

2023

THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

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(As presented)

(Minister for Planning and Land Management)

# Unit Titles Legislation Amendment Bill 2023

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(Minister for Planning and Land Management)

# Unit Titles Legislation Amendment Bill 2023

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## A Bill for

An Act to amend legislation about unit titles, and for other purposes

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The Legislative Assembly for the Australian Capital Territory enacts as follows:

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J2022-576

Authorised by the ACT Parliamentary Counsel—also accessible at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)

1 **Part 1 Preliminary**

2 **1 Name of Act**

3 This Act is the *Unit Titles Legislation Amendment Act 2023*.

4 **2 Commencement**

5 This Act commences on 1 July 2023.

6 *Note* The naming and commencement provisions automatically commence on  
7 the notification day (see [Legislation Act](#), s 75 (1)).

8 **3 Legislation amended**

9 This Act amends the following legislation:

- 10 • *Civil Law (Sale of Residential Property) Act 2003*  
11 • *Land Titles (Unit Titles) Act 1970*  
12 • *Unit Titles Act 2001*  
13 • *Unit Titles (Management) Act 2011*  
14 • *Unit Titles (Management) Regulation 2011*  
15 • *Unit Titles Regulation 2001*.

16 *Note* This Act also amends the *Civil Law (Property) Act 2006* (see sch 1).

1 **Part 2** **Civil Law (Sale of Residential**  
2 **Property) Act 2003**

3 **4** **Meaning of *required documents***  
4 **New section 9 (1) (g) (i) (D)**

5 *insert*

6 (D) if the land titles register includes 1 or more entries in  
7 relation to alternative rules of the owners  
8 corporation—a certified extract from the register of  
9 the compilation of the alternative rules registered  
10 under the *Land Titles (Unit Titles) Act 1970*,  
11 section 27 or section 27A; and

12 **5** **Section 9 (4), new definitions**

13 *insert*

14 *alternative rules*—see the *Unit Titles (Management) Act 2011*,  
15 dictionary.

16 *owners corporation*, for a units plan—see the *Unit Titles*  
17 *(Management) Act 2011*, dictionary.

1 **Part 3** **Land Titles (Unit Titles) Act 1970**

2 **6 Lodging units plan for registration**

3 **Section 6 (2) (a)**

4 *omit*

5 the requirements set out in schedule 1

6 *substitute*

7 a requirement approved by the registrar-general

8 **7 New section 6 (3)**

9 *insert*

10 (3) An approved requirement under subsection (2) (a) is a notifiable  
11 instrument.

12 **8 Registration of units plan**

13 **Section 7 (1) (b)**

14 *substitute*

15 (b) the endorsed units plan prepared in accordance with section 6;

16 **9 Section 7 (1) (e)**

17 *omit*

18 the alternative rules

19 *substitute*

20 a document compiling the proposed alternative rules



**10 Section 7 (2)***substitute*

- (2) On the registration of the units plan, the registrar-general must tell the applicant for registration and the planning and land authority, in writing, about the registration.

**11 Section 27***substitute***27 Owners corporation rules—initial registration of alternative rules**

- (1) This section applies if a lessee—
- (a) makes an application to register a units plan under section 6 (Lodging units plan for registration); and
  - (b) lodges with the application a document compiling the proposed alternative rules of the owners corporation mentioned in section 7 (1) (e).
- (2) The registrar-general must register the alternative rules of the owners corporation for the units plan.

*Note* The rules of an owners corporation are the default rules as modified by the alternative rules (if any) registered under this section or s 27A (see [Unit Titles \(Management\) Act 2011](#), s 106). The default rules are set out in the [Unit Titles \(Management\) Regulation 2011](#), sch 1.

**27A Owners corporation rules—changes to rules**

- (1) This section applies if—
- (a) the owners corporation modifies its rules under the [Unit Titles \(Management\) Act 2011](#), section 108; or
  - (b) the ACAT makes a declaration that a rule is invalid under the [Unit Titles \(Management\) Act 2011](#), section 129 (1) (e) (iii) or (iv).

