

Unit Titles (Management) Sale Certificate Determination 2024

Disallowable instrument DI2024-219

made under the

Unit Titles (Management) Act 2011, s 119 (Unit title certificates)

1 Name of instrument

This instrument is the *Unit Titles (Management) Sale Certificate Determination 2024*.

2 Commencement

This instrument commences on the commencement of the *Housing and Consumer Affairs Legislation Amendment Act 2024*, Part 10.

3 Determination of information to be included in a unit title sale certificate and a unit title sale update certificate

I determine that the following information is to be included in a unit title sale certificate and a unit title sale update certificate:

- (a) the name and contact details of each member of the owners corporation's executive committee;
- (b) if the owners corporation has appointed a manager—the name and contact details of the corporation's manager;
- (c) for each insurance policy held by the owners corporation—
 - (i) the type of insurance policy;
 - (ii) the name of the insurer that issued the policy;
 - (iii) the amount of liability covered by the policy;
 - (iv) a copy of the certificate of currency; and
 - (v) a copy of current insurance valuation report (if available);
- (d) for the general fund and the sinking fund, at the date the certificate is signed—
 - (i) the amount of the current contribution to the fund for the unit;

Note The *Unit Titles (Management) Act 2011*, section 78, allows the owners corporation to determine contributions to the general fund and section 89 allows the owners corporation to determine contributions to the sinking fund.

- (ii) the date the contribution for the unit is due;
 - (iii) the period the contribution for the unit is for;
 - (iv) whether the contribution for the unit is paid or unpaid;
 - (v) the balance of the funds for the owners corporation; and
 - (vi) a copy of the current approved sinking fund plan, and sinking fund forecast (if available);
- (e) whether the owners corporation has established a special purpose fund and, if so, at the date the certificate is signed —
- (i) the amount of the current contribution to the fund for the unit;

Note The *Unit Titles (Management) Act 2011*, section 78, allows the owners corporation to determine contributions to the general fund and section 89 allows the owners corporation to determine contributions to the sinking fund.
 - (ii) the date the contribution for the unit is due;
 - (iii) the period the contribution for the unit is for;
 - (iv) whether the contribution for the unit is paid or unpaid; and
 - (v) the balance of the funds for the owners corporation;
- (f) in accordance with the corporate register, whether the developer control period has expired;
- (g) whether the owners corporation has borrowed money and the details of those borrowings;
- (h) whether the owners corporation has installed sustainability infrastructure and, if so, who owns it;
- Note* **Sustainability infrastructure** is defined in the *Unit Titles (Management) Act 2011*, Dictionary.
- (i) a summary of any current contracts for service contractors appointed by the owners corporation;
 - (j) whether the owners corporation has applied to the Territory Planning Authority for an extension of the Crown lease;
 - (k) the place where the owners corporation's records can be inspected, and the name and contact details of the person to be contacted to arrange inspection. Records to be inspected can include, but are not limited to:
 - (i) publicly listed legal proceedings the corporation is or has been party to;
 - (ii) copies of reports prepared on behalf of the owners corporation (e.g. building, engineer etc.);
 - (iii) records relating to any sustainability infrastructure installed by the owners corporation;
 - (iv) records related to current and past insurance claims;
 - (v) copies of current contracts for service contractors appointed by the owners corporation;

- (vi) the maintenance schedule or maintenance plan, including any records related to any current warranties for the owners corporation property or the common property (if available);

Note A fee determined under the *Unit Titles (Management) Act 2011*, section 119 (6) may be payable to the owners corporation to inspect records.

- (l) copies of the minutes of meetings of the owners corporation, and the executive committee:
 - (i) for a unit title sales certificate, held in the 2 years before the date of the certificate; or
 - (ii) for unit title sales update certificate, held from the date of the unit title sales certificate ending on the date of the unit title sales update certificate.

- (m) if the units plan has a regulated swimming pool on the common property – the required documents prescribed under the *Civil Law (Sale of Residential Property) Act 2003*, section 9 (1) (k);

Note Required documents are prescribed under the *Civil Law (Sale of Residential Property) Act 2003*, section 9 and the *Civil Law (Sale of Residential Property) Regulation 2004*, section 10B.

- (n) if any of the utility services within the units plan are a part of an embedded network –
 - (i) a statement about which utility service the embedded network applies to; and
 - (ii) the name of the embedded network provider.

Note *Utility services* is defined in the *Unit Titles Act 2001*, Dictionary.

Shane Rattenbury MLA
Attorney-General
15 July 2024