



## NORTHERN TERRITORY OF AUSTRALIA

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No. 24 of 1986

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### AN ACT

to amend the *Unit Titles Act*

[Assented to 30 June 1986]

**B**E 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 *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) Subject to subsection (3), the remaining provisions of this Act shall come into operation on a date to be fixed by the Administrator by notice in the *Gazette*.

(3) Section 46 shall come into operation on the date fixed under subsection (2) by the Administrator or 1 July 1986, whichever is the sooner.

#### 3. PRINCIPAL ACT

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

#### 4. LONG TITLE

The long title to the Principal Act is repealed and the following substituted:

"An Act relating to the subdivision of land into units and common property, and for other purposes".

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5. REPEAL

Section 3 of the Principal Act is repealed.

6. INTERPRETATION

Section 4 of the Principal Act is amended -

(a) by omitting the definitions of "Class A unit" and "Class B unit";

(b) by inserting after the definition of "common property" the following:

"'condominium development' means the subdivision under this Act of a parcel and its development in stages in accordance with a disclosure statement as defined in section 26A;"

(c) by inserting after the definition of "corporation" the following:

"'floor' includes a stairway and ramp;

'floor area', in relation to a cubic space, means the area occupied on a horizontal plane by the base of that cubic space;

'floor plan', in relation to a building, means a plan, consisting of one or more sheets, which -

(a) defines by lines (in paragraph (c) of this definition referred to as 'base lines') the base of each vertical boundary of every cubic space forming the whole of a proposed unit, or the whole or any part of a proposed unit, to which the plan relates;

(b) shows -

(i) the floor area of such cubic space; and

(ii) where the cubic space forms part only of a proposed unit, the aggregate of the floor areas of every cubic space that forms part of the proposed unit; and

(c) where proposed units or parts of proposed units to which the plan relates are superimposed on other proposed units or parts of proposed units to which the plan relates -

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- (i) shows the base lines in respect of the proposed units or parts of the proposed units that are so superimposed separately from those in respect of the other proposed units or parts of proposed units upon which they are superimposed; and
  - (ii) specifies, by reference to floors or levels, the order in which that superimposition occurs;"
- (d) by inserting after the definition of "improvements" the following:
- "'licensed surveyor' means a licensed surveyor within the meaning of the *Licensed Surveyors Act*;
- 'location plan' means a plan, consisting of one or more sheets, which relates to land and delineates the perimeter of that land and, in relation to that perimeter, the location, drawn to scale, of all buildings erected or proposed to be erected on that land and of any part of a proposed unit not within a building;"
- (e) by inserting after the definition of "mortgagee" the following:
- "'original proprietor', in relation to a units plan, means the person by whom the parcel was held at the time of registration of the units plan.";
- (f) by inserting in the definition of "parcel" after "as the case may be" the words "and, in relation to a condominium development, where the context so requires, includes the land comprised in the parcel other than that comprised in a previously completed stage of the condominium development";
- (g) by inserting after the definition of "registered" the following:
- "'structural cubic space' means -
- (a) cubic space occupied by a vertical structural member, not being a wall, of a building;
  - (b) pipes, wires, cables or ducts in a building not for the exclusive enjoyment of one unit; or
  - (c) cubic space enclosed by a structure enclosing such pipes, wires, cables or ducts;"

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- (h) by inserting after the definition of "the Court" the following:

"'unit', except in Part III, means one or more cubic spaces forming part of the parcel to which a units plan relates, the base of each such cubic space being designated as one unit on the floor plan which is part of the units plan, being cubic space the base of the vertical boundaries of which is as delineated on that floor plan and which has horizontal boundaries as ascertained under subsection (2), but does not include a structural cubic space unless it has boundaries described as prescribed and it is described in the floor plan as part of a unit;"

- (j) by omitting from the definition of "units plan" the words "relevant parcel" and substituting "relevant parcel and, in the case of a units plan relating to a completed stage of a condominium development, includes all those documents relating to that completed stage and all previously completed stages of the condominium development;"

- (k) by inserting after the definition of "units plan" the following:

"'wall' includes a door, window or other structure dividing a unit from common property or from another unit."; and

- (m) by adding at the end the following:

"(2) The boundaries of a cubic space referred to in paragraph (a) of the definition of 'floor plan' in subsection (1) -

- (a) except as provided in paragraph (b) of this subsection are -

(i) in the case of a vertical boundary where the base of a wall corresponds substantially with a line referred to in paragraph (a) of that definition - the inner surface of that wall; and

(ii) in the case of a horizontal boundary where a floor or ceiling joins a vertical boundary of that cubic space - the upper surface of that floor and the under surface of that ceiling; or

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- (b) are such boundaries as are described on a sheet of the floor plan relating to that cubic space (those boundaries being described in the prescribed manner by reference to a wall, floor or ceiling in the building to which that floor plan relates or to structural cubic space within that building).

"(3) A reference in this Act to cubic space includes a reference to space contained in any three-dimensional geometric figure.

"(4) The fact that a boundary is defined in a units plan in terms of or by reference to -

- (a) a wall that is not vertical; or
- (b) a floor or ceiling that is not horizontal,

does not prevent that plan from being a floor plan.

"(5) A reference in this Act to -

- (a) a units plan, a units plan of subdivision, a units plan of consolidation or a building alteration plan is a reference to a plan registered as such; or
- (b) a notice of conversion is a reference to a notice registered as such,

together with all endorsements required to be made on, and all plans and documents required to accompany, the plan or notice before it may be registered.

"(6) A reference in this Act to a subdivision of a unit or common property is a reference to the alteration of the boundaries of -

- (a) one or more units so as to create 2 or more different units;
- (b) one or more units so as to create one or more different units and common property;
- (c) one or more units and common property so as to create one or more different units or one or more different units and common property; or
- (d) common property so as to create one or more units,

but does not include a reference to the consolidation of 2 or more units into one unit or the conversion of one or more units into common property.

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"(7) A reference in this Act to a unit includes a reference to all unit subsidiaries appurtenant to that unit before the commencement of section 3 of the *Unit Titles Amendment Act 1986*."

### 7. REPEAL AND SUBSTITUTION

Section 8A of the Principal Act is repealed and the following substituted:

#### "8A. PLANNING ACT NOT TO APPLY

"Part V of the *Planning Act* does not apply to or in relation to a subdivision within the meaning of Part III or referred to in section 4(6), the consolidation of 2 or more units into one unit or the conversion of one or more units into common property."

