

Australian Capital Territory

Unit Titles (Management) Sale Certificate Determination 2026

Disallowable instrument DI2026-22

made under the

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

EXPLANATORY STATEMENT

The new *Unit Titles (Management) Sale Certificate Determination 2026* (**the new Determination**) repeals the *Unit Titles (Management) Sale Certificate Determination 2025* (DI2025-75) (**the Determination**).

The new Determination makes minor amendments to the Determination in response to changes made under the *Building and Construction Legislation Amendment Act 2026* (BACLAA) to the requirements for regulated swimming pools in the *Building Act 2004*. These changes include new definitions for a *complete exemption* and *partial Ministerial exemption* that relate to scenarios where the pool is completely or partially exempt from safety requirements. An amendment has also been made to the definition of *compliance certificate* which is now referred to as a *compliance status certificate*. This change in terminology clarifies that these certificates indicate the compliance status of a swimming pool (both compliance and non-compliance). A compliance status certificate can therefore substantiate both compliance and non-compliance.

The new Determination adopts these new definitions to ensure consistency with the changes under the BACLAA and to help simplify the information that an owners corporation must include in a unit title sale certificate or unit title sale update certificate for any pools located on the common property of a units plan. The new Determination will commence in conjunction with section 9 of the BACLAA, being seven days after the notification of the BACLAA.

For clarity, these changes will only apply to unit title sale certificates or unit title sale update certificates issued after the commencement of the new Determination. Unit title sale certificates or unit title sale update certificates issued by an owners corporation prior to the commencement of the new Determination will still be valid.

Section 119 (6) of the *Unit Titles (Management) Act 2011* provides that the Minister's determination is a disallowable instrument.

This instrument does not engage any human rights.