



Australian Capital Territory

# **Unit Titles Regulation 2001**

**SL2001-15**

made under the

**Unit Titles Act 2001**

**Republication No 8**

**Effective: 31 March 2009 – 30 June 2009**

Republication date: 31 March 2009

Last amendment made by A2008-45

Not all amendments are in force: see last endnote

Authorised by the ACT Parliamentary Counsel

## About this republication

### The republished law

This is a republication of the *Unit Titles Regulation 2001*, made under the *Unit Titles Act 2001* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 31 March 2009. It also includes any amendment, repeal or expiry affecting the republished law to 31 March 2009.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

### Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

### Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication includes amendments made under part 11.3 (see endnote 1).

### Uncommenced provisions and amendments

If a provision of the republished law has not commenced or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

### Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see *Legislation Act 2001*, section 95.

### Penalties

The value of a penalty unit for an offence against this republished law at the republication date is—

- (a) if the person charged is an individual—\$100; or
- (b) if the person charged is a corporation—\$500.



Australian Capital Territory

# Unit Titles Regulation 2001

made under the

**Unit Titles Act 2001**

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R8  
31/03/09

Unit Titles Regulation 2001  
Effective: 31/03/09-30/06/09

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Australian Capital Territory

# Unit Titles Regulation 2001

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made under the

**Unit Titles Act 2001**

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**Part 1** Preliminary

Section 1

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## **Part 1** Preliminary

### **1** Name of regulation

This regulation is the *Unit Titles Regulation 2001*.



## **Part 2**                      **Unit title applications**

### **Division 2.1**                **Unit subsidiaries**

#### **3**                      **Permissible unit subsidiaries—Act, s 19**

- (1) A unit title application may show as a unit subsidiary a part of the relevant parcel—
- (a) that is a building, or part of a building, consisting of any of the following:
- (i) airconditioner;
  - (ii) balcony;
  - (iii) corridor;
  - (iv) garage or carport;
  - (v) gazebo;
  - (vi) laundry;
  - (vii) pergola;
  - (viii) porch;
  - (ix) stairway;
  - (x) shed;
  - (xi) storeroom;
  - (xii) utility room;
  - (xiii) verandah;
  - (xiv) any other part of the parcel approved by the planning and land authority under subsection (2); or

- (b) that is suitable for 1 or more of the following purposes:
  - (i) a garden, lawn or yard;
  - (ii) a carspace or parking area;
  - (iii) a recreation area;
  - (iv) any other purpose approved by the planning and land authority under subsection (2).
- (2) When approving a unit title application under the Act, section 20, the planning and land authority may approve a part of the parcel for paragraph (a) (xiv) or a purpose for paragraph (b) (iv).

## **Division 2.2 Detailed requirements**

### **4 Uncovered balconies and stairways**

- (1) A unit title application for the subdivision of a parcel under a units plan with class A units must show an uncovered balcony or uncovered stairway as a unit subsidiary or as common property.
- (2) A unit title application for the subdivision of a parcel under a units plan with class B units may show an uncovered balcony or uncovered stairway as part of a class B unit, as a unit subsidiary or as common property.

### **5 Diagrams—manner of subdivision**

A unit title application must be accompanied by diagrams showing how the parcel is to be subdivided, including the following details:

- (a) the classification of the units as class A or class B units;
- (b) any unit subsidiary or subsidiaries annexed to each unit;
- (c) the number of each unit;
- (d) the number of each unit subsidiary, consisting of the letter S followed by the number of the unit to which the unit subsidiary

is annexed, followed by any further number necessary to distinguish the subsidiary from any other subsidiaries annexed to that unit;

- (e) if the proposals provide for a class B unit, or a unit subsidiary other than a subsidiary that is a building or a part of a building, with a projection above or below ground level by another part of the parcel—
  - (i) a statement to the effect that the unit or subsidiary is limited in its vertical dimensions by such a projection; and
  - (ii) a statement of the nature of that projection.