### 8. REPEAL AND SUBSTITUTION

Section 9 of the Principal Act is repealed and the following substituted:

#### "9. UNITS

"In this Part a reference to a unit shall be read as a reference to either -

- (a) a part of the parcel, being part of a building, bounded by reference to floors, walls and ceilings, or such part of the parcel together with land in the parcel whether or not that land is contiguous to the part; or
- (b) a part of the parcel, being a part containing a building or part of a building and being unlimited in its vertical dimensions except to the extent of any projection above, or encroachment below, ground level by another part of the parcel, or such a part of the parcel together with land in the parcel which is not contiguous to the part."

### 9. PROPOSALS FOR SUB-DIVISION

Section 10 of the Principal Act is amended by omitting subsections (2), (3), (4), (5) and (6) and substituting the following:

"(2) The proposals shall provide for the subdivision of the parcel into units and common property."

### 10. DOCUMENTS TO BE INCLUDED IN PROPOSALS

Section 11 of the Principal Act is amended -

- (a) by omitting from subsection (1)(a) all words after "sub-divide the parcel" and substituting "and allotting to each unit a number;"

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- (b) by omitting subsection (2); and
- (c) by omitting from subsection (3) "of land, being an estate or interest that is registered under the *Real Property Act and Ordinance*" and substituting ", being an estate or interest that is registered under the *Real Property Act*".

### 11. NATURE OF DIAGRAMS TO BE INCLUDED IN PROPOSALS

Section 12 of the Principal Act is amended -

- (a) by omitting from subsection (1) paragraph (a) and substituting the following:  
"(a) a location plan and a floor plan in respect of the parcel;";
- (b) by omitting from subsection (1)(b) and (c) "Class A" (wherever occurring);
- (c) by omitting from subsection (1)(d) "a Class B unit" and substituting "a unit referred to in section 9(b)";
- (d) by omitting from subsection (2) "paragraph (b) or (c) of sub-section (1)" and substituting "subsection (1)(b) or (c)"; and
- (e) by omitting subsection (3).

### 12. REPEAL OF SECTIONS 13 AND 14

(1) Sections 13 and 14 of the Principal Act are repealed.

(2) Notwithstanding the repeal of section 14 of the Principal Act, the boundaries of each unit, unit subsidiary and common property existing before the commencement of this section shall, except to the extent that they are altered in accordance with the Principal Act, as amended by this Act, after that commencement, remain the boundaries of that unit (including a unit subsidiary forming part of the unit by virtue of section 4(7) of the Principal Act as amended by this Act) and common property in a units plan registered before that commencement.

### 13. CONDITION OF APPROVAL

Section 16 of the Principal Act is amended by omitting subsection (2).

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14. ENDORSEMENT OF UNITS PLAN FOR REGISTRATION

Section 20 of the Principal Act is amended -

- (a) by omitting subsection (3) and substituting the following:

"(3) There shall be endorsed on the location plan or floor plan referred to in section 12(1)(a) a certificate by a licensed surveyor, on the appropriate form prescribed under the *Real Property (Unit Titles) Act*."; and

- (b) by inserting in subsection (4) after "signature to" (second occurring) the words "and date".

15. NEW PART

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

"PART IIIA - SUBDIVISION AND CONSOLIDATION,  
&c., OF UNITS AND COMMON PROPERTY

"21A. UNANIMOUS CONSENT REQUIRED

"Nothing in this Part shall be taken to permit a subdivision, consolidation, conversion or alteration referred to in this Part -

- (a) in relation to a building, a unit or common property in a condominium development - before the units plan relating to the final stage of the condominium development has been registered; or
- (b) in any case -
- (i) except in pursuance of a unanimous resolution at a general meeting of the corporation called for the purpose of approving that subdivision, consolidation, conversion or alteration; and
- (ii) unless all persons (other than the Crown) having an estate or interest in the parcel, being an estate or interest that is registered under the *Real Property Act*, have indicated in writing their consent to the subdivision, consolidation, conversion or alteration, including the revised schedule of unit entitlement.

"21B. SUBDIVISION OF UNITS AND COMMON PROPERTY

"(1) Units or common property, or units and common property, may be subdivided by the registration of a plan as a units plan of subdivision.



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"(2) A plan shall not be registered as a units plan of subdivision unless -

- (a) it consists of a floor plan and location plan;
- (b) that floor plan and location plan are accompanied by a certificate given by a licensed surveyor certifying that every -
  - (i) wall, the inner surface or any part of which corresponds substantially with a line shown on the floor plan relating to the proposed subdivision as a boundary of a proposed unit, exists;
  - (ii) floor or ceiling, the upper or under surface or any part of which forms a boundary of a proposed unit, exists;
  - (iii) wall, floor, ceiling or structural cubic space, by reference to which a boundary of a proposed unit is to be ascertained, exists; and
  - (iv) unit illustrated by that floor plan and location plan is wholly within the perimeter of a parcel,

but such a certificate shall not certify as to the matters referred to in subparagraph (i), (ii) or (iii) in respect of a wall, floor, ceiling or structural cubic space if the inner, upper or under surface or any part of that wall, floor or ceiling was, immediately before the subdivision, a boundary of a unit the subject of the proposed subdivision or if the boundary of any such unit was, immediately before the subdivision, ascertained by reference to a wall, floor, ceiling or structural cubic space; and

- (c) it is accompanied by -
  - (i) in the case of a units plan of subdivision relating in whole or in part to an existing building - a certificate issued under section 40 of the *Building Act* in relation to the building;
  - (ii) in the case of a units plan of subdivision in relation to a proposed building - certification in writing by a person approved by the Minister that the use of the land as proposed will be in accordance with a planning instrument, within the meaning of the *Planning Act*, affecting that land; and

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- (iii) in the case of a units plan of subdivision relating to a proposed subdivision of an existing building and a proposed building - a certificate referred to in subparagraph (i) and the certification referred to in subparagraph (ii).

"(3) Sections 22 to 25 inclusive with the necessary changes apply to and in relation to the registration, as a units plan of subdivision, of a plan illustrating a proposed subdivision referred to in section 4(6) in the same way as they apply to and in relation to the registration of a plan as a units plan.

### "21C. CONSOLIDATION OF UNITS

"Two or more units held by the same registered proprietor may be consolidated into one unit by the registration of a plan as a units plan of consolidation.

### "21D. UNIT ENTITLEMENTS OF UNITS IN SUBDIVISIONS, PLAN OF CONSOLIDATION OR NOTICE OF CONVERSION

"A plan illustrating a proposed subdivision referred to in section 4(6), a proposed consolidation under section 21C or a proposed conversion under section 21E shall not be registered as a units plan of subdivision or a units plan of consolidation or a notice of conversion unless it is accompanied by -

- (a) a schedule showing as a whole number in respect of each unit to be comprised in the parcel after the proposed subdivision or consolidation the proposed unit entitlement of that unit, and showing the proposed aggregate unit entitlement; and
- (b) a certificate under the seal of the corporation concerned certifying that it has, by special resolution, agreed to each proposed unit entitlement and the proposed aggregate unit entitlement shown in the schedule referred to in paragraph (a).

