

Australian Capital Territory

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)

EXPLANATORY STATEMENT

The new determination repeals the *Unit Titles (Management) Sale Certificate Determination 2024* DI2024-219.

The new *Unit Titles (Management) Sale Certificate Determination 2024 (No 2)* prescribes the information that must be provided in a unit title sale certificate and a unit title sale update certificate issued under section 119 (1) (a) and (b) of the Act respectively.

The previous determination (*Unit Titles (Management) Sale Certificate Determination 2024* DI2024-219) introduced new requirements for an owners corporation to disclose information about regulated swimming pools on common property (previous section (m)) as well as information about embedded networks within the units plan (previous section (n)). The new determination updates both these provisions for further clarity as well as consistency with the new *Unit Titles (Management) Rental Certificate Determination 2024*.

Information about regulated swimming pools on common property – new sections 13, 14 and 15

Section 9 (1) (k) of the *Civil Law (Sale of Residential Property) Act 2003* (the **CLSRP Act**) compels the disclosure of information within a contract for sale if a regulated swimming pool is located on the property covered under the contract. The information that must be provided is prescribed by regulation.

The previous determination included the requirement for information to be disclosed with reference to section (9) (1) (k) of the CLSRP Act.

The new determination updates the previous requirement by replicating section 10B of the *Civil Law (Sale of Residential Property) Regulation 2004*. However the information in the new unit title rental certificate clarifies that the information that the owners corporation must provide is information in relation to a regulated swimming pool that is located within the common property of a units plan (not any regulated pools that are within the unit boundary). This will help clarify what information an owners corporation must include in the unit title sale certificate and unit title sale

update certificate if the units plan has a regulated swimming pool located within their common property.

Where a regulated swimming pool is located within a unit boundary, the unit owner is responsible for the compliance and disclosure of information related to any regulated swimming pool located within their unit.

Information about embedded networks within the units plan – new sections 16 and 17

The new determination updates the disclosure requirements in relation to any embedded networks which may exist within a units plan. The new determination makes the distinction between electrical embedded networks (section 14) and any utility services subject to an embedded network where the owner must contribute to the cost of their use (section 15). This change has occurred to reflect varying circumstances related to embedded networks within a units plan.

For electrical embedded networks, buyers will need to be aware of which retailer they will need to engage with for the electricity supply to the unit. However, other utility services within a units plan may be subject to an embedded network where owner has little to no choice of service providers. This generally occurs in situations where the embedded network is for a central system used by all units within the units plan such as a system to heat hot water. The new determination provides an example of this for further clarity.

The new determination also includes a new separate section 4, setting out the references to all relevant definitions referred to in the new determination.

The new determination changes the section numbering format used in previous determinations. This has been done to comply with drafting conventions and for consistency across other instruments.

All other documents required for a unit title sales certificate and a unit title sales update certificate remain the same as those required for a unit title certificate and a unit title update certificate under the previous determination (the *Unit Titles (Management) Sale Certificate Determination 2024* DI2024-219).

Section 119 (6) of the Act provides that the Minister's determination is a disallowable instrument.

This instrument does not engage any human rights.