## **6 Boundary diagrams**

- (1) A unit title application must be accompanied by the following diagrams:
  - (a) a boundary diagram showing the following and their relationship to each other:
    - (i) the boundaries of the parcel;
    - (ii) the extremities of each building on the parcel at (or projected to) ground level;
    - (iii) the boundaries of any class B units;
  - (b) if the application provides for a building to be subdivided so that any class A unit is completely or partly above another class A unit, a separate diagram for each floor of the building showing—
    - (i) sufficient particulars, at floor level, to allow the vertical boundaries of each unit on that floor to be worked out (without necessarily stating any bearings or dimensions); and
    - (ii) the approximate floor area of each unit;

- (c) if the application provides for a building to be subdivided into class A units otherwise than as mentioned in paragraph (b), a diagram showing—
  - (i) sufficient details, at floor level, to allow the vertical boundaries of each unit on that floor to be worked out (without necessarily stating any bearings or dimensions); and
  - (ii) the approximate floor area of each unit.
- (2) The diagrams mentioned in subsection (1) (a) and (c) may be combined.
- (3) The diagrams required by this section must also show—
  - (a) any unit subsidiary consisting of a building or part of a building as if the subsidiary were a class A unit; and
  - (b) any other unit subsidiary as if the subsidiary were a class B unit.

## **7 Schedule of unit entitlement and rent**

A unit title application must be accompanied by a schedule stating the following:

- (a) the proposed unit entitlement for each unit as a whole number;
- (b) a total proposed unit entitlement of 10, 100, 1 000, 10 000 or 100 000;
- (c) the rent (however expressed) proposed to be reserved under the lease of each unit.

## **Division 2.3                      Development statements**

### **8                      Staged developments—development statements—Acts 17 (4)**

- (1) A development statement must—
  - (a) include a description of the land consisting of the parcel; and
  - (b) include a copy of the plans relating to the development, and any amendment of the plans, as approved in the development approval under the *Planning and Development Act 2007*, chapter 7; and
  - (c) state how the staged development is to be carried out, including—
    - (i) a description of the work (including common property amenities) to be completed in each stage of the development; and
    - (ii) a schedule of commencement and completion dates for each stage; and
    - (iii) the arrangements for access to the parcel during the development; and
    - (iv) the permitted uses of the common property during the development; and
    - (v) landscaping of the parcel; and
  - (d) state that the developer must pay the reasonable expenses incurred by the owners corporation—
    - (i) in repairing any damage to the common property, or to units, in the completed stages of the development that is caused in carrying out the development; and

- (ii) for any water, sewerage, drainage, gas, electricity, oil, garbage, conditioned air or telephone service used in carrying out the development; and
- (e) state that the developer must make good, as soon as practicable, any damage to the common property or units in the completed stages of the development caused in carrying out the development; and
- (f) state that the standard of materials used, finishes effected, common property improvements, landscaping, roadways and paths to be carried out in the development must not be inferior to or substantially different from those of the buildings and other works in the completed stages of the development; and
- (g) include a requirement that after the completion of any stated stages of the development, and after the completion of the entire development, the planning and land authority must be provided with a report by a registered surveyor about the position of fully or partially completed buildings in relation to the boundaries of the units and of the parcel.

*Note* If a form is approved under the Act, s 180 for a report by a registered surveyor under par (g), the form must be used.

- (2) The development statement may apportion the liability for expenses for the use or maintenance of the common property of the staged development differently from the way that liability would otherwise be apportioned by the schedule of unit entitlement.
- (3) An apportionment under subsection (2) has effect despite the current schedule of unit entitlement, but does not apply to any liability for the use or maintenance of the common property after the development is completed.

*Note* If a form is approved under the Act, s 180 for a development statement, the form must be used.

## **Division 2.4                      Approval of units plans**

### **9                      Endorsement of units plans—Act, s 27 (2)**

- (1) If the planning and land authority approves a unit title application, the authority must—
  - (a) make, on the approved form, an endorsement that the documents that are to form the units plan are approved under this Act as the units plan for the subdivision of the parcel; and
  - (b) sign and date the endorsement; and
  - (c) sign each other sheet of the documents.
- (2) The documents must be signed by the lessee of the parcel.
- (3) The boundary diagram that is to form part of the units plan must be endorsed with (or accompanied by) a certificate by a registered surveyor in the approved form.
- (4) In this section:

*approved form* means the form approved under the *Land Titles Act 1925* for an application for registration of a units plan.

## Part 3 Owners corporations

**U 10 Sinking funds—opting out by small owners corporations—Act, s 62 (1) (b)**

The value of the common property in the units plan must be not more than \$5 000.

