



NORTHERN TERRITORY OF AUSTRALIA

No. 25 of 1986

AN ACT

to amend the *Real Property (Unit Titles) Act*

[Assented to 30 June 1986]

BE it enacted by the Legislative Assembly of the Northern Territory of Australia, with the assent as provided by the *Northern Territory (Self-Government) Act 1978* of the Commonwealth, as follows:

1. SHORT TITLE

This Act may be cited as the *Real Property (Unit Titles) Amendment Act 1986*.

2. COMMENCEMENT

(1) Sections 1 and 2 shall come into operation on the day on which the Administrator's assent to this Act is declared.

(2) The remaining provisions of this Act shall come into operation on the commencement of section 3 of the *Unit Titles Amendment Act 1986*.

3. PRINCIPAL ACT

The *Real Property (Unit Titles) Act* is in this Act referred to as the Principal Act.

4. INTERPRETATION

Section 3 of the Principal Act is amended by omitting subsection (3).

5. INCORPORATION WITH *REAL PROPERTY ACT*

Section 4 of the Principal Act is amended -

- (a) by omitting from subsection (1) "Ordinance" (twice occurring) and substituting "Act"; and
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- (b) by omitting subsections (2) and (3) and substituting the following:

"(2) A units plan, units plan of subdivision, units plan of consolidation, notice of conversion, building alteration plan, disclosure statement and every other document or instrument lodged under this Act with the Registrar-General, other than -

- (a) a certificate under the *Building Act*;
- (b) a certificate under the *Planning Act*;
- (c) a resolution of a corporation;
- (d) the consent of a person having a registered interest in a parcel or unit;
- (e) a certificate of a corporation;
- (f) a notice referred to in section 21E(2)(b) of the *Unit Titles Act*; or
- (g) a certificate referred to in section 21F(d) of the *Unit Titles Act*,

shall, for the purposes of the Principal Act, be deemed to be an instrument affecting land.

"(3) Sections 267 and 273 of the Principal Act do not apply to or in relation to -

- (a) a units plan;
- (b) a units plan of subdivision;
- (c) units plan of consolidation;
- (d) a notice of conversion;
- (e) a building alteration plan;
- (f) a prescribed application form;
- (g) a notice under section 16(1);
- (h) a disclosure statement; or
- (j) a copy of a court order,

lodged under this Act with the Registrar-General."

6. REPEAL AND SUBSTITUTION

Section 5 of the Principal Act is repealed and the following substituted:

"5. WHEN UNITS PLAN AND OTHER INSTRUMENTS DEEMED TO BE REGISTERED

"For the purposes of the Principal Act and of this Act -

- (a) a units plan, units plan of subdivision, units plan of consolidation, notice of conversion or building alteration plan shall be deemed to be registered when the Registrar-General has endorsed on it the date and time of registration and the number allotted to it and has affixed his seal; and
- (b) every other document or instrument relating to a plan or notice referred to in paragraph (a) lodged under this Act with the Registrar-General shall be deemed to be registered when a memorial relating to the document or instrument is endorsed on or annexed to the plan or notice."

7. REPEAL AND SUBSTITUTION

Sections 6 and 7 of the Principal Act are repealed and the following substituted:

"6. DEFINITION

"In this Part 'unit', in relation to a condominium development, includes so much of the parcel the subject of the condominium development as is not a unit or common property in a registered units plan in respect of a completed stage of the condominium development.

"6A. FORMAL REQUIREMENTS

"A units plan shall be in accordance with the prescribed form and requirements.

"7. REGISTRATION OF UNITS PLAN

"The Registrar-General shall, on the lodgement with him within the period referred to in section 21 of the *Unit Titles Act* of -

- (a) an application in accordance with the prescribed form;
- (b) 3 copies of the units plan complying with section 6 and endorsed under section 20 of the *Unit Titles Act* by the Minister;

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- (c) the duplicate certificate of title for the relevant parcel or, in relation to an application in respect of the second or subsequent stage of a condominium development, the duplicate certificate of title for the relevant unit; and
- (d) the written consent, in accordance with the prescribed form, to the registration of the units plan of every person, other than the Crown, having a registered estate or interest in the parcel; and
- (e) the duplicate copy of every instrument evidencing or creating such an estate or interest,

register the units plan."

