take that into account as part of the TIO debate. If you do not bring people along you will not win this argument.

The Assembly divided:

Ayes 13	Noes 9
Mr Barrett	Ms Anderson
Mr Chandler	Ms Fyles
Mr Conlan	Mr Gunner
Mr Elferink	Ms Lawrie
Mrs Finocchiaro	Mr McCarthy
Mr Giles	Ms Manison
Mr Higgins	Ms Moss
Mr Kurrupuwu	Mr Vowles
Mrs Lambley	Ms Walker
Mrs Price	
Mr Styles	
Mr Tollner	
Mr Westra van Holthe	

Motion agreed to.

Motion, as amended, agreed to.

TERMINATION OF UNITS PLANS AND UNIT TITLE SCHEMES BILL
(Serial 104)

Bill presented and read a first time.

Mr ELFERINK (Attorney-General and Justice): Madam Speaker, I move that the bill be now read a second time.

The purpose of this bill is to provide an additional mechanism for the termination of unit plans under the *Unit Titles Act* and the unit titles schemes under the *Unit Title Schemes Act*. By way of shorthand, I will refer in this speech to these plans and schemes as unit titles developments. The broad scope of the legislation is as follows.

Firstly, it includes a new act to be called the Termination of Units Plans and Unit Title Schemes Act – nearly all provisions dealing with the termination of unit titles developments. These current provisions in the *Unit Title Schemes Act* and *Unit Titles Act* will be repealed. The only exception will be terminations that occur on the part of the amalgamation of developments in accordance with Section 72 of the *Unit Title Schemes Act.*

Secondly, it provides that terminations can occur by way of agreement of all of the unit owners in the development.

Thirdly, it provides in respect of large developments having ten or more units for a process under Part 4 whereby the majority of owners can, in specified circumstances, resolve that the development be terminated.

Fourthly, it provides for terminations by order of the Northern Territory Civil and Administrative Tribunal for small developments having less than ten units, or as part of the consequence of the failed process under Part 4.

Fifthly, it provides for new principles to be applied when the Northern Territory Civil and Administrative Tribunal is considering applications for termination or when dealing with appeals arising from the majority-based decision-making processes.

The bill's main purpose is that of providing new processes for terminating schemes based around the proponents of the termination having a prescribed level of support from other owners. It leaves in place the current provisions that permit owners to reach unanimous agreement without any need to comply with this new process. The focus of the legislation is that of the termination of units' schemes. The aim is to ensure unit owners know what is likely to happen if they agree to a termination. However, the legislation does not attempt to provide for rights and responsibilities post-determination.

Whilst the Northern Territory Civil and Administrative Tribunal will have limited powers to deal with post-termination issues in considering whether to improve a termination, the legislation does not provide for any specific controls over post-termination redevelopments.

As is the current position concerning terminations under either agreement or by a court order, both proponents and unit owners will, as a general rule, need to develop appropriate contracts to govern what happens after termination. These contracts could range from a simple contract dealing with a payout, to a complex contract dealing with obtaining a new unit or share of the ownership of any subsequent development. Such a contract would need to deal with the timing of the development, financial contributions, the quality of the new unit and what happens if things go wrong and so on.

Need for reform of current laws: currently both acts provide for unit titles developments to be terminated by way of either agreement of all owners of units or by order of the Supreme Court. The major problem with these provisions is they require either the agreement of all owners or an order from the Supreme Court.

These kinds of proceedings in the Supreme Court have not taken place either in the Northern Territory or under equivalent legislation in other jurisdiction. The likely reason is that the current