**U 10A Manager insurance—Act, s 55F (2)**

**11 Corporate register—access—Act, s 72 (3)**

The fee fixed by the owners corporation for a request to inspect and take a copy of information on corporate register must be not more than \$10 (plus any GST payable in relation to that amount).

**12 Fees for requests for unit title certificates and access to owners corporation records—Act, s 75 (4)**

- (1) The fee fixed by the owners corporation for a request for a unit title certificate must not be more than \$80 (plus any GST payable in relation to that amount).
- (2) The fee fixed by the owners corporation for a request for access to owners corporation information, records and documents in relation to a unit or common property must not be more than—
  - (a) if the person making the request has requested a unit title certificate in relation to the unit or the common property—\$0; or
  - (b) in any other case—\$80 (plus any GST payable in relation to that amount).



**13 Costs of taking legal action—Act, s 88C (2) (b)**

The amount prescribed is the lesser of—

- (a) \$750 for each unit in the units plan; and
- (b) \$10 000.

**14 Public liability insurance for owners corporations—Act, s 131 (2)**

An owners corporation must take out and maintain public liability insurance for a total amount of liability not less than \$10 000 000.

**15 Exemptions from building insurance requirements—Act, s 133 (1)**

An owners corporation may exempt itself from the requirement to take out building insurance (under the Act, section 132) if the replacement value of all common property buildings (or parts of buildings) on the parcel is less than \$10 000.

## **Part 4 Owners corporation articles**

### **16 Default articles—Act, s 126 (1) (a)**

The default articles of an owners corporation are set out in schedule 1.

## Schedule 1      Default articles

(see s 16)

*Note*      Whether the default articles apply will depend on whether the owners corporation was formed before or after the commencement of the *Unit Titles Act 2001*, pt 16. For more detail, see the note at the end.

### 1            **Definitions etc**

- (1) In these articles:

*executive committee representative* means a person authorised in writing by the executive committee under article 11 (4).

*owner, occupier or user*, of a unit, includes an invitee or licensee of an owner, occupier or user of a unit.

- (2) A word or expression in the *Unit Titles Act 2001* and the *Unit Titles Regulation 2001* has the same meaning in these articles.

### 2            **Payment of rates and taxes by unit owners**

A unit owner must pay all rates, taxes and any other amount payable for the unit.

### 3            **Repairs and maintenance**

- (1) A unit owner must ensure that the unit is in a state of good repair.
- (2) A unit owner must carry out any work in relation to the unit, and do anything else in relation to the unit, that is required by any territory law.

### 4            **Erections and alterations**

- (1) A unit owner may erect or alter any structure in or on the unit or the common property only—
- (a) in accordance with the express permission of the owners corporation by unopposed resolution; and

- (b) in accordance with the requirements of any applicable territory law (for example, a law requiring development approval to be obtained for the erection or alteration).
- (2) Permission may be given subject to conditions stated in the resolution.

**5 Use of common property**

A unit owner must not use the common property, or permit it to be used, to interfere unreasonably with the use and enjoyment of the common property by an owner, occupier or user of another unit.

**6 Hazardous use of unit**

A unit owner must not use the unit, or permit it to be used, so as to cause a hazard to an owner, occupier or user of another unit.

**7 Use of unit—nuisance or annoyance**

- (1) A unit owner must not use the unit, or permit it to be used, in a way that causes a nuisance or substantial annoyance to an owner, occupier or user of another unit.
- (2) This article does not apply to a use of a unit if the executive committee has given an owner, occupier or user of the unit written permission for that use.
- (3) Permission may be given subject to stated conditions.
- (4) Permission may be withdrawn by special resolution of the owners corporation.

**8 Noise**

- (1) A unit owner must not make, or permit to be made, such a noise within the unit as might (in the circumstances) be reasonably likely to cause substantial annoyance to an owner, occupier or user of another unit.

- (2) This article does not apply to the making of a noise if the executive committee has given the person responsible for making the noise written permission to do so.
- (3) Permission may be given subject to stated conditions.
- (4) Permission may be withdrawn by special resolution of the owners corporation.

**10      Illegal use of unit**

A unit owner must not use the unit, or permit it to be used, to contravene a law in force in the ACT.