### "21E. CONVERSION OF UNITS INTO COMMON PROPERTY

"(1) Subject to subsection (2), one or more units may be converted into common property by the registration, as a notice of conversion, of a notice in a form approved by the Registrar-General, being a notice executed by the proprietor or proprietors of that unit or those units and by the body corporate.

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"(2) A notice referred to in subsection (1) shall not be registered as a notice of conversion unless -

- (a) every mortgage, lien, charge, current lease, caveat or writ recorded in the folio of the Register Book comprising the unit or each unit to which the notice relates has, in so far as it affects any such unit, been discharged or surrendered, or withdrawn or otherwise disposed of; and
- (b) the Registrar is satisfied that written notice of the intended conversion was given -
  - (i) in the case of a parcel within a municipality - to the council of the municipality; and
  - (ii) in the case of a parcel within an area to which the *Darwin Rates Act* applies - to the Minister responsible for the administration of that Act,

not later than 3 months before the registration of the notice of conversion.

"21F. ALTERATION OF BUILDING AFFECTING UNITS PLAN

"Where a building is altered by -

- (a) the demolition of a wall, floor, ceiling or structural cubic space, and a boundary of a unit was, immediately before the alteration, the inner surface or a part of that wall, the upper surface or a part of that floor or the under surface or a part of that ceiling or was defined in terms of or by reference to that wall, floor, ceiling or structural cubic space; or
- (b) the construction of a wall, floor or ceiling so that a boundary of a unit coincides with the inner surface or a part of that wall, the upper surface or a part of that floor or the under surface or a part of that ceiling,

the proprietor of that unit shall, within 28 days after a certificate under section 40 of the *Building Act* is issued in respect of the demolition or construction, lodge with the Registrar-General for registration as a building alteration plan a plan which -

- (c) defines by lines the base of each vertical boundary of that unit after the alteration of the building; and
- (d) is accompanied by a certificate given by a licensed surveyor certifying that -

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- (i) the wall, floor, ceiling or structural cubic space has been demolished or constructed, as the case may be; and
- (ii) every wall, floor or ceiling referred to in paragraph (b) is wholly within the perimeter of the parcel.

Penalty: \$500.

### "21G. CERTIFICATES OF TITLE TO BE LODGED WITH PLANS OF SUBDIVISION OR CONSOLIDATION, NOTICES OF CONVERSION AND BUILDING ALTERATION PLANS

"(1) The Registrar-General may refuse to register -

- (a) a plan for registration as a units plan of subdivision or a units plan of consolidation;
- (b) a notice for registration as a notice of conversion; or
- (c) a plan for registration as a building alteration plan,

unless it is accompanied by the certificate of title comprising the common property."

### 16. SUB-DIVISION OF PARCEL BY REGISTRATION

Section 22 of the Principal Act is amended by omitting ", of the unit subsidiaries (if any)" and all words after "those diagrams".

### 17. TITLE TO UNITS AND COMMON PROPERTY

Section 23 of the Principal Act is amended -

- (a) by inserting in subsection (1) after "units plan" the words ", other than a units plan relating to a completed stage or completed stages of a condominium development";
- (b) by inserting after subsection (1) the following:

"(1A) On the registration of the units plan relating to a completed stage or completed stages of a condominium development -

- (a) the person who was, immediately before that registration, the proprietor of that part of the parcel comprised in the completed stage or completed stages becomes possessed of an estate in fee simple in each unit, other than a unit which was, immediately before that registration, held for an estate in fee simple by another person;

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- (b) a person, if any, who was the proprietor of a unit in the condominium development immediately before that registration continues to be possessed of an estate in fee simple in that unit subject to the same mortgages and easements to which it was then subject or which were then appurtenant to it;
- (c) the corporation becomes possessed of an estate in fee simple in the common property; and
- (d) the developer, as defined in section 26A, becomes possessed of an estate in fee simple in the balance, if any, of the parcel in the condominium development.

"(1B) On the registration of a units plan of subdivision creating common property, the corporation becomes possessed of an estate or interest evidenced by the certificate of title comprising the land the subject of the units plan of subdivision freed and discharged from all mortgages, charges, writs and caveats affecting that land immediately before the registration of that plan.

"(1C) On the registration of a notice of conversion, the corporation becomes possessed of the estate or interest in any unit converted into common property evidenced by the certificate of title comprising the land the subject of the notice."; and

- (c) by omitting from subsection (2) "The estate" and substituting "Subject to subsections (1A) and (1B), the estate".

### 18. COMMON PROPERTY TO BE HELD IN TRUST

Section 24(2) of the Principal Act is amended by omitting "The estate" and substituting "Subject to Part IIIA, the estate".

### 19. NO ALTERATION OF SCHEDULE OF UNIT ENTITLEMENT

Section 26 of the Principal Act is amended by inserting after "in pursuance of" the words "Part IIIA or".

### 20. NEW PART

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

#### "PART IVA - CONDOMINIUM DEVELOPMENT

##### *"Division 1 - Preliminary*

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### "26A. DEFINITIONS

"In this Part, unless the contrary intention appears -

'developer', in relation to a condominium development, means the registered proprietor of an estate in fee simple in or a lease from the Crown of the parcel the subject of the condominium development, and includes a person to whom the developer's interest is transferred as referred to in section 26G, a mortgagee in possession and a purchaser from a mortgagee in possession;

'disclosure statement', in relation to a condominium development, means a disclosure statement referred to in section 26B(3), and includes such a statement as varied under this Part.

#### *"Division 2 - Application for Approval of Condominium Development*

### "26B. APPLICATION FOR APPROVAL

"(1) Subject to subsection (2), the registered proprietor of an estate in fee simple in or a lease from the Crown of land may, in respect of that land, apply to the Minister for the approval of a proposal for the subdivision under this Act of the land and its development in stages as a condominium development.

"(2) An application under subsection (1) shall not be made except in respect of a proposal involving the creation of not less than 24 units.

"(3) An application under subsection (1) shall be accompanied by -

- (a) a disclosure statement in duplicate; and
- (b) an instrument of determination issued under section 113(1) of the *Planning Act* indicating -
  - (i) the consent of the relevant consent authority under that Act to the development of that land in accordance with the condominium development proposal; and
  - (ii) that the determination to which it relates is conditional on the applicant's compliance with the terms of the disclosure statement.

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### "26C. CONTENTS OF DISCLOSURE STATEMENT

"(1) A disclosure statement shall, on its first page, have printed the prescribed warning, in such manner as is prescribed, and no other information other than the title of the condominium development.

