



ACT Legislation changes 2020

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INTRODUCTION

The 'Managing Buildings Better' reforms in ACT will improve the management of apartments, townhouses, commercial units and mixed-used developments. Most of the reforms start when the Unit Titles Legislation Amendment Act 2020 (the Act) takes effect on **1 November 2020**.

This guide includes important information about how you can configure and use PropertyIQ in light of these new legislative requirements.

For more information on these reforms view the [ACT Government's website](#).

NOTE: This information has been prepared to assist you to get the most out of the PropertyIQ system. The information contained in this document does not constitute legal, financial, tax, accounting or any other advice, and nor should it be construed as such. Compliance with any laws which apply to you is your responsibility. You should obtain legal, financial, tax, accounting or any other advice before making any decision regarding this information. The PropertyIQ Products are versatile and adaptable to different jurisdictions and requirements. Accordingly, PropertyIQ does not certify or guarantee compliance with any Laws which might apply to you, and PropertyIQ disclaims all such liability. The use of this information by you is at your complete discretion and is wholly your responsibility. PropertyIQ accepts no liability for any loss howsoever caused arising from reliance upon the information contained in this document.

DEVELOPER CONTROL PERIOD

Under the Act, certain actions can be undertaken during the "developer control period" which is the period when a developer owns two-thirds or more of units in a units plan. There is also a requirement to disclose whether a building's developer control period has expired in a Section 119 Certificate.

You can now **record the expiry date** of the developer's control period on the building card in PropertyIQ.

This is an optional informational field and will be left blank when creating a new building.

1. Go to File > Buildings > Building card > Dates tab
2. Enter a date in the *Developer Control Expiry* field (if required)

The screenshot shows the 'Building' card in PropertyIQ, specifically the 'Dates' tab. The 'Developer Control Expiry' field is highlighted with a red box and a red circle containing the number 2. A red circle containing the number 1 is positioned above the 'Dates' tab.

Field	Value
S/Plan*	1
Manager*	AMS Mick
Folio*	NSW BRANCH
Building Type*	Strata
Building Sub Type*	Residential
Building Class	Tops
Total UOE*	175
Active	<input checked="" type="checkbox"/>
All Inclusive Fees	<input type="checkbox"/>
Debt Collection	<input checked="" type="checkbox"/>
Payment Plan	<input checked="" type="checkbox"/>
Fin Year*	01/01/2019
Next AGM	01/08/2023
First AGM	
Last AGM	06/12/2019
Levy Year Start*	01/01/2018
Levy Frequency*	Quarterly
Preissue	None
Developer Control Expiry	01/01/2019
Date Registered	
Date Built	
Date Acquired	
Date Resigned	

INFORMATION CERTIFICATES AND DISCLOSURE

SECTION 119

Section 119 now requires you to provide more information than previously provided in the 'ACT Section 119 Certificate' document generated in PIQ. To find out what a unit title certificate must include, visit the [ACT's Government website](#).

To make things easier for you, we've provided a **new certificate template** called "ACT Section 119 Certificate (2020)" that you can enable from your list of default templates.

The new template has been updated to include:

- *changes to Section 5* to provide more details about unit contributions and to include both standard and special levies in the table; and
- *new Section 6* to disclose the developer control period expiry.

The new template will be released in our October 2020 product update and will not affect or replace any of your existing templates in PIQ.

IMPORTANT: To use this new certificate template, you'll need to enable the new "ACT Section 119 Certificate (2020)" template in your PropertyIQ on 1 November 2020.

ENABLING NEW SECTION 119 CERTIFICATE TEMPLATE

1. Go to *File > Templates > Standard Merge Templates* tab
2. Locate the template with name 'ACT Section 119 Certificate (2020)'
3. Tick the checkbox in the *Selected* column to enable the template

Once enabled, PropertyIQ will use this by default when generating a certificate from the lot card.