**11      What may an executive committee representative do?**

- (1) An executive committee representative may do any of the following in relation to a unit at all reasonable times:
  - (a) if the committee has reasonable grounds for suspecting that there is a breach of the *Unit Titles Act 2001* or the articles in relation to a unit—inspect the unit to investigate the breach;
  - (b) carry out any maintenance required under the Act or these articles;
  - (c) do anything else the owners corporation is required to do under the Act or these articles.
- (2) An executive committee representative may enter a unit and remain in the unit for as long as is necessary to do something mentioned in subarticle (1).
- (3) An executive committee representative is not authorised to do anything in relation to a unit mentioned in subarticle (1) unless—
  - (a) the executive committee or the representative has given the owner, occupier or user of the unit reasonable notice of his or her intention to do the thing; or
  - (b) in an emergency, it is essential that it be done without notice.
- (4) The executive committee may give a written authority to a person to represent the corporation under this article.

**12 Seal of owners corporation**

For the attaching of the seal of the owners corporation to a document to be effective—

- (a) the seal must be attached by decision of the executive committee; and

*Note* Executive committee decisions must be made by majority vote, or by unanimous vote if there are only 2 members of the committee (see *Unit Titles Act 2001*, s 88).

- (b) the seal must be attached in the presence of 2 executive members; and
- (c) the executive members witnessing the attaching of the seal must sign the document as witnesses.

Note: Do the default articles apply?	
Owners corporations formed BEFORE commencement of Unit Titles Act 2001, pt 16	Owners corporations formed AFTER commencement of Unit Titles Act 2001, pt 16
<input type="checkbox"/> The articles applying immediately before commencement continue to apply (s 192). <input type="checkbox"/> The new default articles may be adopted (in part or in full) by special resolution at a general meeting (s 128 (1)).	<input type="checkbox"/> The default articles apply unless the owners corporation changes them (s 126 (1) (a) and s 128 (1)). <input type="checkbox"/> The default articles may be changed by special resolution at a general meeting (s 128 (1)).

## **U** Schedule 2 Conciliation articles for 3-member owners corporations

(see s 17)

### **1 Resolution of disputes**

If the people entitled to vote on any motion at general meetings of the owners corporation (the *voters*) are in dispute about an issue, any of the voters may (in writing) ask the planning and land authority to appoint a conciliator (under the *Unit Titles Regulation 2001*, section 18) to help the owners corporation to resolve the dispute.

*Note* The owners corporation is responsible for paying the conciliator (see s 18 (4)).

### **2 Conciliation**

- (1) The conciliator must tell each voter of the time and place of a conference.

*Note* For how documents may be served, see the *Legislation Act 2001*, pt 19.5.

- (2) If 2 or 3 voters attend the conference—
- (a) the conciliator must do everything reasonable to help them reach agreement on the issues in dispute; and
  - (b) if they agree about an issue, the agreement has the force of a unanimous resolution of a general meeting for the *Unit Titles Act 2001*, and must be recorded as such in the minute book of the owners corporation.
- (3) Conciliation about an issue fails if—
- (a) no voter, or only 1 voter, attends the conference; or
  - (b) agreement is not reached about the issue at the conference.

- (4) If conciliation about an issue fails, the conciliator must give written notice to each voter, and any member who is not a voter, of the following alternative ways to resolve the dispute about the issue:
- (a) an application to the Magistrates Court for a deadlock order about the matter (under the *Unit Titles Act 2001*, division 6.5);
  - (b) an application to the Magistrates Court for an order appointing an administrator of the owners corporation (under the *Unit Titles Act 2001*, part 9).



## **U** Schedule 3 Conciliation articles for 2-member owners corporations

(see s 19)

### **1 Failure to reach a quorum at a general meeting**

- (1) This article applies if—
  - (a) a general meeting of the owners corporation has been called; and
  - (b) within  $\frac{1}{2}$  an hour after a motion arises for consideration at the meeting, anyone entitled to vote on the motion (any *voter*) is not present; and
  - (c) the meeting has been adjourned to the same day in the next week to the same day at the same place and time (as required by the *Unit Titles Act 2001*, section 102 (2)); and
  - (d) within  $\frac{1}{2}$  an hour after a motion arises for consideration at the adjourned meeting, any voter is not present.
- (2) The person who called the general meeting may (in writing) ask the planning and land authority to appoint a conciliator (under the *Unit Titles Regulation 2001*, section 20) to help the owners corporation to achieve a quorum and reach agreement on the matters on the agenda for that general meeting.

