

2016

THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

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(As presented)

(Mr Alistair Coe)

## Unit Titles (Management) Amendment Bill 2016

### Contents

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	Page
1 Name of Act	2
2 Commencement	2
3 Legislation amended	2
4 Owners corporation—entry to units	
Section 28 (1), new note	2
5 New sections 33A to 33C	2
6 General fund—contributions	
Section 78 (2)	5
7 New section 78 (2A)	5
8 General fund—notice of contributions	
Section 79 (1)	5

## Contents

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	Page
9      New section 79 (2) (da)	6
10     Dictionary, new definition of <i>sub-meter</i>	6

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# Unit Titles (Management) Amendment Bill 2016

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## A Bill for

An Act to amend the *Unit Titles (Management) Act 2011*

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

**1 Name of Act**

This Act is the *Unit Titles (Management) Amendment Act 2016*.

**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 *Unit Titles (Management) Act 2011*.

**4 Owners corporation—entry to units  
Section 28 (1), new note**

*insert*

*Note* An owners corporation may also enter a unit to install a sub-meter under s 33B.

**5 New sections 33A to 33C**

*in division 3.4, insert*

**33A Unit sub-meters**

An owners corporation for a units plan may—

(a) if authorised by—

(i) an ordinary resolution—permit a unit owner to install a water meter (a *sub-meter*) at the owner's expense to the owner's unit; or

(ii) a special resolution—require a unit owner to install a sub-meter at the owner's expense to the owner's unit; and

1 (b) determine, in accordance with a method set out in an ordinary  
2 resolution—

3 (i) the share of the owners corporation's water usage, in  
4 relation to the common property, payable by an owner;  
5 and

6 (ii) if the share under subparagraph (i) is determined, based  
7 on an estimated water usage—any additional payment to  
8 be made by, or refund due to, the owner based on actual  
9 water usage; and

10 (iii) the owners corporation's administration costs relating to  
11 operating a sub-meter payable by the owner of the  
12 sub-meter.

13 **Examples—administration costs**

14 costs incurred by an owners corporation for reading a sub-meter,  
15 calculating payments and invoicing the owner, if a utility service  
16 cannot access the sub-meter.

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

20 **33B Owners corporation may install sub-meter**

21 (1) This section applies if an owners corporation is authorised by  
22 special resolution to require a unit owner to install a sub-meter at the  
23 owner's unit.

24 (2) The unit owner must install the sub-meter within 12 months after the  
25 day the special resolution is passed.

26 (3) If the unit owner fails to install the sub-meter within the 12-month  
27 period, the owners corporation may arrange to install the sub-meter  
28 at the owner's unit.

- 1           (4) If entry to the unit is required to install the sub-meter, a person may  
2           enter the unit on behalf of the owners corporation if—
- 3           (a) the executive committee authorises the entry, and the person to  
4           enter, by resolution; and
- 5           (b) the executive committee gives the owner or an occupier of the  
6           unit written notice that the entry must be allowed on a stated  
7           day.
- 8           (5) A notice under subsection (4) (b) must be given to the unit owner or  
9           occupier not less than 7 days before the entry it relates to.
- 10          (6) The amount spent by the owners corporation for the installation of  
11          the sub-meter is recoverable by the owners corporation from the unit  
12          owner as a debt.
- 13          *Note*     For powers in relation to money owing to an owners corporation see  
14                      div 5.3.

15       **33C       Payments for water usage**

- 16          (1) This section applies to a unit owner who has a sub-meter installed at  
17          the owner's unit.
- 18          (2) Subject to subsection (3), the unit owner must pay the owners  
19          corporation—
- 20               (a) for the unit owner's water usage as measured by the sub-meter;  
21               and
- 22               (b) for the unit owner's share of the owners corporation's water  
23               usage as determined by the owners corporation under  
24               section 33A (Unit sub-meters); and
- 25               (c) the owners corporation's administration costs relating to  
26               operating the sub-meter as determined by the owners  
27               corporation under section 33A.

- 1 (3) Subsection (2) (a) does not apply to a unit owner if the sub-meter is  
2 accessible by a utility service and the unit owner is billed directly by  
3 the utility service for the water usage.

4 **6 General fund—contributions**  
5 **Section 78 (2)**

6 *omit*

7 The general

8 *substitute*

9 Subject to subsection (2A), the general

10 **7 New section 78 (2A)**

11 *insert*

12 (2A) However, if a sub-meter is installed at a unit, the general fund  
13 contribution payable by the unit owner is—

14 (a) in relation to water usage—the amount payable under  
15 section 33C (Payments for water usage); and

16 (b) the proportional share for the unit of the total general fund  
17 contribution payable under subsection (2) after the amount  
18 approved for water usage in the general fund budget is  
19 deducted.

20 **8 General fund—notice of contributions**  
21 **Section 79 (1)**

22 *substitute*

23 (1) An owners corporation for a units plan must give notice to each unit  
24 owner of—

25 (a) a determination of general fund contributions under section 78;  
26 and

- 1 (b) if a sub-meter is installed at the unit—a determination under  
2 section 33A (Unit sub-meters).

3 **9 New section 79 (2) (da)**

4 *insert*

5 (da) if a sub-meter is installed at the unit—

- 6 (i) the proportional share for the unit of the total general  
7 fund contribution for the owners corporation's water  
8 usage in relation to the common property payable by the  
9 owner and how the proportion is worked out; and
- 10 (ii) the proportional share for the unit of the total general  
11 fund contribution, after the amount approved for water  
12 usage in the general fund budget is deducted, payable by  
13 the owner and how the proportion is worked out; and
- 14 (iii) if the contribution under subparagraph (i) is determined,  
15 based on an estimated water usage—a statement that an  
16 additional payment may be required by, or a refund may  
17 be due to, the owner based on actual water usage as  
18 determined under section 33A (Unit sub-meters); and
- 19 (iv) the owners corporation's administration costs relating to  
20 operating the sub-meter as determined by the owners  
21 corporation under section 33A;

22 **10 Dictionary, new definition of *sub-meter***

23 *insert*

24 *sub-meter*—see section 33A.



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## Endnotes

**1 Presentation speech**

Presentation speech made in the Legislative Assembly on 4 May 2016.

**2 Notification**

Notified under the [Legislation Act](#) on 2016.

**3 Republications of amended laws**

For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au).

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