



Australian Capital Territory

# **Unit Titles (Management) Regulation 2011**

**SL2011-39**

made under the

**Unit Titles (Management) Act 2011**

**Republication No 3**

**Effective: 1 November 2020 – 29 September 2022**

Republication date: 1 November 2020

Last amendment made by [SL2020-43](#)  
(republiation for amendments by [A2020-4](#) and [SL2020-43](#))

## About this republication

### The republished law

This is a republication of the *Unit Titles (Management) Regulation 2011*, made under the *Unit Titles (Management) Act 2011* (including any amendment made under the [Legislation Act 2001](#), part 11.3 (Editorial changes)) as in force on 1 November 2020. It also includes any commencement, amendment, repeal or expiry affecting this republished law to 1 November 2020.

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, the symbol **U** appears immediately before the provision heading. Any uncommenced amendments that affect this republished law are accessible on the ACT legislation register ([www.legislation.act.gov.au](http://www.legislation.act.gov.au)). For more information, see the home page for this law on the register.

### 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 the [Legislation Act 2001](#), section 95.

### Penalties

At the republication date, the value of a penalty unit for an offence against this law is \$160 for an individual and \$810 for a corporation (see [Legislation Act 2001](#), s 133).



Australian Capital Territory

# Unit Titles (Management) Regulation 2011

made under the

**Unit Titles (Management) Act 2011**

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R3  
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Australian Capital Territory

# Unit Titles (Management) Regulation 2011

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made under the

**Unit Titles (Management) Act 2011**

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**1 Name of regulation**

This regulation is the *Unit Titles (Management) Regulation 2011*.

**2 Dictionary**

The dictionary at the end of this regulation is part of this regulation.

*Note 1* The dictionary at the end of this regulation defines certain terms used in this regulation, and includes references (*signpost definitions*) to other terms defined elsewhere.

For example, the signpost definition ‘*unit*—see the *Unit Titles Act 2001*, section 9.’ means that the term ‘*unit*’ is defined in that section and the definition applies to this regulation.

*Note 2* A definition in the dictionary (including a signpost definition) applies to the entire regulation unless the definition, or another provision of the regulation, provides otherwise or the contrary intention otherwise appears (see [Legislation Act](#), s 155 and s 156 (1)).

**3 Notes**

A note included in this regulation is explanatory and is not part of this regulation.

*Note* See the [Legislation Act](#), s 127 (1), (4) and (5) for the legal status of notes.

## 4 Offences against regulation—application of Criminal Code etc

Other legislation applies in relation to offences against this regulation.

*Note 1 Criminal Code*

The [Criminal Code](#), ch 2 applies to all offences against this regulation (see Code, pt 2.1).

The chapter sets out the general principles of criminal responsibility (including burdens of proof and general defences), and defines terms used for offences to which the Code applies (eg *conduct*, *intention*, *recklessness* and *strict liability*).

*Note 2 Penalty units*

The [Legislation Act](#), s 133 deals with the meaning of offence penalties that are expressed in penalty units.

## 4A Maintenance plan—Act, s 24 (3)

A maintenance plan must include the following:

- (a) a plan for the maintenance and inspection of systems, equipment, structures and other things on the common property if the maintenance and inspection is reasonably required to avoid future damage to, or failure of, the thing including (if present) the following:
  - (i) exterior walls, guttering, downpipes and roof;
  - (ii) pools and surrounds, pool fencing and gates;
  - (iii) air conditioning, heating and ventilation systems;
  - (iv) lifts;
  - (v) fire protection equipment including sprinkler systems, fire alarms and smoke detectors;
  - (vi) security access systems;

- (vii) electric vehicle charging stations and associated infrastructure;
  - (viii) embedded networks and micro-grids;
  - (vix) solar panels and associated equipment and any other sustainability infrastructure;
- (b) as provided by the developer or as reasonably available—
- (i) the warranties for systems, equipment or other things mentioned in the plan; and
  - (ii) any manuals or statement of maintenance requirements provided by the manufacturer of the system, equipment or other things mentioned in the plan; and
  - (iii) the name and contact details of the manufacturer and installer of the system, equipment or other things mentioned in the plan.

