

## Authorised Version

### Local Government (General) Regulations 2015

S.R. No. 119/2015

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## Authorised Version

STATUTORY RULES 2015

S.R. No. 119/2015

*Local Government Act 1989*

### **Local Government (General) Regulations 2015**

The Administrator of the State of Victoria as the Governor's deputy, with the advice of the Executive Council, makes the following Regulations:

Dated: 20 October 2015

Responsible Minister:

NATALIE HUTCHINS  
Minister for Local Government

MATTHEW McBEATH  
Clerk of the Executive Council

#### **1 Objective**

The objective of these Regulations is to prescribe for the purposes of the **Local Government Act 1989**—

- (a) various forms; and
- (b) fees; and
- (c) other matters required to be prescribed under the Act.

#### **2 Authorising provision**

These Regulations are made under section 243 of the **Local Government Act 1989**.

### 3 Commencement

- (1) These Regulations (except regulation 15) come into operation on 23 October 2015.
- (2) Regulation 15 comes into operation on 19 December 2015.

### 4 Revocation

The following Regulations are **revoked**—

- (a) the Local Government (General) Regulations 2004<sup>1</sup>;
- (b) the Local Government (General) Amendment Regulations 2008<sup>2</sup>;
- (c) the Local Government (General) Amendment Regulations 2009<sup>3</sup>;
- (d) the Local Government (General) Amendment Regulations 2010<sup>4</sup>;
- (e) the Local Government (General) Amendment Regulations 2011<sup>5</sup>.

### 5 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 1989**.

### 6 Register of interests—primary return

For the purposes of section 81(2) and (4) of the Act, a primary return must be in accordance with Form 1 in Schedule 1.

**7 Register of interests—ordinary return**

For the purposes of section 81(5) of the Act, an ordinary return must be in accordance with Form 2 in Schedule 1.

**8 Inspection of register of interests**

For the purposes of section 81(10) of the Act, an application by a person seeking to inspect the register of interests must be in accordance with Form 3 in Schedule 1.

**9 Indirect interest because of conflicting duties**

For the purpose of section 78B(3)(d) of the Act, the following positions are prescribed—

- (a) a representative of the Council to a Local Government Waste Forum established under the **Environment Protection Act 1970**;
- (b) a director of a Waste and Resource Recovery Group established under the **Environment Protection Act 1970**;
- (c) a member of the Country Fire Authority appointed under section 7 of the **Country Fire Authority Act 1958**;
- (d) in the case of a matter that relates to an application made under the **Planning and Environment Act 1987**, a member of the governing body of a referral authority that has considered the application under section 56 of that Act.

**10 Notice of rates and charges**

For the purposes of sections 158(4) and 163(5) of the Act, the prescribed information to be contained in a notice sent to a person who is liable to pay a rate or a charge referred to in section 158(1) or 163(1) of the Act is the following—

- (a) the name and address of the person who is liable to pay the rate or charge;
- (b) a description of the land in respect of which the rate or charge is levied;
- (c) the amount for which the person is liable;
- (d) if the rate is based on the value of the land—
  - (i) the system of valuation referred to in section 157(1) of the Act which the Council used to assess the value; and
  - (ii) the value of the land; and
  - (iii) the current level of value date;
- (e) the method of calculating the rate or charge;
- (f) the penalties for failing to pay;
- (g) the manner in which the rate or charge may be paid;
- (h) the rights of the person if applicable—
  - (i) to apply under section 183 of the Act for a review in relation to a differential rating; or
  - (ii) to appeal under section 184 of the Act for a review in relation to a rate or charge; or
  - (iii) to apply for a review under section 185 of the Act in relation to a special rate or charge;
- (i) the rights of a person to object in relation to a valuation under the **Valuation of Land Act 1960**;

- (j) if the rate is raised by the application of a differential rate—
  - (i) the type or class of the person's land which is subject to the differential rate; and
  - (ii) where information in relation to the differential rate is available in accordance with section 161(3) of the Act.

**Note**

Section 25 of the **Fire Services Property Levy Act 2012** requires (in certain circumstances set out in that section) details of an assessment notice to be specified in a notice sent to a person under section 158 of the **Local Government Act 1989**.

**11 Exemption from restriction on power to enter into contracts**

For the purposes of section 186(5)(d) of the Act, a contract for legal services is exempt from the application of section 186 of the Act.

