
PARLIAMENT OF VICTORIA

**Consumer and Planning Legislation Amendment
(Housing Statement Reform) Bill 2024**

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PARLIAMENT OF VICTORIA

Introduced in the Assembly

Consumer and Planning Legislation Amendment (Housing Statement Reform) Bill 2024

A Bill for an Act to amend the **Residential Tenancies Act 1997**, the **Estate Agents Act 1980**, the **Owners Corporations Act 2006**, the **Conveyancers Act 2006**, the **Sale of Land Act 1962**, the **Planning and Environment Act 1987** and the **Victorian Civil and Administrative Tribunal Act 1998** and for other purposes.

The Parliament of Victoria enacts:

Part 1—Preliminary

1 Purposes

The main purposes of this Act are—

- (a) to amend the **Residential Tenancies Act 1997**—
 - (i) to repeal provisions that provide for residential rental providers to give notices to vacate to renters at the end of

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Consumer and Planning Legislation Amendment (Housing Statement
Reform) Bill 2024

Part 1—Preliminary

- fixed term residential rental
agreements; and
- 5 (ii) to prohibit residential rental providers
and agents from accepting unsolicited
offers of rent from prospective renters;
and
- (iii) to further provide for the matters to be
taken into account in reviews of
excessive rent; and
- 10 (iv) to extend notice periods in notices of
proposed rent increases and certain
notices to vacate to 90 days; and
- (v) to prohibit the use of an application
form to enter into a residential rental
15 agreement that is not in the prescribed
form; and
- (vi) to further provide for the disclosure,
use and transfer of renter's information;
and
- 20 (vii) to prohibit certain persons from
charging fees for prescribed matters in
relation to applications to enter
residential rental agreements and the
payment of rent; and
- 25 (viii) to prohibit residential rental providers
and provider's agents from advertising
or offering premises to let unless the
rental providers and agents reasonably
believe the premises comply with the
rental minimum standards; and
- 30 (ix) to require residential rental providers to
ensure any smoke alarms installed on
rented premises are correctly installed
and in working condition; and
-

Consumer and Planning Legislation Amendment (Housing Statement
Reform) Bill 2024

Part 1—Preliminary

- (x) to make miscellaneous and other consequential amendments; and
- (b) to amend the **Estate Agents Act 1980**—
- 5 (i) to provide for the requirement for registration of agents' representatives; and
- 10 (ii) to provide for continuing professional development requirements for estate agents and registered agents' representatives; and
- 15 (iii) to increase the penalties for certain offences in relation to conduct by estate agents and agents' representatives in the sale of residential property; and
- (c) to amend the **Owners Corporations Act 2006**—
- 20 (i) to provide for the requirements for the appointment and registration of natural persons as officers in effective control of corporations that are managers of owners corporations; and
- 25 (ii) to provide for initial education requirements for natural persons who are managers of owners corporations and registered officers in effective control; and
- 30 (iii) to provide for continuing professional development requirements for natural persons who are managers of owners corporations and registered officers in effective control; and
- 35 (d) to amend the **Conveyancers Act 2006** to provide for continuing professional development requirements for licensed conveyancers; and
-

Part 1—Preliminary

- 5 (e) to amend the **Sale of Land Act 1962** to increase the penalties for certain offences in relation to the sale of land; and
- (f) to amend the **Planning and Environment Act 1987** in relation to—
- 10 (i) the planning scheme amendment process; and
- (ii) the permit application process and the Metropolitan Planning Levy; and
- 15 (iii) planning panels; and
- (iv) proceedings before the Victorian Civil and Administrative Tribunal; and
- (v) compensation; and
- (g) to amend the **Victorian Civil and Administrative Tribunal Act 1998** in relation to proceedings under planning enactments; and
- 20 (h) to amend the **Victorian Civil and Administrative Tribunal Act 1998** in relation to providing for dispute resolution by RDRV for certain applications under the **Residential Tenancies Act 1997**; and
- (i) to make other minor and consequential amendments to other Acts.

25 **2 Commencement**

- (1) Subject to subsections (2), (3) and (4), this Act comes into operation on a day or days to be proclaimed.
- 30 (2) If a provision of this Act, other than Division 1 of Part 3, Division 1 of Part 4 and sections 113 and 114, does not come into operation before 25 November 2025, it comes into operation on that day.
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Consumer and Planning Legislation Amendment (Housing Statement
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Part 1—Preliminary

- 5
- (3) If a provision of Division 1 of Part 3 and sections 113 and 114 does not come into operation before 25 November 2026, it comes into operation on that day.
 - (4) If a provision of Division 1 of Part 4 does not come into operation before 30 June 2027, it comes into operation on that day.

Part 2—Amendment of Residential Tenancies Act 1997

3 Definitions

- 5 (1) In section 3(1) of the **Residential Tenancies
Act 1997** insert the following definitions—
- "*law enforcement agency* has the same meaning
as in section 3 of the **Privacy and Data
Protection Act 2014**;
- 10 "*national privacy principles* means the principles
stated in Schedule 1 to the Privacy Act 1988
of the Commonwealth;
- "*renter's information* means information,
including personal information, disclosed by
a renter or prospective renter for the
15 purposes of—
- (a) entering a residential rental agreement;
and
- (b) the administration of a residential rental
agreement by the residential rental
20 provider or the provider's agent;"
- (2) In section 3(1) of the **Residential Tenancies
Act 1997**, for the definition of *standard form
tenancy agreement* substitute—
- 25 "*standard form residential rental agreement*
means—
- (a) in relation to a residential rental
agreement for a fixed term not
exceeding 5 years, the standard form
prescribed for the purposes of
30 section 26(1);
- (b) in relation to a residential rental
agreement for a fixed term of more than
5 years, the standard form prescribed
-

Part 2—Amendment of Residential Tenancies Act 1997

for the purposes of section
26(1A)(b)(ii);".

**4 Additional terms in fixed term residential rental
agreements**

5 In section 27A(2)(b) of the **Residential
Tenancies Act 1997**, for "tenancy" substitute
"residential rental".

5 New section 30AC inserted

10 Before section 30B of the **Residential Tenancies
Act 1997** insert—

**"30AC Application to enter residential rental
agreement to be in prescribed form**

15 A residential rental provider or the provider's
agent must not prepare or authorise the
preparation of an application form used to
apply to enter into a residential rental
agreement in a form that is not in the
prescribed form.

20 Penalty: 60 penalty units in the case of a
natural person;
300 penalty units in the case of a
body corporate."

6 New section 30BA inserted

25 After section 30B of the **Residential Tenancies
Act 1997** insert—

**"30BA Residential rental provider may request
prescribed information from applicants**

30 Subject to section 30C, a residential rental
provider or the provider's agent may request
a person who applies to enter into a
residential rental agreement to disclose the
following—

(a) prescribed identity information;

Part 2—Amendment of Residential Tenancies Act 1997

- (b) prescribed financial information;
- (c) prescribed information relating to the applicant's employment;
- (d) any other prescribed matter."

5 **7 Rented premises must be offered for rent at a fixed amount**

After section 30F(3) of the **Residential Tenancies Act 1997** insert—

10 "(4) A residential rental provider or the provider's agent must not accept an unsolicited or otherwise uninvited offer of an amount of rent that is higher than the advertised amount of rent for the rented premises.

15 Penalty: 60 penalty units in the case of a natural person;
300 penalty units in the case of a body corporate."

8 Limit on rent in advance

20 (1) In section 40(1) of the **Residential Tenancies Act 1997**, for "require" substitute "solicit or otherwise invite".

(2) After section 40(2) of the **Residential Tenancies Act 1997** insert—

25 "(3) A residential rental provider or the provider's agent must not accept an unsolicited or otherwise uninvited offer of payment of rent under a residential rental agreement more than one month in advance.

30 Penalty: 60 penalty units in the case of a natural person;
300 penalty units in the case of a body corporate."

9 Rent in advance under weekly residential rental agreement

5 In section 41 of the **Residential Tenancies Act 1997**, for "require" **substitute** "solicit or otherwise invite".

10 Where and how is rent to be paid?

10 For the penalty at the foot of section 42(4) of the **Residential Tenancies Act 1997 substitute—**
"Penalty: 80 penalty units in the case of a natural person;
400 penalty units in the case of a body corporate."

11 Rent increases

15 In section 44(1) of the **Residential Tenancies Act 1997**, for "60" **substitute** "90".

12 Renter may complain to Director about excessive rent

20 For section 45(4)(b) of the **Residential Tenancies Act 1997 substitute—**
"(b) take into account—
(i) the matters referred to in section 47(3);
and
(ii) any prescribed matters."

13 What can the Tribunal order?

25 In section 47(3) of the **Residential Tenancies Act 1997—**
(a) in paragraph (i), for "premises." **substitute** "premises;";
(b) after paragraph (i) **insert—**
30 "(j) any prescribed matters."

14 New section 51A inserted

After section 51 of the **Residential Tenancies
Act 1997 insert—**

**"51A Certain application and rent payment fees
prohibited**

- (1) A person carrying on a business, other than a person specified in subsection (2), must not demand or receive a fee for any prescribed matter in relation to an application to enter into a residential rental agreement or the payment of rent.

Penalty: 80 penalty units in the case of a natural person;
400 penalty units in the case of a body corporate.

- (2) For the purposes of subsection (1), the following persons are specified—
- (a) a residential rental provider;
 - (b) a residential rental provider's agent;
 - (c) an authorised deposit taking institution or institutions within the meaning of the Banking Act 1959 of the Commonwealth in the State."

**15 Occupation of rented premises that do not comply
with rental minimum standards**

In section 65A(1) of the **Residential Tenancies
Act 1997**, after "65," insert "65B,".

16 New section 65B inserted

After section 65A of the **Residential Tenancies Act 1997** insert—

5 **"65B Advertising of premises for rent that do
not comply with rental minimum
standards**

10 A residential rental provider or the provider's
agent must not advertise or otherwise offer
premises to let unless at the time the
premises are advertised or otherwise offered
to let, the residential rental provider or the
provider's agent reasonably believes the
premises comply with the rental minimum
standards.