"(2) In addition to the warning referred to in subsection (1), a disclosure statement shall consist of -

- (a) the documents required under section 11 to be included in an application under section 10(1) as if the disclosure statement were an application under Part III for the approval of the condominium development as a units plan;
- (b) a description of the condominium development, and each proposed stage of the development, signed by or on behalf of the proposed developer;
- (c) a location plan for each proposed stage of the condominium development and indicating construction zones, access zones and common property;
- (d) a description of what use can be made of access zones and construction zones referred to in paragraph (c);
- (e) a schedule of materials and finishes for all proposed stages of the condominium development;
- (f) a schedule of units and unit entitlements on the completion of the condominium development and at the completion of each proposed stage of the condominium development;
- (g) a schedule of commencement and completion dates for each proposed stage of the condominium development;
- (h) a schedule of working hours in relation to the construction and development during the second and each subsequent proposed stage of the condominium development; and
- (j) such other documents, if any, as are prescribed.

### "26D. CONDITION OF APPROVAL

"Without derogating from section 16, the Minister may, as a condition of his approval of a condominium development proposal, require the developer to lodge with him and maintain a security, in such form, for such amount, and from such person as the Minister thinks fit, to secure the payment of damages to the proprietor of a unit or a person who has contracted or contracts with the

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developer for the purchase of a proposed unit in the condominium development in the event of the developer's failure to comply with this Act or his failure to complete the condominium development, or any stage of it, in accordance with the disclosure statement.

### "26E. LODGEMENT OF DISCLOSURE STATEMENT FOR REGISTRATION

"(1) As soon as practicable after he receives a notice under section 18 in respect of a condominium development proposal, the proprietor of the parcel shall lodge with the Registrar-General a copy of the disclosure statement, certified by the Minister as being a true copy.

"(2) An approval under section 15 in respect of a condominium development proposal has no force or effect until a copy of the disclosure statement has been registered.

"(3) In this section 'condominium development proposal' includes a variation, in pursuance of section 26J, of such a proposal and 'disclosure statement', in relation to such a variation, includes a new proposal referred to in section 26J(2)(a).

### "26F. FINAL APPROVAL WHERE STAGES COMPLETED

"(1) Subject to subsection (2), sections 19, 20 and 21, each with the necessary changes, apply to and in relation to each stage of a condominium development approved under section 15 as if each stage were the subject of a conditional approval.

"(2) In the application of sections 20 and 21 to and in relation to the second or subsequent stage of a condominium development, the documents referred to in section 20 shall not include those relating to a previously completed stage of the condominium development.

### *"Division 3 - Failure of Development and Variation of Disclosure Statement*

### "26G. APPROVAL TO DISCONTINUE

"(1) If after the registration under Part IV of a units plan in respect of the first stage of a condominium development the developer is, for any reason, unable or unwilling to complete the condominium development in accordance with the disclosure statement, he may apply to the Minister, in a form approved by the Minister -

- (a) for approval to transfer his interest in the condominium development, other than his interest as the proprietor of a unit, to a person named in the application; or
- (b) to subdivide the parcel as indicated in the application.



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"(2) The Minister shall not approve of the transfer of a developer's interest in a condominium development unless the person to whom it is proposed to be transferred has undertaken in writing to the Minister to complete the condominium development in accordance with the disclosure statement and has lodged with the Minister a security referred to in section 26D to secure the performance of his and the former developer's obligations to the proprietors of units in, or under a contract for the sale of a proposed unit in, the condominium development.

"(3) The Minister shall not approve a subdivision referred to in subsection (1)(b) unless the developer has obtained from the relevant consent authority an unconditional approval under section 112 of the *Planning Act* to the proposed subdivision and the consent in writing of the corporation given in accordance with a unanimous resolution of the corporation at a general meeting called for the purpose of consenting to the proposed sub-division.

"(4) If the developer applies to the corporation of a condominium development for consent to the subdivision of the parcel as referred to in subsection (1)(b) and the consent is refused or is not, within 28 days after the application, granted, the developer may apply to the Court for an order varying the disclosure statement and the Court has jurisdiction to hear and determine the application.

### "26H. DAMAGE FOR FAILURE, &c., OF DEVELOPER

"(1) Where a developer fails to comply with a disclosure statement or complete a condominium development in accordance with the disclosure statement, the proprietor of a unit, or a person who has contracted with the developer to purchase a proposed unit, in the condominium development may, in addition to any other right at law or in equity he may have, sue for and recover such damages from the developer as the Court thinks fit.

"(2) Without limiting the generality of subsection (1), the proprietor of a unit, or a person who has contracted with the developer to purchase a proposed unit, in the condominium development shall be entitled to recover any expected loss of capital appreciation of his unit or proposed unit arising out of the failure, calculated to the date on which the condominium development was to be completed in accordance with the disclosure statement.

### "26J. VARIATION OF DISCLOSURE STATEMENT

"(1) At any time after the completion of the first stage of a condominium development, the developer may apply to the Minister for a variation of the Minister's approval of the subdivision proposed in the disclosure statement.

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"(2) An application under subsection (1) shall be accompanied by -

- (a) a disclosure statement in the form required under section 26C indicating the manner it is proposed that the condominium development proposal be varied and the new proposal;
- (b) a determination under section 113(1) of the *Planning Act* indicating the consent of the relevant consent authority under that Act to the proposal as varied; and
- (c) the consent in writing, in such form as the Minister approves, of each proprietor of a unit in the condominium development.

"(3) Subject to this section, an application under subsection (1) shall be dealt with by the Minister in the same manner as an application for the approval of the subdivision proposed in the original disclosure statement.

#### *"Division 4 - Miscellaneous*

##### "26K. DISCLOSURE STATEMENT DEEMED PART OF CONTRACT OF SALE OF UNIT

"(1) Each contract entered into by a developer for the sale of a unit, proposed unit or other interest in a condominium development, other than an interest referred to in section 26G(1)(a), shall, in addition to any other condition to which it is expressed to be subject, be deemed to be subject to the condition that the developer will construct and complete the condominium development in accordance with the disclosure statement, and each successor in title to a unit or interest so sold shall be deemed to be the original purchaser from or contractor with the developer and may enforce the contract accordingly.

"(2) A person is incapable of contracting out of the effect of subsection (1).

##### "26M. RIGHTS OF DEVELOPER IN RESPECT OF ACCESS AND DEVELOPMENT ZONES

"A developer shall have against the corporation of, and the proprietor of each unit in the completed stage or stages of, a condominium development such rights in relation to the construction and access zones specified in the disclosure statement in respect of each stage of the proposed condominium development as is provided in the disclosure statement."