**12 Documents to be made available for public inspection**

For the purposes of section 222 of the Act, the following are prescribed documents if they are not published on the Internet website of the Council—

- (a) a document containing details of overseas or interstate travel (other than interstate travel by land for less than 3 days) undertaken in an official capacity by any Councillor or member of Council staff in the previous 12 months, including—
  - (i) the name of the Councillor or member of Council staff; and

- (ii) the dates on which the travel began and ended; and
  - (iii) the destination of the travel; and
  - (iv) the purpose of the travel; and
  - (v) the total cost to the Council of the travel, including accommodation costs;
- (b) the agendas for, and minutes of, ordinary and special meetings held in the previous 12 months which are kept under section 93 of the Act, other than those agendas and minutes relating to a part of a meeting which was closed to members of the public under section 89 of the Act and are confidential information within the meaning of section 77(2) of the Act;
- (c) the minutes of meetings of special committees established under section 86 of the Act and held in the previous 12 months, other than those minutes relating to a part of a meeting which was closed to members of the public under section 89 of the Act and are confidential information within the meaning of section 77(2) of the Act;
- (d) a register of delegations kept under sections 87(1) and 98(4) of the Act, including the date on which the last review took place under sections 86(6) and 98(6), respectively, of the Act;
- (e) a document containing details of all leases involving land which were entered into by the Council as lessor, including the lessee and the terms and the value of the lease;
- (f) a register maintained under section 224(1A) of the Act of authorised officers appointed under that section;

- (g) a list of donations and grants made by the Council in the previous 12 months, including the names of persons who, or bodies which, have received a donation or grant and the amount of each donation or grant.

### **13 Land information certificate**

- (1) For the purposes of section 229(1) of the Act, a land information certificate must specify the following prescribed information—

- (a) a statement containing the following—

"This certificate provides information regarding valuation, rates, charges, other moneys owing and any orders and notices made under 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 **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 sections 173 or 174A of the Act; 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 227 of the Act; and

- (xi) any environmental upgrade charge in relation to the land which is owed under section 27O of the **City of Melbourne Act 2001**;
  - (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 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 Act.

#### **14 Fee**

For the purposes of section 229(2)(b) of the Act, the prescribed fee that must be sent with an application for a land information certificate is 1.82 fee units.

#### **15 Notice of acquisition**

- (1) For the purpose of section 231(1) of the Act—
- (a) a prescribed person who is required to give notice in relation to the acquisition of any land is a person who acquires any land in any municipal district; and
  - (b) the Chief Executive Officer of the Council which governs the municipal district in which the land acquired is located is a prescribed person to whom the notice of acquisition is to be given; and

- (c) the prescribed period within which notice must be given is one month after acquisition of the land.
- (2) For the purpose of section 231(1)(a) of the Act, a notice of acquisition of land must be in a form containing 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 paragraph (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 municipality; 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), deposit and 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—

<b>Residential Land</b>		Tourist accommodation	
		230	Hotel/motel
100	Vacant site	234	Caravan park
101	Development site		
102	Subdivisional land	Hospitality	
103	Rural lifestyle site	240	Licensed premises/ restaurant
Single Residential			
110	Dwelling	Entertainment	
112	Row house/terrace	250	Entertainment complex
117	Rural lifestyle	251	Cinema complex
Multiple Occupation		Personal Services	
120	Unit	270	Health surgery
125	Flat	271	Health clinic
126	Car park	275	Veterinary clinic
Retirement/Aged care		Vehicle Parking/sales	
140	Retirement unit	280	Ground parking
141	Retirement complex	281	Multi-level parking
142	Aged Care complex	284	Car yard
<b>Commercial</b>		<b>Industrial</b>	
200	Commercial site	300	Industrial site
Retail		Manufacturing	
210	Single retail	310	Factory
211	Multi. retail	311	Processing factory
212	Mixed use		
213	Shopping centre		
214	National retail		

