

2001

LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL  
TERRITORY

COMMUNITY TITLE BILL 2001  
GOVERNMENT AMENDMENTS

EXPLANATORY MEMORANDUM

Circulated by authority of the  
Minister for Urban Services  
Mr Brendan Smyth MLA

## COMMUNITY TITLE BILL 2001 GOVERNMENT AMENDMENTS

### Outline

The *Community Title Bill 2001* (the Bill) provides for the establishment and administration of community title schemes. The Bill governs the arrangements under which land may be parcelled to allow separate ownership of a primary lease, whilst having a shared interest and responsibility over common land on an adjacent Crown lease.

The Government amendments amend clauses 9, 67 and 93 as a result of consultation with the Property Law Committee of the ACT Law Society and comments from the Scrutiny of Bills Committee.

Clause 9 allows the Minister to require changes to a community title scheme before its approval. The clause is amended to provide that the changes may only be made to ensure the community title scheme complies with the Act.

Clause 67 requires a seller of a lot to provide to a potential buyer of a lot in a community title scheme a statement. The statement provides that the lot is part of a community title scheme and requires the name, address and telephone number of the body corporate to be attached. The clause provides that the buyer may cancel a sale before execution, if a statement is not given or is not complete. The amendment removes the requirement to provide a telephone number, as some bodies corporate do not have a telephone contact. The penalty of cancellation of the contract is replaced with rescission. Rescinding the contract restores the parties to the position they were in before the contract was entered in to.

Clause 93 is amended by providing for review of decisions made by the Minister to refuse to consent to amalgamation of community title schemes.

### Financial Implications

Nil.

**Clause Notes**

**Clause 1 – Clause 9 Page 7, line 28** – amends clause 9 of the Bill by adding at the end of the clause the words “that need to be made for the scheme to comply with this Act”.

**Clause 2 – Clause 67 Paragraph (2)(b) Page 39, line 25** – omits the words “, address and contact telephone number for” and inserts “and address of”.

**Clause 3 – Clause 67 Subclause (6) Page 40, line 12** – replaces the word “cancel” with “rescind”.

**Clause 4 – Clause 93 Paragraph (h) Page 56, line 18** – omits paragraph (h) and replaces it with paragraph (h) and (i). Paragraph (i) allows appeals under section 81(1)(a) against the decision of the Minister to refuse to consent to the amalgamation of community title schemes.