15 Penalty: 60 penalty units in the case of a
natural person;
300 penalty units in the case of a
body corporate."

17 New section 68AA inserted

20 After section 68 of the **Residential Tenancies Act 1997** insert—

**"68AA Residential rental provider's duty in
relation to smoke alarms**

- (1) This section applies—
- 25 (a) irrespective of whether a residential
rental agreement for rented premises
was entered into before, on or after
29 March 2021; and
- 30 (b) despite section 14 of the
Interpretation of Legislation Act 1984.
- (2) A residential rental provider must ensure that
any smoke alarm installed in rented premises
is—
-

Part 2—Amendment of Residential Tenancies Act 1997

- 5 (a) correctly installed and in working
condition; and
- (b) fitted with batteries or replacement
batteries; and
- 10 (c) tested at least once every 12 months in
accordance with any instructions by the
manufacturer of the smoke alarm.
- (3) If a smoke alarm installed in rented premises
does not meet the requirements of
15 subsection (2), the renter may issue a request
to the residential rental provider for urgent
repairs to the smoke alarm in accordance
with section 72AA.
- (4) On receiving notice under subsection (3), the
residential rental provider or the provider's
agent must immediately arrange for the
repairs to be carried out.
- 20 (5) Any testing, repair or replacement of a
smoke alarm that is powered by a mains
electricity supply for the purposes of this
section must be undertaken by a suitably
qualified person."

**18 Reduced period of notice of intention to vacate in
certain circumstances**

25 In section 91ZB(1)(a) of the **Residential
Tenancies Act 1997** omit "91ZZD, 91ZZDA,".

19 Repairs

In section 91ZX(2) of the **Residential Tenancies
Act 1997**, for "60" substitute "90".

30 **20 Demolition**

In section 91ZY(2) of the **Residential Tenancies
Act 1997**, for "60" substitute "90".

21 Premises to be used for business

In section 91ZZ(2) of the **Residential Tenancies Act 1997**, for "60" substitute "90".

22 Premises to be occupied by residential rental provider or provider's family

In section 91ZZA(2) of the **Residential Tenancies Act 1997**, for "60" substitute "90".

23 Premises to be sold

In section 91ZZB(4) of the **Residential Tenancies Act 1997**, for "60" substitute "90".

24 Premises required for public purposes

In section 91ZZC(2) of the **Residential Tenancies Act 1997**, for "60" substitute "90".

25 Sections 91ZZD and 91ZZDA repealed

Sections 91ZZD and 91ZZDA of the **Residential Tenancies Act 1997** are repealed.

26 Renter no longer meets NRAS eligibility criteria

Section 91ZZEA(7) of the **Residential Tenancies Act 1997** is repealed.

27 Renter no longer meets Victorian Affordable Housing Programs eligibility criteria

Section 91ZZEB(9) of the **Residential Tenancies Act 1997** is repealed.

28 Notice to have no effect in certain circumstances

(1) In section 91ZZI(1) of the **Residential Tenancies Act 1997**, for "91ZZC, 91ZZD, 91ZZDA" substitute "91ZZC".

(2) In section 91ZZI(2) of the **Residential Tenancies Act 1997**, for "91ZZC, 91ZZD, 91ZZDA" substitute "91ZZC".

Part 2—Amendment of Residential Tenancies Act 1997

(3) In section 91ZZI(4) of the **Residential Tenancies Act 1997** omit "91ZZD, 91ZZDA,".

(4) Section 91ZZI(5) of the **Residential Tenancies Act 1997** is repealed.

5 **29 How much notice of rent increase is required?**

In section 101(1) of the **Residential Tenancies Act 1997**, for "60" substitute "90".

30 Resident may complain to Director about excessive rent

10 For section 102(4)(b) of the **Residential Tenancies Act 1997** substitute—

"(b) take into account—

(i) the matters referred to in
section 104(3); and

15 (ii) any prescribed matters."

31 What can the Tribunal order?

In section 104(3) of the **Residential Tenancies Act 1997**—

20 (a) in paragraph (f), for "resident." substitute
"resident,";

(b) after paragraph (f) insert—
"(g) any prescribed matters."

32 Sale of rooming house

25 In section 142ZJ(4) of the **Residential Tenancies Act 1997**, for "60" substitute "90".

33 Repairs or demolition

In section 142ZK(2) of the **Residential Tenancies Act 1997**, for "60" substitute "90".

34 Notice by rooming house mortgagee

30 In section 142ZP(2) of the **Residential Tenancies Act 1997**, for "60" substitute "90".

**35 How much notice is required of rent or hiring
charge increase?**

In section 152(1) of the **Residential Tenancies
Act 1997**, for "60" substitute "90".

5 **36 Resident may complain to Director about excessive
rent or hiring charge**

For section 153(4)(b) of the **Residential
Tenancies Act 1997** substitute—

"(b) take into account—

- 10 (i) the matters referred to in
 section 155(3); and
 (ii) any prescribed matters."

37 What can the Tribunal order?

15 (1) In section 155(3) of the **Residential Tenancies
Act 1997**—

(a) in paragraph (f), for "resident." substitute
"resident;"

(b) after paragraph (f) insert—

"(g) any prescribed matters."

20 (2) In section 155(4) of the **Residential Tenancies
Act 1997**—

(a) in paragraph (b), for "caravan." substitute
"caravan;"

(b) after paragraph (b) insert—

25 "(c) any prescribed matters."

38 Sale of caravan

In section 206AZ(7) of the **Residential Tenancies
Act 1997**, for "60" substitute "90".

Part 2—Amendment of Residential Tenancies Act 1997

**39 Notice under agreement with specified period of
occupancy**

In section 206AZD(4) of the **Residential
Tenancies Act 1997**, for "60" substitute "90".

5 **40 How much notice is required of non-fixed rent
increase?**

In section 206V(1) of the **Residential Tenancies
Act 1997**, for "60" substitute "90".

10 **41 Site tenant may complain to Director about
excessive rent**

For section 206W(4)(b) of the **Residential
Tenancies Act 1997** substitute—

"(b) take into account—

15 (i) the matters referred to in
section 206Y(3); and

(ii) any prescribed matters."

42 What can the Tribunal order?

In section 206Y(3) of the **Residential Tenancies
Act 1997**—

20 (a) in paragraph (h), for "(if any)." substitute
"(if any).";

(b) after paragraph (h) insert—

"(i) any prescribed matters."

43 Section 209AA amended

25 (1) In the heading to section 209AA of the
Residential Tenancies Act 1997, for "tenancy"
substitute "residential rental".

Part 2—Amendment of Residential Tenancies Act 1997

(2) In section 209AA(1) of the **Residential Tenancies Act 1997**, for "tenancy" (where twice occurring) **substitute** "residential rental".

5 (3) In section 209AA(2) of the **Residential Tenancies Act 1997**, for "tenancy" (where twice occurring) **substitute** "residential rental".

44 Keeping personal information listed

Section 439K(4) of the **Residential Tenancies Act 1997** is **repealed**.

10 **45 Notice of increase in rent**

In section 498ZB(1) of the **Residential Tenancies Act 1997**, for "60" **substitute** "90".

46 New sections 505BA to 505BE inserted

15 After the heading to Division 1A of Part 13 of the **Residential Tenancies Act 1997** **insert—**

"505BA Interpretation

For the purposes of this Division, a person or body holds renter's information if the information is contained in a document that is in the possession or under the control of the person or body, whether alone or jointly with other persons or bodies irrespective of where the document is situated, whether in or outside Victoria.

25 **505BB Protection of renter's information from misuse, interference or loss**

A residential rental provider or the provider's agent must take reasonable steps to protect renter's information that the residential rental provider or the provider's agent holds from—

30 (a) misuse or loss; and

Part 2—Amendment of Residential Tenancies Act 1997

- (b) unauthorised access, modification or disclosure.

Penalty: 60 penalty units in the case of a natural person;

5 300 penalty units in the case of a body corporate.

505BC Destruction and de-identification of renter's information

10 (1) Subject to subsection (2), a residential rental provider or the provider's agent who holds renter's information must destroy or permanently de-identify the renter's information—

15 (a) within 3 years after the residential rental agreement to which the renter is a party terminates; or

(b) in the case of an applicant for a residential rental agreement whose application is unsuccessful—

20 (i) within 30 days after the residential rental agreement in relation to the rented premises for which the applicant applied is entered into; or

25 (ii) within 6 months after the residential rental agreement in relation to the rented premises for which the applicant applied is entered into, if written consent from the applicant to use the information to apply for other premises has been obtained.

30

Part 2—Amendment of Residential Tenancies Act 1997

Penalty: 60 penalty units in the case of a
natural person;
300 penalty units in the case of a
body corporate.

- 5 (2) A residential rental provider or the provider's
agent who holds renter's information is not
required to destroy or permanently de-
identify the renter's information if—
- 10 (a) the renter's information is required to be
disclosed for a purpose referred to in
section 505BD(1)(b), (c), (d), (e), (f) or
(g); or
- 15 (b) the residential rental provider or the
provider's agent has obtained written
consent from the renter or the
prospective renter to disclose the
renter's information for a particular
purpose and the information is held for
that purpose; or
- 20 (c) an Act, law or order of a court or
Tribunal otherwise requires the
residential rental provider or the
provider's agent to hold the renter's
information.
- 25 (3) Subsection (1) does not limit the operation
of—
- (a) the **Public Records Act 1973**; or
- (b) section 254 of the **Crimes Act 1958**.