1

Templates

Standard Merge Templates

Custom Merge Templates

Standard Email Templates

Custom Email Templates

NSW

QLD

VIC

TAS

SA

NT

WA

ACT

ALL

Macquarie Bank

Westpac

ALL

Name	Type	State	Bank Type	Folio	Selected
ACT Section 119 Certificate (2020)	ACT Section 119 Certificate	ACT			<input type="checkbox"/>
ACT Section 119 Certificate	ACT Section 119 Certificate	ACT			<input checked="" type="checkbox"/>
Request For Tender	Request For Tender				<input checked="" type="checkbox"/>
Other Utility Notice	Other Utility Notice				<input checked="" type="checkbox"/>

2

3

NEW SECTION 119 CERTIFICATE EXPLAINED

The new ACT Section 119 Certificate template has been updated to include:

- *changes to Section 5* to provide more details about unit contributions and to include both standard and special levies in the table; and,
- *new Section 6* to disclose the developer control period expiry.

All other areas and sections of the certificate behave as they did previously.

SECTION 5

The existing Section 5 has been updated to include details of the lot's standard and special levies for the current period, which will show in the table. Previously, only standard levies were shown.

Total arrears, interest and credit amounts of the lot are now also included in the table.

1. Section 5.1 will display the financial year period the contributions relate to.
2. Section 5.2 will display the contributions related to the lot. Levies that have a due date that fall within the building's *current levy year* will appear in this table (to a maximum of 12 instalments).
3. The due date of the levy will appear here.
4. The details/description of the levy will appear here. This will include the levy description AND the levy schedule name e.g. Standard Levy Contribution Schedule.
5. The admin fund amount of the levy will appear here.
6. The sinking fund amount of the levy will appear here.
7. Any paid amount/s against the levy will appear here. If no payments have been made against the levy, it will show as \$0.00.
8. The total of admin fund contributions for the current period will show here e.g. a sum of all amounts shown in the admin fund column.
9. The total of sinking fund contributions for the current period will show here e.g. a sum of all amounts shown in the sinking fund column.
10. The total contributions for the current period will show here e.g. a sum of all amounts shown in the admin fund AND sinking fund columns.
11. The **total arrears** of the lot will show here. This will include all historical/carried forward arrears amounts as well as any arrears for the current period e.g. the amount shown here will match the arrears amount (excluding interest) shown at the top of the Lot card > Ledger tab.
12. The **total interest** owing on the lot will show here e.g. the amount shown here will match the interest amount shown at the top of the Lot card > Ledger tab.
13. The **total credit** on the lot will show here. This is the sum of all amounts paid in advance against standard and special levies for the lot AND any unallocated credit for the lot e.g. the amount shown here will match the credit amount shown at the top of the Lot card > Ledger tab.
14. Section 5.3 will display the *Total Owners Funds* for the building and includes amounts for the admin fund, sinking fund and a combined total. It will display the consolidated amount of total owner funds across all building schedules.