1 (2) If the rules of the owners corporation include alternative rules, the  
2 owners corporation must lodge for registration a compilation of the  
3 alternative rules of the owners corporation and either—

4 (a) for subsection (1) (a)—a certificate under the *Unit Titles*  
5 *(Management) Act 2011*, schedule 3, section 3.19 about a special  
6 resolution authorising the change, within 3 months after the day  
7 the resolution is passed; or

8 *Note* If an alternative rule is not lodged within 3 months after the day the  
9 special resolution is passed, the resolution is taken to have never  
10 been made (see *Unit Titles (Management) Act 2011*, s 108A (2)).

11 (b) for subsection (1) (b)—the ACAT declaration.

12 *Note* An ACAT declaration under the *Unit Titles (Management)*  
13 *Act 2011*, s 129 (1) (e) (iii) or (iv) must be lodged by the owners  
14 corporation with the registrar-general for the registration of  
15 alternative rules under this section (see *Unit Titles (Management)*  
16 *Act 2011*, s 129 (3) (b)).

17 (3) The registrar-general must register the compilation of the alternative  
18 rules.

19 *Note* If the rules of the owners corporation no longer include alternative rules  
20 because of a change under this section, the registrar-general may cancel  
21 the entry in the register relating to alternative rules (see *Land Titles*  
22 *Act 1925*, s 43 (5)).

## 23 **27B Class B units plan insurance exemptions—registration**

24 (1) This section applies if the owners corporation for a units plan  
25 containing only class B units exempts itself from the requirement to  
26 take out building insurance under the *Unit Titles (Management)*  
27 *Act 2011*, section 101 (2) (an *insurance exemption*).

1 (2) The registrar-general must register the insurance exemption in  
2 relation to the units plan if a certificate under the *Unit Titles*  
3 *(Management) Act 2011*, schedule 3, section 3.19 about the  
4 unanimous resolution authorising the insurance exemption is lodged  
5 with the registrar-general within 3 months after the day the resolution  
6 is passed.

7 (3) Also, the registrar-general must cancel the entry in the land titles  
8 register in relation to the insurance exemption if a certificate under  
9 the *Unit Titles (Management) Act 2011*, schedule 3, section 3.19  
10 about a unanimous resolution revoking the insurance exemption is  
11 lodged with the registrar-general within 3 months after the day the  
12 resolution is passed.

13 *Note* If a resolution in relation to an insurance exemption is not lodged within  
14 3 months after the day the unanimous resolution is passed, the resolution  
15 is taken to have never been made (see *Unit Titles (Management)*  
16 *Act 2011*, s 101 (5)).

17 **12 Formal requirements for units plans**  
18 **Schedule 1**

19 *omit*

20 **13 Dictionary, note 4**

21 *insert*

- 22
  - unanimous resolution

1 **Part 4** **Unit Titles Act 2001**

2 **14 Unit title applications—general requirements**  
3 **Section 17 (5) (a)**

4 *substitute*

5 (a) if the parcel is prescribed by regulation—

6 (i) a unit title assessment report that is not more than 3 months  
7 old; and

8 (ii) if a work approval for the development is required under  
9 the *Public Unleased Land Act 2013*, section 19 (Approval  
10 to carry out work on public unleased land)—a copy of the  
11 approval; and

12 **15 New section 19A**

13 *insert*

14 **19A Unit title applications—certificates of occupancy and use**

15 (1) At the time of making a unit title application, or at any time before  
16 the application is approved under section 20, the applicant must give  
17 the registrar-general a copy of the most recent certificate of  
18 occupancy and use—

19 (a) for each unit in the parcel; and

20 (b) for any structure within the boundaries of the common property.

21 (2) In this section:

22 *certificate of occupancy and use* means—

23 (a) for a development on or after 1 July 1995—a certificate of  
24 occupancy issued under, or taken to be issued under, the  
25 *Building Act 2004*; or

- 1 (b) for a development before 1 July 1995—a certificate of  
2 occupancy issued under the *Building Act 1972* (repealed) and  
3 the approval of plumbing or drainage work issued under the  
4 *Energy and Water Act 1988* (repealed).

