

Authorised Version No. 001
Local Government (Land Information)
Regulations 2021

S.R. No. 69/2021

Authorised Version as at
1 July 2021

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1 Objective

The objective of these Regulations is to prescribe, for the purposes of the **Local Government Act 2020**—

- (a) information to be specified in a land information certificate; and
- (b) the fee for the issue of a land information certificate; and
- (c) the form of, and particulars required in, an acquisition notice; and
- (d) the period of time for giving an acquisition notice to the Chief Executive Officer of the Council.

2 Authorising provision

These Regulations are made under section 325 of the **Local Government Act 2020**.

3 Commencement

These Regulations come into operation on 1 July 2021.

4 Definitions

In these Regulations—

GST has the same meaning as it has in the A New Tax System (Goods and Services Tax) Act 1999 of the Commonwealth;

licensed conveyancer means a person who holds a licence under the **Conveyancers Act 2006**;

the Act means the **Local Government Act 2020**.

5 Land information certificate

(1) For the purposes of section 121(1) of the Act, the following is prescribed information for a land information certificate—

(a) a statement containing the following—

"This certificate provides information regarding valuation, rates, charges, other money owing and any orders and notices made under the **Local Government Act 2020**, the **Local Government Act 1989**, the **Local Government Act 1958** or under a local law of the Council.

This certificate is not required to include information regarding planning, building, health, land fill, land slip, flooding information or service easements.

Information regarding these matters may be available from Council or the relevant authority. A fee may be charged for such information.";

(b) the date of issue of the land information certificate;

(c) valuation information consisting of—

(i) the Council valuation of the land using the net annual value, site value and capital improved value systems of valuation; and

(ii) the current level of value date;

- (d) information in relation to rates and charges and other money consisting of—
- (i) the amount and type of all rates and charges levied on the land (including when the rates and charges are due); and
 - (ii) any rates and charges levied on the land that are paid or unpaid; and
 - (iii) the amount of arrears in relation to rates and charges levied on the land (if any); and
 - (iv) the period for which all rates and charges apply; and
 - (v) any money owed for works under the Act, the **Local Government Act 1989** or the **Local Government Act 1958** and, if so, the amount; and
 - (vi) the potential liability for rates in relation to the land under the **Cultural and Recreational Lands Act 1963**; and
 - (vii) the potential liability for the land to become rateable under section 173 or 174A of the **Local Government Act 1989**; and
 - (viii) any money owed in relation to the land under section 94(5) of the **Electricity Industry Act 2000**; and
 - (ix) any outstanding amount required to be paid for recreational purposes or any transfer of land to the Council for recreational purposes under section 18 of the **Subdivision Act 1988** or the **Local Government Act 1958**; and

- (x) any money owed under section 119 of the Act; and
 - (xi) any environmental upgrade charge in relation to the land which is owed under section 181C of the **Local Government Act 1989**; and
 - (xii) any levy amount specified as being due in an assessment notice in relation to the land under section 25 of the **Fire Services Property Levy Act 2012**;
- (e) whether at the date of the land information certificate, any notice or order on the land has continuing application under the Act, the **Local Government Act 1989**, the **Local Government Act 1958** or under a local law of the Council and, if so, the details of the notice or order.
- (2) A land information certificate must be signed by—
- (a) a member of staff of the Council to whom the power to sign a land information certificate has been delegated; or
 - (b) a person appointed to be an authorised officer under section 224 of the **Local Government Act 1989**.

6 Fee for the issue of a land information certificate

For the purposes of section 121(3) of the Act, the prescribed fee is 1.82 fee units.

