

Unit Titles (Management) (Fees) Determination 2024

Disallowable instrument DI2024–217

made under the

Unit Titles (Management) Act 2011, s 119 (Unit title certificates) and s 120A (Access to owners corporation records)

EXPLANATORY STATEMENT

The *Housing and Consumer Affairs Legislation Amendment Act 2024* (the HCA Act) amended provisions relating to unit title certificates under the *Unit Titles (Management) Act 2011* (the **Act**). The amendments introduce a new type of certificate, a ‘*unit title rental certificate*’ which will contain information that a unit owner who wishes to rent out their unit must disclose to their tenant when entering a residential tenancy agreement. Matters relating to unit title rental certificates will be dealt with under a separate determination that will commence in line with enabling provisions under the *Residential Tenancies Act 1997* (**RTA**) (which was also amended by the HCA Act, however those amendments will commence at a later stage).

Given the introduction of a new type of unit title certificate, the existing ‘unit title certificates’ have been renamed to ‘*unit title sale certificate*’ and ‘*unit title sale update certificate*.’ The new names, unit title rental certificate, unit title sale certificate and unit title sale update certificate, now reflect the purpose of the certificates, which will be required under section 12 (3) (k) of the RTA and section 9 of the *Civil Law (Sale of Residential Property) Act 2003* (the **CLSRP Act**) when a unit is being rented or sold respectively. Given these changes, the HCA Act also repeals the *Unit Titles (Management) Certificate Determination 2023* (DI2023-3) and the *Unit Titles (Management) (Fees) Determination 2023* (DI2023-179).

Provisions in the Act relating to accessing owners corporation records (outside of the unit title certificate request process) which were previously provided for in section 119 of the Act have also been amended and are now provided for separately in new section 120A of the Act.

This Determination sets the fees that will apply to the unit title sale certificate and unit title sale update certificate and other requests for information made outside of the unit title certificate process. The Determination will be updated again in future to set the fee that will apply to the unit title rental certificate when the enabling provisions under the RTA commence and a new unit title rental certificate determination is made.

Section 119 (6) of the Act provides that a request by an eligible person for a unit or common property, for a unit title sales certificate or a unit title sales update certificate or a unit title rental certificate under section 119, must be in writing and accompanied by a fee determined by the owners corporation of not more than an amount determined by the Minister.

New section 120A (4) of the Act now provides that a request by an eligible person for a unit or common property, to inspect the records of the common property under section 120A, must be in writing and accompanied by a fee determined by the owners corporation of not more than an amount determined by the Minister.

This Determination sets the maximum fees that may be charged by the owners corporation for providing information in response to a request under section 119 or section 120A of the Act. It provides for fee increases in line with annual adjustments to the Wages Price Index (WPI) of 3.50%, rounded down to the nearest dollar for most fees, with the exception of fees that have been consecutively rounded down in previous years by more than \$1.00 which have been rounded up to the nearest dollar.

This approach aligns with the 2023 Treasury Guidelines for Fees and Charges.

Explanatory notes in the determination list the fees previously determined to enable comparison. Item numbers have also been removed as they are no longer relevant.