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### 21. REPEAL AND SUBSTITUTION

Sections 27 and 28 of the Principal Act are repealed and the following substituted:

### "27. INCORPORATION OF PROPRIETORS OF UNITS

"(1) On and after the registration of a units plan, including a units plan relating to the first completed stage of a condominium development, there is constituted a body corporate under the name "The Proprietors - Units Plan No. ", the number to be included in the name being the number allotted to the units plan by the Registrar-General on its registration.

"(2) The members of a corporation referred to in subsection (1) are the persons who are proprietors, for the time being, of the units including, in the case of a corporation relating to a condominium development, the units in each completed stage of the condominium development."

### 22. LEGAL STATUS, &c., OF CORPORATION

Section 30 of the Principal Act is amended by adding at the end the following:

"(2) A corporation has the powers, authorities, duties and functions conferred or imposed on it by or under this Act and, subject to this Act, has the control, management and administration of the common property."

### 23. NEW SECTION

The Principal Act is amended by inserting after section 30 the following:

### "30A. SEAL OF CORPORATION

"(1) The common seal of a corporation shall be kept -

- (a) where the corporation is constituted by one proprietor - by that person; or
- (b) where the corporation is constituted by 2 or more proprietors - by such proprietor or committee-man as the corporation determines or, in the absence of such determination, by the secretary of the committee.

"(2) The common seal of a corporation shall only be affixed to an instrument or document in the presence of -

- (a) where the corporation is constituted by one or 2 proprietors - that proprietor or those proprietors, as the case may be; or

*Unit Titles Amendment*

- (b) where the corporation is constituted by more than 2 proprietors - such 2 persons, being proprietors or committee-men, as the corporation determines or, in the absence of such determination, the secretary and one other committee-man,

who shall attest the fact and date of the affixing of the seal by his signature or their signatures.

"(3) Notwithstanding subsections (1) and (2), a committee-man shall, for the purpose of performing a duty or function or exercising a power delegated to him under section 54, be entitled to have the custody of the common seal of the corporation and to affix it to an instrument or document and, where he so affixes it, shall attest the fact and date of the affixing of the seal by his signature.

"(4) Where a committee-man referred to in subsection (3) has affixed the common seal of the corporation to an instrument or document, he shall be deemed to have done so under the authority of a delegation made under section 54.

"(5) Subsection (4) shall not operate so as to enable a person fraudulently to obtain a benefit from its operation, but a benefit that accrues to a person from the operation of that subsection shall be deemed not to be fraudulently obtained if the benefit was first obtained by that person without fraud by him.

24. CONTRIBUTIONS BY MEMBERS OF CORPORATION

Section 36(3) of the Principal Act is amended by inserting after "sub-section (4)" the words "and section 36A".

25. NEW CLAUSE

The Principal Act is amended by inserting after section 36 the following:

"36A. APPORTIONMENT OF EXPENDITURE IN RESPECT OF CONDOMINIUM DEVELOPMENT

"Notwithstanding anything in this Part, moneys due to or held by a corporation immediately before the registration of a units plan relating to a second or subsequent completed stage of a condominium development shall be apportioned for expenditure on or in relation to the completed units and common property in the condominium development immediately before the registration of the units plan relating to that second or subsequent completed stage of the condominium development."

*Unit Titles Amendment*

26. STATEMENT OF MEMBER'S LIABILITY TO CORPORATION AND INSPECTION OF BOOKS, &c.

Section 37(5) of the Principal Act is amended by omitting "guilty of an offence and is punishable, on conviction, by a fine not exceeding 400 dollars." and substituting the following:

"guilty of an offence.

Penalty: \$400."

27. NO BUSINESS TO BE CARRIED ON

Section 39 of the Principal Act is amended -

(a) by inserting in subsection (1) after "Except" the words "as provided by this section or";

(b) by inserting after subsection (1) the following:

"(1A) A corporation may own, manage, dispose of or otherwise deal with a unit created by the subdivision under Part IIIA of common property, but the corporation shall not have any voting rights in relation to the unit at a meeting of the corporation, neither can it appoint a committee-man by virtue of its ownership of the unit."; and

(c) by omitting from subsection (2) "guilty of an offence and is punishable, on conviction, by a fine not exceeding 400 dollars." and substituting the following:

"guilty of an offence.

Penalty: \$400."

28. ACQUISITION AND ALIENATION OF PROPERTY, &c.

Section 42(3) of the Principal Act is amended by omitting "A corporation" and substituting "Subject to sections 39(1A) and 42A, a corporation".

29. NEW SECTION

The Principal Act is amended by inserting after section 42, the following:

"42A. ACQUISITION OF ADDITIONAL COMMON PROPERTY

"(1) In this section, 'land' means land held for an estate in fee simple.

## *Unit Titles Amendment*

"(2) A corporation may, pursuant to a unanimous resolution, accept a transfer or grant of land (not being a unit within the parcel) which is contiguous to the parcel but which is not subject to a mortgage, charge or writ, for the purpose of creating additional common property and, upon so doing, shall forthwith cause the dealing evidencing the transaction to be registered under the *Real Property Act*.

"(3) On the registration under the *Real Property Act* of a transfer or grant referred to in subsection (2) -

- (a) the land comprised in the transfer or grant becomes common property and is subject to the provisions of this Act relating to common property; and
- (b) the Registrar-General shall make in the Register Book such recordings in relation to that land as he thinks fit."

### 30. NEW SECTION

The Principal Act is amended by inserting after section 47 the following:

#### "47A. RESTRICTIONS ON POWERS OF CORPORATION

"(1) Notwithstanding anything contained elsewhere in this Act, a corporation shall not, during the initial period -

- (a) amend, rescind or add to its articles, or make articles in the place of articles rescinded, in such a manner that a right is conferred or an obligation is imposed on one or more, but not all, proprietors or in respect of one or more, but not all, units;
- (b) alter common property forming part of a building, or erect a structure, on the common property; or
- (c) borrow moneys or give securities,

unless the doing of that thing is authorized by an order of the Court.

"(2) Without affecting any other remedy available against an original proprietor, where a corporation contravenes subsection (1) -

- (a) the original proprietor is liable for any loss suffered by the corporation or a proprietor as a result of the contravention; and

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- (b) the corporation or a proprietor may recover from the original proprietor, as damages for breach of statutory duty, any loss suffered by it or him,

unless -

- (c) the contravention occurred without the knowledge of the original proprietor;
- (d) the original proprietor was not in a position to influence the conduct of the corporation in relation to the contravention; or
- (e) the original proprietor, being in such a position, used all due diligence to prevent the contravention.

"(3) In this section 'initial period' means the period commencing on the day on which the corporation is constituted and ending on the day on which there are proprietors of units the subject of the units plan (other than the original proprietor) the sum of whose unit entitlements is not less than one third of the aggregate unit entitlement."