505BD Disclosure of renter's information

- 30 (1) A residential rental provider or the provider's
agent who holds renter's information must
not disclose the renter's information unless—

Part 2—Amendment of Residential Tenancies Act 1997

- 5
- (a) the residential rental provider or the provider's agent has obtained written consent from the renter or the prospective renter for the disclosure; or
- (b) the disclosure is in accordance with an order of a court or tribunal; or
- 10
- (c) the disclosure is otherwise authorised by or under this Act or any other Act, including a Commonwealth Act; or
- (d) the residential rental provider or the provider's agent reasonably believes that the disclosure is necessary to lessen or prevent a serious threat to—
- 15
- (i) a person's life, health, safety or welfare; or
- (ii) public health, public safety or public welfare; or
- 20
- (e) the residential rental provider or the provider's agent reasonably believes that the disclosure is necessary for one or more of the following by or on behalf of a law enforcement agency—
- 25
- (i) the prevention, detection, investigation, prosecution or punishment of criminal offences or breach of a law imposing a penalty or sanction;
- 30
- (ii) the preparation for, or conduct of, a proceeding before a court or the Tribunal;
- (iii) the enforcement of an order of a court or the Tribunal; or
-

Part 2—Amendment of Residential Tenancies Act 1997

- 5 (f) the Australian Security Intelligence
Organisation or the Australian Secret
Intelligence Service has requested the
disclosure of renter's information in
connection with the body's functions; or
- (g) the disclosure is necessary for the
conduct of a proceeding before a court
or the Tribunal; or
- 10 (h) the disclosure is in a prescribed
circumstance.

Penalty: 60 penalty units in the case of a
natural person;
300 penalty units in the case of a
body corporate.

- 15 (2) This section does not limit the operation of
section 30B.

**505BE Relationship of sections 505BB, 505BC
and 505BD with other privacy laws**

- 20 (1) A residential rental provider or the provider's
agent is not required to comply with section
505BB, 505BC or 505BD to the extent that
the residential rental provider or the
provider's agent has complied with, or has
25 been exempted from compliance with, a
corresponding obligation under any of the
following—
- (a) the Privacy Act 1988 of the
Commonwealth;
- 30 (b) the **Privacy and Data Protection
Act 2014**;
- (c) the **Public Records Act 1973**;
- (d) the **Health Records Act 2001**;
- (e) section 254 of the **Crimes Act 1958**.
-

Part 2—Amendment of Residential Tenancies Act 1997

(2) Sections 505BB, 505BC and 505BD do not
limit the operation of—

- 5
- (a) Part 10A; or
 - (b) the **Privacy and Data Protection Act 2014**; or
 - (c) the **Health Records Act 2001**; or
 - (d) the national privacy principles."

47 Heading to section 505C amended

10 In the heading to section 505C of the **Residential Tenancies Act 1997**, for "information" substitute "information—specialist disability accommodation".

48 Regulations

15 After section 511(1)(d) of the **Residential Tenancies Act 1997** insert—

"(da) prescribing a form of application used to apply to enter into a residential rental agreement;".

49 New section 534 inserted

20 After section 533 of the **Residential Tenancies Act 1997** insert—

"534 Transitional provision—Consumer and Planning Legislation Amendment (Housing Statement Reform) Act 2024

25 Despite the repeal of sections 91ZZD and 91ZZDA by Part 2 of the **Consumer and Planning Legislation Amendment (Housing Statement Reform) Act 2024**, a notice to vacate issued under either of those sections as in force immediately before the repeal of those sections continues in force, on and from the commencement of that Part, until the termination date specified in the

30

Part 2—Amendment of Residential Tenancies Act 1997

notice as if those sections had not been
repealed."

50 Schedule 1 amended

After clause 16(3) of Schedule 1 to the
Residential Tenancies Act 1997 insert—

"(4) This clause does not apply to a safety-related
activity in relation to a smoke alarm in a
term prescribed for the purposes of section
27C(2) under a residential rental agreement,
irrespective of whether the residential rental
agreement was entered into or commenced
before, on or after 29 March 2021."

51 Schedule 1A amended

In Part 1 of Schedule 1A to the **Residential
Tenancies Act 1997—**

(a) after Item 7 **insert—**

"7A Section 30AC";

(b) after Item 10 **insert—**

"10A Section 30F(4)";

(c) after Item 16 **insert—**

"16A Section 40(3)";

(d) after Item 27 **insert—**

"27A Section 51A(1)";

(e) after Item 30 **insert—**

"30A Section 65B";

(f) after Item 115 **insert—**

"116 Section 505BA

117 Section 505BB

118 Section 505BC".

Part 3—Amendment of Estate Agents Act 1980

Division 1—Amendments in relation to registration and continuing professional development requirements

5

52 Definitions

In section 4(1) of the **Estate Agents Act 1980**
insert the following definition—

10

"registered agent's representative means a natural
person who is registered to be employed as
an agent's representative under
section 37(1);".

53 Auctioneers of real estate

15

In section 13B(1) of the **Estate Agents Act 1980**,
for "employed as an" **substitute** "a registered".

54 Section 16 repealed

Section 16 of the **Estate Agents Act 1980** is
repealed.

20

55 Offence to aid unqualified person to be an agent's representative

In section 16B of the **Estate Agents Act 1980**, for
"eligible to be an" **substitute** "a registered".

56 Delay of effect of certain convictions

25

In section 22A(1) of the **Estate Agents
Act 1980**—

- (a) for "people" **substitute** "persons";
- (b) for "him or her," **substitute** "the person";
- (c) in paragraph (a), for "employed as an"
substitute "a registered".

57 Failure to comply with section 23

In section 24A(1) and (3) of the **Estate Agents Act 1980** omit "payment or".

58 Section 24D repealed

5 Section 24D of the **Estate Agents Act 1980** is
repealed.

59 Section 28 amended

(1) **Insert** the following heading to section 28 of the
Estate Agents Act 1980—

10 **"Inquiries into registered agents'
representatives"**.

(2) In section 28(1) of the **Estate Agents Act 1980**—

(a) for "an agent's" **substitute** "a registered
agent's";

15 (b) in paragraphs (a), (b) and (c), for "an"
(wherever occurring) **substitute**
"a registered";

(c) in paragraph (c), for "him or her" **substitute**
"that person".

20 **60 Determination of Tribunal on inquiry**

(1) In section 28A(1) of the **Estate Agents
Act 1980**—

(a) after paragraph (d) **insert**—

25 "(da) suspend the registration of a registered
agent's representative for a specified
period not exceeding one year;

(db) cancel the registration of a registered
agent's representative;";

30 (b) in paragraph (f), for "an" **substitute**
"a registered".

Part 3—Amendment of Estate Agents Act 1980

(2) In section 28A(4) of the **Estate Agents Act 1980**,
for "licence," **substitute** "licence or the
registration of a registered agent's representative,".

(3) In section 28A(5) of the **Estate Agents
Act 1980**—

(a) after "estate agent" **insert** "or registered
agent's representative";

(b) after "giving the agent" **insert** "or registered
agent's representative";

(c) in paragraph (a), after "licence" **insert**
"or the registration of the registered agent's
representative";

(d) in paragraph (b), after "licence" **insert**
"or the registration of the registered agent's
representative".

61 Section 29A repealed

Section 29A of the **Estate Agents Act 1980** is
repealed.

62 Management of estate agency office

In section 30(7) of the **Estate Agents Act 1980**—

(a) for "he or she" **substitute** "the person";

(b) after "be" **insert** "registered as".

63 Absence of estate agent or branch manager

In section 30A(1)(a) and (b) of the **Estate Agents
Act 1980**, after "agent or" (where secondly
occurring) **insert** "registered".

64 Effect of disqualification

In section 31 of the **Estate Agents Act 1980**—

(a) for "an" **substitute** "a registered";

(b) for "shall" **substitute** "must";

(c) for "his" **substitute** "the person's".

Part 3—Amendment of Estate Agents Act 1980

65 Section 31A amended

- (1) In the heading to section 31A of the **Estate Agents Act 1980**, for "etc." substitute "or registration".
- 5 (2) In section 31A(2) of the **Estate Agents Act 1980**, after "to be" insert "registered to be".
- (3) In section 31A(2C) of the **Estate Agents Act 1980**, for "his or her" substitute "the applicant's".
- 10 (4) In section 31A(5) of the **Estate Agents Act 1980**, for "act as an agent's representative, despite section 16(1)(f)" substitute "be a registered agent's representative".

66 Section 31B amended

- 15 (1) Insert the following heading to section 31B of the **Estate Agents Act 1980**—

"Bankrupt person may be allowed limited right to hold licence or be registered".
- (2) In section 31B(2) of the **Estate Agents Act 1980**,
20 for "employed as an" substitute "a registered".
- (3) In section 31B(2C) of the **Estate Agents Act 1980**, for "his or her" substitute "the applicant's".
- 25 (4) In section 31B(5) of the **Estate Agents Act 1980**, for "act as an agent's representative, despite section 16(1)(d)" substitute "be a registered agent's representative".

67 Section 31C amended

- 30 (1) Insert the following heading to section 31C of the **Estate Agents Act 1980**—

"Person with criminal record may be allowed limited right to hold licence or be registered".
-

Part 3—Amendment of Estate Agents Act 1980

- 5 (2) In section 31C(1) of the **Estate Agents Act 1980**,
for "him or her" **substitute** "the person".
- (3) In section 31C(2) of the **Estate Agents Act 1980**,
for "employed as an" **substitute** "a registered".
- 10 (4) In section 31C(2C) of the **Estate Agents
Act 1980**, for "his or her" **substitute**
"the applicant's".
- (5) In section 31C(5) of the **Estate Agents Act 1980**,
for "act as an agent's representative despite section
16(1)(c)" **substitute** "be a registered agent's
representative".

68 The Register

- 15 (1) In section 33(2)(b) of the **Estate Agents
Act 1980**, for "licence or to be an agent's
representative." **substitute** "licence".
- (2) In section 33(3) of the **Estate Agents Act 1980**—
(a) in paragraph (e)—
(i) **omit** "or agent's representative";
(ii) **omit** "or status of the agent's
20 representative";
(b) in paragraph (f) **omit** "or agent's
representative".
- (3) After section 33(3) of the **Estate Agents Act 1980**
insert—
25 "(3A) The register must contain details of the
following in relation to each registered
agent's representative—
(a) the registration number issued by the
Authority;
30 (b) the person's name and registered
address;

Part 3—Amendment of Estate Agents Act 1980

- 5
- (c) the date of registration and any
surrender, cancellation or suspension of
the registration;
- (d) details of any conditions or restrictions
imposed on the registration of the
registered agent's representative;
- (e) the name and address of the estate
agent (if any) who employs the
registered agent's representative;
- 10
- (f) any Tribunal or court orders concerning
the registered agent's representative of
which the Registrar has notice;
- (g) any claims allowed by the Fund (or any
like fund established under a previous
enactment) in relation to a registered
agent's representative of which the
Registrar has notice."
- 15
- (4) In section 33(4)(a) of the **Estate Agents
Act 1980**—
- 20
- (a) after "licences" **insert** "or registrations to be
employed as an agent's representative";
- (b) for "two" **substitute** "2".

