of the Principal Act is repealed and the following section substituted:

Quorum at a general meeting

“65. (1) No business shall be transacted at a general meeting unless a quorum is present.

5 “(2) If within half an hour after the time appointed for a general meeting under section 63 a quorum is not present, the meeting shall be adjourned to the same day in the next week at the same place and time.

“(3) Subject to subsection (4), a quorum at a general meeting is constituted by—

10 (a) where the number of members of the corporation is more than 2—persons entitled to exercise voting rights in respect of not less than half the total number of units; or

(b) where the number of members of the corporation is 2—both members of the corporation.

15 “(4) Where a meeting is adjourned under subsection (2) and a quorum is not present within half an hour after the time fixed for the adjourned meeting, a quorum is constituted by—

(a) where the number of members of the corporation is more than 2—the persons who are then present and entitled to vote; or

20 (b) where the number of members of the corporation is 2—a person who is then present and entitled to vote.”.

Voting by members

9. Section 66 of the Principal Act is amended by adding at the end the following subsection:

25 “(2) Where a corporation has only 2 members, all matters shall be decided by a unanimous vote.”.

Voting by chairman

10. Section 72 of the Principal Act is amended by adding at the end the following subsection:

30 “(2) Where a corporation has only 2 members, in the event of an equality of votes on an ordinary resolution, whether on a poll or not, the chairman is not entitled to a second or casting vote.

Substitution

11. Section 78 of the Principal Act is repealed and the following section substituted:

Articles of corporation

“78. On or after the constitution of a corporation under section 29, the articles of a corporation shall consist of—

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- (a) the articles set out in the Schedule, subject to any alteration under section 80; and
 - (b) where the corporation has only 2 members—such articles relating to voting procedures and dispute resolution as are prescribed by regulation.”.

Alteration of articles

10 12. Section 80 of the Principal Act is amended—

(a) by inserting after subsection (1) the following subsection:

“(1A) Where a corporation has only 2 members, the corporation shall not alter the articles referred to in paragraph 78 (b).”;

15 (b) by omitting from subsection (2) “the next succeeding subsection” and substituting “subsection (3)”;

(c) by omitting from subsection (2) “under the last preceding subsection”; and

20 (d) by omitting from subsection (3) “made under the last two preceding subsections”.

NOTE

1. Reprinted as at 31 May 1991. See also Act No. 118, 1991.