5. Contributions

5.1 The period the contributions for the unit are for: {{Fin_Yr_Start}} - {{Fin_Yr_End}}

5.2

Due Date	Details	Admin Fund	Sinking Fund	Amount Paid
{{Due_Date1}}	{{Levy_Purpose_1}}	{{Admin_1}}	{{Sinking_1}}	{{Paid_1}}
{{Due_Date2}}	{{Levy_Purpose_2}}	{{Admin_2}}	{{Sinking_2}}	{{Paid_2}}
{{Due_Date3}}	{{Levy_Purpose_3}}	{{Admin_3}}	{{Sinking_3}}	{{Paid_3}}
{{Due_Date4}}	{{Levy_Purpose_4}}	{{Admin_4}}	{{Sinking_4}}	{{Paid_4}}
{{Due_Date5}}	{{Levy_Purpose_5}}	{{Admin_5}}	{{Sinking_5}}	{{Paid_5}}
{{Due_Date6}}	{{Levy_Purpose_6}}	{{Admin_6}}	{{Sinking_6}}	{{Paid_6}}
{{Due_Date7}}	{{Levy_Purpose_7}}	{{Admin_7}}	{{Sinking_7}}	{{Paid_7}}
{{Due_Date8}}	{{Levy_Purpose_8}}	{{Admin_8}}	{{Sinking_8}}	{{Paid_8}}
{{Due_Date9}}	{{Levy_Purpose_9}}	{{Admin_9}}	{{Sinking_9}}	{{Paid_9}}
{{Due_Date10}}	{{Levy_Purpose_10}}	{{Admin_10}}	{{Sinking_10}}	{{Paid_10}}
{{Due_Date11}}	{{Levy_Purpose_11}}	{{Admin_11}}	{{Sinking_11}}	{{Paid_11}}
{{Due_Date12}}	{{Levy_Purpose_12}}	{{Admin_12}}	{{Sinking_12}}	{{Paid_12}}
Admin Fund Contributions				{{Admin_Total}}
Sinking Fund Contributions				{{Sinking_Total}}
Total Contributions				{{Overall_Total}}
Amount (if any) outstanding				{{Arrears_Amount}}
Interest (if any) on outstanding amount				{{Interest_Amount}}
Amount (if any) in credit				{{Credit_Amount}}

5.3 The balance of the fund for the Owners Corporation as at the date of this certificate:

Admin Fund {{Admin_balance}} Sinking Fund {{Sinking_Balance}} Total {{Total_Balance}}

SECTION 6

A new Section 6 has been added to disclose details around the building's developer control period.

There is now a new merge field {{Developer_Control_Expiry}} available for the ACT Section 119 Certificate template, which will merge the developer control period expiry date entered in the Building card > Dates tab > *Developer Control Expiry* field.

If there is no date entered on the building card, this field will appear blank in the generated certificate.

6. Developer Control Period

Developer control period expiry date: {{Developer_Control_Expiry}}

All the information in this unit title certificate has been recorded on the following date from details shown in the books, records and other documents of the Owners Corporation:

Date: {{Certificate_Date}}

The Common Seal of

The Owners – Units Plan No {{Building}}

Was hereunto affixed in

The presence of

Signature: _____

OTHER DETAILS TO BE DISCLOSED

You will need to disclose a range of other information as part of Section 119 in addition to the Section 119 Certificate document generated in PropertyIQ.

We've outlined some tips below for how you can use PropertyIQ to provide some of the required information.

For more information on what a unit title certificate must include, visit the [ACT's Government website](#).

Section 119 Requirement	Action in PIQ
Provide details of committee	Available in Section 119 Certificate template (refer Section 1 of certificate)
Provide details of the manager	Available in Section 119 Certificate template (refer Section 2 of certificate)
Provide details of insurance policies	Available in Section 119 Certificate template (refer Section 4 of certificate)
Provide details of general and sinking fund contributions	Available in Section 119 Certificate template (refer Section 5 of certificate)
Provide details of special purpose fund contributions	Available in Section 119 Certificate template (refer Section 5 of certificate)
Provide details of developer control period	Available in Section 119 Certificate template (refer Section 6 of certificate)
Provide details of any borrowings	<ul style="list-style-type: none">Any funding/borrowings arrangements can be recorded under Building card > Registers > Funding Proposals register.When generating the certificate, select <i>Funding Proposals</i> from the list of available register reports that can be attached to a generated certificate.