69 Registered address

- 25
- (1) In section 35(1) of the **Estate Agents Act 1980**,
before "agent's" **insert** "registered".
- (2) In section 35(2) of the **Estate Agents Act 1980**,
before "agent's" **insert** "registered".
- (3) In section 35(6) of the **Estate Agents Act 1980**—
- (a) for "he" **substitute** "the estate agent";
- 30
- (b) before "agent's" **insert** "registered".
- (4) In section 35(7) of the **Estate Agents Act 1980**,
before "agent's" **insert** "registered".
-

Part 3—Amendment of Estate Agents Act 1980

70 New Part IIIA inserted

After Part III of the **Estate Agents Act 1980**
insert—

**"Part IIIA—Registration of agents'
representatives**

36 Application for registration

(1) A natural person may apply to the Authority
to be registered to be employed as an agent's
representative.

(2) An application for registration must be—

(a) in the form approved by the Authority;
and

(b) accompanied by—

(i) the prescribed fee; and

(ii) a statement by the applicant
certifying that the particulars
contained in the application are
true and correct.

(3) An application for registration must state—

(a) either—

(i) the name, address and contact
details of the licensed estate agent
who will employ the applicant; or

(ii) if the applicant will not be
employed at the time the
application is determined by the
Authority, an address the
applicant nominates to be the
applicant's registered address for
the purposes of this Act; and

(b) the prescribed information (if any).

- (4) The Authority may require an applicant to provide any further information that the Authority thinks fit in the manner required by the Authority.

5 **37 Decision about application for registration**

- (1) The Authority may—

- 10 (a) register a natural person to be employed as an agent's representative if, on receiving an application under section 36(1), the Authority is satisfied that—

- (i) the application meets the requirements of section 36(2) and (3); and

- 15 (ii) the applicant meets the eligibility requirements specified in subsection (2); or

- 20 (b) refuse to register the person to be employed as an agent's representative, if—

- (i) it is not so satisfied; or
- (ii) the applicant does not provide further information required by the Authority under section 36(4) within a reasonable time of the requirement being made.
- 25

- (2) For the purposes of subsection (1)(a)(ii), the specified eligibility requirements are that the applicant—

- 30 (a) is at least 18 years of age; and
- (b) has passed any prescribed courses of instruction or examination; and
-

Part 3—Amendment of Estate Agents Act 1980

- 5 (c) has not, within the last 10 years in
Australia or elsewhere, been convicted
or had found proven against the
applicant any offence involving fraud,
dishonesty, drug trafficking or violence
which was punishable by imprisonment
for 3 months or more; and
- 10 (d) is not an insolvent under
administration; and
- (e) is not a represented person within the
meaning of section 3(1) of the
**Guardianship and Administration
Act 2019**; and
- 15 (f) is not presently subject to a declaration
under section 28A(1)(f) that the
applicant is ineligible to act as a
registered agent's representative; and
- 20 (g) has not, in relation to anything the
applicant has done or not done, had a
claim allowed against the Fund under
Part VII or any corresponding fund
established under any corresponding
previous enactment; and
- 25 (h) is not the subject of an order by any
regulatory body in or outside Victoria
disqualifying the applicant from being a
registered agent's representative (or an
equivalent occupation under the
jurisdiction of the regulatory body).
- 30 (3) Despite subsection (2), a person remains
eligible to be a registered agent's
representative for 30 days after the person—
- 35 (a) has, in relation to anything the person
has done or not done, a claim allowed
against the Fund under Part VII or any
corresponding fund established under
-

Part 3—Amendment of Estate Agents Act 1980

any corresponding previous enactment;
or

(b) becomes an insolvent under
administration; or

5 (c) is convicted of, or has found proven
against the person, any offence
involving fraud, dishonesty, drug
trafficking or violence which is
punishable by imprisonment for
10 3 months or more.

Note

Section 22A provides that if a registered agent's
representative is convicted of, or has found proven
15 against the registered agent's representative, an
offence described in subsection (2)(c), the conviction
or finding does not take effect (and thus the 30 day
period does not begin) until all avenues of appeal in
relation to the conviction or finding have been
exhausted.

20 (4) A person who applies within the 30 day
period referred to in subsection (3) for
permission under section 31A, 31B or 31C to
be a registered agent's representative remains
eligible to be a registered agent's
25 representative under this section until the
application is withdrawn or is refused by the
Authority.

30 (5) At the request of the Authority, the Chief
Commissioner of Police may give the
Authority a report concerning the criminal
record of a person who has applied to be
registered to be employed as an agent's
representative.

Part 3—Amendment of Estate Agents Act 1980

(6) A registration under subsection (1) must
be—

- (a) in a form determined by the Authority;
and
- 5 (b) issued and signed by the Registrar; and
- (c) endorsed with any conditions and
restrictions imposed by the Authority
under section 37A.

37A Conditions of registration

10 (1) The Authority may—

- (a) impose conditions that must be
complied with before registering a
natural person to be employed as an
agent's representative; and
- 15 (b) on registering a natural person to be
employed as an agent's representative,
impose conditions or restrictions on the
registration; and
- 20 (c) at any time on the application of any
person, or on its own initiative, impose
conditions or restrictions on the
registration or vary or revoke any of
those conditions or restrictions.

25 (2) Without limiting subsection (1), the
Authority may impose a condition on a
registration that relates to continuing
professional development requirements of
the registered agent's representative under
this Act.

30 (3) A registered agent's representative must
comply with the conditions or restrictions
imposed on the registration.

Penalty: 100 penalty units.

37B Automatic cancellation of registration

- 5 (1) The registration of a registered agent's
representative is automatically cancelled
30 days after the registered agent's
representative—
- 10 (a) has, in relation to anything the
registered agent's representative has
done or not done, a claim allowed
against the Fund under Part VII or any
corresponding fund established under
any corresponding previous enactment;
or
- 15 (b) becomes an insolvent under
administration; or
- (c) is convicted of, or has found proven
against them, any offence involving
fraud, dishonesty, drug trafficking or
violence which is punishable by
imprisonment for 3 months or more.
- 20 (2) The registration of a registered agent's
representative, whose registration would
otherwise be cancelled under subsection (1),
continues in force until the application is
withdrawn or is refused by the Authority, if
25 the registered agent's representative applies
within the 30 day period referred to in that
subsection for permission under section 31A,
31B or 31C to be registered.

37C Effect of suspension of registration

- 30 While the registration of a registered agent's
representative is suspended, that person is
taken not to be a registered agent's
representative for the purposes of
section 37D(1).
-

**37D Offences in relation to acting and
representing to be registered agent's
representative**

- 5 (1) A person must not act as an agent's
representative unless the person is a
registered agent's representative.
Penalty: 500 penalty units.
- 10 (2) A person must not intentionally misrepresent
that the person is a registered agent's
representative to any other person.
Penalty: 500 penalty units.

**37E Estate agent must not employ
unregistered person as agent's
representative**

- 15 An estate agent must not employ a person to
act as an agent's representative if the person
is not a registered agent's representative.
Penalty: 500 penalty units.

37F Annual registration fee and statement

- 20 (1) A registered agent's representative must pay
to the Authority the prescribed annual
registration fee on the anniversary of the date
the person was last registered under
section 37.
- 25 (2) The prescribed annual registration fee may
be paid at any time in the 6 weeks before it
falls due.
- 30 (3) The payment of the prescribed annual
registration fee must be accompanied by a
statement in respect of the year up to the date
that the payment is made that is—
(a) in a form approved by the Authority;
and
-

(b) that is signed by the registered agent's representative.

- (4) The statement must contain any information, and be accompanied by any documents, required by the Authority.

37G Extension of time

- (1) On payment of the prescribed fee (if any), a person may apply to the Authority for an extension of time, or a further extension of time, in which to comply with section 37F.
- (2) The Authority may grant the application if it is made before the date in relation to which the extension is sought.

37H Failure to comply with section 37F

- (1) If a registered agent's representative fails to comply with section 37F, the Authority must give the registered agent's representative a written notice stating that the registration of the registered agent's representative will be cancelled unless the registered agent's representative—

- (a) complies with that section; and
- (b) pays to the Authority the prescribed late lodgement fee by the date specified in the notice.

- (2) The date specified in the notice must be at least 14 days after the date on which the notice is given to the registered agent's representative.

- (3) If the registered agent's representative has not complied with section 37F and paid the late lodgement fee by the date specified in the notice, the registration of the registered

Part 3—Amendment of Estate Agents Act 1980

agent's representative is automatically
cancelled.

**37I If details given in application or annual
statement change**

5 If, before a decision is made under section 37
to register or refuse a registration or while
the registration of a registered agent's
representative is in force, a material change
occurs in any of the details provided in the
10 application for the registration or in the last
statement lodged under section 37F, the
registered agent's representative must give
the Authority written details of the change
within 14 days after the registered agent's
15 representative becomes aware of the change.

Penalty: 25 penalty units.

**37J No application for 2 years after refusal of
registration**

20 If the Authority refuses an application for
registration to be employed as an agent's
representative, the applicant is not entitled to
lodge another application for registration
until the end of 2 years after the refusal
25 unless the Authority otherwise permits in a
particular case."

71 New sections 37K and 37L inserted

After the heading to Part IV of the **Estate Agents
Act 1980 insert—**

"37K Continuing professional development

30 (1) An estate agent or a registered agent's
representative must comply with prescribed
continuing professional development
requirements.

Part 3—Amendment of Estate Agents Act 1980

5 (2) An estate agent or a registered agent's
representative must keep prescribed records
of continuing professional development
activities undertaken by the estate agent or
registered agent's representative (as the case
may be) for the purposes of subsection (1).

