

Unit Titles Bill

14 February 2008

Attorney-General

LEGAL ADVICE

CONSISTENCY WITH THE NEW ZEALAND BILL OF RIGHTS ACT 1990: UNIT TITLES BILL

1. We have assessed whether the Unit Titles Bill (the "Bill") (PCO 7886/2.3) is consistent with the New Zealand Bill of Rights Act 1990 ("Bill of Rights Act"). We understand that the Bill will be considered by the Cabinet Legislation Committee at its meeting on Thursday, 21 February 2008.
2. The Bill seeks to repeal and replace the Unit Titles Act 1972 to provide a modern legal framework for the joint ownership and management of land, buildings and facilities on a socially and economically sustainable basis by communities of individual owners. In particular, the Bill is designed:
 - to allow for the subdivision of land and buildings into unit title developments comprising units that are owned in stratum estate in freehold or stratum estate in leasehold by unit owners, and common property that is owned by the body corporate on behalf of the unit owners; and
 - to create bodies corporate, which comprise all unit owners in a development, to operate and manage unit title developments; and
 - to establish a flexible and responsive regime for the governance of unit title developments; and
 - to protect the integrity of the development as a whole.
3. We have concluded that the Bill does not appear to be inconsistent with the rights and freedoms affirmed in the Bill of Rights Act.

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