5 **16 Unit title applications—approval**  
6 **New section 20 (7) (aa)**

7 *insert*

- 8 (aa) the applicant is required to provide a copy of either of the  
9 following documents to the authority and the applicant has not  
10 provided the document:
- 11 (i) for section 17 (5) (a) (ii)—a work approval under the  
12 *Public Unleased Land Act 2013*, section 19;
- 13 (ii) for section 19A (1)—a certificate of occupancy and use; or

14 **17 Section 20 (10), new definition of *certificate of occupancy***  
15 ***and use***

16 *insert*

17 *certificate of occupancy and use*—see section 19A (2).

18 **18 What is a *building damage scheme*?**  
19 **Section 152 (b)**

20 *substitute*

- 21 (b) the elimination of any class A unit that is damaged or destroyed  
22 (unless the units plan has fewer than 3 units or the unit is to be  
23 reinstated); and

24 *Note* A damaged or destroyed class A unit in a 2-unit units plan cannot  
25 be eliminated as only 1 unit would remain in the units plan. In this  
26 circumstance, if an owners corporation seeks to cancel the units  
27 plan, it must apply for the cancellation under s 160.

1 **19 Dictionary, definition of *utility services*, paragraph (e)**

2 *omit*

3 airconditioning

4 *substitute*

5 air conditioning

1 **Part 5** **Unit Titles (Management)**  
2 **Act 2011**

3 **20 Dealings with common property**  
4 **New section 20 (3) and (4)**

5 *insert*

6 (3) However, the owners corporation may sublet its interest in any part  
7 of the common property to an entity for not longer than 5 years—

8 (a) for the purpose of a business or other activity; and

9 **Examples**

10 coffee cart, florist, parcel locker service

11 (b) if—

12 (i) authorised by a special resolution; and

13 (ii) the affected part of the common property is not the subject  
14 of a grant of special privilege under section 22; and

15 (iii) the business or other activity carried out under the sublease  
16 does not unreasonably interfere with the reasonable use or  
17 enjoyment of any part of a unit or the common property;  
18 and

19 **Examples—unreasonable interference**

- 20 • restricting access to a unit  
21 • obstructing views from a unit balcony

22 (c) subject to a condition stating that the entity must take out and  
23 maintain public liability insurance for the affected part of the  
24 common property in relation to each of the following events  
25 happening:

26 (i) death, bodily injury or illness to anyone;

27 (ii) loss of, or damage to, the property of anyone.

- 1 (4) Public liability insurance under subsection (3) (c) must be for a total  
2 amount of liability of at least the amount agreed, in writing, by the  
3 owners corporation and the entity.

4 **21 New section 33B**

5 *in division 3.4, insert*

6 **33B Consent to building management statements for existing**  
7 **buildings**

- 8 (1) An owners corporation for a units plan for an existing relevant  
9 building may, if authorised by a special resolution, consent to an  
10 application under the *Land Titles Act 1925*, section 123I (Planning  
11 and land authority approval of building management statement) for—  
12 (a) approval of a building management statement; or  
13 (b) an amendment to a registered building management statement.  
14 (2) In this section:  
15 *relevant building*—see the *Land Titles Act 1925*, section 123C (1).

16 **22 Definitions—div 5.2**  
17 **Section 72, definition of *general fund contribution***

18 *omit*

19 **23 Sections 78, note 2 and 89, note 2**

20 *omit*

21 amendment to the rules

22 *substitute*

23 alternative rule



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1 **24 Lodgment of insurance claims**  
2 **Section 100A (2) (b), new note**

3 *insert*

4 *Note* An expense incurred because of a wilful or negligent act or  
5 omission, or a breach of an owners corporation's rules, by a  
6 member of the owners corporation or an occupier of the member's  
7 unit, may be recoverable from the member as a debt (see s 31).

8 **25 Exemption from building insurance requirements**  
9 **Section 101 (3)**

10 *substitute*

11 (3) An exemption resolution—

12 (a) under subsection (1)—has effect from the date of the annual  
13 general meeting when it is passed until the date of the next  
14 annual general meeting; or

15 (b) under subsection (2)—takes effect on the registration of the  
16 resolution and continues until the day another unanimous  
17 resolution amending or revoking the exemption resolution is  
18 registered.