10 (3) An estate agent or a registered agent's
representative must produce records required
to be kept under subsection (2) to the
Authority on the request of the Authority.

**37L Exemption from continuing professional
development requirements**

15 (1) An estate agent or a registered agent's
representative may apply to the Authority to
be exempted from the requirements of
section 37K.

(2) An application under subsection (1) must—
(a) be in writing; and
(b) be in the form approved by the
Authority; and
(c) specify—

(i) the continuing professional
development requirement for
which exemption is sought; and

25 (ii) the grounds on which the
exemption is sought.

30 (3) On an application under subsection (1), the
Authority may exempt the applicant from the
requirements of section 37K if the Authority
considers that it would be unreasonable for
the applicant to be required to comply with
those requirements.

Part 3—Amendment of Estate Agents Act 1980

- (4) An exemption under subsection (3) may apply to some or all of the requirements under section 37K as the Authority considers appropriate."

5 **72 Regulations**

After section 99(1)(g)(iii) of the **Estate Agents Act 1980** insert—

- 10 "(iiia) for registrations, including application fees, annual registration fees, late lodgement fees and fees for applications for extensions of time; and".

Division 2—Other amendments in relation to registration and continuing professional development

15 **73 Regulations**

After section 99(1)(c) of the **Estate Agents Act 1980** insert—

- 20 "(ca) prescribing continuing professional development requirements for estate agents and registered agents' representatives;
- (cb) prescribing records to be kept by estate agents and registered agents' representatives of continuing professional development activities undertaken for the purposes of this
- 25 Act;".

74 New Division 5 of Part IX inserted

After Division 4 of Part IX of the **Estate Agents
Act 1980** insert—

5 **"Division 5—Consumer and Planning
Legislation Amendment (Housing
Statement Reform) Act 2024**

106 Definitions

In this Division—

10 *commencement day* means the day on which
Division 1 of Part 3 of the **Consumer
and Planning Legislation
Amendment (Housing Statement
Reform) Act 2024** comes into
operation.

15 **107 Records of agent's representatives'
eligibility for employment**

On and from the commencement day, despite
the repeal of section 16(7), an estate agent is
required to keep any document obtained
20 under section 16(4) as in force immediately
before its repeal in relation to an agent's
representative until the earlier of—

- 25 (a) the end of the period that is 2 years
after the agent's representative ceases to
be employed by the estate agent; or
- (b) the end of the period that is 2 years
after the repeal of section 16(7).

108 Registration of agents' representatives

- 30 (1) On and from the commencement day, a
natural person who is recorded on the
register as an agent's representative
immediately before that day is taken to be a
registered agent's representative as if the
-

Part 3—Amendment of Estate Agents Act 1980

- person is registered to be employed as an
agent's representative under section 37(1).
- 5 (2) Before the commencement day, the
Authority may direct a person who will be
taken to be a registered agent's representative
under subsection (1) to take any
administrative action specified by the
Authority in the direction that is related to
that registration.
- 10 (3) If a person who is directed by the Authority
to take administrative action under
subsection (2) does not take the action
specified in the direction within a reasonable
time after being directed, the Authority may
15 cancel or suspend the registration of the
registered agent's representative.
- (4) If, after a person is taken to be a registered
agent's representative under subsection (1),
20 the Authority considers that the person is not
eligible to be registered to be employed as an
agent's representative immediately before the
commencement day, the Authority may
cancel or suspend the person's registration.
- 25 (5) A person who is taken to be a registered
agent's representative under subsection (1) is
taken to comply with section 37F(1) if the
person—
- (a) first pays to the Authority the
prescribed annual registration fee
30 referred to in that section on or before
25 March 2028; and
- (b) pays to the Authority the prescribed
annual registration fee referred to in
that section on or before each
35 anniversary of the date on which the
-

person first pays the prescribed annual
registration fee.

5 (6) Despite section 37F(2), a prescribed annual
registration fee payable under subsection (5)
may be paid at any time within 6 months
before the date on which it is to be paid
under subsection (5).

10 (7) The payment of a prescribed annual
registration fee under subsection (5) is taken
to be a payment under section 37F(1) for the
purposes of sections 37F(3), 37G, 37H and
37I.

15 (8) For the purposes of section 33(3A)(c), the
date of registration of a person who is taken
to be a registered agent's representative
under subsection (1) is the commencement
day.

20 **109 Transitional regulations—Consumer and
Planning Legislation Amendment
(Housing Statement Reform) Act 2024**

25 (1) The Governor in Council may make
regulations containing provisions of a
transitional nature, including matters of an
application or savings nature, arising as a
result of the enactment of Part 3 of the
**Consumer and Planning Legislation
Amendment (Housing Statement Reform)
Act 2024**, including any repeals and
amendments made as a result of the
30 enactment of that Part.

35 (2) Regulations made under this section may—
(a) have a retrospective effect to a day that
is not before the day on which the
**Consumer and Planning Legislation
Amendment (Housing Statement**

Reform) Act 2024 receives the Royal
Assent; and

(b) be of limited or general application; and

(c) differ according to time, place or
circumstance; and

(d) leave any matter or thing to be decided
by a specified person or class of person.

(3) Regulations under this section have effect
despite anything to the contrary in any Act
(other than Part 3 of the **Consumer and
Planning Legislation Amendment
(Housing Statement Reform) Act 2024** or
the **Charter of Human Rights and
Responsibilities Act 2006**) or in any
subordinate instrument.

(4) This section is **repealed** on the second
anniversary of its commencement."

Division 3—Amendments in relation to penalties

75 Seller must be given estimated selling price

In the penalty at the foot of section 47A(1) of the
Estate Agents Act 1980, for "200" substitute
"240".

76 Estimated selling price must be reasonable

In the penalty at the foot of section 47AB of the
Estate Agents Act 1980, for "200" substitute
"240".

77 Revision of estimated selling price

In the penalty at the foot of section 47AE(1) and
(2) of the **Estate Agents Act 1980**, for "200"
substitute "240".

78 Statements of information

In the penalty at the foot of section 47AF(4), (5) and (6) of the **Estate Agents Act 1980**, for "200" substitute "240".

5 **79 False representation to seller or prospective seller**

In the penalty at the foot of section 47B of the **Estate Agents Act 1980**, for "200" substitute "240".

80 False representation to prospective purchaser

10 In the penalty at the foot of section 47C(2), (2A), (2B), (2C), (2D), (2E), (2F) and (2G) of the **Estate Agents Act 1980**, for "200" substitute "240".

81 Director may require substantiation

15 In the penalty at the foot of section 47D(4) of the **Estate Agents Act 1980**, for "200" substitute "240".

82 Profit to be forfeited in case of unlicensed trading etc.

20 In section 94A(1) of the **Estate Agents Act 1980**, for "47B or 47C(2) or (2C)" substitute "47AE(1), 47AF, 47B or 47C(2), (2C), (2D), (2E), (2F) or (2G)".

Division 4—Consequential amendments to other Acts

83 Australian Consumer Law and Fair Trading Act 2012

5 (1) In section 3(1) of the **Australian Consumer Law
and Fair Trading Act 2012**, for paragraph (b) of
the definition of *licence*, substitute—

10 "(b) a person who is a registered agent's
representative within the meaning of
section 4(1) of the **Estate Agents Act 1980**;
or".

(2) For section 121(3) of the **Australian Consumer
Law and Fair Trading Act 2012** substitute—

15 "(3) If a notice is issued under this Division
suspending a licensee's registration as a
registered agent's representative under the
Estate Agents Act 1980, the person's
registration is taken to be suspended under
that Act for the licence suspension period."

20 **84 Business Licensing Authority Act 1998**

In section 20 of the **Business Licensing
Authority Act 1998**, for paragraph (b) of the
definition of *licence* substitute—

25 "(b) a person who is a registered agent's
representative within the meaning of
section 4(1) of the **Estate Agents Act 1980**;
or".

Part 4—Amendment of Owners Corporations Act 2006

Division 1—Amendments in relation to registration and continuing professional development requirements

5

85 Definitions

In section 3 of the **Owners Corporations
Act 2006** insert the following definitions—

10

"acting officer in effective control means a
natural person who is appointed by a
corporate manager as an acting officer in
effective control under section 188C(2);

corporate manager means a corporation that is
the manager of an owners corporation;

15

officer in effective control means a natural person
who is appointed by a corporate manager as
the officer in effective control under
section 178A(1);

20

registered officer in effective control means a
natural person who is registered as the
officer in effective control of a corporate
manager under section 182;"

86 What orders can VCAT make?

25

In section 165(1)(l) of the **Owners Corporations
Act 2006**, after "managers" insert "and officers in
effective control".

87 Heading to Part 12 amended

30

In the heading to Part 12 of the **Owners
Corporations Act 2006**, after "managers" insert
"and officers in effective control".

88 Heading to Division 1 of Part 12 amended

In the heading to Division 1 of Part 12 of the
Owners Corporations Act 2006, after
"managers" insert "and officers in effective
control".

89 Section 178 substituted

For section 178 of the **Owners Corporations
Act 2006** substitute—

**"178 Offence to act as manager or officer in
effective control without being registered**

A person must not, alone or in partnership,
carry out any function as the manager of an
owners corporation or the officer in effective
control for fee or reward unless the person—

- (a) is registered under this Part; or
- (b) carries out a function as an officer in
effective control after applying to the
Business Licensing Authority for
registration as an officer in effective
control under this Part, and that
application has not been withdrawn or
refused; or
- (c) is an acting officer in effective control.

Penalty: 60 penalty units."

90 New sections 178A and 178B inserted

After section 178 of the **Owners Corporations
Act 2006** insert—

**"178A Appointment of officers in effective
control**

- (1) A corporation that is registered, or on whose
behalf an application is made to be
registered, as a manager under this Part must
appoint a natural person as the officer in

Part 4—Amendment of Owners Corporations Act 2006

effective control of its business as the
manager of an owners corporation.

5 (2) A person who is appointed as an officer in
effective control under subsection (1) must
apply for registration as an officer in
effective control under this Part.

10 (3) A person who is appointed as an officer in
effective control under subsection (1) is not
required to hold professional indemnity
insurance unless the person is required to
hold that insurance as a manager under
section 119(5).

