

NORTHERN TERRITORY OF AUSTRALIA

UNIT TITLES AMENDMENT ACT 2002

Act No. 9 of 2002

TABLE OF PROVISIONS

Section

1. Short title
2. Commencement
3. Principal Act
4. By-laws relating to estate development
5. By-laws relating to building development
6. Transitional provisions

SCHEDULE



NORTHERN TERRITORY OF AUSTRALIA

Act No. 9 of 2002

AN ACT

to amend the *Unit Titles Act*

[Assented to 28 March 2002]

[Second reading 28 November 2001]

The Legislative Assembly of the Northern Territory enacts as follows:

1. Short title

This Act may be cited as the *Unit Titles Amendment Act 2002*.

2. Commencement

This Act comes into operation on the date fixed by the Administrator by notice in the *Gazette*.

3. Principal Act

The *Unit Titles Act* is in this Act referred to as the Principal Act.

4. By-laws relating to estate development

Section 26ZD of the Principal Act is amended –

- (a) by omitting from subsection (1) all the words from and including "Subject" to and including "common property," and substituting "An estate management corporation may, by special resolution, in respect of its estate development,";

Unit Titles Amendment Act 2002

- (b) by omitting from subsection (1)(a) "common property" and substituting "estate development";
- (c) by inserting after subsection (1)(a) the following:

"(aa) the health and safety of persons;"
- (d) by inserting in subsection (1)(f) "incidental to the management, use and maintenance of the common property" after "charges"; and
- (e) by inserting after subsection (3) the following:

"(3A) Nothing in the By-laws limits or otherwise affects the operation of any other law of the Territory."

5. By-laws relating to building development

Section 26ZZA of the Principal Act is amended –

- (a) by omitting from subsection (1) all the words from and including "Subject" to and including "common property," and substituting "A building management corporation may, by special resolution, in respect of its building development,";
- (b) by omitting from subsection (1)(a) "common property" and substituting "building development";
- (c) by inserting after subsection (1)(a) the following:

"(aa) the health and safety of persons;"
- (d) by omitting from subsection (1)(d) "wharfs" and substituting "wharfs";
- (e) by inserting in subsection (1)(f) "incidental to the management, use and maintenance of the building development" after "charges"; and
- (f) by inserting after subsection (4) the following:

"(4A) Nothing in the By-laws limits or otherwise affects the operation of any other law of the Territory."

6. Transitional provisions

- (1) In this section, "commencement date" means the date on which this Act comes into operation.
- (2) Subject to subsection (3), on and after the commencement date –
 - (a) the By-laws made under section 26ZD of the Principal Act that are in force immediately before the commencement date have effect as

Unit Titles Amendment Act 2002

if they had been made immediately after the commencement of this Act; and

- (b) a reference in those By-laws to the common property is to be read, with the necessary modifications, as if it were a reference to the estate development.
 - (3) Subsection (2) does not affect an act or omission done or made, or a right, privilege, obligation or liability acquired, accrued or incurred, under By-laws made under section 26ZD of the Principal Act before the commencement date.
 - (4) Subject to subsection (5), on and after the commencement date –
 - (a) the By-laws made under section 26ZZA of the Principal Act that are in force immediately before the commencement date have effect as if they had been made immediately after the commencement of this Act; and
 - (b) a reference in those By-laws to the common property is to be read, with the necessary modifications, as if it were a reference to the building development.
 - (5) Subsection (4) does not affect an act or omission done or made, or a right, privilege, obligation or liability acquired, accrued or incurred, under By-laws made under section 26ZZA of the Principal Act before the commencement date.
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