*Note* The owners corporation is responsible for paying the conciliator (see s 20 (4)).

**2 Resolution of disputes**

If the voters are in dispute about an issue, any voter may (in writing) ask the planning and land authority to appoint a conciliator (under the *Unit Titles Regulation 2001*, section 20) to help the owners corporation to resolve the dispute.

*Note* The owners corporation is responsible for paying the conciliator (see s 20 (4)).

**3 Conciliation**

- (1) The conciliator must tell each voter of the time and place of a conference.

*Note* For how documents may be served, see the *Legislation Act 2001*, pt 19.5.

- (2) If each voter attends the conference—
- (a) the conciliator must do everything reasonable to help them reach agreement on the issues in dispute; and
  - (b) if they agree about an issue, the agreement has the force of a unanimous resolution of a general meeting for the *Unit Titles Act 2001*, and must be recorded as such in the minute book of the owners corporation.
- (3) Conciliation about an issue fails if—
- (a) any voter fails to attend the conference; or
  - (b) agreement is not reached about the issue at the conference.
- (4) If conciliation about an issue fails, the conciliator must give written notice to each voter, and any member who is not a voter, of the following alternative ways to resolve the dispute about the issue:
- (a) an application to the Magistrates Court for a deadlock order about the matter (under the *Unit Titles Act 2001*, division 6.5);

- (b) an application to the Magistrates Court for an order appointing an administrator of the owners corporation (under the *Unit Titles Act 2001*, part 9).

## Endnotes

1 About the endnotes

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## Endnotes

### 1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws and expiries are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnote.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

### 2 Abbreviation key

am = amended	ord = ordinance
amdt = amendment	orig = original
ch = chapter	par = paragraph/subparagraph
def = definition	pres = present
dict = dictionary	prev = previous
disallowed = disallowed by the Legislative Assembly	(prev...) = previously
div = division	pt = part
exp = expires/expired	r = rule/subrule
Gaz = gazette	renum = renumbered
hdg = heading	reloc = relocated
IA = Interpretation Act 1967	R[X] = Republication No
ins = inserted/added	RI = reissue
LA = Legislation Act 2001	s = section/subsection
LR = legislation register	sch = schedule
LRA = Legislation (Republication) Act 1996	sdiv = subdivision
mod = modified/modification	sub = substituted
o = order	SL = Subordinate Law
om = omitted/repealed	<u>underlining</u> = whole or part not commenced or to be expired

### 3 **Legislation history**

This regulation was originally the *Unit Titles Regulations 2001*. It was renamed under the *Legislation Act 2001*.

#### **Unit Titles Regulation 2001 SL 2001 No 15**

notified 7 June 2001 (Gaz 2001 No 23)  
s 1, s 2 commenced 7 June 2001 (IA s 10B)  
remainder commenced 5 October 2001 (s 2)

as amended by

#### **Statute Law Amendment Act 2002 No 30 pt 3.85**

notified LR 16 September 2002  
s 1, s 2 taken to have commenced 19 May 1997 (LA s 75 (2))  
pt 3.85 commenced 17 September 2002 (s 2 (1))

#### **Planning and Land (Consequential Amendments) Act 2002 A2002-56 sch 3 pt 3.17**

notified LR 20 December 2002  
s 1, s 2 commenced 20 December 2002 (LA s 75 (1))  
sch 3 pt 3.17 commenced 1 July 2003 (s 2 and see Planning and Land  
Act 2002 A2002-55, s 2)

#### **Unit Titles Amendment Regulations 2003 (No 1) SL2003-23**

notified LR 29 July 2003  
s 1, s 2 commenced 29 July 2003 (LA s 75 (1))  
remainder commenced 30 July 2003 (s 2)

#### **Unit Titles (Staged Development) Amendment Act 2005 A2005-37 sch 1 pt 1.2**

notified LR 26 August 2005  
s 1, s 2 commenced 26 August 2005 (LA s 75 (1))  
sch 1 pt 1.2 commenced 14 September 2005 (s 2 and CN2005-21)

#### **Planning and Development (Consequential Amendments) Act 2007 A2007-25 sch 1 pt 1.33**

notified LR 13 September 2007  
s 1, s 2 commenced 13 September 2007 (LA s 75 (1))  
sch 1 pt 1.33 commenced 31 March 2008 (s 2 and see Planning and  
Development Act 2007 A2007-24, s 2 and CN2008-1)

