

2020

**THE LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

UNIT TITLES LEGISLATION AMENDMENT BILL 2019

SUPPLEMENTARY EXPLANATORY STATEMENT

Presented by
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EXPLANATORY STATEMENT

Introduction

This supplementary explanatory statement relates to the Unit Titles Legislation Amendment Bill 2019 (the Bill). It has been prepared in order to assist the reader of the Bill and to help inform debate on it. It does not form part of the Bill and has not been endorsed by the Assembly.

The explanatory statement must be read in conjunction with the Bill. It is not, and is not meant to be, a comprehensive description of the Bill. What is said about a provision is not to be taken as an authoritative guide to the meaning of a provision, this being a task for the courts.

Outline of the government amendments

Amendment 1

Proposed new clause 54A

Clause 54A Owners corporation-establishment New Section 8(1A) and notes

Amendment 1 inserts new section 8(1A) in new clause 54A of the Bill.

This minor and technical amendment inserts new section 8(1A) into the *Unit Titles (Management) Act 2011* to clarify the definition of an owners corporation. This new section makes it clear that an owners corporation established under previous iterations of the unit titles legislation is considered to be established under section 8 of this Act.

Amendment 2

Clause 104 Proposed new section 167(1)

Amendment 2 amends new section 167(1) of clause 104 of the Bill to omit the words “section 22” and substitute with “the Act”.

This proposed minor and technical amendment to the *Unit Titles (Management) Act 2011* clarifies that the transitional provisions relate to any special privilege granted by an owners corporation that is still in force immediately prior to commencement of the amendments under the Bill, not just a special privilege granted under section 22.

Amendment 3

Clause 104 Proposed new section 169

Amendment 3 omits the proposed new section 169 of clause 104 of the Bill and substitutes an amended new section 169.

This proposed minor and technical amendment to the *Unit Titles (Management) Act 2011* clarifies the transitional provisions in relation to rules applying to owners corporations established before the commencement day (new section 169(1)).

New section 169(2) provides that on the day of commencement, the rules of the owners corporation will be the default rules as prescribed under schedule 1 of the *Unit Titles (Management) Regulation 2011*. If at any point in time an owners corporation amended any of the default rules (previously known as articles), these amendments will continue to apply after commencement so long as they are not inconsistent with this Act or another territory law (new section 169(3)).

New section 169(4) provides that the existing rules of the owners corporation cannot be the subject of an application to the ACT Civil and Administrative Tribunal for a declaration that the rule is invalid under new section 127(1), until after the second annual general meeting of the owners corporation following commencement. This means that owners corporations should review any non-standard rules (defined in new section 169(7) as being a rule other than a default rule or article) within this timeframe.

New section 169(5) provides that this transitional provision applies even if the non-standard rule was not registered under the *Land Titles (Unit Titles) Act 1970* before the commencement day.

New section 169(6) provides that this section is subject to new section 170, which sets out the transitional provisions relating to rules about keeping animals in a unit.

Amendment 4

Clause 134 Proposed new section 4A(a)(iia)

Amendment 4 inserts new section 4A(a)(iia) in clause 134 of the Bill. This new section proposes a minor and technical amendment to the *Unit Titles (Management) Regulation 2011* to include lifts as item that must be included in a maintenance plan of the owners corporation.