

South Australia



**ANNO QUINQUAGESIMO
ELIZABETHAE II REGINAE
A.D. 2001**

COMMUNITY TITLES (MISCELLANEOUS) AMENDMENT ACT 2001

No. 8 of 2001

[Assented to 12 April 2001]

An Act to amend the Community Titles Act 1996.

SUMMARY OF PROVISIONS

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The Parliament of South Australia enacts as follows:

Short title

1. (1) This Act may be cited as the *Community Titles (Miscellaneous) Amendment Act 2001*.
- (2) The *Community Titles Act 1996* is referred to in this Act as "the principal Act".

Commencement

2. This Act will come into operation on a day to be fixed by proclamation.

Amendment s.3—Interpretation

3. Section 3 of the principal Act is amended by inserting the following subsection after subsection (12):

(13) If—

- (a) a licensed surveyor is uncertain about the location of a part of the service infrastructure; and
- (b) identifies the part that he or she is uncertain about in a certificate that a plan has been correctly prepared in accordance with this Act,

the following provisions apply:

- (c) the certificate is not invalid for the purposes of this Act because of the surveyor's uncertainty as to the location of that part of the service infrastructure; and
- (d) no civil liability attaches to the surveyor because the location of that part of the service infrastructure is shown on the plan incorrectly.

Amendment of s. 23—Vesting etc. of lots etc. on deposit of plan

4. Section 23 of the principal Act is amended by striking out "two or more allotments owned by different persons" from paragraph (c) of subsection (1) and substituting "one or more allotments owned by more than one person".

Amendment of s. 36—By-law as to the exclusive use of part of the common property

5. Section 36 of the principal Act is amended by striking out "A by-law cannot be made" from subsection (5) and substituting "A community corporation cannot make a by-law".

Amendment of s. 58—Amendment of plan pursuant to a development contract

6. Section 58 of the principal Act is amended by inserting the following subsection after subsection (6):

(7) Where common property is created by the division of a development lot under this section, the Registrar-General may cancel the certificate of title for the existing common property and issue a new certificate for the existing and newly created common property and for that purpose may require the community corporation to produce the duplicate certificate of title for the existing common property.

Amendment of s. 144—Preliminary examination of plan by Registrar-General

7. Section 144 of the principal Act is amended by striking out ", to determine whether the plan is in an appropriate form" and substituting "and, if he or she is satisfied with the plan, approve it for lodging".

Amendment of Schedule—Transitional provisions

8. The Schedule of the principal Act is amended—

(a) by striking out subclause (4) of clause 2 and substituting the following subclause:

(4) The Registrar-General must either—

(a) cancel the certificates of title for the strata lots and common property and issue new certificates of title in their place and must state on the new certificates that the strata scheme is subject to this Act; or

(b) make endorsements on the original certificates for the strata lots and common property to the effect that this Act and not the *Strata Titles Act 1988* applies to, and in relation to, the strata scheme.;

(b) by inserting the following subclause after subclause (2) of clause 3:

(2a) When deposited the plan will be a primary strata plan of community division even if there is no lot situated above another lot in the building (*see* section 19).;

(c) by inserting after "easements" in paragraph (b) of subclause (4) of clause 3 "and statutory encumbrances".