7 Notice of acquisition

- (1) For the purposes of section 122(1)(a) of the Act, the acquisition notice is in the prescribed form if it contains the following prescribed particulars—

- (a) personal details consisting of—
- (i) the full name of the transferor (and if applicable, the full name of the trust and trustee or, in the case of a company, the transferor's ACN); and
 - (ii) the full name of the transferee (and if applicable, the full name of the trust and trustee or, in the case of a company, the transferee's ACN); and
 - (iii) the address and email address of the transferee at the time of transfer; and
 - (iv) the address and email address of the transferor at the time of transfer; and
 - (v) whether the land will be the transferee's principal place of residence; and
 - (vi) if the land will not be the principal place of residence under subparagraph (v), the address of the transferee's principal place of residence (for the purpose of preparing voters' rolls); and
 - (vii) the addresses for correspondence to, or service on, the transferee (if different from the land being acquired) and of the transferor; and
 - (viii) in the case of an individual, the date of birth of the transferee (for the purpose of preparing voters' rolls);
- (b) property details in relation to the land consisting of—
- (i) the flat or unit number, street number, name of street or road, suburb, town or district and postcode; and
 - (ii) Lot number and Plan number; and
 - (iii) Volume and Folio; and

- (iv) the name of the municipal district; and
- (v) Crown Allotment Number; and
- (vi) Section or Portion, Parish; and
- (vii) Municipal Property Number
(if known); and
- (viii) area of the land (including any
accessory units) and unit of entitlement;
- (c) transfer details in relation to the land
consisting of—
 - (i) the date of contract, the GST amount,
the total sale price (including GST), the
deposit and the date of possession or
transfer; and
 - (ii) whether or not the purchase is a terms
sale;
- (d) whether or not the property is a residential
property and, if so, the number of bedrooms;
- (e) contact details and certification, including—
 - (i) the name, telephone number and
email address of the transferee's
Australian legal practitioner, licensed
conveyancer or agent (if any); and
 - (ii) the name, telephone number and email
address of the transferor's Australian
legal practitioner, licensed conveyancer
or agent (if any); and
 - (iii) provision for the certification by
the transferee or Australian legal
practitioner, licensed conveyancer or
agent of the accuracy of the information
provided;

- (f) the relevant property code, being one of the following—

Residential land

- 100 Vacant site
- 101 Development site
- 102 Subdivisional land
- 103 Rural lifestyle site

Single residential

- 110 Dwelling
- 112 Row house/terrace
- 117 Rural lifestyle

Multiple occupation

- 120 Unit
- 125 Flat
- 126 Car park

Retirement/aged care

- 140 Retirement unit
- 141 Retirement complex
- 142 Aged care complex

Commercial

- 200 Commercial site

Retail

- 210 Single retail
- 211 Multi retail
- 212 Mixed use
- 213 Shopping centre
- 214 National retail

215 Service station

216 Multi-service station

Office

220 Office premises

Tourist accommodation

230 Hotel/motel

234 Caravan park

Hospitality

240 Licensed premises/restaurant

Entertainment

250 Entertainment complex

251 Cinema complex

Personal services

270 Health surgery

271 Health clinic

275 Veterinary clinic

Vehicle parking/sales

280 Ground parking

281 Multi-level parking

284 Car yard

Industrial

300 Industrial site

Manufacturing

310 Factory

311 Processing factory

Warehouse

320 General warehouse

321 Open storage

325 Coolstore/coldstore

331 Abattoirs

Extractive industries

Quarry

410 Sand

411 Gravel/stone

412 Manufacturing materials

413 Soil

Primary production

Native vegetation

500 Bush

Agriculture

510 Cropping

Livestock grazing

520 Domestic grazing

521 Non-native animals

522 Native animals

523 Sheep

524 Beef cattle

525 Dairy cattle

Livestock—special purpose

540 Feed lot

541 Poultry

544 Horse stud/stables

545 Piggery

546 Kennel/cattery

Horticulture

550 Market garden

551 Orchard/groves

561 Vineyard

562 Plant/nursery

Infrastructure

600 Vacant land

Gas or fuel

610 Wells

Electricity

620 Power station

Community services

Health

710 Public hospital

711 Private hospital

Education

720 Kindergarten

721 Government school

722 School camps

723 Private school

725 University

726 TAFE

Religious

740 Place of worship

Community

750 Hall

Sport

800 Sport vacant

820 Indoor sports

821 Outdoor sports

- (2) For the purposes of section 122(1)(b) of the Act, the prescribed period is one month after acquisition of the land.

