



25 September 2015

Mr Mark Curry
Acting Executive Director
Local Government Victoria
Level 7, 1 Spring Street
MELBOURNE VIC

Ask for: Di Eyckens
Phone: 9932 1070
Our Ref: A2221315

Dear Mr Curry

Local Government (General) Regulations 2015 Exposure Draft

Hobsons Bay City Council welcomes the opportunity to contribute to the development of the Local Government (General) Regulations 2015 Exposure Draft document.

The Regulatory Impact Statement has been reviewed and we are supportive of the Municipal Association of Victoria's submission on the matter. I also provide specific comments in the attached document.

If you would like to discuss this submission further please contact Hamish Munro, Acting Director Corporate Services on 9932 1013 or hmunro@hobsonsbay.vic.gov.au.

Yours sincerely

Chris Eddy
Chief Executive Officer



Hobsons Bay Submission: Local Government (General) Regulations 2015 Exposure Draft

6. Register of interests – primary return

The Act requires the following people to lodge primary returns:

- All councillors
- Members of council audit committees
- Members of special committees unless exempted
- All senior officers
- All other staff nominated by CEO

The Act requires the following matters to be disclosed:

- Bodies in which the person holds office
- Bodies in which the person holds a beneficial interest above specified values
- Land in the municipality or adjoining municipality that the person owns
- Trusts in which the person has a beneficial interest or is trustee
- Any other substantial interests that may raise a material conflict of interest

Response: *An additional clause after the last dot point is required to reflect that primary returns should include disclosure of interests held in the last six months.*

8. Inspection of register of interests

Any member of the public may inspect the register of interests if they have made a written application. The Act requires CEOs to keep records of the names of people who have inspected the register. A person who has lodged a return can inspect the list of people who have viewed their returns.

The form requires a person wanting to inspect the register to disclose:

- Their name
- Their address
- The name of the person whose returns they wish to inspect

Response: *A minor change is suggested to reflect that the CEO approves the application. It needs to be clear if the CEO approves, then on what basis if any, the CEO can reject an application. Parties wishing to undertake an inspection should provide supporting identification of the standard required by a bank or other formal procedure (true identification).*



14. Fee (Land information certificate)

The LGA provides that an application for an LIC must be accompanied by the prescribed fee. Under the 2004 Regulations the prescribed fee was set at \$20. The new regulations propose that the fee for a land information certificate be specified to be 1.82 fee units. This equates to \$24.71 in 2015-16.

Response: *Council should set the fee to enable that costs incurred can be recovered.*

15. Notice of acquisition

The proposed regulation will require a person acquiring land to lodge an acquisition notice with the CEO of the relevant council. The existing requirement for sellers to lodge disposition notices will be discontinued. Acquisition notices will include up to date property codes and introduce requirements for information on the purchaser's place of residence as well as details of the vendor's legal practitioner or agent. The new requirements for acquisition notices will commence on 1 January 2016.

Response: *Acquisition notices should be provided within 14 days after settlement*

S15(2) Prescribed particulars for notice of acquisition of land

s15(2)(a)(iii) the address of the transferee at the time of transfer; and

s15(2)(a)(iv) the address of the transferor at the time of transfer; and

Response: *Where the Act requires the address of the transferor and transferee at the time of transfer, email fields should also be included for both and the draft Regulations be amended in the relevant sections.*