

Australian Capital Territory

# Civil Law (Property) Amendment Regulation 2020 (No 1)

Subordinate law SL2020–41

made under the

Civil Law (Property) Act 2006, s 259A(1)(a)(iv) (Meaning of *type 1 matter* and *type 2 matter*) and s 260(1)(a)(iii) (Contract for sale of unit before registration of units plan)

## EXPLANATORY STATEMENT

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Section 259A of the *Civil Law (Property) Act 2006* (the Act) defines *type 1* and *type 2* matters for disclosure statements for off-the-plan contracts. The buyer has different rescission rights if a *type 1* or a *type 2* matter has been subsequently changed by the seller.

Section 259A(1)(a) sets out specific changes that may occur to the overall floor area of units, the unit entitlement or the courtyard or balcony area for the unit (*type 1 matters*).

Section 1A of the *Civil Law (Property) Amendment Regulation 2020 (No 1)* (the Regulation) clarifies section 259A(1)(a)(iv) of the Act by making it clear that regardless of what information is provided in the disclosure statements in relation to any potential variances to the unit, it cannot exceed the variation as prescribed under sections 259A(1)(a)(i) to (iii).

Section 1B of the Regulation prescribes the additional information that must be included in a plan given to a buyer as a part of the disclosure statement in accordance with section 260(1)(a)(iii) of the Act.

A seller is required to disclose the detail (including type and location) of any unit subsidiary that immediately adjoins the unit. Information relating to subsidiaries immediately adjoining the unit will help inform buyers of the immediate external space they can access and will form part of the unit.