178B Duties of officers in effective control

An officer in effective control must—

15 (a) be regularly and usually in charge at the
principal office of the corporate
manager to which the officer is
appointed; and

20 (b) give regular and substantial attendance
at that office; and

(c) properly control and supervise any
business of the corporate manager for
which the officer is responsible."

91 Eligibility for registration

25 (1) In section 179(d)(v) of the **Owners Corporations
Act 2006**, for "(iv)." **substitute** "(iv); or".

(2) After the note at the foot of section 179(d)(v) of
the **Owners Corporations Act 2006** **insert—**

30 "(e) in the case of a natural person, the person has
not completed any prescribed courses or
examinations."

92 Application for registration

- (1) After section 180(1) of the **Owners Corporations Act 2006** insert—

5 "(1A) A natural person may apply to the Business
Licensing Authority for registration as an
officer in effective control of a corporate
manager."

- (2) For section 180(2)(b)(ii) of the **Owners Corporations Act 2006** substitute—

10 "(ii) if the applicant is a corporation—
 (A) the directors of the corporation; and
 (B) the officer in effective control or
proposed officer in effective control of
the corporation (including the officer's
15 or proposed officer's name and
address)—".

- (3) After section 180(2)(b) of the **Owners Corporations Act 2006** insert—

20 "(ba) in the case of an application under
subsection (1A), accompanied by—
 (i) the name and registered address of the
corporate manager to which the
applicant is or will be appointed; and
 (ii) evidence that the corporate manager to
25 which the person is appointed or
proposed to be appointed is a registered
manager or has applied for registration;
and
 (iii) evidence of the appointment or
30 proposed appointment of the applicant
as an officer in effective control of the
corporate manager; and".

Part 4—Amendment of Owners Corporations Act 2006

- (4) In section 180(2)(c) of the **Owners Corporations Act 2006**, before "accompanied" **insert** "in the case of an application under subsection (1),".

5 **93 New sections 182AA and 182AAB inserted**

After section 182 of the **Owners Corporations Act 2006 insert—**

"182AA Conditions of registration

- (1) The Business Licensing Authority may—
- 10 (a) impose conditions that must be complied with before it registers an applicant; and
- (b) on registering an applicant, impose conditions or restrictions on the
- 15 registration; and
- (c) at any time on the application of any person, or on its own initiative, impose conditions or restrictions on a
- registration or vary or revoke any of those conditions or restrictions.
- 20 (2) Without limiting subsection (1), the Business Licensing Authority may impose a condition on a registration that relates to continuing
- professional development requirements of the registered manager or registered officer
- 25 in effective control under this Act.

182AAB Registered managers and registered officers in effective control to comply with conditions etc. of registration

30 A registered manager or registered officer in effective control must comply with the conditions or restrictions on a registration.

Penalty: 100 penalty units."

94 Section 182A amended

- (1) In the heading to section 182A of the **Owners Corporations Act 2006**, after "manager" insert "or officer in effective control".
- 5 (2) In section 182A(1) of the **Owners Corporations Act 2006**, after "manager" insert "or an officer in effective control".

95 Annual registration fee and statement

- 10 (1) After section 183(1) of the **Owners Corporations Act 2006** insert—
- "(1A) A registered officer in effective control must pay to the Business Licensing Authority the prescribed annual registration fee on the anniversary of the date that the registered officer in effective control was last registered under this Part."
- 15 (2) In section 183(3) of the **Owners Corporations Act 2006**—
- (a) for paragraph (a) **substitute**—
- 20 "(a) in the case of the payment of a fee under subsection (1)—
- (i) by the manager, if the manager is a natural person; or
- (ii) by a director of the corporation, if the manager is a corporation; or";
- 25 (b) for paragraph (b) **substitute**—
- "(b) in the case of the payment of a fee under subsection (1A), by the registered officer in effective control."
-

96 Failure to lodge annual statement

(1) In section 185(1) of the **Owners Corporations Act 2006**—

- 5 (a) after "registered manager" **insert**
"or registered officer in effective control";
- (b) after "the manager" (where twice occurring)
insert "or officer in effective control (as the
case may be)";
- (c) **omit** "payment or";
- 10 (d) after "manager's registration" **insert** "or the
officer in effective control's registration
(as the case may be)".

(2) In section 185(3) of the **Owners Corporations Act 2006**—

- 15 (a) after "manager" **insert** "or officer in
effective control";
- (b) **omit** "payment or";
- (c) after "the registration" **insert** "of the
manager or the officer in effective control
20 (as the case may be)".

97 Automatic cancellation of registration

- (1) In section 186(1) of the **Owners Corporations Act 2006**, after "manager" **insert** "or officer in
effective control".
- 25 (2) In section 186(2) of the **Owners Corporations Act 2006**, after "manager" **insert** "or officer in
effective control".
- (3) In section 186(4) of the **Owners Corporations Act 2006**, after "manager" **insert** "or officer in
30 effective control".

98 Section 186A amended

- (1) In the heading to section 186A of the **Owners Corporations Act 2006**, after "manager" insert "or officer in effective control".
- 5 (2) In section 186A(1) of the **Owners Corporations Act 2006**, after "manager" insert "or officer in effective control".

99 Death, disability etc. of registered manager

10 In section 187(1) of the **Owners Corporations Act 2006**, after "registered" (where first occurring) insert "as a manager".

100 If details given in application or annual statement change

15 In section 188 of the **Owners Corporations Act 2006**, after "manager" insert "or officer in effective control,".

101 New sections 188A to 188C inserted

After section 188 of the **Owners Corporations Act 2006** insert—

20 **"188A Corporate manager to give notice of cessation of appointment of officer in effective control**

25 Without limiting section 188, a corporate manager must give the Business Licensing Authority written notice if a natural person ceases to be appointed as the officer in effective control or acting officer in effective control within 14 days after the cessation of appointment.

30 Penalty: 60 penalty units.

**188B Suspension of manager's registration—
failure to appoint officer in effective
control**

5 The Business Licensing Authority may
suspend the registration of a corporate
manager if the corporate manager has not
appointed—

(a) a registered officer in effective control;
or

10 (b) an officer in effective control who has
made an application to the Business
Licensing Authority for registration as
an officer in effective control under this
Part that has not been withdrawn or
15 refused; or

(c) an acting officer in effective control.

**188C Absence of registered officer in effective
control**

20 (1) If a registered officer in effective control is
to be absent from the corporate manager to
which the registered officer in effective
control is appointed for a period of more
than 30 days, the registered officer in
effective control or the corporate manager
25 must give written notice to the Business
Licensing Authority, before that period of
absence, of—

(a) the period of absence; and

30 (b) the name of the person who is to be
appointed as an acting officer in
effective control under subsection (2)
during that period.

(2) Subject to subsection (3), if a registered
officer in effective control is to be absent
35 from the corporate manager to which the

Part 4—Amendment of Owners Corporations Act 2006

5 registered officer in effective control is
appointed for a period of more than 30 days,
the corporate manager must appoint a natural
person as an acting officer in effective
control of its business as the manager of an
owners corporation for that period of
absence.

10 (3) A corporate manager must not appoint an
acting officer in effective control under
subsection (2) for a period of more than
90 days from the beginning of the period in
which the registered officer in effective
control is absent.

15 (4) A person appointed as an acting officer in
effective control under subsection (2), during
that appointment—

(a) is not required to be registered as the
officer in effective control under
section 182; and

20 (b) may act as a registered officer in
effective control; and

(c) must comply with the requirements of
section 188B.

25 (5) If a registered officer in effective control is
absent from the corporate manager to which
the registered officer in effective control is
appointed for a period of more than 90 days,
the appointment of the registered officer in
effective control ceases."

30 **102 Cancellation of registration if false information is
given**

In section 190 of the **Owners Corporations
Act 2006**—

35 (a) after "manager" (where first occurring)
insert "or officer in effective control";

Part 4—Amendment of Owners Corporations Act 2006

- (b) after "manager" (where secondly occurring)
insert "or officer in effective control (as the
case may be)".

103 Heading to Division 2 of Part 12 amended

- 5 In the heading to Division 2 of Part 12 of the
Owners Corporations Act 2006, after
"managers" **insert** "and officers in effective
control".

104 Section 192 amended

- 10 (1) In the heading to section 192 of the **Owners
Corporations Act 2006**, after "managers" **insert**
"and officers in effective control".
- (2) In section 192 of the **Owners Corporations
Act 2006**, after "managers" **insert** "and officers in
15 effective control".

105 Section 193 amended

- (1) In the heading to section 193 of the **Owners
Corporations Act 2006**, after "managers" **insert**
"and officers in effective control".
- 20 (2) In section 193 of the **Owners Corporations
Act 2006**—
- (a) after "managers" (where first occurring)
insert "and officers in effective control";
- (b) in paragraph (a), after "managers" **insert**
25 "and registered officers in effective control";
- (c) in paragraph (c), after "managers" **insert**
"and registered officers in effective control";
- (d) in paragraph (d), after "manager" (where
secondly occurring) **insert** "and the officer in
30 effective control".

106 Section 194 amended

- (1) In the heading to section 194 of the **Owners Corporations Act 2006**, after "**managers**" insert "**and officers in effective control**".
- 5 (2) In section 194 of the **Owners Corporations Act 2006**—
- (a) after "**managers**" insert "**and officers in effective control**";
- 10 (b) after "**manager**" insert "**or officer in effective control**";
- (c) after paragraph (c) insert—
- "(ca) if the person—
- (i) is a registered officer in effective control; and
- 15 (ii) is appointed by a corporate manager as the officer in effective control; and
- (iii) that appointment has not ceased—
- the name and address of that corporate manager;";
- 20 (d) in paragraph (i)—
- (i) for "**manager**," substitute "**manager or officer in effective control**";
- (ii) for "**manager**;" substitute "**manager or officer in effective control**";
- 25 (e) after paragraph (k) insert—
- "(ka) any conditions or restrictions imposed on a registration;".
-

107 Section 195 amended

- (1) In the heading to section 195 of the **Owners Corporations Act 2006**, after "managers" insert "and officers in effective control".
- 5 (2) In section 195 of the **Owners Corporations Act 2006**, after "managers" (where twice occurring) insert "and officers in effective control".