## Endnotes

4 Amendment history

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### **Unit Titles Amendment Act 2008 (No 2) A2008-45 sch 1 pt 1.3**

notified LR 10 September 2008

s 1, s 2 commenced 10 September 2008 (LA s 75 (1))

sch 1 amdt 1.10, amdt 1.15 commence 1 July 2009 (s 2 (1) and CN2008-18)

sch 1 pt 1.3 remainder commenced 31 March 2009 (s 2 (1) and CN2008-18)

## 4 Amendment history

### **Name of regulation**

s 1 am R5 LA

### **Commencement**

s 2 om LA s 89 (4)

### **Permissible unit subsidiaries—Act, s 19**

s 3 am A2002-56 amdt 3.79

### **Diagrams—manner of subdivision**

s 5 am SL2003-23 s 4

### **Staged developments—development statements—Act s 17 (4)**

s 8 am A2002-56 amdt 3.77  
sub A2005-37 amdt 1.2  
am A2007-25 amdt 1.204

### **Endorsement of units plans—Act, s 27 (2)**

s 9 am A2002-56 amdt 3.78

### **Code of conduct for managers—Act, s 55E**

s 10 sub A2008-45 amdt 1.10

### **Manager insurance—Act, s 55F (2)**

s 10A ins A2008-45 amdt 1.10

### **Fees for requests for unit title certificates and access to owners corporation records—Act, s 75 (4)**

s 12 sub SL2003-23 s 5; A2008-45 amdt 1.11

### **Costs of taking legal action—Act, s 88C (2) (b)**

s 13 sub A2008-45 amdt 1.12

### **All owners corporations**

div 4.1 hdg om R8 LA

### **3-member owners corporations**

div 4.2 hdg om A2008-45 amdt 1.13

**Conciliation articles—3-member corporations—Act, s 126 (1) (b)**

s 17 om A2008-45 amdt 1.13

**Conciliator for 3-member owners corporations**s 18 am Act 2002 No 30 amdt 3.936; A2002-56 amdt 3.79  
om A2008-45 amdt 1.13**2-member owners corporations**

div 4.3 hdg om A2008-45 amdt 1.13

**Conciliation articles—2-member owners corporations—Act, s 126 (1) (c)**

s 19 om A2008-45 amdt 1.13

**Conciliator for 2-member owners corporations**s 20 am Act 2002 No 30 amdt 3.937; A2002-56 amdt 3.79  
om A2008-45 amdt 1.13**Default articles**

sch 1 am A2008-45 amdt 1.14

**Code of conduct**

sch 2 hdg sub A2008-45 amdt 1.15

**Knowledge of Act and code**sch 2, article 2.1 (prev sch 2, cl 13) renum R1 LA  
am A2002-56 amdt 3.79  
sub A2008-45 amdt 1.15**Honesty, fairness and professionalism**sch 2, article 2.2 (prev sch 2, cl 14) renum R1 LA  
am Act 2002 No 30 amdt 3.938  
sub A2008-45 amdt 1.15**Skill, care and diligence**

sch 2, article 2.3 ins A2008-45 amdt 1.15

**Acting in owners corporation's best interests**

sch 2, article 2.4 ins A2008-45 amdt 1.15

**Keeping owners corporation informed of developments**

sch 2, article 2.5 ins A2008-45 amdt 1.15

**Ensuring employees comply with Act and code**

sch 2, article 2.6 ins A2008-45 amdt 1.15

**Fraudulent or misleading conduct**

sch 2, article 2.7 ins A2008-45 amdt 1.15

**Unconscionable conduct**

sch 2, article 2.8 ins A2008-45 amdt 1.15

**Conflict of duty or interest**

sch 2, article 2.9 ins A2008-45 amdt 1.15

## Endnotes

5 Earlier republications

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**Goods and services to be supplied at competitive prices**

sch 2, article 2.10 ins A2008-45 amdt 1.15

**Manager to demonstrate keeping of particular records**

sch 2, article 2.11 ins A2008-45 amdt 1.15

**Conciliation articles for 2-member owners corporations**

sch 3 hdg om A2008-45 amdt 1.15

**Failure to reach a quorum at a general meeting**

sch 3, article 1 am A2002-56 amdt 3.79  
om A2008-45 amdt 1.15

**Resolution of disputes**

sch 3, article 2 am A2002-56 amdt 3.79  
om A2008-45 amdt 1.15

**Conciliation**

sch 3, article 3 am Act 2002 No 30 amdt 3.939  
om A2008-45 amdt 1.15

## 5 Earlier republications

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (\*) in column 1. Electronic and printed versions of an authorised republication are identical.