31. CONSTITUTION OF COMMITTEE AFTER FIRST ANNUAL GENERAL MEETING

Section 49 of the Principal Act is amended -

- (a) by omitting from subsection (5) all words after "each annual general meeting"; and
- (b) by adding at the end the following:

"(8) A person is not eligible for election as a committee-man unless he is -

- (a) an individual who is a proprietor;
- (b) a company nominee of a body corporate which is a proprietor; or
- (c) an individual who is not a proprietor but who is nominated for election by a proprietor who is not a candidate for election.

"(9) A committee-man may, with the consent of the committee, appoint a proprietor or company nominee of a body corporate which is a proprietor to act in his place as committee-man at a meeting of the committee and a proprietor or company nominee so appointed shall, when he is so acting, be deemed to be a committee-man.

"(10) A proprietor or company nominee may be appointed under subsection (9) whether or not he is a committee-man.

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"(11) If a person appointed under subsection (9) is committee-man he may, at a meeting of the committee, separately vote in his capacity as such a committee-man and on behalf of the member in whose place he has been appointed to act."

### 32. NEW SECTION

The Principal Act is amended by inserting after section 49 the following:

#### "49A. VACATION OF OFFICE OF MEMBER OF COMMITTEE

"(1) A person elected as a committee-man vacates his office -

- (a) if, where he was a proprietor at the time of his election, he ceases to be a proprietor;
- (b) if, where he was not a proprietor at the time of his election or was a company nominee, the individual who nominated him for election or the body corporate for which he is a company nominee, as the case may be -
  - (i) ceases to be a proprietor; or
  - (ii) notifies the corporation, in writing, that his office as a committee-man is vacated;
- (c) on the receipt by the corporation from him of notice in writing of his resignation as a member of the committee; or
- (d) immediately before the election of the committee-men at the annual general meeting next following his election as a committee-man.

"(2) A person who is a committee-man by virtue of section 48(1) vacates his office immediately before the election of the committee-men at the first annual general meeting."

### 33. MEETINGS OF COMMITTEE

Section 50 of the Principal Act is amended by adding at the end the following:

"(3) At a meeting of a committee -

- (a) where there is only one committee-man, that committee-man; or
- (b) where there are 2 or more committee-men, a majority of those committee-men,

constitute a quorum of the committee.



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"(4) Subject to this Act, the decision on a matter, where there is only one committee-man, of that committee-man or, where there are 2 or more committee-men, of a majority of the committee-men voting on that matter shall be the decision of the committee at a meeting at which a quorum is present.

"(5) At a meeting of a committee the person presiding shall have a deliberative vote and in the event of an equality of votes also has a casting vote.

"(6) A decision of a committee has no force or effect if, before that decision is made, notice in writing is given to the secretary of the committee by one or more proprietors, the sum of whose unit entitlements exceeds 50% of the aggregate unit entitlement, that the making of the decision is opposed by those proprietors.

"(7) A committee shall cause a record of all notices given under subsection (6) to its secretary to be kept in the minutes of the committee.

### 34. REPEAL AND SUBSTITUTION

Sections 51, 52, and 53 of the Principal Act are repealed and the following substituted:

#### "51. CHAIRMAN, SECRETARY AND TREASURER OF COMMITTEE

"(1) The committee-men shall, at the first meeting of a committee after they assume office, appoint a chairman, a secretary and a treasurer of the committee.

"(2) A person -

- (a) shall not be appointed to an office referred to in subsection (1) unless he is a committee-man; and
- (b) may be appointed to one or more of those offices.

"(3) A person appointed to an office referred to in subsection (1) shall hold office until -

- (a) he ceases to be a committee-man;
- (b) the receipt by the corporation from him of notice in writing of his resignation from that office; or
- (c) another person is appointed by the committee to hold that office,

whichever first occurs.

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"(4) The chairman shall preside at all meetings of the committee at which he is present and, if he is absent from a meeting, the committee-men present at that meeting shall appoint one of their number to preside at that meeting during the absence of the chairman.

"(5) A person shall not exercise the powers, or perform any of the authorities, duties or functions of the corporation or the treasurer of the corporation, being powers, authorities, duties or functions relating to the receipt or expenditure of, or accounting for, moneys, or the keeping of the books of account, of the corporation, unless he is -

- (a) a member of the corporation or a committee-man and is the treasurer of the corporation or of the committee; or
- (b) a person with whom the treasurer of the corporation is required by an order of the committee to jointly exercise that power or perform jointly that authority, duty or function, and who is enabling the treasurer to comply with the order.

Penalty: \$500.

"(6) The treasurer of a corporation may delegate the exercise of any of his powers (other than this power of delegation), or the performance of any of his authorities, duties or functions as treasurer, the delegation of which is specifically approved by the committee, to another committee-man so approved, subject to such limitations as to time or otherwise as are so approved and, while a delegate is acting in accordance with the delegation, he shall be deemed to be the treasurer of the corporation.

"(7) The committee of a corporation, may by notice in writing served on the treasurer of the corporation, order that he shall not exercise any of his powers, or perform any of his authorities, duties or functions that are specified in the notice, unless he does so jointly with another person so specified.

- "(8) A person who has possession or control of any -
- (a) records, books of account or keys belonging to a corporation; or
  - (b) other property of a corporation,

shall, within 7 days after service on him of notice of a resolution of the committee requiring him to do so, deliver those records, books of account or keys or that other property to a committee-man specified in the notice.

Penalty: \$500.

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"52. COMMITTEE'S DECISIONS TO BE DECISIONS OF CORPORATION

"(1) In this section, 'restricted matter', in relation to a committee, means -

- (a) a matter a decision on which may, in accordance with this Act or the articles of the corporation, only be made by the corporation pursuant to a unanimous resolution or a special resolution or in general meeting of the corporation; or
- (b) a matter referred to in section 53A and specified in a resolution of the corporation passed for the purposes of that section.

"(2) Subject to this Act, the decision of a committee on a matter, other than a restricted matter, is the decision of the corporation.

"(3) Notwithstanding that a committee holds office, the corporation may, in general meeting, continue to exercise all or any of the powers, or perform all or any of the authorities, duties and functions conferred or imposed on it by this Act or the articles of the corporation.

"53. STATUTORY RESTRICTIONS ON POWERS OF COMMITTEE

"(1) Unless otherwise determined pursuant to a special resolution of the corporation, a committee shall not, in any one case, undertake expenditure exceeding the amount determined under section 36(1).