Provide details of installed sustainability infrastructure	<ul style="list-style-type: none"> Any building assets and infrastructure (inc sustainability infrastructure) can be recorded under Building card > Registers > Assets register. Details of who owns the infrastructure/asset can be recorded in the description field when adding the asset to the register. When generating the certificate, select <i>Assets Register</i> from the list of available register reports that can be attached to a generated certificate.
Provide summary of current service contracts	<ul style="list-style-type: none"> Any service contracts can be recorded under Building card > Registers > Contracts register. When generating the certificate, select <i>Contracts Register</i> from the list of available register reports that can be attached to a generated certificate.
Current applications for crown lease extensions	You will need to attach this as a separate document and send with the certificate.
Current Development Approval conditions	You will need to attach this as a separate document and send with the certificate.
Provide details of where records can be inspected	Available in Section 119 Certificate template (refer Section 3 of certificate)
Update Certificate	<ul style="list-style-type: none"> You can generate and reuse the same Section 119 certificate template in PIQ. The <i>Update Certificate</i> must contain an update on all the same information as the original certificate.

COMMON SEAL - UPDATING TEMPLATES

Under the Act, the execution of documents by common seal is optional so you may need to adjust your templates to reflect how you'll elect to execute documents.

Templates in PIQ are fully editable and customisable, and you can view our short training videos on the template library [here](#).

MEETINGS AND VOTING – SPECIAL RESOLUTIONS

Under the Act, special resolutions will require **75% of people to vote for them** (that is, no more than 25% can vote against). Previously the threshold was 67% (no more than 33% can vote against).

In PropertyIQ, the resolution of special resolutions for ACT buildings are calculated using the 75% rule, meaning a motion requires over 75% of received votes to be a 'yes' to have a resolution of carried.

For more information on motion resolution calculation rules in PropertyIQ [click here](#).

Example

1. Go to To Do > Meetings > Meeting card > Voting tab
2. Enter votes against the special resolution motion. For example, refer motion 2 in the screenshot below.
3. View the result of the special resolution motion. For example, you can see the *Resolution* calculated for motion 2 is "Y" (carried).
4. Click here to view a factsheet on motion resolution calculation rules in PropertyIQ.

Meeting

S/Plan: 0001 Building ABC 1 Tr

Meeting Status: Pending Meeting

Meeting Type: AGM

Start Time*: 22/09/2020 - 08:00

End Time*: 22/09/2020 - 10:00

Arrears Cut-off Date*: 22/09/2020

Cheque Clearance Date: ?

% Required for Quorum: 25.00 %

Venue Selection: Adhoc Existing

Venue Details:

Name:

Address 1:

Address 2:

Address 3:

Suburb:

State: ACT

PI Code:

Voting

Lot	Name	Arrears	UOE	%	Motion 1	Motion 2	Voting Sheet
1	Mr Owner	\$0.00	1	10.0%	Y	N	A
2	Mr Owner	\$0.00	1	10.0%	Y	N	A
3	Mr Owner	\$0.00	1	10.0%	Y	N	A
4	Mr Owner	\$0.00	1	10.0%	Y	N	A
5	Mr Owner	\$0.00	1	10.0%	Y	N	A
6	Mr Owner	\$0.00	1	10.0%	Y	N	A
7	Mr Owner	\$0.00	1	10.0%	Y	N	A
8	Mr Owner	\$0.00	1	10.0%	Y	N	A
9	Mr Owner	\$0.00	1	10.0%	Y	N	A
10	Mr Owner	\$0.00	1	10.0%	Y	N	A

Results

Motion #	Description	Resolution Type	Mover	Second	Votes ? Option (Number of Lots : Total UOE)	Poll Vote ?	Resolution
1	Accept Minutes of the Previous Meeting	Ordinary Resolution	Select the Mover	Select the Second	Y (10/10)	<input type="checkbox"/>	Y
2	Motion	Special Resolution	Select the Mover	Select the Second	Y (8/8) N (2/2)	<input type="checkbox"/>	Y

Click here to see the rules for automatically calculating the motion resolution.

[Edit Voting](#)

[Edit](#) [Done](#)

MANDATORY AUDITS

Under the Act, units plans of a certain size or nature will need to undertake an annual audit of the funds, accounts, and financial statements of unit plans.

In PropertyIQ, you can record if a building requires an audit and use the diary report to see the buildings due for audit at the end of each month.

