

Local Government (Land Information) Regulations 2021

Exposure Draft and Regulatory Impact Statement submissions received during the formal 28-day consultation period

A total of ten submissions were received during the 28-day consultation period – see **Table 1** below.

Table 1 – submissions received per category

Total submissions per Category	Submissions number (details)
Councils (4)	6. Golden Plains Shire 7. anonymous 8. anonymous 9. Monash City Council
Councillor/Council Staff member (anonymous) (3)	1, 2, 5.
Member of the public (anonymous) (1)	4.
Conveyancer (anonymous) (1) PEXA (1)	3. 10. PEXA

Based on a careful review of all submissions received, the Department of Jobs, Precincts and Regions (DJPR) does not plan to make further changes to the draft Regulations. It is proposed that the Local Government (Land Information) Regulations 2021 (proposed Regulations) will be made to come into effect on 1 July 2021.

Paragraph 190 of the Subordinate Legislation Act 1994 Guidelines provides:

To ensure greater transparency of decisions, the responsible Minister should provide reasons for the direction taken in a final statutory rule or legislative instrument. These should address any general issues raised in submissions.

Table 2 below lists the issues raised in submissions and the government response/reason for making a final determination that no further changes be made to the proposed Regulations.

Table 2 – Issues raised and Government response/reason for decision

Issue raised (by submission number)	Government response/reason
<p>A Land Information Certificate (LIC) should include Title and Title Plan details of the property (submissions 1,2,3,4,5 7 & 8)</p>	<p>Of the 36 councils who provided feedback during the consultation undertaken in preparation of the Regulatory Impact Statement (RIS), five councils proposed that all LIC applications should include title and plan details of the property, and one council proposed that this information be required in the Notice Of Acquisition.</p> <p>Seven anonymous submissions in response to the RIS supported extending the requirements that LICs include property title and plan details. However, councils considered this could be a potential burden and did not make a strong case for it to be a requirement under the proposed Regulations.</p> <p>Excluding a requirement in the proposed Regulations that an LIC must include title and plan details would not preclude Councils from having the option to request such details. DJPR will work with stakeholders to develop factsheets for councils who would prefer to seek this information.</p>
<p>LICs should provide clearer information about the property and any notices served on it (submissions 3 & 4)</p> <p>LIC prescribed information is adequate (submissions 1,2,5, 7, 8 & 9)</p>	<p>Of the submissions calling for LICs to provide clearer information, one provided no further comment and one submitted that an LIC should provide all information about the property and any council notices that have been served on the property. All other submissions agreed that the prescribed information is adequate.</p>
<p>A Notice Of Acquisition (NOA) provided to a council should include updated Titles and Title Plan details of the property (submissions 1,4,5 7 & 8)</p>	<p>Of the 36 councils who provided feedback during the consultation undertaken in preparation of the RIS, one council proposed this information be required in the NOA.</p> <p>Four submissions in response to the RIS supported extending the requirement that NOAs include title and plan details of the property. However, Councils did not make a strong case for this and it was considered a potential burden.</p>
<p>The prescribed fee is appropriate (submissions 1 and 5)</p> <p>The prescribed fee is too high (submission 3)</p> <p>The prescribed fee is too low (submissions 2, 7, 8 & 9)</p>	<p>Detailed consideration and analysis of cost to produce a LIC was considered in Chapter 3.4 (Table 5) of the RIS. The research concluded that, “while there is a range of costs across individual councils (higher and lower than the \$26.95 LIC fee), the LIC fee is reflective of average council costs”.</p>
<p>Other – The prescribed period to submit a NOA is one month after acquisition of the land. This should be decreased to 2 weeks (submission 5)</p>	<p>DJPR has determined that requiring a person who has acquired land to complete this process within two weeks would be too onerous.</p>
<p>Other – Prescribed information in the LIC should include sewer district and onsite wastewater management system (OWMS) information (submission 6)</p>	<p>Councils manage OWMS permits under the <i>Environment Protection Act 2017</i> (EPA 2017).</p> <p>New requirements and duties for local council under the EPA 2017 commence on 1 July 2021. As this matter was only raised by one council, DJPR has determined not to extend the requirement for an LIC to include OWMS information, and that requirements under the EPA 2017 should be kept separate from those under <i>Local Government Act 2020</i>.</p>
<p>Other – seeking a requirement for a Notice of Disposition (3,9 & 10)</p>	<p>Out of scope of these Regulations as outlined in the Appendix B - Stakeholder consultation in the RIS.</p>
<p>Other – amend the LG Act 2020:</p> <ul style="list-style-type: none"> • to distinguish obligations for submitting NOA to Land Use Victoria and Council (10) • Expand section 122 to accommodate technical solutions in the future (10) 	<p>Out of scope of these Regulations – general discussion on Electronic Lodgement Network Operators is contained in the RIS.</p>