108 Section 196 amended

- 10 (1) In the heading to section 196 of the **Owners Corporations Act 2006**, after "managers" insert "and officers in effective control".
- (2) In section 196 of the **Owners Corporations Act 2006**—
- 15 (a) for "his or her" substitute "the Licensing Registrar's";
- (b) after "managers" insert "and officers in effective control".

109 New sections 198A and 198B inserted

20 After section 198 of the **Owners Corporations Act 2006** insert—

"198A Continuing professional development

- (1) A manager who is a natural person or a registered officer in effective control must
- 25 comply with prescribed continuing professional development requirements.
- (2) A manager who is a natural person or a registered officer in effective control must
- 30 keep prescribed records of continuing professional development activities undertaken by the manager or registered officer in effective control (as the case may be) for the purposes of subsection (1).
-

5 (3) A manager who is a natural person or a
registered officer in effective control must
produce records required to be kept under
subsection (2) to the Business Licensing
Authority on the request of the Business
Licensing Authority.

**198B Exemption from continuing professional
development requirements**

10 (1) A manager who is a natural person or a
registered officer in effective control may
apply to the Business Licensing Authority to
be exempted from the requirements of
section 198A.

15 (2) An application under subsection (1) must—
(a) be in writing; and
(b) be in the form approved by the
Authority; and
(c) specify—
20 (i) the continuing professional
development requirement for
which exemption is sought; and
(ii) the grounds on which the
exemption is sought.

25 (3) On an application under subsection (1), the
Business Licensing Authority may exempt
the applicant from the requirements of
section 198A if the Business Licensing
Authority considers that it would be
unreasonable for the applicant to be required
30 to comply with those requirements.

(4) An exemption under subsection (3) may
apply to some or all of the requirements
under section 198A as the Business
Licensing Authority considers appropriate."

110 Regulation-making powers

After section 204(1)(db) of the **Owners
Corporations Act 2006** insert—

- 5 "(dba) prescribing fees payable to the Business
 Licensing Authority for registrations,
 including application fees, annual
 registration fees, late lodgement fees and
 fees for applications for extensions of time;".

10 **Division 2—Other amendments in relation to
 registration and continuing professional
 development requirements**

111 Regulation-making powers

After section 204(1)(dc) of the **Owners
Corporations Act 2006** insert—

- 15 "(dd) prescribing courses or examinations to be
 completed by natural persons to be eligible
 to register under Part 12;
- 20 (de) for the purposes of section 179, exempting
 any person or class of persons from the
 requirement to complete prescribed courses
 or examinations to be eligible to register
 under Part 12;
- 25 (df) prescribing continuing professional
 development requirements for managers who
 are natural persons and registered officers in
 effective control;
- 30 (dg) prescribing records to be kept by managers
 who are natural persons and registered
 officers in effective control of continuing
 professional development activities
 undertaken for the purposes of this Act;".
-

112 New Part 15 inserted

After Part 14 of the **Owners Corporations
Act 2006** insert—

**"Part 15—Transitional and savings
provisions—Consumer and
Planning Legislation Amendment
(Housing Statement Reform)
Act 2024**

211 Definitions

In this Part—

amending Act means the **Consumer and
Planning Legislation Amendment
(Housing Statement Reform)
Act 2024**;

commencement day means the day on which
Division 1 of Part 4 of the amending
Act commences.

212 Registration—courses or examinations

- (1) A natural person who is registered as a
manager under Part 12 before the
commencement day must complete any
courses or examinations prescribed for the
purposes of section 179 by 30 June 2027.
- (2) Despite the amendments to section 179 by
the amending Act, a natural person who
applies for registration as a manager under
Part 12 on or after the commencement day
and until 30 June 2027 is not ineligible to be
registered under that Part merely because the
person has not completed any courses or
examinations prescribed for the purposes of
section 179.

Part 4—Amendment of Owners Corporations Act 2006

- 5 (3) A natural person who is first registered as a
manager under Part 12 on or after the
commencement day and until 30 June 2027
must complete any courses or examinations
prescribed for the purposes of section 179(e)
on or before 30 June 2027.
- 10 (4) A natural person who is registered as a
manager under Part 12 before 30 June 2027
must give the Business Licensing Authority
evidence of completion of any courses or
examinations required under subsection (1)
or (3) on or before 1 August 2027.
- 15 (5) The Business Licensing Authority may
suspend or cancel the registration of a natural
person if the person has not completed any
courses or examinations prescribed for the
purposes of section 179 on or before 30 June
2027.
- 20 (6) Despite the amendments made to Part 12 by
Division 1 of Part 4 of the amending Act, a
corporate manager who is registered under
Part 12 before 30 June 2027 is not required
to appoint an officer in effective control until
1 August 2027.
- 25 (7) Despite the amendments made to Part 12 by
Division 1 of Part 4 of the amending Act, an
officer in effective control that is appointed
by a corporate manager referred to in
subsection (6) is not required to apply to be
30 registered as an officer in effective control
under Part 12 until 1 August 2027.
-

**213 Transitional regulations—Consumer and
Planning Legislation Amendment
(Housing Statement Reform) Act 2024**

- 5 (1) The Governor in Council may make
regulations containing provisions of a
transitional nature, including matters of an
application or savings nature, arising as a
result of the enactment of Part 4 of the
amending Act, including any repeals and
10 amendments made as a result of the
enactment of that Part.
- (2) Regulations made under this section may—
- 15 (a) have a retrospective effect to a day that
is not before the day on which the
amending Act receives the Royal
Assent; and
- (b) be of limited or general application; and
- (c) differ according to time, place or
circumstance; and
- 20 (d) leave any matter or thing to be decided
by a specified person or class of person.
- (3) Regulations under this section have effect
despite anything to the contrary in any Act
(other than Part 4 of the amending Act or the
25 **Charter of Human Rights and
Responsibilities Act 2006**) or in any
subordinate instrument.
- (4) This section is **repealed** on the second
anniversary of its commencement."
-

Part 5—Amendment of Conveyancers Act 2006

113 Section 46 substituted

5 For section 46 of the **Conveyancers Act 2006**
substitute—

"46 Continuing professional development

- (1) A licensee must comply with prescribed
continuing professional development
requirements.
- 10 (2) A licensee must keep prescribed records of
continuing professional development
activities undertaken by the licensee for the
purposes of subsection (1).
- 15 (3) A licensee must produce records required to
be kept under subsection (2) to the Authority
on the request of the Authority."

114 New section 46A inserted

After section 46 of the **Conveyancers Act 2006**
insert—

20 **"46A Exemption from continuing professional
development requirements**

- (1) A licensee may apply to the Authority to be
exempted from the requirements of
section 46.
- 25 (2) An application under subsection (1) must—
- (a) be in writing; and
 - (b) be in the form approved by the
Authority; and
 - (c) specify—
- 30 (i) the continuing professional
development requirement for
which exemption is sought; and
-

Part 5—Amendment of Conveyancers Act 2006

(ii) the grounds on which the
exemption is sought.

(3) On an application under subsection (1), the
Authority may exempt the applicant from the
requirements of section 46 if the Authority
considers that it would be unreasonable for
the applicant to be required to comply with
those requirements.

(4) An exemption under subsection (3) may
apply to some or all of the requirements
under section 46 as the Authority considers
appropriate."

115 Regulations

After section 188(2)(a) of the **Conveyancers
Act 2006** insert—

- "(ab) prescribing continuing professional
development requirements for licensees; and
- (ac) prescribing records to be kept by licensees of
continuing professional development
activities undertaken for the purposes of this
Act; and".

116 New section 192 inserted

After section 191 of the **Conveyancers Act 2006**
insert—

**"192 Transitional regulations—Consumer and
Planning Legislation Amendment
(Housing Statement Reform) Act 2024**

- (1) The Governor in Council may make
regulations containing provisions of a
transitional nature, including matters of an
application or savings nature, arising as a
result of the enactment of Part 5 of the
**Consumer and Planning Legislation
Amendment (Housing Statement Reform)**
-

Act 2024, including any repeals and amendments made as a result of the enactment of that Part.

(2) Regulations made under this section may—

- 5 (a) have a retrospective effect to a day that
is not before the day on which the
**Consumer and Planning Legislation
Amendment (Housing Statement
Reform) Act 2024** receives the Royal
10 Assent; and
- (b) be of limited or general application; and
- (c) differ according to time, place or
circumstance; and
- 15 (d) leave any matter or thing to be decided
by a specified person or class of person.
- (3) Regulations under this section have effect
despite anything to the contrary in any Act
(other than Part 5 of the **Consumer and
Planning Legislation Amendment
20 (Housing Statement Reform) Act 2024** or
the **Charter of Human Rights and
Responsibilities Act 2006**) or in any
subordinate instrument.
- 25 (4) This section is **repealed** on the second
anniversary of its commencement."

Part 6—Amendment of Sale of Land Act 1962

117 Offences in relation to the sale of land

In section 12 of the **Sale of Land Act 1962**, for
"120" substitute "240".

5

Part 7—Amendments in relation to the planning scheme amendment process

118 Definitions

5 In section 3(1) of the **Planning and Environment
Act 1987** insert the following definition—

"low-impact amendment means an amendment to
a planning scheme referred to in
section 16N(1);".

119 Structure of planning schemes

10 Section 7(3A) of the **Planning and Environment
Act 1987** is repealed.

120 Minister is planning authority

At the foot of section 8(1) of the **Planning and
Environment Act 1987** insert—

15 **"Note**

The Minister may determine that an amendment that the
Minister prepares is a low-impact amendment—see
section 16N."

121 Municipal council as planning authority for its municipal district

20 (1) At the foot of section 8A(1) of the **Planning and
Environment Act 1987** insert—

"Note

25 Municipal councils require authorisation from the Minister
to prepare amendments to planning schemes except in
certain circumstances—see Division 1AA of Part 3."

(2) Section 8A(2) to (9) of the **Planning and
Environment Act 1987** are repealed.