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<p>215 Service station</p> <p>216 Multi-service station</p> <p>Office</p> <p>220 Office premises</p> <p><b>Extractive industries</b></p> <p>Quarry</p> <p>410 Sand</p> <p>411 Gravel/stone</p> <p>412 Manufacturing materials</p> <p>413 Soil</p> <p><b>Primary production</b></p> <p>Native Vegetation</p> <p>500 Bush</p> <p>Agriculture</p> <p>510 Cropping</p> <p>Livestock Grazing</p> <p>520 Domestic grazing</p> <p>521 Non-native animals</p> <p>522 Native animals</p> <p>523 Sheep</p> <p>524 Beef cattle</p> <p>525 Dairy cattle</p> <p>Livestock – special purpose</p> <p>540 Feed lot</p> <p>541 Poultry</p> <p>544 Horse stud/stables</p> <p>545 Piggery</p> <p>546 Kennel/cattery</p> <p>Horticulture</p> <p>550 Market garden</p> <p>551 Orchard/groves</p> <p>561 Vineyard</p> <p>562 Plant/nursery</p>	<p>Warehouse</p> <p>320 General warehouse</p> <p>321 Open storage</p> <p>325 Coolstore/coldstore</p> <p>331 Abattoirs</p> <p><b>Infrastructure</b></p> <p>600 Vacant land</p> <p>Gas or Fuel</p> <p>610 Wells</p> <p>Electricity</p> <p>620 Power Station</p> <p><b>Community services</b></p> <p>Health</p> <p>710 Public hospital</p> <p>711 Private hospital</p> <p>Education</p> <p>720 Kindergarten</p> <p>721 Government school</p> <p>722 School camps</p> <p>723 Private school</p> <p>725 University</p> <p>726 TAFE</p> <p>Religious</p> <p>740 Place of worship</p> <p>Community</p> <p>750 Hall</p> <p><b>Sport</b></p> <p>800 Sport vacant</p> <p>820 Indoor sports</p> <p>821 Outdoor sports</p>
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**16 Transitional provision—notice of acquisition**

Despite the revocation of the Local Government (General) Regulations 2004 by regulation 4, regulation 15 of those Regulations, as in force immediately before its revocation, continues to apply to any notice of acquisition given under section 231(1) of the Act until 18 December 2015.

## Schedule 1—Forms

### FORM 1

#### REGISTER OF INTERESTS

Regulation 6

**Local Government Act 1989** (section 81(2) and (4))

#### Primary Return

Notes—Please Read:

- (1) Interests which you are required to register are prescribed in section 81(6) of the **Local Government Act 1989**.
- (2) If there is insufficient space on this form for all of the information you are required to register, you may attach additional papers for that purpose. Each paper is to be signed, dated and witnessed in the same manner as this return.
- (3) Answer all questions and ensure your answers are clear and legible.

Family name:

Given names:

Name of Council:

Name of Ward (if applicable):

Position held:

Insert details of the Registrable Interests you hold as at the date of this return:

1. The name of any company or other body in which you hold any office whether as director or otherwise.
2. The name or description of any company or body in which you hold a beneficial interest unless the total value of the interest does not exceed \$10 000 and the total value of issued shares of the company or body exceeds \$10 million.
3. The address or description of any land in the municipal district of the Council or in a municipal district which adjoins that municipal district in which you have any beneficial interest other than by way of security for any debt.



**FORM 2**

**REGISTER OF INTERESTS**

Regulation 7

**Local Government Act 1989** (section 81(5))

**Ordinary Return**

Notes—Please Read:

- (1) Interests which you are required to register are prescribed in section 81(7) of the **Local Government Act 1989**.
- (2) If there is insufficient space on this form for all of the information you are required to register, you may attach additional papers for that purpose. Each paper is to be signed, dated and witnessed in the same manner as this return.
- (3) Answer all questions and ensure your answers are clear and legible.

Family name:                      Given names:

Name of Council:

Name of Ward (if applicable):

Position held:

Insert details of the Registrable Interests held during the return period as defined in section 81(1) of the Act:

1. The name of any company or other body corporate or unincorporate in which you held an office as a director or otherwise.
2. The name or description of any company or body in which you held a beneficial interest unless the total value of the interest does or did not exceed \$10 000 and the total value of issued shares of the company or body exceeds \$10 million.
3. The address or description of any land in the municipal district of the Council or in a municipal district which adjoins that municipal district in which you had any beneficial interest other than by way of security for any debt.
4. A concise description of any trust in which you held a beneficial interest or of which you are a trustee and in which a member of your family\* held a beneficial interest.





## Endnotes

- <sup>1</sup> Reg. 4(a): S.R. No. 130/2004. Reprint No. 1 as at 1 January 2012.  
Reprinted to S.R. No. 19/2011. Extended in operation by  
S.R. No. 125/2014.
- <sup>2</sup> Reg. 4(b): S.R. No. 96/2008.
- <sup>3</sup> Reg. 4(c): S.R. No. 104/2009.
- <sup>4</sup> Reg. 4(d): S.R. No. 99/2010.
- <sup>5</sup> Reg. 4(e): S.R. No. 19/2011.

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### 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 2015 is \$13.60. 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.