

NORTHERN TERRITORY OF AUSTRALIA
SALE OF LAND (RIGHTS AND DUTIES OF PARTIES) REGULATIONS –
DISCUSSION DRAFT

Subordinate Legislation No. [] of 2009

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NORTHERN TERRITORY OF AUSTRALIA

Subordinate Legislation No. [] of 2009*

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 2009

Administrator

By His Honour's Command

Minister for Justice and Attorney-General

DISCUSSION DRAFT ONLY
Prepared by the Office of the Parliamentary Counsel
Date: 23 June 2009 09:54

* Notified in the *Northern Territory Government Gazette* on [] 2009.

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 2009*.

3 Excluded land – section 7(2)

- (1) The Act does not apply to the following land:
 - (a) land that is subject to a Crown lease containing a purpose clause requiring the development of the land;
 - (b) land over which a lease is in force under the *Mining Act*;
 - (c) a landlord's interest under a registered lease.
- (2) In addition, Part 2 of the Act applies only to the following land:
 - (a) land in the following municipalities:
 - (i) Darwin City Council;
 - (ii) Palmerston City Council;
 - (iii) Litchfield Council;
 - (iv) Coomalie Shire Council;
 - (v) Katherine Town Council;
 - (vi) Alice Springs Town Council;
 - (b) land in the prescribed area under the *Darwin Rates Act*;
 - (c) land in the Darwin Waterfront Precinct under the *Darwin Waterfront Corporation Act*.

4 Required report – section 4(1)(f)

- (1) For section 4(1)(f) of the Act, a building report is a required report for an existing building on land.
- (2) However, a building report is not required for a wharf or pylon used to moor a vessel.

(3) In this regulation:

building report means a report:

- (a) by a qualified person stating the extent to which the building complies with the *Building Act*; or
- (b) by the vendor or vendor's agent stating the building does not comply, or it is not possible to establish whether or not the building complies, with the *Building Act*.

qualified person means:

- (a) a building certifier as defined in the *Building Act*; or
- (b) a real estate agent; or
- (c) a legal practitioner; or
- (d) a conveyancing agent.

5 Required certificates – section 4(1)(g)

- (1) 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*;
 - (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 – the permit or approval;
 - (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 – the certificate or notice;
 - (d) for a unit under the *Unit Titles Act* – a certificate issued by a qualified person about whether or not, under that Act, there are any of the following proposals for the unit:
 - (i) a proposal to alter the units plan or articles of the corporation constituted for the unit under the *Unit Titles Act*;
 - (ii) a proposal to raise a special levy, or any circumstances that are likely to give rise to the raising of a special levy, that will be payable by the owner of the unit;

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- (iii) a proposal to grant or revoke any authority relating to the use of any unit or common property that may have a detrimental effect on the purchaser'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 qualified person about whether or not, under that Act, there are any of the following proposals for the unit:
 - (i) a proposal to change the scheme statement for the scheme;
 - (ii) a proposal to raise a special levy, or any circumstances that are likely to give rise to the raising of a special levy, that will be payable by the owner of the unit;
 - (iii) a proposal to grant or revoke any authority relating to the use of any unit or common property that may have a detrimental effect on the purchaser's use and enjoyment of the unit and common property.
- (2) A qualified person to give a certificate under subregulation (1)(d) is:
- (a) the secretary of the committee of the corporation for the unit; or
 - (b) 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* for the unit.
- (3) A qualified person to give a certificate under subregulation (1)(e) is:
- (a) the secretary of the committee of the body corporate for the scheme; or
 - (b) a licensed real estate agent under the *Agents Licensing Act* who is a body corporate manager, as defined in section 87(1) of the *Unit Titles Schemes Act*, for the scheme.

6 Other required documents – section 4(1)(h)

- (1) For section 4(1)(h) of the Act, the following documents are required for land:
- (a) a declaration by the vendor or vendor's agent stating the following information known to the vendor or agent about the land:
 - (i) the planning information for the land;

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- (ii) whether an interest in the land is subject to a compulsory acquisition;
 - (iii) whether the land is polluted by a contaminant, or waste, as defined in the *Waste Management and Pollution Control Act*;
 - (iv) whether the land is subject to a drug premises order under the *Misuse of Drugs Act*;
 - (v) whether, because of the terrain, there are any difficulties gaining access to the land or any part of it;
 - (vi) whether the type of soil or earth prevents, or is likely to add substantially to the cost of, building on the land;
 - (vii) whether the land is subject to flooding or seepage or is in a storm tide hazard area;
- (b) if a rate is declared for the land by the council in whose area the land is situated – a copy of the latest rate notice;
 - (c) if the land is subject to a tenancy – the tenancy agreement.
- (2) In this regulation:

planning information means the following information under the *Planning Act*:

- (a) the current zone of the land;
- (b) the applicable planning scheme;
- (c) details of any current development permits, or applications for development permits.

7 Validity period for documents

A document mentioned in regulation 4, 5 or 6 remains valid for use as a disclosure document for 6 months after it is created.