"(2) Where proposed expenditure would exceed an amount referred to in subsection (1), the committee shall -

- (a) submit the proposal for determination at an extraordinary general meeting of the corporation convened for the purpose of, or for purposes which include, consideration of the proposal; and
- (b) if the proposed expenditure is in respect of work to be performed or the purchase of personal property, submit at least 2 tenders to that meeting with the proposal.

"(3) Subsection (1) does not apply to the expenditure of moneys -

- (a) in payment of a premium of insurance effected by or on behalf of the corporation;
- (b) to comply with a notice or order served on the corporation by a public authority or municipal council; or

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- (c) in discharge of a liability incurred in respect of an obligation of the corporation authorized by the corporation in general meeting.

### "53A. RESTRICTIONS IMPOSED ON COMMITTEE BY CORPORATION

"A corporation may, in general meeting, decide what matters or class of matters, if any, shall be determined only by the corporation in general meeting."

### 35. COMMITTEE MAY EMPLOY AGENTS AND SERVANTS

Section 55 of the Principal Act is amended -

- (a) by omitting "Subject to" and substituting "Subject to subsection (2) and to"; and
- (b) by adding at the end the following:

"(2) All contracts of employment of an agent or servant under subsection (1) by the corporation of a condominium development are subject to the condition that they may be terminated on 14 days notice given within 7 days after a general meeting referred to in section 59A."

### 36. MINUTES, RECORDS AND ACCOUNTS

Section 56(3) of the Principal Act is amended by omitting "guilty of an offence and is punishable, on conviction, by a fine not exceeding 400 dollars." and substituting the following:

"guilty of an offence.

Penalty: \$400."

### 37. REPEAL AND SUBSTITUTION

Section 59 of the Principal Act is repealed and the following substituted:

### "59. FIRST ANNUAL GENERAL MEETING

"(1) Within 3 months after the registration of a units plan, other than a units plan relating to the second or a subsequent completed stage of a condominium development, the original proprietor, whether or not he is a proprietor at the time of his so doing, shall convene a meeting of the corporation to be held within that 3 month period, which shall be the first annual general meeting of the corporation.

"(2) A meeting convened under subsection (1) shall -

- (a) decide whether insurances effected by the corporation should be confirmed, varied or extended;

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- (b) determine the amounts necessary in its opinion to be raised by way of contributions for the purpose of meeting its actual or expected liabilities incurred or to be incurred for the proper maintenance of the common property and personal property, if any, vested in the corporation or for the payment of insurance premiums or any other liability of the corporation, other than amounts referred to in paragraph (c);
- (c) determine the amounts necessary, in its opinion, to be raised by way of contribution for the purpose of meeting the actual or expected liabilities of the corporation -
  - (i) for painting or repainting any part of the common property which is a building or other structure;
  - (ii) for the acquisition of personal property;
  - (iii) to renew or replace fixtures or fittings comprised in the common property and personal property, if any, vested in the corporation; and
  - (iv) for any other expenditure, other than expenditure to meet a liability referred to in paragraph (b);
- (d) where there are more than 3 proprietors, determine the number of committee-men and elect the committee;
- (e) decide what matters, if any, in relation to the corporation may only be decided by a unanimous resolution or a special resolution, or at a general meeting of the corporation; and
- (f) decide whether the articles of the corporation in force immediately before the holding of the meeting should be amended, added to or repealed.

"(3) An original proprietor shall not fail or neglect to deliver to the corporation at its first annual general meeting and at each general meeting referred to in section 59A(1) -

- (a) all plans, specifications, certificates (other than certificates of title for units), diagrams and other documents (including policies of insurance) obtained or received by him and relating to the parcel or building; and
- (b) if they are in his possession or under his control, the certificate of title for the common property, the books of account and all notices or other records relating to the unit plan,

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other than any such documents which exclusively evidence rights or obligations of the original proprietor and which are not capable of being used for the benefit of the corporation or any of the proprietors, other than the original proprietor.

Penalty: \$1,000.

#### "59A. GENERAL MEETING AFTER REGISTRATION OF SECOND OR SUBSEQUENT COMPLETED STAGE OF CONDOMINIUM DEVELOPMENT

"(1) Within 3 months after the registration of a units plan relating to a second or subsequent stage of a condominium development, the committee shall convene a general meeting of the corporation to be held within that 3 months period.

"(2) At a meeting referred to in subsection (1), all matters required to be considered by a meeting convened under section 59 shall be considered as if the meeting referred to in subsection (1) were the first annual general meeting."

#### 38. POLLS

Section 67 of the Principal Act is amended by omitting subsection (1) and substituting the following:

"(1) Where a resolution, including a special or unanimous resolution, is required, a poll may be demanded by any person present and entitled to vote."

#### 39. VOTING BY CHAIRMAN

Section 70 of the Principal Act is amended by omitting "or an ordinary resolution" and substituting "on an ordinary resolution".

#### 40. NEW SECTION

The Principal Act is amended by inserting after section 78 the following:

#### "78A. COPY OF ARTICLES TO BE PROVIDED

"(1) Where a unit or common property the subject of a units plan is leased, otherwise than to a proprietor of a unit, for the purpose of its being used as, or in connection with, a residence, the lessor shall, within 7 days after the lessee's becoming entitled under the lease to possession of the unit or common property, provide the lessee, in accordance with subsection (2), with a copy of the articles of the corporation for the time being in force in respect of the units plan.

Penalty: \$100.

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"(2) A lessee is provided with a copy of the articles in accordance with this section if the copy is -

- (a) in any case, served personally on the lessee;
- (b) where the lease relates to a unit or common property that is fully enclosed by walls or other structures - left in a conspicuous position at the unit or on the common property; or
- (c) where the lease relates to a unit - served by leaving it with a person, who apparently has attained the age of 16 years, at the address of the unit or by posting it by prepaid post to the lessee at that address."

41. NEW PART

The Principal act is amended by inserting after Part V the following:

"PART VA - DUTIES, &c., OF PROPRIETORS  
AND OTHER OCCUPIERS OF UNITS

"79A. DUTIES OF PROPRIETORS AND OTHER OCCUPIERS OF UNITS

"A proprietor, mortgagee in possession (whether by himself or another person), lessee or occupier of a unit shall not -

- (a) do any thing or permit any thing to be done on, in or in relation to that unit so that -
  - (i) support or shelter provided by that unit for another unit or common property is interfered with; or
  - (ii) the passage or provision of water, sewerage, drainage, gas, electricity, garbage, artificially heated or cooled air, heating oil and other services (including telephone, radio and television services) through or by means of a pipe, wire, cable or duct for the time being in the unit is interfered with;
- (b) use or enjoy that unit, or permit that unit to be used or enjoyed, in such a manner or for such a purpose as to cause a nuisance or hazard to the occupier of another unit (whether that person is a proprietor or not); or

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- (c) use or enjoy the common property in such a manner or for such a purpose as to interfere unreasonably with the use or enjoyment of the common property by the occupier of another unit (whether that person is a proprietor or not) or by any other person entitled to the use and enjoyment of the common property."

