

**NORTHERN TERRITORY OF AUSTRALIA**  
**SALE OF LAND (RIGHTS AND DUTIES OF PARTIES) REGULATIONS**

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**Subordinate Legislation No. 30 of 2011**

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## ***Sale of Land (Rights and Duties of Parties) Regulations***

I, Thomas Ian Pauling, Administrator of the Northern Territory of Australia, acting with the advice of the Executive Council, make the following regulations under the *Sale of Land (Rights and Duties of Parties) Act*.

Dated 18 July 2011

T. I. PAULING  
Administrator

By His Honour's Command

C. B. BURNS  
Minister for Business and Employment  
acting for  
Minister for Justice and Attorney-General

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\* Notified in the *Northern Territory Government Gazette* on 27 July 2011.

## **Part 1 Preliminary matters**

### **1 Citation**

These Regulations may be cited as the *Sale of Land (Rights and Duties of Parties) Regulations*.

### **2 Commencement**

These Regulations commence on the commencement of the *Sale of Land (Rights and Duties of Parties) Act 2010*.

## **Part 2 Interpretation**

### **3 Definitions**

In these Regulations:

***Building Act order, notice or report*** means:

- (a) an emergency order made under section 100 of the *Building Act*; or
- (b) a building notice, building order or fire upgrading report as defined in that Act.

***building status report***, for a building, means:

- (a) a report by a qualified person stating:
  - (i) the extent to which the building complies with Parts 6 and 8 of the *Building Act*; or
  - (ii) it is not possible to establish whether the building complies with those Parts; or
  - (iii) it is not possible to establish whether any of those Parts apply to the building; or
- (b) a declaration by the seller stating those Parts do not apply to the building.

*Note*

See section 6(2) of the *Building Act* for the declaration of areas to which Parts 6 and 8 of the *Building Act* apply.

**competent person** means:

- (a) for a certificate for a unit under the *Unit Titles Act*:
  - (i) the secretary of the committee of the corporation for the unit; or
  - (ii) a licensed real estate agent under the *Agents Licensing Act* who, under section 5(1) of that Act, is a corporation manager under the *Unit Titles Act* of the corporation for the unit; or
- (b) for a certificate for a unit of a scheme under the *Unit Titles Schemes Act*:
  - (i) the secretary of the committee of the body corporate for the scheme; or
  - (ii) a licensed real estate agent under the *Agents Licensing Act* who, under section 5(1) of that Act, is a body corporate manager under the *Unit Titles Schemes Act* for the unit's scheme.

**qualified person** means:

- (a) a person who is registered in one of the following categories of building practitioner under Part 3 of the *Building Act*:
  - (i) building certifier;
  - (ii) certifying engineer;
  - (iii) building contractor; or
- (b) a person who has equivalent registration (however described) under an Act of a State or another Territory; or
- (c) a person whose registration under an Act mentioned in paragraph (a) or (b) has ceased other than because of disciplinary action.

## **Part 3                      Exclusion of land from application of Act**

### **4                      Excluded land – section 7(3) of Act**

The Act does not apply to the following land:

- (a) land that is subject to a Crown lease containing a purpose clause requiring development of the land;

- (b) land that is subject to a lease granted by the Land Development Corporation containing a condition requiring development of the land;
- (c) land over which a lease is in force under the *Mining Act*;
- (d) a landlord's interest under a registered lease.

## **Part 4                      Disclosure documents**

### **5                      Required report**

- (1) For section 4(1)(f) of the Act, a building status report is a required report for an existing building on land.
- (2) However, a building status report is not required if the seller makes available for inspection with the disclosure documents a notice in the approved form warning the buyer a building status report is not provided.
- (3) In addition, a building status report is not required for a wharf or pylon used to moor a vessel.

### **6                      Required certificates**

For section 4(1)(g) of the Act, the following are required certificates for land:

- (a) a certificate of the Registrar-General about information kept under section 38 of the *Land Title Act* for the land;
- (b) if an occupancy permit or approval to occupy on a temporary basis has been granted under the *Building Act* for a building on the land:
  - (i) a copy of the permit or approval; or
  - (ii) if the permit or approval is not available from the Agency administering the *Building Act* – a declaration by a qualified person or the seller to that effect;
- (c) if, under the *Swimming Pool Safety Act* a compliance certificate, provisional compliance certificate, acknowledgment notice, provisional acknowledgment notice or temporary acknowledgment notice has been issued for a swimming pool on the land – a copy of the certificate or notice;

- (d) for a unit under the *Unit Titles Act* – a certificate issued by a competent person about whether or not, under that Act, the corporation for the unit has decided to do any of the following:
  - (i) alter the units plan or articles of the corporation constituted for the unit under the *Unit Titles Act*;
  - (ii) raise a special levy that will be payable by the owner of the unit;
  - (iii) grant or revoke any authority relating to the use of any unit or common property that may have a detrimental effect on the buyer's use and enjoyment of the unit and common property;
- (e) for a unit of a scheme under the *Unit Titles Schemes Act* – a certificate issued by a competent person about whether or not, under that Act, the body corporate for the scheme has decided to do any of the following:
  - (i) change the scheme statement for the scheme;
  - (ii) raise a special levy that will be payable by the owner of the unit;
  - (iii) grant or revoke any authority relating to the use of any unit or common property that may have a detrimental effect on the buyer's use and enjoyment of the unit and common property.

## **7 Other required documents**

For section 4(1)(h) of the Act, the following documents are required for land:

- (a) a declaration by the seller stating the following information known to the seller about the land:
  - (i) whether the land is polluted by a contaminant, or waste, as defined in the *Waste Management and Pollution Control Act*;
  - (ii) whether the land is subject to a drug premises order under the *Misuse of Drugs Act*;
  - (iii) whether the land has previously been flooded or subject to seepage or is in a storm tide hazard area;
  - (iv) whether an encroachment as defined in the *Encroachment of Buildings Act* extends over the land;

- (b) if rates are imposed on the land – a copy of the latest rates notice:
  - (i) for land in a local government area – issued by the council for the area; or
  - (ii) for land in the Darwin Waterfront Precinct under the *Darwin Waterfront Corporation Act* – issued by or for the Darwin Waterfront Corporation; or
  - (iii) for land in the prescribed area under the *Darwin Rates Act* – served by the minister administering that Act;
- (c) if a building on the land is affected by a Building Act order, notice or report – a copy of the document.

## **8 Validity period for documents**

Each of the following documents remains valid for use as a disclosure document for 6 months after it is created for the Act:

- (a) a building status report;
- (b) a required certificate mentioned in regulation 6(a), (d) or (e);
- (c) a declaration mentioned in regulation 7(a).