

2020

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Minister for Planning and Land Management)

Planning and Unit Titles Legislation Amendment Bill 2020

Contents

		Page
Part 1	Preliminary	
1	Name of Act	2
2	Commencement	2
3	Legislation amended	2
Part 2	Civil Law (Property) Act 2006	
4	Definitions—pt 2.9 Section 259, new definition of <i>unit subsidiary</i>	3
5	Meaning of <i>type 1 matter</i> and <i>type 2 matter</i> New section 259A (1) (b) (va)	3

J2020-1508

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

		Page
6	New section 259A (2A)	3
7	Section 259A (3), new definition of <i>potential variation</i>	3
8	Contract for sale of unit before registration of units plan Section 260 (4), definition of <i>unit subsidiary</i>	4
9	Dictionary, new definition of <i>unit subsidiary</i>	4
Part 3	Civil Law (Property) Regulation 2020	
10	Type 1 matter in disclosure statement—Act, s 259A (1) (a) (iv) Section 1A	5
Part 4	Civil Law (Sale of Residential Property) Act 2003	
11	Meaning of <i>required</i> documents Section 9 (1) (g) (i) (B), new note	6
12	Section 9 (1) (h) (v)	6
13	Certain documents etc to be available—sale of unit in retirement village Section 10A (7), definition of <i>later required documents</i> , paragraph (a) (iv)	6
Part 5	Planning and Development Act 2007	
14	Meaning of <i>community concessional lease provisions</i> Section 253G (d)	7
15	Restrictions on dealings with concessional leases Section 265 (3)	7
Part 6	Unit Titles (Management) Act 2011	
16	Unit title certificate and access to owners corporation records New section 119 (7)	9
17	Proxy votes Schedule 3, section 3.26 (4)	9
18	Schedule 3, new section 3.26 (5)	9

2020

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Minister for Planning and Land Management)

Planning and Unit Titles Legislation Amendment Bill 2020

A Bill for

An Act to amend legislation about planning and unit titles

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

1 **Part 1 Preliminary**

2 **1 Name of Act**

3 This Act is the *Planning and Unit Titles Legislation Amendment Act*
4 *2020*.

5 **2 Commencement**

6 This Act commences on the day after its notification day.

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

9 **3 Legislation amended**

10 This Act amends the following legislation:

- 11 • [Civil Law \(Property\) Act 2006](#)
- 12 • [Civil Law \(Property\) Regulation 2020](#)
- 13 • [Civil Law \(Sale of Residential Property\) Act 2003](#)
- 14 • [Planning and Development Act 2007](#)
- 15 • [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.

1 **8 Contract for sale of unit before registration of units plan**
2 **Section 260 (4), definition of *unit subsidiary***

3 *omit*

4 **9 Dictionary, new definition of *unit subsidiary***

5 *insert*

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

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

3 **11** **Meaning of *required* documents**
4 **Section 9 (1) (g) (i) (B), new note**

5 *insert*

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

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

10 *omit*

11 **13** **Certain documents etc to be available—sale of unit in**
12 **retirement village**
13 **Section 10A (7), definition of *later required documents*,**
14 **paragraph (a) (iv)**

15 *substitute*

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

1 **Part 5** **Planning and Development**
2 **Act 2007**

3 **14** **Meaning of *community concessional lease provisions***
4 **Section 253G (d)**

5 *omit*

6 certificate of compliance

7 *substitute*

8 certificate of occupancy

9 **15** **Restrictions on dealings with concessional leases**
10 **Section 265 (3)**

11 *substitute*

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

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

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

17 (b) made under any of the following orders:

18 (i) an order of the Family Court;

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

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

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

1 **Part 6** **Unit Titles (Management)**
2 **Act 2011**

3 **16 Unit title certificate and access to owners corporation**
4 **records**
5 **New section 119 (7)**

6 *insert*

7 (7) In this section:

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

10 **17 Proxy votes**
11 **Schedule 3, section 3.26 (4)**

12 *after*

13 A person

14 *insert*

15 , other than the chairperson,

16 **18 Schedule 3, new section 3.26 (5)**

17 *insert*

18 (5) If a person holds more proxy votes than they can exercise under
19 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 2020.

3 Republications of amended laws

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

© Australian Capital Territory 2020