**4B Developer's maintenance schedule—Act, s 25 (2)**

The developer's maintenance schedule must include the following:

- (a) a schedule for maintenance and inspection of systems, equipment, structures and other things on the common property as required under section 4A (a) (i) to (vix);
- (b) the warranties for systems, equipment or other things referred to in the schedule;
- (c) any manuals or statement of maintenance requirements provided by the manufacturer of the system, equipment or other things referred to in the schedule;
- (d) the name and contact details of the manufacturer and installer of the system, equipment or other things referred to in the schedule.



**5            Manager—minimum public liability insurance—Act,  
                 s 57 (2)**

The amount prescribed is \$10 000 000.

**6            Exemption from building insurance requirements—Act,  
                 s 101 (1)**

The amount prescribed is \$10 000.

**7            Minimum public liability insurance by owners  
                 corporation—Act, s 102 (2)**

The amount prescribed is \$10 000 000.

**7A          Default rules—Act, dict, def *default rules***

The default rules for an owners corporation are the rules set out in schedule 1.

**7B          Alternative rules requirements—Act, s 108 (6)**

- (1) The alternative rules—
  - (a) may only amend default rule 1.4, rule 1.5 and rule 1.6; and
  - (b) must provide for the following:
    - (i) if the general fund contribution payable for each unit is not the proportional share for the unit of the total general fund contribution—the method for working out the contribution payable for each unit to the total general fund and the principle underlying the method;

- (ii) if the sinking fund contribution payable for each unit is not the proportional share for the unit of the total sinking fund contribution—the method proposed for working out the contribution payable for each unit to the total sinking fund and the principle underlying the method; and

**Examples—underlying principle for par (b) (i) and par (b) (ii)**

- 1 the user pays principle
  - 2 fixed cost for each unit regardless of unit value
- (c) may provide for any other matter that is consistent with the Act and the default rules (other than a matter the subject of default rule 1.4, rule 1.5 and rule 1.6).
- (2) An alternative rule about the contribution method mentioned in subsection (1) (b) (i) or (ii) must be fair, taking into account—
    - (a) the structure of the units plan; and
    - (b) the nature of the buildings that are part of the units or common property of the units plan, including the features and character of the units and common property; and
    - (c) the purposes for which units are used including the likely impact of that use on the common property; and
    - (d) the extent to which the method imposes a burden on a unit that is commensurate with the use of that unit.

**8 Corporate register—maximum fee for access—Act, s 116 (3)**

The amount prescribed is \$10 (plus any GST payable in relation to the amount).

**9 Costs of taking legal action—Act, sch 2, s 2.5 (2)**

The amount prescribed is the lesser of—

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

**10 Owners corporation alternative method and process for voting—Act, sch 3, s 3.31A (1)**

- (1) An owners corporation may adopt any of the following ways to vote on a matter to be decided by the owners corporation at a general meeting:
  - (a) voting in the meeting by teleconference, videoconference, email or other electronic means;
  - (b) voting on a motion by email or other electronic means before the meeting at which the matter (other than an election) is to be decided (*pre-meeting electronic voting*).

**Example—par (b)**

requiring members to access a voting website and to vote in accordance with instructions contained on that website

- (2) For subsection (1) (b)—
  - (a) the owners corporation must ensure that members have reasonable access to facilities to vote; and
  - (b) information about how members can access the facilities must accompany the notice of the general meeting.

**Example—par (a)**

making computer facilities available to members who do not have a personal computer of their own during business hours

- (3) A motion that is to be decided wholly by pre-meeting electronic voting may not be amended at the general meeting for which the pre-meeting electronic voting is conducted.

- (4) A motion that is to be decided partly by pre-meeting electronic voting must not be amended at the general meeting for which the pre-meeting electronic voting is conducted if the effect of the amendment is to change the subject matter of the original motion.
- (5) If a motion that is to be decided partly by pre-meeting electronic voting is amended at the general meeting for which the pre-meeting electronic voting is conducted, the minutes of the meeting must be accompanied by a notice of a change and a statement setting out the power to request a further general meeting under the [Act](#), schedule 3, section 3.5.