19 (4) An exemption resolution under subsection (2) or a resolution  
20 amending or revoking the exemption under subsection (3) (b) must  
21 be lodged under the *Land Titles (Unit Titles) Act 1970*, section 27B  
22 within 3 months after the day the resolution is passed.

23 (5) If an exemption resolution under subsection (2) or a resolution  
24 amending or revoking the exemption under subsection (3) (b) is not  
25 lodged within 3 months after the day the resolution is passed, the  
26 resolution is taken to have never been made.

27 *Note* An exemption resolution under this section does not affect the  
28 requirement for an owners corporation to take out and maintain public  
29 liability insurance (see s 102).

1 **26 What are the rules of an owners corporation?**  
2 **Section 106**

3 *omit*  
4 amended  
5 *substitute*  
6 modified

7 **27 Section 106**

8 *after*  
9 section 27  
10 *insert*  
11 or section 27A

12 **28 Owners corporation may make alternative rules**  
13 **Section 108 (1)**

14 *omit*  
15 amending its rules  
16 *substitute*  
17 to modify the rules of the corporation

18 **29 Section 108 (7)**

19 *omit*

1 **30 Effect of registration of alternative rule**  
2 **Section 108A (1) (a)**

3 *after*  
4 section 27  
5 *insert*  
6 or section 27A

7 **31 Section 108A (2)**

8 *omit*  
9 registered within 3 months after the day the special resolution was  
10 passed  
11 *substitute*  
12 lodged within 3 months after the day the special resolution is passed,

13 **32 Grant of special privileges in relation to common**  
14 **property**  
15 **Section 112A, note**

16 *substitute*

17 *Note* A modification of the rules of the owners corporation must be registered  
18 with the registrar-general under the *Land Titles (Unit Titles) Act 1970*,  
19 s 27A.

1 **33 Corporate register—information to be included**  
2 **New section 114 (2) (d)**

3 *insert*

4 (d) if the owners corporation subleases part of the common property  
5 under section 20 (3)—

6 (i) details of the sublease; and

7 (ii) the sublessee's full name and an address for  
8 correspondence.

9 **34 Corporate register—provision of information**  
10 **Section 115 (1) (a)**

11 *omit*

12 **35 Section 115 (4), except note**

13 *substitute*

14 (4) A person who has or acquires an interest in a unit or the common  
15 property, other than a unit owner, may give the owners corporation  
16 written notice of the details of the following events:

17 (a) if the interest is in a lease of the unit or the common property—  
18 the person completing an agreement to transfer the interest to  
19 someone else;

20 (b) the lodgment for registration of an instrument under which the  
21 person acquires the interest;

22 (c) if the interest is not a registered interest—the person acquiring  
23 the interest;

24 (d) a change in the full name or address for correspondence of the  
25 person;

26 (e) a change in the nature of the interest held by the person,  
27 including the person ceasing to have the interest.

1 **36 Corporate register—access**  
2 **Section 116 (1)**

3 *substitute*

- 4 (1) On request by an eligible person for a unit or the common property,  
5 the owners corporation for the units plan must allow the person,  
6 within 14 days after the request is received, to inspect, and take a copy  
7 of—
- 8 (a) for a request by an eligible person for a unit—the information  
9 on the corporate register about the unit; and
- 10 (b) for a request by an eligible person for a unit or the common  
11 property—the information on the corporate register about any  
12 easements, or subleases under section 20 (3), applying to the  
13 common property.

14 **37 New section 116 (5)**

15 *after the note, insert*

- 16 (5) In this section:

17 *eligible person*, for the common property, includes a sublessee of the  
18 common property under section 20 (3).

19 *interest*, in the common property, includes a sublease under  
20 section 20 (3).

21 **38 Unit title certificate and access to owners corporation**  
22 **records**  
23 **New section 119 (1A)**

24 *insert*

- 25 (1A) However, an eligible person may only request a unit title update  
26 certificate within 4 months after the day a unit title certificate is given.

