

2009

**LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

UNIT TITLES AMENDMENT BILL 2009

EXPLANATORY STATEMENT

Presented by
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Unit Titles Amendment Bill 2009

Outline

The *Unit Titles Amendment Bill 2008* would amend the commencement date, from 31 March 2009 to 1 July 2009, for the provisions of the *Unit Titles Amendment Act 2008 (No 2)* relating to “implied warranties”, viz, Part 7A (section 43) and the definition section (section 52).

Implied warranties are legislated circumstances, which, if breached, would provide the basis for the purchaser to cancel the contract of sale of a unit and/or to take an action of remedy against the seller.

Stakeholder feedback indicates there is considerable confusion and a lack of understanding as to the impact these provisions might have on unit owners when they wish to sell their units. This stems from a lack of proper consultation with the community when the Amendment Act was drafted.

Deferring the commencement of these provisions will provide the Government with some time to engage in a program of public information to ensure that Canberra’s growing number of unit owners are better informed about their obligations under the Act.

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Detail

Clause 1 — Name of Act

The short title – *Unit Titles Amendment Act 2009*.

Clause 2 — Commencement

Commencement is the day after the Act is notified on the Legislation Register.

Clause 3 — Legislation amended

This Act amends the *Unit Titles Amendment Act 2008 (No 2)*.

Clause 4 — Section 2

This substitute clause outlines the commencement dates for the uncommenced provisions of the Act.

Whereas the Act provides that section 43 and the definition of ***implied warranties*** in section 52 were to commence on 31 March 2009, the Bill includes them in the list of provisions scheduled to commence on 1 July 2009.

Clause 5 — Repeal of Commencement Notice CN2008-18

This clause repeals the *Unit Titles Amendment (No 2) Commencement Notice 2008 (No 1)*.