8. EFFECT OF REGISTRATION OF UNITS PLAN ON INTERESTS IN PARCEL

Section 8 of the Principal Act is amended -

- (a) by omitting subsection (1) and substituting the following:

"(1) If, immediately before the registration of a units plan, a person was the proprietor of a registered interest in -

- (a) in the case of a units plan relating to a second or subsequent stage of a condominium development - a unit included as described in section 6; and
- (b) in any other case - the parcel,

he shall be deemed to be, on the registration of the units plan, the proprietor of a registered interest in each unit, as if -

- (c) on the date on which the memorandum creating the first-mentioned registered interest was executed, the registered proprietor had been the proprietor of all the units and that memorandum had, as the case required, been executed by him accordingly; and
- (d) the first-mentioned registered interest had been a registered interest of all the units and not of the parcel or unit, as the case may be.";
- (b) by omitting from subsection (4) "of mortgage" and "that mortgage" and substituting "of a registered interest" and "that registered interest" respectively; and

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- (c) by inserting in subsection (5) before "(a) 'registered proprietor of an easement'" the following:

"(aa) except in subsection (1)(b), 'parcel' includes a unit referred to in subsection (1)(a);".

9. DUTIES OF REGISTRAR-GENERAL AFTER REGISTRATION OF UNITS PLAN

Section 9 of the Principal Act is amended -

- (a) by omitting paragraphs (a), (b), (c) and (d) and substituting the following:

"(a) in the case of a units plan that does not relate to a second or subsequent completed stage of a condominium development -

- (i) cancel the certificate of title or Crown lease for the parcel and the duplicate of that certificate or Crown lease; and

- (ii) issue to the relevant corporation a certificate of title for the common property in accordance with the prescribed form;

- (b) in the case of a units plan relating to a second or subsequent completed stage of a condominium development - cancel the certificate of title and the duplicate of that certificate for the unit (other than a unit in a previously completed stage of the condominium development) held by the developer;

- (c) issue, in accordance with the prescribed form, a certificate of title for each unit to the person who, by force of section 23 of the *Unit Titles Act*, is the proprietor of the unit;

- (d) in the case of a units plan relating to any completed stage of a condominium development - issue to the developer a certificate of title for the unit comprising the balance, if any, of the parcel;

- (da) enter on each certificate of title issued a memorial of any registered interest to which, by force of section 8, or by force of section 23 of the *Unit Titles Act*, the unit is subject and, if it is subject to 2 or more registered interests, enter the memorials in such manner as to preserve their priority;"

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- (b) by omitting from paragraph (e) "mortgage or easement" and "section 8" and substituting "registered interest" and "section 8 or in accordance with section 23 of the *Unit Titles Act*, as the case may be" respectively;
- (c) by inserting after paragraph (e) the following:

"(ea) where the units plan relates to a completed stage of a condominium development record that fact in such manner as he thinks fit on the units plan and on each certificate of title issued under this section as a result of its registration;"
- (d) by omitting from paragraph (f) "and";
- (e) by omitting from paragraph (g) "section 8(3)." and substituting "section 8(3); and"; and
- (f) by adding at the end the following:

"(h) deliver a copy of the units plan to the applicant or person entitled to it and another copy to the council for the municipality in which the parcel is situated or, if the parcel is not situated in a municipality, to the Minister."

10. NEW PART

The Principal Act is amended by inserting after Part II the following:

"PART IIA - REGISTRATION OF UNITS PLAN OF
SUB-DIVISION, UNITS PLAN OF CONSOLIDATION, &c.

"9A. FORMAL REQUIREMENTS

"A units plan of subdivision, units plan of consolidation, notice of conversion or building alteration plan shall be in accordance with the prescribed form and requirements.