1 **39 Service of documents on members, interested people and**  
2 **occupiers**  
3 **New section 124 (6)**

4 *insert*

5 (6) For this section, an interest in the common property includes a  
6 sublease under section 20 (3).

7 **40 Kinds of ACAT orders**  
8 **Section 129 (3) (b)**

9 *omit*

10 registration under the *Land Titles (Unit Titles) Act 1970*, section 27

11 *substitute*

12 the registration of alternative rules under the *Land Titles (Unit Titles)*  
13 *Act 1970*, section 27A

14 **41 Executive committee must keep minutes, and records**  
15 **and accounts**  
16 **Schedule 2, section 2.1 (1) (h), except note**

17 *substitute*

18 (h) if the rules of the owners corporation include alternative rules—  
19 maintain an up-to-date compilation of the alternative rules.

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**42 Schedule 2, new section 2.1A**

*insert*

**2.1A Working out the annual budget for audit purposes**

(1) For section 2.1 (1) (g) (ii), the annual budget of the owners corporation is the sum of—

(a) an estimate of each of the following for the financial year in which the annual general meeting is held:

(i) the total general fund contribution;

(ii) if there is a special resolution under section 78 (2) (b)—the general fund contribution payable by each unit owner, or unit owner in a particular class;

(iii) the total sinking fund contribution; and

(b) an estimate of any other amounts to be paid into the general fund in the financial year in which the annual general meeting is held; and

(c) any other amounts held by the owners corporation for the purposes of managing the units plan at the beginning of the financial year in which the annual general meeting is held.

**Examples—other amounts held by owners corporation**

- sinking fund
- special purpose fund

(2) In this section:

*general fund*—see section 72.

*total general fund contribution*—see section 75 (2) (a) (i).

*total sinking fund contribution*—see section 82 (3) (b).

1 **Part 6** **Unit Titles (Management)**  
2 **Regulation 2011**

3 **43 Alternative rules requirements—Act, s 108 (6)**  
4 **Section 7B (1) (a)**

5 *omit*

6 amend

7 *substitute*

8 modify

9 **44 Erections and alterations**  
10 **Schedule 1, section 1.4, 1st examples**

11 *substitute*

12 **Examples—permission not unreasonably withheld**

- 13 • safety considerations  
14 • structural considerations  
15 • financial considerations  
16 • equity of access to common property, easements, facilities or utility services



1 **Part 7** **Unit Titles Regulation 2001**

2 **45** **Section 2A heading**

3 *substitute*

4 **2A** **Prescription of parcel—Act, s 17 (5) (a)**

5 **46** **Unit title assessment report—accompanying material—**  
6 **Act, s 22B (5) (b)**  
7 **Section 2E (1) (b) and (h)**

8 *omit*

9 **47** **Section 2E (2), definition of *certificate of occupancy and***  
10 ***use***

11 *omit*

1 **Schedule 1**            **Civil Law (Property) Act 2006—**  
2                                    **Consequential amendments**

3 (see s 3)

4 **[1.1]            Sections 259A (1) (b) (ii) and 260 (1) (g)**

5                    *omit*

6                    for the owners corporation

7                    *substitute*

8                    of the owners corporation

9 **[1.2]            Section 260 (4), definition of *alternative rules***

10                   *omit*

11 **[1.3]            Section 260 (4), definition of *proposed rules***

12                   *substitute*

13                   ***proposed rules*** means—

14                   (a) the default rules; and

15                   (b) if the developer proposes to register alternative rules of the  
16                   owners corporation under the *Unit Titles (Management)*  
17                   *Act 2011*, section 27 or section 27A—a document compiling the  
18                   proposed alternative rules.

19 **[1.4]            Section 260G (1) (b)**

20                   *omit*

21                   for the owners corporation

22                   *substitute*

23                   of the owners corporation

1 **[1.5] Section 260G (1) (b)**

2 *after*

3 section 27

4 *insert*

5 or section 27A

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## Endnotes

**1 Presentation speech**

Presentation speech made in the Legislative Assembly on 22 March 2023.

**2 Notification**

Notified under the [Legislation Act](#) on 2023.

**3 Republications of amended laws**

For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au).

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