

NORTHERN TERRITORY OF AUSTRALIA

UNIT TITLES LEGISLATION AMENDMENT REGULATIONS 2022

Subordinate Legislation No. 18 of 2022

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Subordinate Legislation No. 18 of 2022*

Unit Titles Legislation Amendment Regulations 2022

I, Vicki Susan O'Halloran, Administrator of the Northern Territory of Australia, acting with the advice of the Executive Council, make the following Regulations under the *Unit Titles Act 1975* and *Unit Titles Scheme Act 2009*.

Responsible Minister:

C. J. PAECH
Attorney-General and Minister for Justice

V. S. O'HALLORAN
Administrator

Date of making: 22 November 2022

Part 1 Preliminary matters**1 Title**

These Regulations may be cited as the *Unit Titles Legislation Amendment Regulations 2022*.

2 Commencement

These Regulations commence on the day after the day on which they are made.

Part 2 Amendment of Unit Titles Regulations 2002**3 Regulations amended**

This Part amends the *Unit Titles Regulations 2002*.

4 Regulation 6 amended (Application to add or remove land – section 21FA(2))

Regulation 6(3)

omit

5 Regulation 16 repealed (Consent to building development proposal – section 26ZI(4))

Regulation 16

repeal

6 Part 8 replaced

Part 8

repeal, insert

Part 8 Authorisation to grant special privileges relating to common property**27 Authorisation to grant special privileges relating to common property**

For section 44(1) of the Act, a corporation may grant special privileges by ordinary resolution conducted in accordance with regulation 27A, in respect of any of the following:

- (a) solar hot water systems;
- (b) solar photovoltaic systems;
- (c) solar battery storage systems;
- (d) modifications to a roof of a building to reduce energy consumption.

Example for regulation 27(d)

Painting a building's roof a colour that reduces solar absorption and assists in cooling the building.

27A Process to grant special privileges by ordinary resolution

- (1) Before granting a special privilege in respect of a matter specified in regulation 27, the corporation must by written notice invite each member of the corporation to make a submission within 20 business days after the date of the notice.
- (2) In deciding to whether to grant the special privilege, the corporation must consider the following:
 - (a) any submissions received in response to the invitation under subregulation (1);
 - (b) any potential loss of, or damage to, property in connection with the special privilege;
 - (c) whether the decision is consistent with any previous decisions of the corporation granting a special privilege in accordance with regulation 27;
 - (d) any potential loss of enjoyment or amenity of members of the corporation in connection with the special privilege, other than any effect granting the special privilege has on aesthetics.
- (3) A decision on whether to grant the special privilege must not be made within the period of 20 business days specified in subregulation (1).
- (4) Before the corporation grants the special privilege:
 - (a) the corporation and the person receiving the grant of the special privilege may enter into an agreement providing for obligations of the person in respect of the special privilege; and
 - (b) the person receiving the grant of special privilege must indemnify in writing the corporation against any liability or

claims arising from, or damage done to the common property in the course of, exercising the special privilege.

(5) The corporation must not enter into an agreement under subregulation (4)(a) unless satisfied the agreement addresses each of the following in respect of exercising the special privilege:

- (a) obligations for maintenance and repair;
- (b) insurance;
- (c) security for damages;
- (d) approvals, building permits and occupancy certification.

7 Schedule 4 amended

Schedule 4, Form 2, note 8 and Forms 3, 7, 8 and 9

omit

Part 3 Amendment of Unit Titles Schemes (Management Modules) Regulations 2009

8 Regulations amended

This Part amends the *Unit Titles Schemes (Management Modules) Regulations 2009*.

9 Regulation 5A inserted

After regulation 5

insert

5A Circumstance of dispute

For section 84(1)(e) of the Act, a claim by a body corporate or unit owner under section 88(3) of the Act is a prescribed circumstance.

Part 4 Repeal of Regulations

10 Repeal of Regulations

These Regulations are repealed on the day after they commence.