RECORD A BUILDING FOR AUDIT

1. Go to File > Buildings > Building card > Settings tab
2. Go to Auditor accordion
3. Tick the checkbox if the building requires an audit
4. Select the appointed auditor (optional)

The screenshot shows the 'Building' settings form in PropertyIQ. The form is divided into two main sections: 'Building' and 'Address'. The 'Building' section contains fields for C.T.S.*, Manager*, Folio*, Building Type*, Building Sub Type*, Building Class, Module, Type, Total UOE*, Total Int Ent*, Active, Debt Collection, All Inclusive Fees, and Payment Plan. The 'Address' section contains fields for Street No, Street Name*, Address 2, Suburb, Building Name, Plan, Parish, State*, P/Code, and County.

Below the form is a tabbed interface with tabs for Settings, Dates, Charges, Info, Financials, Budget, Notes, Documents, Registers, Alerts, and Work O. The 'Settings' tab is selected, and it contains a list of expandable sections: Bank Account, Tax Settings, Original Proprietor, Auditor, and Utility Invoicing. The 'Auditor' section is expanded, showing the 'Audit Accounts' checkbox (checked) and the 'Auditor' dropdown menu (set to 'Timely Audits P/L'). The 'Auditor Details' section is also visible, showing the name, address, phone, fax, and email of the auditor.

Numbered callouts are present: 1 points to the 'Settings' tab; 2 points to the 'Auditor' section; 3 points to the 'Audit Accounts' checkbox; and 4 points to the 'Auditor' dropdown menu.

REPORT ON AUDIT BUILDINGS

1. Go to To Do > Diary > Print button
2. Enter dates in *From Date* and *To Date* fields. For example, to view all your buildings that have financial years that **end** in September, enter 01/09/2020 – 31/09/2020
3. Select *Building Fin Year End* as the Type
4. Select to generate the diary report as a PDF

5. The diary report will generate in a new browser tab
6. Any building's requiring an audit will have the "Auditor" tag and details appearing against the building

My Strata Co - piq-dev1 Level 20, 111 Eagle Street SYDNEY NSW 2000 ABN: 32 345 645 Ph: 13 13 121 Email: info@mystrataco.com.au Printed: 22/09/2020 03:54 pm User: Nicki Scrivener						Page 1
Diary Report from 01/09/2020 to 30/09/2020						
Date	S/Plan	Building Name	Address	Type	Details	
30/09/20	4444		1 Jones street	Building Fin Year End	Financial Year started on : 01/10/2019	
Auditor: Timely Audits P/L Phone 1: 08 7676 4646 Phone 2: 08 6565 6565 Email: 4_email@deadend.piq						
30/09/20	7072	Jump Street Building	21 Jump Street ALPHAVILLE	Building Fin Year End	Financial Year started on : 01/10/2019	
Auditor:						
30/09/20	7073	The Flavell Building	49 Flavell Street HORNSBY	Building Fin Year End	Financial Year started on : 01/10/2019	
30/09/20	7074	The Baker Building	22 Baker Street SYDENHAM	Building Fin Year End	Financial Year started on : 01/10/2019	
Auditor: Mr Auditor Pty Ltd Phone 1: 0414392000						

BUDGETS AND LEVY CONTRIBUTIONS

Under the Act, Owners Corporations can change the way contribution levies are calculated for general and sinking funds and have separate budgets for different parts of the units plan, with different units contributing to each budget.

In PropertyIQ, you can **issue contribution levies to all or specific units** in two ways:

1. Generate manual levies for the relevant units using the *Special Levy screen*
OR
2. Create separate budgets and levies for the Owners Corporation using *Contribution Schedules*

Option 1 – Special Levies

For detailed instructions and information about raising Special Levies in PropertyIQ, view our help manual [here](#).

Option 2 – Contribution Schedules

For detailed instructions and information about Contribution Schedules in PropertyIQ, view our help manual [here](#).