



Australian Capital Territory

Unit Titles Regulations

Subordinate Law No. 29 of 1994¹

The Australian Capital Territory Executive makes the following Regulations under the *Unit Titles Act 1970*.

Dated 5 September 1994.

BILL WOOD
Minister

DAVID LAMONT
Minister

Citation

1. These Regulations may be cited as the Unit Titles Regulations.

Commencement

2. These Regulations commence on the day on which they are notified in the *Gazette*.

Interpretation

3. In these Regulations, unless the contrary intention appears—

“Act” means the *Unit Titles Act 1970*;

“conciliator” means a person appointed by the Minister under subregulation 5 (1).

Articles of corporation of 2 or 3 members

4. For the purposes of paragraph 78 (1) (b) of the Act—

- (a) in respect of a corporation that has only 2 members, the articles specified in Schedule 1 are prescribed; and
- (b) in respect of a corporation that has only 3 members, the articles specified in Schedule 2 are prescribed.

Appointment of conciliator by Minister

5. (1) Where the Minister is notified in writing—

- (a) by a member of a corporation of only 2 members, that a quorum was not present within half an hour after the time fixed for a general meeting of the corporation adjourned under subsection 65 (2) of the Act; or
- (b) by a member of a corporation of only 2 or 3 members, that the members of the corporation are in dispute about a specified matter;

the Minister may, if he or she considers it appropriate in the circumstances, appoint a person as a conciliator to assist the members—

- (c) to achieve a quorum and resolve any matter on the agenda for that general meeting; or
- (d) to resolve the matter in dispute.

(2) Where the Minister appoints a conciliator under subregulation (1), he or she shall specify, in writing, the terms and conditions, as to remuneration or otherwise, on which the conciliator is appointed.

(3) The remuneration of a conciliator and the expenses incurred by him or her in the performance of his or her duties and functions and the exercise of his or her powers as a conciliator shall be deemed to be expenditure incurred by the corporation.

SCHEDULE 1

Paragraph 4 (a)

ARTICLES

1. (1) In these articles, “conciliator” means a person appointed under subregulation 5 (1) of the Unit Titles Regulations.

(2) Where a quorum is not present within half an hour after the time fixed for a general meeting adjourned under subsection 65 (2) of the Act, the person who called the meeting shall notify the Minister, in writing, accordingly and request the Minister to appoint a person to assist the members to achieve a quorum and reach agreement on the matters on the agenda for that general meeting.

(3) Where the members of the corporation are in dispute in relation to a specified matter, a member of the corporation may notify the Minister, in writing, accordingly and request the Minister to appoint a person to assist the members to reach agreement on the matter in dispute.

(4) A conciliator appointed by the Minister pursuant to a request under subarticle (2) or (3) shall notify, in writing, both members of the corporation, of the time and place of a conference to address the matters that were on the agenda referred to in subarticle (2) or to attempt to reach agreement on the matter in dispute, as the case requires.

(5) Where a quorum is present at the conference—

- (a) the conciliator shall assist the members to reach agreement on the matters on the agenda referred to in subarticle (2) or on the matter in dispute, as the case requires; and
- (b) any agreement reached shall be taken to be a unanimous resolution of the members for the purposes of the Act.

(6) Where—

- (a) a quorum is not present at the conference; or
- (b) agreement is not reached on any matter on the agenda referred to in subarticle (2) or on the matter in dispute;

the conciliator shall, in writing, advise both members of the corporation of the right of a member to apply to the Supreme Court for an order under section 77 or 92 of the Act.

SCHEDULE 2

Paragraph 4 (b)

ARTICLES

1. (1) In these articles, “conciliator” means a person appointed under subregulation 5 (1) of the Unit Titles Regulations.

(2) Where the members of a corporation are in dispute in relation to a specified matter, a member of the corporation may notify the Minister, in writing, accordingly and request the Minister to appoint a person to assist the members to reach agreement on the matter in dispute.

(3) A conciliator shall notify, in writing, each member of the corporation, of the time and place of a conference to attempt to reach agreement on the matter in dispute.

(4) Where a quorum is present at the conference—

SCHEDULE 2—continued

- (a) the conciliator shall assist the members to reach agreement on the matter in dispute; and
- (b) any agreement reached shall be taken to be a unanimous resolution of the members for the purposes of the Act.

(5) Where—

- (a) a quorum is not present at the conference; or
- (b) agreement is not reached on the matter in dispute;

the conciliator shall, in writing, advise each member of the corporation of the right of a member to apply to the Supreme Court for an order under section 77 or 92 of the Act.

NOTE

1. Notified in the ACT Gazette on 15 September 1994.