**11 Exemption—meetings during public health emergency declaration period—Act, sch 2 and sch 3**

- (1) This section applies to an owners corporation and the executive committee of an owners corporation, during the public health emergency declaration period.
- (2) An owners corporation and the executive committee of an owners corporation are exempt from any requirement in the [Act](#), schedule 2 or schedule 3, that requires members of the owners corporation or the executive committee to be physically present at a meeting of the owners corporation or executive committee.
- (3) In this section:  
*public health emergency declaration period* means the period commencing on the day the [Unit Titles \(Management\) Amendment Regulation 2020 \(No 1\)](#) commences and ending on the day the [Public Health \(Emergency\) Declaration 2020 \(No 1\)](#) (NI2020-153), as extended or further extended, ends.
- (4) This section expires on the day the [Public Health \(Emergency\) Declaration 2020 \(No 1\)](#) (NI2020-153), as extended or further extended, ends.

**12 Audit qualification requirement—Act, dict, def *audit*, par (c)**

A person who holds any 1 of the following designations is prescribed:

- (a) a chartered accountant who is a member of Chartered Accountants Australia and New Zealand holding a Certificate of Public Practice;
- (b) a member of Certified Practising Accountants holding a Public Practice Certificate;
- (c) a member or fellow of the Institute of Public Accountants;
- (d) a registered company auditor as registered by the Australian Securities and Investments Commission (ASIC) under the [Corporations Act 2001](#) (Cwlth), who holds current professional indemnity insurance.

## Schedule 1      Default rules

(see s 7A)

### 1.1      Definitions—default rules

- (1) In these rules:

*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 these rules has the same meaning as in the *Unit Titles (Management) Act 2011*.

### 1.2      Payment of rates and taxes by unit owners

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

### 1.3      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 a territory law.

### 1.4      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 special 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.

- (3) However, if the structure is sustainability infrastructure, the owners corporation's permission must not be unreasonably withheld.

**Examples—permission not unreasonably withheld**

- safety considerations
- structural considerations

**Example—permission unreasonably withheld**

external appearance of a unit or the units plan

## 1.5 Pets in units

- (1) A unit owner or occupier (the *pet owner*) may keep an animal, or permit an animal to be kept, within the unit if—
- (a) the total number of animals kept within the unit (other than birds in a cage or fish in an aquarium) is not more than 3; and
  - (b) the pet owner ensures that the animal is appropriately supervised when the animal is on the common property; and
  - (c) the pet owner keeps the animal secure so that it cannot escape the unit unsupervised; and
  - (d) the pet owner cleans any area of the units plan that is soiled by the animal; and
  - (e) the pet owner takes reasonable steps to ensure the animal does not cause a nuisance or a risk to health or safety.
- (2) The pet owner must, within 14 days of the day the animal is first kept within the unit, tell the owners corporation, in writing, that the animal is being kept within the unit.

## 1.6 Assistance animals

The owners corporation may require a person who keeps an assistance animal to produce evidence that the animal is an assistance animal.

**1.7 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, other than in accordance with a special privilege rule.

**1.8 Hazardous use of unit**

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

**1.9 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 rule 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.

**1.10 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 rule 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.

### **1.11 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.

### **1.12 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 Act or these rules in relation to a unit—inspect the unit to investigate the breach;
  - (b) carry out any maintenance required under the Act or these rules;
  - (c) do anything else the owners corporation is required to do under the Act or these rules.
- (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 subrule (1).
- (3) An executive committee representative is not authorised to do anything in relation to a unit mentioned in subrule (1) unless—
  - (a) the executive committee or the representative has given the owner, occupier or user of the unit reasonable notice of their 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 rule.

***executive committee representative*** means a person authorised, in writing, by the executive committee under rule 1.12 (4).

## Dictionary

(see s 2)

*Note 1* The [Legislation Act](#) contains definitions and other provisions relevant to this regulation.