<b>Republication No and date</b>	<b>Effective</b>	<b>Last amendment made by</b>	<b>Republication for</b>
R1* 5 Oct 2001	5 Oct 2001– 16 Sept 2002	not amended	new regulation
R2 17 Sept 2002	17 Sept 2002– 30 June 2003	A2002-30	amendments by A2002-30
R3 1 July 2003	1 July 2003– 29 July 2003	A2002-56	amendments by A2002-56
R4 30 July 2003	30 July 2003– 2 Nov 2004	SL2003-23	amendments by SL2003-23



Republication No and date	Effective	Last amendment made by	Republication for
R5 3 Nov 2004	3 Nov 2004– 13 Sept 2005	SL2003-23	includes editorial amendments under Legislation Act
R6 14 Sept 2005	14 Sept 2005– 30 Mar 2008	A2005-37	amendments by A2005-37
R7 31 Mar 2008	31 Mar 2008– 30 Mar 2009	A2007-25	amendments by A2007-25

## 6 Uncommenced amendments

The following amendments have not been included in this republication because they were uncommenced at the republication date:

### Unit Titles Amendment Act 2008 (No 2) A2008-45 sch 1 pt 1.3 (amdt 1.10, amdt 1.15)

#### [1.10] Section 10

*substitute*

#### 10 Code of conduct for managers—Act, s 55E

The code of conduct in schedule 2 is prescribed.

#### 10A Manager insurance—Act, s 55F (2)

The manager of an owners corporation must take out and maintain public liability insurance for a total amount of liability of not less than \$10 000 000.

**[1.15] Schedules 2 and 3**

*substitute*

## **Schedule 2 Code of conduct**

(see s 10)

### **2.1 Knowledge of Act and code**

A manager must have a good working knowledge and understanding of the Act, including this code, as relevant to the manager's functions.

### **2.2 Honesty, fairness and professionalism**

- (1) A manager must act honestly, fairly and professionally in exercising the manager's functions.
- (2) A manager must not try to unfairly influence the outcome of an election for the owners corporation executive committee.

### **2.3 Skill, care and diligence**

A manager must exercise reasonable skill, care and diligence in exercising the manager's functions.

### **2.4 Acting in owners corporation's best interests**

A manager must act in the best interests of the owners corporation unless it is unlawful to do so.

### **2.5 Keeping owners corporation informed of developments**

A manager must keep the owners corporation informed of any significant development or issue about an activity carried out for the owners corporation.

**2.6 Ensuring employees comply with Act and code**

A manager must take reasonable steps to ensure that the manager's employees comply with the Act, including this code, when exercising the manager's functions.

**2.7 Fraudulent or misleading conduct**

A manager must not engage in fraudulent or misleading conduct in exercising the manager's functions.

**2.8 Unconscionable conduct**

A manager must not engage in unconscionable conduct in carrying out the manager's functions.

**Examples**

- 1 taking unfair advantage of the manager's superior knowledge relative to the owners corporation
- 2 requiring the owners corporation to comply with conditions that are unlawful or not reasonably necessary
- 3 exerting undue influence on, or using unfair tactics against, the owners corporation or the owner of a unit in the units plan

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

**2.9 Conflict of duty or interest**

A manager for an owners corporation (the *first corporation*) must not accept an engagement for another owners corporation if accepting the engagement may place the manager's duty to, or the interests of, the first corporation in conflict with the manager's duty to, or the interests of, the other owners corporation.

**2.10 Goods and services to be supplied at competitive prices**

A manager must take reasonable steps to ensure the goods and services the manager gets for, or supplies to, the owners corporation are obtained or supplied at competitive prices.

## Endnotes

6 Uncommenced amendments

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### **2.11 Manager to demonstrate keeping of particular records**

If an owners corporation or its executive committee asks the manager, in writing, to show that the manager has kept the owners corporation's records as required under the Act, the manager must comply with the request within a reasonable time.

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