"9B. REGISTRATION OF UNITS PLAN OF SUBDIVISION AND
CONSOLIDATION

"The Registrar-General shall, on lodgement with him
of -

- (a) an application in the prescribed form;
- (b) 3 copies of the units plan of subdivision or units plan of consolidation in accordance with Part IIIA of the *Unit Titles Act* and section 9A of this Act;
- (c) the duplicate certificate of title for the relevant unit or units;

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- (d) in the case of a units plan of subdivision - the certificate or certificates required by section 21B(2)(c) of the *Unit Titles Act* to accompany the units plan of subdivision;
- (e) a certified copy of the unanimous resolution of the corporation referred to in section 21A(b)(i) of the *Unit Titles Act*;
- (f) the written consents referred to in section 21A(b)(ii) of the *Unit Titles Act*;
- (g) the duplicate copy of every instrument evidencing or creating an estate or interest in the units subdivided or consolidated to which a consent referred to in paragraph (f) relates;
- (h) the certificate of the corporation under section 21D(b) of the *Unit Titles Act*; and
- (j) in the case of a subdivision, a certificate of a licensed surveyor referred to in section 21B(2)(b) of the *Unit Titles Act*,

register the units plan of subdivision or units plan of consolidation.

"9C. REGISTRATION OF NOTICE OF CONVERSION

"The Registrar-General shall, on lodgement with him of -

- (a) 3 copies of the notice of conversion executed in accordance with section 21E of the *Unit Titles Act* and in accordance with section 9A of this Act;
- (b) the duplicate certificates of title for the relevant units;
- (c) the discharge or surrender of all registered interests, other than easements, as referred to in section 21E(2)(a) of the *Unit Titles Act*;
- (d) a certified copy of the notice referred to in section 21E(2)(b) of the *Unit Titles Act*;
- (e) a certified copy of the unanimous resolution of the corporation referred to in section 21A(b)(i) of the *Unit Titles Act*;
- (f) the certificate of the corporation under section 21D(b) of the *Unit Titles Act*; and
- (g) the written consents referred to in section 21A(b)(ii) of the *Unit Titles Act*,

register the notice of conversion.

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"9D. REGISTRATION OF BUILDING ALTERATION PLAN

"The Registrar-General shall, on lodgement with him within the period referred to in section 21F of the *Unit Titles Act*, of -

- (a) an application in the prescribed form;
- (b) 3 copies of the building alteration plan in accordance with section 21F of the *Unit Titles Act* and in accordance with section 9A of this Act;
- (c) the duplicate certificate of title for the relevant unit;
- (d) a certificate of a licensed surveyor referred to in section 21F(d) of the *Unit Titles Act*;
- (e) a certified copy of the unanimous resolution by the corporation referred to in section 21A(b)(i) of the *Unit Titles Act*;
- (f) the relevant certificate under section 40 of the *Building Act*; and
- (g) the written consents referred to in section 21A(b)(ii) of the *Unit Titles Act*,

register the building alteration plan.

"9E. EFFECT OF REGISTRATION OF UNITS PLAN OF SUBDIVISION AND CONSOLIDATION OF INTERESTS IN UNITS

"(1) If, immediately before the registration of a units plan of subdivision or a units plan of consolidation a person was the proprietor of a registered interest in the unit or units affected by the subdivision or consolidation, he shall be deemed to be, on that registration, the proprietor of a registered interest in the subdivided units or consolidated unit, as the case may be, as if -

- (a) on the date on which the memorandum creating the first-mentioned registered interest was executed, the registered proprietor had been the proprietor of the subdivided units or consolidated unit, and that memorandum had been executed by him accordingly; and
- (b) the first-mentioned registered interest had been a registered interest of the subdivided units or consolidated unit.

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"(2) If, immediately before the registration of a units plan of subdivision or units plan of consolidation, a person was the registered proprietor of an easement over portion of the common property or unit being subdivided or units being consolidated, he shall be deemed to be, on the registration of the units plan of subdivision or units plan of consolidation, the proprietor of an easement over so much of the land comprised in the new unit or units as was affected by the first-mentioned easement, as if -

- (a) on the date on which the memorandum creating the first-mentioned easement was executed, the proprietor or the lessee of the common property or unit being subdivided or units being consolidated on that date had been the proprietor or the lessee of the new unit or units, and that memorandum had been executed by him accordingly; and
- (b) the first-mentioned easement had been an easement over the new unit or units, and not over the common property or unit being subdivided or units being consolidated.