Endnotes

1 General information

See www.legislation.vic.gov.au for Victorian Bills, Acts and current authorised versions of legislation and up-to-date legislative information.

The Local Government (Land Information) Regulations 2021, S.R. No. 69/2021 were made on 29 June 2021 by the Governor in Council under section 325 of the **Local Government Act 2020**, No. 9/2020 and came into operation on 1 July 2021: regulation 3.

The Local Government (Land Information) Regulations 2021 will sunset 10 years after the day of making on 29 June 2031 (see section 5 of the **Subordinate Legislation Act 1994**).

INTERPRETATION OF LEGISLATION ACT 1984 (ILA)

Style changes

Section 54A of the ILA authorises the making of the style changes set out in Schedule 1 to that Act.

References to ILA s. 39B

Sidenotes which cite ILA s. 39B refer to section 39B of the ILA which provides that where an undivided regulation, rule or clause of a Schedule is amended by the insertion of one or more subregulations, subrules or subclauses the original regulation, rule or clause becomes subregulation, subrule or subclause (1) and is amended by the insertion of the expression "(1)" at the beginning of the original regulation, rule or clause.

Interpretation

As from 1 January 2001, amendments to section 36 of the ILA have the following effects:

- **Headings**

All headings included in a Statutory Rule which is made on or after 1 January 2001 form part of that Statutory Rule. Any heading inserted in a Statutory Rule which was made before 1 January 2001, by a Statutory Rule made on or after 1 January 2001, forms part of that Statutory Rule.

This includes headings to Parts, Divisions or Subdivisions in a Schedule; Orders; Parts into which an Order is divided; clauses; regulations; rules; items; tables; columns; examples; diagrams; notes or forms.

See section 36(1A)(2A)(2B).

- **Examples, diagrams or notes**

All examples, diagrams or notes included in a Statutory Rule which is made on or after 1 January 2001 form part of that Statutory Rule. Any examples, diagrams or notes inserted in a Statutory Rule which was made before 1 January 2001, by a Statutory Rule made on or after 1 January 2001, form part of that Statutory Rule. See section 36(3A).

- **Punctuation**

All punctuation included in a Statutory Rule which is made on or after 1 January 2001 forms part of that Statutory Rule. Any punctuation inserted in a Statutory Rule which was made before 1 January 2001, by a Statutory Rule made on or after 1 January 2001, forms part of that Statutory Rule. See section 36(3B).

- **Provision numbers**

All provision numbers included in a Statutory Rule form part of that Statutory Rule, whether inserted in the Statutory Rule before, on or after 1 January 2001. Provision numbers include regulation numbers, rule numbers, subregulation numbers, subrule numbers, paragraphs and subparagraphs. See section 36(3C).

- **Location of "legislative items"**

A "legislative item" is a penalty, an example or a note. As from 13 October 2004, a legislative item relating to a provision of a Statutory Rule is taken to be at the foot of that provision even if it is preceded or followed by another legislative item that relates to that provision. For example, if a penalty at the foot of a provision is followed by a note, both of these legislative items will be regarded as being at the foot of that provision. See section 36B.

- **Other material**

Any explanatory memorandum, table of provisions, endnotes, index and other material printed after the Endnotes does not form part of a Statutory Rule. See section 36(3)(3D)(3E).

2 Table of Amendments

There are no amendments made to the Local Government (Land Information) Regulations 2021 by statutory rules, subordinate instruments and Acts.

3 Amendments Not in Operation

This version does not contain amendments that are not yet in operation.

4 Explanatory details

Fee Units

These Regulations provide for fees by reference to fee units within the meaning of the **Monetary Units Act 2004**.

The amount of the fee is to be calculated, in accordance with section 7 of that Act, by multiplying the number of fee units applicable by the value of a fee unit.

The value of a fee unit for the financial year commencing 1 July 2021 is \$15.03. The amount of the calculated fee may be rounded to the nearest 10 cents.

The value of a fee unit for future financial years is to be fixed by the Treasurer under section 5 of the **Monetary Units Act 2004**. The value of a fee unit for a financial year must be published in the Government Gazette and a Victorian newspaper before 1 June in the preceding financial year.