

# Unit Titles (Management) Sale Certificate Determination 2024 (No 2)

Disallowable instrument DI2024–314

made under the

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

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## 1 Name of instrument

This instrument is the *Unit Titles (Management) Sale Certificate Determination 2024 (No 2)*.

## 2 Commencement

This instrument commences on 10 December 2024.

## 3 Revocation

This instrument revokes the *Unit Titles (Management) Sale Certificate Determination 2024 (DI2024-219)*.

## 4 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:

- (1) the name and contact details of each member of the owners corporation's executive committee;
- (2) if the owners corporation has appointed a manager—the name and contact details of the corporation's manager;
- (3) for each insurance policy held by the owners corporation—
  - (a) the type of insurance policy;
  - (b) the name of the insurer that issued the policy;
  - (c) the amount of liability covered by the policy;
  - (d) a copy of the certificate of currency; and
  - (e) a copy of current insurance valuation report (if available);

- (4) for the general fund and the sinking fund, at the date the certificate is signed—
- (a) the amount of the current general fund contribution and sinking fund contribution 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.
  - (b) the date the contribution for the unit is due;
  - (c) the period the contribution for the unit is for;
  - (d) whether the contribution for the unit is paid or unpaid;
  - (e) the balance of the funds for the owners corporation; and
  - (f) a copy of the current approved sinking fund plan, and sinking fund forecast (if available);
- (5) whether the owners corporation has established a special purpose fund and, if so, at the date the certificate is signed —
- (a) 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.
  - (b) the date the contribution for the unit is due;
  - (c) the period the contribution for the unit is for;
  - (d) whether the contribution for the unit is paid or unpaid; and
  - (e) the balance of the funds for the owners corporation;
- (6) in accordance with the corporate register, whether the developer control period has expired;
  - (7) whether the owners corporation has borrowed money and the details of those borrowings;
  - (8) whether the owners corporation has installed sustainability infrastructure and, if so, who owns it;
  - (9) a summary of any current contracts for service contractors appointed by the owners corporation;
  - (10) whether the owners corporation has applied to the Territory Planning Authority for an extension of the Crown lease;
  - (11) 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:
    - (a) publicly listed legal proceedings the corporation is or has been party to;

- (b) copies of reports prepared on behalf of the owners corporation (e.g. building, engineer etc.);
- (c) records relating to any sustainability infrastructure installed by the owners corporation;
- (d) records related to current and past insurance claims;
- (e) copies of current contracts for service contractors appointed by the owners corporation;
- (f) the developer's 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.

- (12) copies of the minutes of meetings of the owners corporation, and the executive committee:
  - (a) for a unit title sales certificate, held in the 2 years before the date of the certificate; or
  - (b) 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.
- (13) if there is a regulated swimming pool on the common property of the units plan, and the regulated swimming pool was built before 1 May 2023—the following documents:
  - (a) a copy of the guidance material notified under the *Building Act 2004*, section 83H (Guidance about obligations on owners);
  - (b) if the pool has been granted a Ministerial exemption from the safety standards—
    - (i) the exemption certificate in force for the pool; and
    - (ii) if the pool is exempt from only part of the safety standards—a compliance certificate for the pool to the extent that it is not exempt from the standards;
  - (c) if the pool is not a pool to which paragraph (b) applies—any of the following:
    - (i) a swimming pool disclosure statement for the common property or,
    - (ii) a compliance certificate for the pool;
    - (iii) a certificate of occupancy for the pool and safety barrier.
- (14) if there is a regulated swimming pool on the common property of the units plan, and the regulated swimming pool was built or substantially altered on or after 1 May 2023, any 1 of the following documents—
  - (a) a swimming pool disclosure statement for the common property of the units plan;
  - (b) a compliance certificate for the pool;

- (c) a certificate of occupancy for the pool and safety barrier.
- (15) a certificate of occupancy mentioned in subsections 4 (13) (c) (iii) and 4 (14) (c) must not be older than 5 years.
- (16) if the electricity supplied to the unit to which the unit title sale certificate relates is part of an embedded network – the details of the retailer for the embedded network, and the retailer's contact information, ABN and website address.
- (17) if there are any utility services, aside from electricity, for which the unit owner will have no or limited choice of service provider for the utility service and for which the unit owner is responsible for paying the costs incurred for their usage of the utility service,
  - (a) the following is required:
    - (i) the kind of the utility service; and
    - (ii) website information or contact details the unit owner can use to ask about or raise any issues with the utility service.

**Example par (17)**

A units plan has a centralised hot water system and each unit in the units plan has a hot water meter. A unit owner in the units plan cannot choose a service provider for the supply of electricity used to heat the water before it is provided to the unit.

## 5 Definitions

In this determination:

*certificate of occupancy*—see the [Building Act 2004](#), dictionary.

*common property*—see the Unit Titles Act 2001, section 13.

*corporate register*—see the *Unit Titles (Management) Act 2011*, Dictionary.

*compliance certificate*, for a regulated swimming pool—see the [Building Act 2004](#), section 83K (1).

*developer control period*—see the *Unit Titles (Management) Act 2011*, Dictionary.

*developer's maintenance schedule*—see the *Unit Titles (Management) Act 2011*, section 25.

*embedded network* means an embedded network under the national electricity rules, chapter 10 (Glossary).

*executive committee*—see the *Unit Titles (Management) Act 2011*, Dictionary.

*exemption certificate*, for a regulated swimming pool—see the [Building Act 2004](#), section 83D (6).

*general fund*—see the *Unit Titles (Management) Act 2011*, Dictionary.

*general fund contribution*—see the *Unit Titles (Management) Act 2011*, Dictionary.

*manager*—see the *Unit Titles (Management) Act 2011*, Dictionary.

**Ministerial exemption**—see the *Building Act 2004*, section 83 (1).

**national electricity rules** means the National Electricity Rules under the National Electricity (ACT) Law.

*Note 1* The national electricity rules are accessible at [www.aemc.gov.au](http://www.aemc.gov.au).

*Note 2* The Electricity (National Scheme) Act 1997, s 5 applies the National Electricity Law set out in the National Electricity (South Australia) Act 1996 (SA), schedule as if it were an ACT law called the National Electricity (ACT) Law.

**regulated swimming pool**—see the *Building Act 2004*, section 83B (1).

**safety barrier**, for a regulated swimming pool—see the *Building Act 2004*, section 83 (1).

**service contractor**—see the *Unit Titles (Management) Act 2011*, Dictionary.

**sinking fund**—see the *Unit Titles (Management) Act 2011*, Dictionary.

**sinking fund contribution**—see the *Unit Titles (Management) Act 2011*, Dictionary.

**special purpose fund**—see the *Unit Titles (Management) Act 2011*, Dictionary.

**substantially altered**—see the *Building Act 2004*, section 83L (2).

**Sustainability infrastructure**—see the *Unit Titles (Management) Act 2011*, Dictionary.

**swimming pool disclosure statement** means a statement by the owners corporation that, to the best of the owner corporation’s knowledge and belief and as accurately as the owners corporation has been able to find out, the following information:

- (1) when—
  - (a) the units plan was built; and
  - (b) construction of the pool was completed; and any alterations to the pool were completed; and
- (2) if a standing exemption applies to the pool—that the pool is subject to a standing exemption and the circumstances for the exemption.

**unit**—see the *Unit Titles Act 2001*, section 9.

**units plan**—see the *Unit Titles Act 2001*, section 7

**utility services**—see the *Unit Titles Act 2001*, dictionary.

Tara Cheyne MLA  
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6 December 2024