"(3) If, immediately before the registration of a units plan of subdivision or units plan of consolidation, the registered proprietor of the common property or unit being subdivided or units being consolidated was, in respect of that land, the proprietor of an easement over any other land, upon the registration of the units plan of subdivision or units plan of consolidation, each proprietor of a unit shall be the proprietor of that easement in respect of his unit as a dominant tenement, notwithstanding that the unit may not be contiguous with the servient tenement.

"(4) On and after the registration of a units plan of subdivision or units plan of consolidation, the memorandum of registered interest referred to in subsection (1) and the memorandum of easements referred to in subsections (2) and (3) and any instrument or other document relating to the common property or unit being subdivided or units being consolidated or the lease of the common property or unit being subdivided or units being consolidated or to that registered interest or easement shall be deemed to be modified in such manner as is necessary to give effect to subsections (1), (2) and (3).

"(5) In this section -

- (a) "registered proprietor of an easement" and "proprietor of an easement" include a person in whose favour an easement is reserved on a registered lease or certificate of title; and

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- (b) a reference to a memorandum creating an easement and the date of its execution includes a reference to the reservation of an easement on a registered lease or certificate of title, and the date of that reservation.

"9F. DUTIES OF THE REGISTRAR-GENERAL AFTER REGISTRATION OF UNITS PLAN OF SUBDIVISION OR CONSOLIDATION

"Immediately after registration of the units plan of subdivision or consolidation the Registrar-General shall -

- (a) cancel the certificate or certificates of title for the relevant unit or units;
- (b) issue, in accordance with the prescribed form, a certificate of title for each unit to the person who, by force of section 23 of the *Unit Titles Act*, is the proprietor of the unit;
- (c) enter on each relevant certificate of title so issued a memorial of any registered interest to which, by force of section 9E, the unit is subject and, if it is subject to 2 or more registered interests, enter the memorials in such manner as to preserve their priority;
- (d) enter on the instrument evidencing or creating such interests and on its duplicate copy a memorial that it has effect in accordance with section 9E;
- (e) enter on the certificate of title issued under this section a memorial of any registered interest in respect of which, by force of section 9E(3), the unit is the dominant tenement;
- (f) enter on the lease or certificate of title of the servient tenement and the registered instrument evidencing or creating the registered interest a memorial that the registered interest has effect in accordance with section 9E(3); and
- (g) deliver a copy of the units plan of subdivision or units plan of consolidation to the applicant or the person entitled to it and another copy to the council for the municipality in which the relevant unit, is or units are situated or, if the unit is not or units are not situated in a municipality, to the Minister.

"9G. DUTIES OF REGISTRAR-GENERAL AFTER REGISTRATION OF NOTICE OF CONVERSION

"Immediately after the registration of a notice of conversion referred to in section 9C, the Registrar-General shall -

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- (a) cancel the certificate or certificates of title comprising the converted unit or units and the duplicate of the certificate or those certificates; and
- (b) deliver a copy of the notice of conversion and a copy of the schedule of unit entitlements to the applicant or the person entitled to it and another copy of both those documents to the council for the municipality in which the unit is, or units are, situated or if the unit is not or units are not situated in a municipality, to the Minister.

"9H. DUTIES OF THE REGISTRAR-GENERAL AFTER REGISTRATION OF BUILDING ALTERATION PLAN

"Immediately after the registration of a building alteration plan referred to in section 9D, the Registrar-General shall -

- (a) make on the relevant certificate of title and units plan such record of the building alteration plan as he thinks fit; and
- (b) deliver a copy of the building alteration plan to the applicant or to the person entitled to it and another copy to the council for the municipality in which the unit is situated or, if the unit is not situated in a municipality, to the Minister.

"PART IIB - REGISTRATION OF DISCLOSURE STATEMENT AND VARIATION

"9J. REGISTRATION OF DISCLOSURE STATEMENT

"The Registrar-General shall, on the lodgement with him, in accordance with section 26E(1) of the *Unit Titles Act*, of a copy of a disclosure statement, register it on the folio in the Register Book comprising the parcel or the Crown lease, and on each certificate of title for the unit comprising the balance of the parcel as the condominium development proposal proceeds, showing the date and time it was lodged.

