

# Unit Titles (Management) Sale Certificate Determination 2025

## Disallowable instrument DI2025-75

made under the

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

## EXPLANATORY STATEMENT

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The new determination repeals the *Unit Titles (Management) Sale Certificate Determination 2024 (No 2)* DI2024-314.

The new *Unit Titles (Management) Sale Certificate Determination 2025 (the 2025 Determination)* makes minor amendment to 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. It also makes a minor change to an example provided in the previous determination in relation to embedded networks.

### Amendment to definition of *swimming pool disclosure statement*

The previous determination (DI2024-314) (**the 2024 Determination**) includes requirements for an owners corporation to disclose information about any regulated swimming pool located on the common property. A *swimming pool disclosure statement* forms part of the information that must be disclosed, which includes disclosure of when the units plan was built. Feedback from stakeholders has indicated that this information is problematic, particularly for staged developments where there maybe multiple build dates for the units plan. Additionally, when the units plan was built will be disclosed in other documents in the contract for sale required under section 9 of the *Civil Law (Sale of Residential Property) Act 2003*.

In consideration of this, it has been determined that about when a units plan, or a stage of a units plan has been completed information is not required as it is not relevant safety information relating to the regulated swimming pool. As such, the requirement to provide information about when the units plan was built has been removed from the 2025 Determination. Further, a clarification has been included in the 2025 Determination that the swimming pool disclosure statement only needs to include information about alterations to the regulated swimming pool or safety barrier when those alterations were building work which required building approval. Definitions of building work and building approval have also been inserted into the 2025 Determination. In both cases, the definitions referenced are those contained in the Dictionary of the *Building Act 2004*. This would mean, for example, that if a swimming pool fence had been painted, the owners corporation would not need to

disclose that information in the swimming pool disclosure statement as painting is not building work requiring building approval.

Owners corporations are now required to provide information about:

- when the regulated swimming pool was completed,
- if the regulated swimming pool has a safety barrier, when the safety barrier was completed;
- if any building work which requires building approval to the regulated swimming pool or safety barrier has occurred, when those alterations were completed, and
- whether a standing exemption applies in relation to the regulated swimming pool, and, if so, the circumstances for the exemption.

#### Example about embedded networks within the units plan

The 2024 Determination provides for two circumstances where the owners corporation must disclose information about any embedded networks that may affect prospective buyer:

- For an electricity service supplied to the premises – the electricity service is a part of an embedded network; and
- For any utility service supplied to the premises – that unit owner will have no or limited choice of service provider for the utility service.

While intended to relate to any utility service, the example included for Para (17) in 2024 Determination referenced a scenario in relation to electricity supply. Stakeholder feedback indicated this was confusing considering the determination had a separate requirement for an owners corporation to disclose any embedded network for electricity services. The example in the 2025 Determination contains an amended example which relates to a scenario where the central hot water system relies on gas supply where each unit is charged separately for their consumption.

All other documents required for a unit title sales certificate and a unit title sales update certificate in the 2025 Determination remain the same as those required for a unit title certificate and a unit title update certificate under the 2024.

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

This instrument does not engage any human rights.