*Note 2* For example, the [Legislation Act](#), dict, pt 1 defines the following terms:

- GST
- in relation to.

*Note 3* Terms used in this regulation have the same meaning that they have in the [Unit Titles \(Management\) Act 2011](#) (see [Legislation Act](#), s 148.) For example, the following terms are defined in the [Unit Titles \(Management\) Act 2011](#), dict:

- assistance animal
- corporate register (see s 113)
- manager
- owners corporation.

***executive committee representative***, for schedule 1 (Default rules)—see schedule 1, rule 1.1.

***owner, occupier or user***, of a unit, for schedule 1 (Default rules)—see schedule 1, rule 1.1.

***unit***—see the [Unit Titles Act 2001](#), section 9.

***units plan***—see the [Unit Titles Act 2001](#), dictionary.

## 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 are not included in the republished law. The details of these laws are underlined in the legislation history. Uncommenced expiries are underlined in the legislation history and amendment history.

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

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

## Endnotes

3 Legislation history

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### 3 Legislation history

These regulations were made as part of the [Unit Titles \(Management\) Act 2011](#) (see [A2011-41](#), s 163 and sch 6).

#### **Unit Titles (Management) Regulation 2011 SL2011-39**

taken to have been notified LR 3 November 2011 ([A2011-41](#), s 163 (3) (a))  
s 1 commenced 3 November 2011 (LA s 75 (1))  
remainder commenced 30 March 2012 ([A2011-41](#), s 163 (3) (b) and see [CN2012-6](#))

as amended by

#### **[Unit Titles \(Management\) Amendment Regulation 2020 \(No 1\) SL2020-17](#)**

notified LR 30 April 2020  
s 1, s 2 commenced 30 April 2020 (LA s 75 (1))  
remainder commenced 1 May 2020 (s 2)

#### **[Unit Titles Legislation Amendment Act 2020 A2020-4 pt 13](#)**

notified LR 27 February 2020  
s 1, s 2 commenced 27 February 2020 (LA s 75 (1))  
pt 13 commenced 1 November 2020 (s 2 (1) and [CN2020-11](#))

#### **[Unit Titles \(Management\) Amendment Regulation 2020 \(No 2\) SL2020-43](#)**

notified LR 10 September 2020  
s 1, s 2 commenced 10 September 2020 (LA s 75 (1))  
remainder commenced 1 November 2020 (s 2 and see [Unit Titles Legislation Amendment Act 2020 A2020-4](#), s 2 (1) and [CN2020-11](#))

## 4 Amendment history

### Maintenance plan—Act, s 24 (3)

s 4A ins [A2020-4](#) s 143

### Developer's maintenance schedule—Act, s 25 (2)

s 4B ins [A2020-4](#) s 143

### Default rules—Act, dict, def *default rules*

s 7A ins [A2020-4](#) s 144

### Alternative rules requirements—Act, s 108 (6)

s 7B ins [A2020-4](#) s 144

### Owners corporation alternative method and process for voting—Act, sch 3, s 3.31A (1)

s 10 ins [A2020-4](#) s 145

### Exemption—meetings during public health emergency declaration period—Act, sch 2 and sch 3

s 11 ins [SL2020-17](#) s 4  
exp on the day [NI2020-153](#), as extended or further extended,  
ends (s 11 (4))

### Audit qualification requirement—Act, dict, def *audit*, par (c)

s 12 ins [SL2020-43](#) s 4

### Default rules

sch 1 ins [A2020-4](#) s 146

### Dictionary

dict am [A2020-4](#) s 147  
def *executive committee representative* ins [A2020-4](#) s 148  
def *owner, occupier or user* ins [A2020-4](#) s 148

## Endnotes

### 5 Earlier republications

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#### 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 30 Mar 2012	30 Mar 2012– 30 Apr 2020	not amended	new regulation
R2 1 May 2020	1 May 2020– 31 Oct 2020	<a href="#">SL2020-17</a>	amendments by <a href="#">SL2020-17</a>

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