"9K. VARIATION OF DISCLOSURE STATEMENT

"The Registrar-General shall, on the lodgement with him of the disclosure statement referred to in section 26J(a) of the *Unit Titles Act* and a notice in writing, in pursuance of section 26J(3) of that Act, of the Minister's approval of that disclosure statement, replace the original disclosure statement with the disclosure statement so lodged and cause to be made in the Register Book such notations as he thinks fit to record that fact."

11. NEW SECTION

The Principal Act is amended by inserting in Part III, after section 15, the following:

"15A. CANCELLATION OF UNITS PLAN BY CONSENT

"(1) The Registrar-General shall, as soon as practicable after receiving an application under section 95A(2) of the *Unit Titles Act*, by notice in the *Gazette* and in a newspaper circulating in the area in which the parcel is situated, advise that an application for the cancellation of the units plan to which the application relates has been received and invite any person who claims to have a legal or equitable interest in the parcel or a unit and who objects to the proposed cancellation to lodge with the Registrar-General, within 28 days after the publication of the later of those 2 notices, an objection in the prescribed form.

"(2) The Registrar-General may, as soon as practicable after the time limited by subsection (1) for the lodging of objections with him and on being satisfied that the proprietors of the units unanimously agree to the proposed cancellation of the units plan and that no objections have been received from persons with a legal or equitable interest in the parcel or a unit, register the application.

"(3) This Part, with the necessary changes, applies to and in relation to the registration under this section of an application as if the application were a final order of the Court made under section 95 of the *Unit Titles Act* and all rights, titles, duties, obligations and interest in or in relation to the land comprised in the parcel shall be construed accordingly."

12. REPEAL AND SUBSTITUTION

Section 16 of the Principal Act is repealed and the following substituted:

"16. CHANGE OF ADDRESS FOR SERVICE OF DOCUMENTS

"(1) Where the address for service of documents shown on a units plan, or a certificate of title for common property, is changed, the corporation shall, in accordance with the prescribed form, give notice of the change to the Registrar-General.

Penalty: \$1,000.

"(2) On receipt of a notice under subsection (1), the Registrar-General shall endorse on the units plan or, if he thinks fit, on the certificate of title for the common property, a memorial of the change of address."

13. REGISTRATION OF ALTERATION OF ARTICLES

Section 17 of the Principal Act is amended by inserting after "register the resolution" the words "in such manner as he thinks fit on the certificate of title, and the duplicate copy of the certificate of title, for the common property".

14. REGISTRAR-GENERAL TO REGISTER APPOINTMENT, &c., OF ADMINISTRATOR

Section 18 of the Principal Act is amended by inserting after "register the order" the words "in such manner as he thinks fit on the certificate of title, and the duplicate copy of the certificate of title, for the common property".

15. NEW SECTION

The Principal Act is amended by inserting after section 22 the following:

"23. REGULATIONS

"The Administrator may make regulations, not inconsistent with this Act, prescribing matters -

- (a) required or permitted by this Act to be prescribed; or
- (b) necessary or convenient to be prescribed for carrying out or giving effect to this Act,

and in particular prescribing -

- (c) fees and charges in relation to an act or thing under this Act; and
- (d) forms to be used."

16. REPEAL

The Schedules to the Principal Act are repealed.

17. FURTHER AMENDMENTS

The Principal Act is further amended as set out in the Schedule.

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SCHEDULE

Section 17

Provision	Amendment	
	Omit	Substitute
Sections 10, 11, 12(1)(c) and 13	" <i>Unit Titles Ordinance</i> " (wherever occurring)	" <i>Unit Titles Act</i> "
Section 18	" <i>Unit Titles Ordinance</i> "	" <i>Unit Titles Act</i> "
Section 19(1)	"section 95 or section 98"	"section 95 or 98"
	" <i>Unit Titles Ordinance</i> "	" <i>Unit Titles Act</i> "
Section 21(2)	" <i>Unit Titles Ordinance</i> "	" <i>Unit Titles Act</i> "
Section 22(2)	"the last preceding sub-section"	"sub-section (1)"
	"200 dollars"	"\$200"
Long title and sections 1, 2, 3 and 4	"Ordinance" (wherever occurring)	"Act"