### 42. INSURANCE BY CORPORATION

Section 80(2) of the Principal Act is amended by omitting "250,000 dollars" and substituting "the prescribed amount or, where no amount is prescribed, \$2,000,000".

### 43. NEW SECTION

The Principal Act is amended by inserting after section 95 the following:

#### "95A. CANCELLATION OF UNITS PLAN BY CONSENT

"(1) The proprietors of the units of a units plan may, by unanimous resolution at a general meeting of the corporation called for that purpose, authorize the corporation to apply for the cancellation of the units plan.

"(2) As soon as practicable after being so authorized the corporation shall, in the prescribed form, apply to the Registrar-General for the cancellation of the units plan.

"(3) An application under subsection (2) shall be accompanied by the consent in writing to the proposed cancellation of each of the proprietors and the prescribed fee.

"(4) On an application under subsection (2) being registered, sections 96 and 97, with the necessary changes, apply as if the application were a final order of the Court made under section 95."

### 44. FACILITIES FOR SERVICE OF DOCUMENTS

Section 103(2) of the Principal Act is amended by omitting "Penalty: 50 dollars." and substituting "Penalty for an offence against this section: \$400."

### 45. NEW SECTION

The Principal Act is amended by inserting after section 104 the following:

#### "104A. DELEGATION

"(1) The Minister may, by instrument in writing, delegate to a person any of his powers and functions under this Act, other than this power of delegation.



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"(2) A power or function delegated under this section, when exercised or performed by the delegate, shall, for the purpose of this Act, be deemed to have been exercised or performed by the Minister.

"(3) A delegation under this section does not prevent the exercise of a power or the performance of a function by the Minister."

### 46. RATES

(1) Section 108 of the Principal Act is amended by omitting all words before paragraph (c) and substituting the following:

"For the purposes of the *Local Government Act* and the *Darwin Rates Act* -

(a) each unit in a units plan shall, on and after the registration of the units plan, be rated separately; and"

(2) Until a value, other than an unimproved capital value, is determined under the *Valuation of Land Act* in respect of units and common property in a units plan, the amount payable under the *Local Government Act* by a member within the meaning of the Principal Act in respect of rates payable in respect of his unit shall be calculated in the same manner as provided immediately before the commencement of this section, except that section 115 of the *Local Government Act* shall apply as if the amount were calculated on the application of the uniform rate or differential rate within the meaning of that section to the assessed value of the unit.

### 47. SCHEDULE

The Schedule to the Principal Act is amended by adding at the end the following:

#### "3. DAMAGE TO LAWNS, &c., ON COMMON PROPERTY

"The proprietor or occupier of a unit shall not -

- (a) damage any lawn, garden, tree, shrub, plant or flower being part of or on common property; or
- (b) use for his own purposes as a garden a portion of the common property.

#### "4. DAMAGE TO COMMON PROPERTY

"The proprietor or occupier of a unit shall not mark, paint, drive nails or screws or the like into, or otherwise damage or deface, a structure that forms part of the common property without the approval in writing of the corporation, but this by-law does not prevent a proprietor or person authorized by him from installing -

### *Unit Titles Amendment*

- (a) a locking or other safety device for protection of his unit against intruders; or
- (b) a screen or other device to prevent entry of animals or insects into his unit."

#### 48. FURTHER AMENDMENTS

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

#### 49. TRANSITIONAL

Notwithstanding the amendments effected by this Act, the Principal Act shall continue to apply to and in relation to an application for the approval of a proposal for the subdivision of land made under the Principal Act as then in force before the date fixed under section 2(2) and a conditional approval of such a subdivision, until -

- (a) the units plan in respect of that proposal is registered under the *Real Property (Unit Titles) Act*;
- (b) the Minister refuses to grant his final approval of the proposal; or
- (c) 2 years from that date expires,

whichever first occurs, as if this Act had never commenced.

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SCHEDULE

Section 48

Provision	Amendment	
	Omit	Substitute
Section 4		
- definition of "mortgage"	"Real Property Act and Ordinance"	"Real Property Act"
- definition of "Registrar-General"	"Registration Ordinance"	"Registration Act"
- definition of "registered"	"Real Property Act and Ordinance"	"Real Property Act"
	"Real Property (Unit Titles) Ordinance"	"Real Property (Unit Titles) Act"
Section 5(a)	"Bankruptcy Act 1966-1973"	"Bankruptcy Act 1966 of the Commonwealth"
Section 15(1)(b)(i)	"provision of the Ordinance"	"section of the Act"
Section 15(2)	"provision"	"section"
Section 16(1)(c)	"the preceding provisions of this Part"	"sections 9 to 15 inclusive"
Section 16(1)(d)(i)	"the provisions of"	
Section 20(1), and (4)	"Real Property (Unit Titles) Ordinance"	"Real Property (Unit Titles) Act"
Sections 21(1)(a) and 23(2)(a)	"Real Property (Unit Titles) Ordinance"	"Real Property (Unit Titles) Act"
Section 29	"the provisions of"	
	"of this Part"	
	"those provisions"	"those Divisions"

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SCHEDULE - continued

Provision	Amendment	
	Omit	Substitute
Section 31	" <i>Companies Ordinance</i> "	" <i>Companies Act</i> "
Section 35(2)(a)	" <i>Trustee Act and Ordinance</i> "	" <i>Trustee Act</i> "
Section 47	"section 36 or section 45"	"section 36 or 45"
Section 75(3)	"the provisions of this Division have"	"this Division has"
Section 78(3)(a)	"a provision of this Ordinance"	"this Act"
Section 96(2)	"paragraph (d) of sub-section (1)"	"subsection (1)(d)"
Section 96(3)	" <i>Real Property (Unit Titles) Ordinance</i> "	" <i>Real Property (Unit Titles) Act</i> "
Section 97(2)	"sub-section (1)(a) or (1)(b)"	"subsection (1)(a) or (b)"
Section 108(a)	" <i>Local Government Ordinance</i> "	" <i>Local Government Act</i> "
	" <i>Darwin Rates Ordinance</i> "	" <i>Darwin Rates Act</i> "
Section 108(b)	"Ordinances"	"Acts"
Sections 1, 2, 4, 5, 6, 7, 8(1), 10(1), 20(4), 21(1)(b), 23(2)(b), 33(1), 36(1), 45(1), 46, 78(3)(b), 32(1), 89, 93(2), 106(1), 107, 108(a), 109, and 110	"Ordinance" (wherever occurring)	"Act"