

Guidance Notes – Special Resolution by Owners Corporation

These guidance notes are of a general nature and are not intended to, and cannot, replace the advice of a Legal Practitioner.

The purpose of this application is to register rules against the common property of a units plan.

Section 108A *Unit Titles (Management) Act 2011* requires an owners corporation to have the rules registered within 3 months after the resolution was passed, otherwise the rule is taken to never have been made.

Section 122 *Unit Titles (Management) Act 2011* requires an owners corporation to continuously display in a conspicuous place the name of the corporation and the address shown on the units plan for the service of documents unless –

- the address shown on the units plan for service is the postal address for the building; and
- the corporation provides a letter box on the parcel.

Section 122(3) *Unit Titles (Management) Act 2001* provides that an owners corporation must lodge a notice of change of address for service of notices with the Registrar-General.

Where this application is being certified by a Manager for the owners corporation, that manager must provide a self-represented party pack and have their signature witnessed. Where this application is being certified by two executive committee members, both members must provide a self-represented party pack and no witness is required.

This guidance note is to be read in conjunction with the Verification of Authority Guidelines and Verification of Identity Rules on the [Access Canberra website](#).

All panels must be completed in full. If an annexure is required, use form ANN-Annexure. If more than one page is required in the annexure these pages shall be numbered consecutively and bound to this document by staples along the left margin.

All handwriting must be clear, legible and in black ink.

Any alteration to information provided on this form must be struck through with a black pen. Substitute information must be clear, and all parties must sign in the margin. Do not use correction fluid or tape.

The Registrar-General may refuse to accept any instrument that does not comply with the *Land Titles Act 1925* or these notes.

PRIVACY NOTICE

The collection of personal information in this form is required by law under the *Land Titles Act 1925*, to ensure accurate and legal transfer of title or registration of other interests relating to land and for maintaining publicly searchable registers and indexes. Personal information collected on this form will be handled in accordance with the Territory Privacy Principles in Schedule 1 of the *Information Privacy Act 2014*. More detailed information about how Access Canberra handles this personal information is available at: <https://www.act.gov.au/acprivacy>

LODGMET INFORMATION

Access Canberra - Dickson Service Centre, 480 Northbourne Avenue Dickson ACT
Opening hours – Monday to Friday 9:00am to 5:00pm
(excluding public holidays)

Lodgment fees apply.

CONVEYANCE DUTY

Please contact the [ACT Revenue Office](#) for the requirements of Conveyance Duty (commonly known as Stamp Duty)

A Buyer Verification Declaration or Seller Verification Declaration is not required for this form.

COMPLETION OF FORM

LODGING PARTY DETAILS

The lodging party needs to complete all fields. The Customer Reference Number is only required for approved subscribers who have a lodgment account to the ACT Land Information System. If the lodging party does not have a lodgment account, this field can be left blank. The lodging party will receive a Registration Confirmation Statement by email upon registration of the document to the provided email address.

LAND DESCRIPTION

Legal identifier of the land is to be supplied. To assist with suburb, section, and block, visit actmapi.act.gov.au

DETAILS OF RULES BEING AMENDED

Insert the details of the rules being amended.

DATE MEETING HELD

Insert the date the meeting was held. This application must be registered within 3 months of this date.

SUPPORTING DOCUMENTATION

One item must be ticked, and evidence attached to this application. Original signed copy must be provided, and common seal of owners corporation may be stamped on every page.

COMMON SEAL OF OWNERS CORPORATION

Clear stamp of seal may be affixed inside the box.

CERTIFICATION

Certifications are statements made by a Certifier that they have undertaken a specific action prior to lodging the Registry Instrument to the Land Titles Office. A Certifier must provide the required Certifications when signing Registry Instruments or other Documents and provide the Certifications required for the role they are undertaking.

All parties must execute the document under certification.

Certification statements (dot points) must be made by the certifier, being one of the following:

a. A legal practitioner

- b. **If the applicant is not represented by a legal practitioner – the applicant (i.e. self-represented party)**
- c. **If a party to an instrument is not represented by a legal practitioner – that party (i.e. self-represented party)**

Any inapplicable certification statement(s) must be deleted.

The first two listed certification statements do not apply where the certifier is executing as an owners corporation. An owners corporation is only required to make certifications relating to retaining evidence to support the registry instrument or document and ensuring the registry instrument or document is correct and compliant with relevant legislation and any prescribed requirement.

The authorised person/s of the owners corporation is required to execute the form. Owners corporations cannot complete a certification as the corporation is classed as a self-represented party which means they must complete a Verification of identity and present the evidence at lodgment.

A self-represented party must have their identity verified and certified by an Identity Agent, Justice of the Peace, Legal Practitioner, or Notary Public and provide evidence to be able to transact on the land as outlined in the self-represented party pack found [here](#). Self-represented parties must sign in the certification panel and have that signature witnessed by the authorised person completing the verification of or by an adult over the age of 18 who is not a party to this document. A completed self-represented party pack is to accompany the application at time of lodgment.

The applicant is required to confirm the existence and identity of the owners corporation by providing a search of the records of the Australian Securities and Investments Commission or other regulatory body with whom the owners corporation is required to be registered and provide evidence that the authorised person/persons executing the documents is authorised to do so. Alternatively, the owners corporation may provide a utility notice or similar for this purpose. The completed original self-represented party pack is to accompany the application at time of lodgment.

All certification statements apply where the certifier is a [legal practitioner](#).

By certifying this form, the legal practitioner acknowledges they have taken reasonable steps to verify that their client or his, her or its administrator or attorney is a legal person and has the right to enter the conveyancing transaction.

Note: - An attorney, body corporate or a corporation cannot make certification statements. They are required to complete the form as a self-represented party.

SUPPORTING DOCUMENTS

All supporting documents must be attached to this application either:

- Sealed copy of minutes of meeting
- Sealed copy of resolution/motion
- Sealed copy of Alternate Rule/s
- Any other supporting document

EVIDENCE TO BE LODGED FOR SELF-REPRESENTED

If you are a self-represented party, satisfactory evidence is to accompany this application. Evidence may include but not limited to:

- A completed Self-represented party pack including identity certification, documents used to verify identity, and documents linking the applicant to be able to deal on the property; and
- Annexures or attachments supporting the lodgment.

EVIDENCE TO BE RETAINED BY LEGAL PRACTITIONERS AND MORTGAGEE CORPORATIONS

Any evidence to support verification of identity carried out by a legal practitioner or mortgagee corporations, must be retained:

- (a) by the Legal Practitioner for at least 7 years from the date of lodgment of the Registry Instrument in the Land Titles Office;
- (b) by the mortgagee until they cease to be mortgagee in respect of the mortgage.

Evidence is required to be retained in order to demonstrate that the transaction was completed in accordance with legislative and other requirements and the certifications required were accurately made. Evidence may be required to be provided to the Registrar-General for the purpose of monitoring compliance with legislative and other requirements. The evidence must be legible, stored safely and securely, and accessible and may include:

- Client Authorisation
- Verification of identity
- Right to deal
- Other Prescribed Requirements; and
- Any evidence required by the Duty Authority.

Have a question or need assistance? Click the Contact us form button at the end of the [ACTLIS](#) home page or you can call this office on (02) 6207 0491