

First print



New South Wales

# Local Court Amendment (Company Title Home Unit Disputes) Bill 2013

## Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

## Overview of Bill

The object of this Bill is to confer jurisdiction on the Local Court to hear and determine proceedings involving certain company title home unit disputes.

## Outline of provisions

**Clause 1** sets out the name (also called the short title) of the proposed Act.

**Clause 2** provides for the commencement of the proposed Act on a day to be appointed by proclamation.

## Schedule 1      **Amendment of Local Court Act 2007 No 93**

**Schedule 1 [3]** provides that the Local Court (the *Court*) has jurisdiction to hear and determine proceedings involving certain company title home unit disputes between any of the following parties:

- (a) a company title corporation,

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Explanatory note

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- (b) a shareholder or former shareholder of a company title corporation,
- (c) a resident or former resident of premises on land owned by a company title corporation.

A *company title corporation* is a company registered under the *Corporations Act 2001* of the Commonwealth that is the owner of land if ownership of a share or shares in that company entitles the owner of the share or shares to the exclusive use and occupation of residential premises on that land.

In determining proceedings involving a company title home unit dispute, the Court may make various orders, including an order requiring a person to do or refrain from doing any act, an order for the payment of damages or other money and an order in relation to the interpretation of the constitution of a company title corporation or other contract or agreement.

**Schedule 1 [1] and [2]** extend the Court's jurisdiction in the General Division and the Small Claims Division to include proceedings involving company title home unit disputes, subject to the jurisdictional limits of those Divisions.

**Schedule 1 [4]** provides that proceedings involving company title home unit disputes in the Small Claims Division of the Court may be heard by Magistrates, but not by Assessors.

**Schedule 1 [5]** enables savings and transitional regulations to be made as a consequence of the proposed Act or any other Act that amends the *Local Court Act 2007* and **Schedule 1 [6]** inserts a transitional provision.