**122 Municipal council as planning authority for area
adjoining municipal district**

- 5 (1) In section 8B(1) of the **Planning and
Environment Act 1987**, for "this section"
substitute "section 16I".
- (2) Section 8B(2) to (6) of the **Planning and
Environment Act 1987** are repealed.

123 Sections 8C and 8D repealed

10 Sections 8C and 8D of the **Planning and
Environment Act 1987** are repealed.

**124 Authorised Ministers and authorities are planning
authorities**

- (1) Section 9(1), (2) and (3) of the **Planning and
Environment Act 1987** are repealed.
- 15 (2) In section 9(4) of the **Planning and Environment
Act 1987**, for "this section" substitute
"section 16L".

125 New Division 1AA inserted in Part 3

20 Before Division 1 of Part 3 of the **Planning and
Environment Act 1987** insert—

**"Division 1AA—Authorisation to
prepare amendments and other
preliminary matters**

25 **Subdivision 1—Requests for municipal
councils to prepare amendments**

**16A Request for municipal council to prepare
amendment**

- 30 (1) Any person may request a municipal council
to prepare an amendment to the planning
scheme in force in its municipal district.

- (2) A request under this section must—
- (a) include any prescribed information; and
 - (b) be accompanied by the prescribed fee; and
 - (c) be made in accordance with any other requirements in the regulations.

16B Decision on request to prepare amendment

A municipal council, on the request of a person under section 16A, must decide—

- (a) to apply to the Minister for authorisation to prepare the amendment, with or without changes, under section 16F; or
- (b) to refuse the request.

16C Notice of decision on request to prepare amendment

- (1) The municipal council must give written notice of its decision under section 16B to the person who made the request within 10 business days of making the decision.
- (2) A notice under subsection (1) must contain the prescribed information.
- (3) If the municipal council decides to refuse the request, a notice under subsection (1) must contain reasons for the decision.
- (4) The municipal council must give a copy of the request and the notice under subsection (1) to the Minister.

**16D Minister may direct municipal council to
make decision**

5 The Minister, by written notice, may direct a
municipal council that received a request
under section 16A to make a decision under
section 16B in respect of the request within
the time (being not less than 6 weeks)
specified in the notice.

**16E Minister may direct municipal council to
apply to prepare amendment**

10 If a municipal council decides under
section 16B to apply for authorisation to
prepare an amendment under section 16F,
the Minister, by notice in writing, may direct
15 the municipal council to make the
application within the time (being not less
than 6 weeks) specified in the notice.

**Subdivision 2—Authorisation to
prepare amendments**

**16F Municipal councils to apply for
authorisation to prepare amendments for
their municipal districts**

20 (1) A municipal council must not prepare an
amendment to the State standard provisions
or the local provisions of a planning scheme
in force in its municipal district unless it has
25 applied to the Minister under this section and
the Minister has authorised it to do so.

Note

30 A municipal council may prepare an amendment
without authorisation in certain circumstances—see
section 16H.

- (2) An application under this section must be made in accordance with the regulations and contain the information required by the Minister.

5 **16G Decision on application to prepare amendment**

- (1) Subject to subsection (6), the Minister, on the application of a municipal council under section 16F, may decide—

- 10 (a) to authorise the municipal council to prepare the amendment; or
- (b) that the application requires further review; or
- 15 (c) to refuse to authorise the municipal council to prepare the amendment.

- (2) Despite subsection (1)(b), the Minister cannot decide that an application requires further review if the application is for an amendment that is of a class prescribed as a
- 20 low-impact amendment for the purposes of section 16N(1)(a).

- (3) If the Minister decides under subsection (1)(b) that an application requires further review, the Minister may, following
- 25 that review—

- (a) decide to authorise the municipal council to prepare the amendment; or
- (b) decide to refuse to authorise the municipal council to prepare the
- 30 amendment.

- (4) The Minister may authorise the preparation of an amendment under subsection (1) or (3) subject to any conditions the Minister wishes
-

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to impose, including conditions relating to
the giving of notice under the amendment.

(5) The Minister must notify the municipal
council in writing of the Minister's decision
under subsection (1) or (3).

(6) If an application is for the preparation of an
amendment that will apply to land to which a
Suburban Rail Loop planning area
declaration applies, the Minister—

(a) must refer the application to the
Suburban Rail Loop Minister; and

(b) must not authorise the preparation of
the amendment under subsection (1)
or (3) without the consent of the
Suburban Rail Loop Minister under
section 16J.

**16H When council may prepare amendment
without authorisation**

(1) Despite section 16F, a municipal council
may prepare an amendment specified in an
application under that section if the Minister
has not notified the council of a decision on
the application after the expiry of
10 business days from the date that the
Minister received the application.

(2) Subsection (1) does not apply in relation to
an application for the preparation of an
amendment that will apply to land to which a
Suburban Rail Loop planning area
declaration applies.

**16I Municipal councils to apply for
authorisation to prepare amendments for
adjoining municipal districts**

- 5 (1) Subject to subsection (5), the Minister, on
the application of a municipal council under
this section, may authorise that municipal
council to prepare an amendment to any part
of the State standard provisions and local
10 provisions of a planning scheme applying to
an area adjoining its municipal district.
- (2) An application under this section must be
made in accordance with the regulations and
contain the information required by the
Minister.
- 15 (3) The authorisation must be in writing.
- (4) The Minister may authorise the preparation
of an amendment subject to any conditions
the Minister wishes to impose, including
conditions relating to the giving of notice of
20 the amendment.
- (5) If an application is for the preparation of an
amendment that will apply to land to which a
Suburban Rail Loop planning area
declaration applies, the Minister—
- 25 (a) must refer the application to the
Suburban Rail Loop Minister; and
- (b) must not authorise the preparation of
the amendment without the consent of
30 the Suburban Rail Loop Minister under
section 16J.
-

**16J Consent of Suburban Rail Loop Minister
required for authorisations of certain
planning scheme amendments**

On being referred an application under
section 16G(6)(a) or 16I(5)(a), the Suburban
Rail Loop Minister must decide whether to
give consent for the purposes of section
16G(6)(b) or 16I(5)(b). In doing so, the
Minister must have regard to—

- (a) the Suburban Rail Loop program
objectives; and
- (b) the Suburban Rail Loop Authority's
object.

**16K Applications for planning scheme
amendment authorisations received before
applicable Suburban Rail Loop planning
area declarations**

(1) This section applies if—

- (a) a municipal council makes an
application under section 16F or 16I for
authorisation to prepare a planning
scheme amendment; and
- (b) before any of the following occur, a
Suburban Rail Loop planning area
declaration takes effect that applies to
land which will be affected by the
proposed planning scheme amendment
or to which the proposed planning
scheme amendment will apply—

- (i) the Minister notifies the municipal
council of the Minister's decision
under section 16G(5) on the
application;
 - (ii) section 16H has effect in relation
to the application;
-

(iii) the Minister makes a decision
under section 16I(1) on the
application.

5 (2) In the case of an application under
section 16F, section 16G(6) applies to the
application.

(3) In the case of an application under
section 16I, section 16I(5) applies to the
application.

10 (4) If the Minister does not comply with
section 16G(6) or 16I(5), any relevant
authorisation for the preparation of the
planning scheme amendment is of no effect.

15 **16L Minister may authorise other Ministers or
public authorities to prepare amendments**

(1) The Minister may authorise any other
Minister or public authority to prepare an
amendment to any part of the State standard
provisions and local provisions of a planning
scheme.

20 (2) The authorisation must be in writing.

(3) The Minister may authorise the preparation
of an amendment subject to any conditions
the Minister wishes to impose, including
conditions relating to the giving of notice of
the amendment.

Subdivision 3—Other matters

**16M Municipal councils must not prepare
amendments for Port of Melbourne Area**

30 Despite anything to the contrary in this
Division, a municipal council must not
prepare an amendment to a planning scheme
if the amendment affects or applies to the
Port of Melbourne Area.

16N Low-impact amendments

- 5
- (1) An amendment to a planning scheme is a low-impact amendment if—
- (a) it is an amendment that is of a class prescribed to be a low-impact amendment; or
- (b) the Minister has determined that it is a low-impact amendment under subsection (2) or (3).
- 10
- (2) If the Minister decides to authorise the preparation of an amendment under this Division, the Minister may determine that an amendment prepared in accordance with that authorisation is a low-impact amendment.
- 15
- (3) The Minister may determine that an amendment that the Minister prepares is a low-impact amendment.
- 20
- (4) The Minister must not determine that an amendment to a planning scheme is a low-impact amendment under this section if the planning authority has agreed under section 96A(2) to consider an application for a permit concurrently with the preparation of the amendment.
- 25
- (5) In making a determination under this section, the Minister must consider any directions issued under this section.
- 30
- (6) The Minister may issue directions in relation to the matters that need to be considered in making a determination under this section."

126 Heading to section 20A amended

In the heading to section 20A of the **Planning and Environment Act 1987**, for "**prescribed**" substitute "**technical and corrective**".

127 New section 23A inserted

After section 23 of the **Planning and
Environment Act 1987** insert—

"23A Process for low-impact amendments

- 5 (1) Section 23 and sections 24 to 27 do not
apply in relation to a low-impact
amendment.
- 10 (2) After considering a submission which
requests a change to a low-impact
amendment, the planning authority may—
- (a) change the amendment in the manner
requested; or
- (b) not change the amendment in the
manner requested; or
- 15 (c) abandon the amendment or part of the
amendment."

128 Abandonment of amendment

(1) For section 28(1) of the **Planning and
Environment Act 1987** substitute—

- 20 "(1) If a planning authority decides to abandon an
amendment or part of an amendment, the
planning authority must give the Minister—
- (a) written notice about its decision; and
- (b) a copy of any submission it considered;
25 and
- (c) a statement of reasons for the
decision."

(2) In section 28(2) of the **Planning and
Environment Act 1987**, for "tells the Minister"
30 **substitute** "gives the Minister notice".

129 New sections 28A to 28D inserted

After section 28 of the **Planning and
Environment Act 1987** insert—

**"28A Minister may decide to continue
amendment or part of amendment
abandoned by planning authority**

- (1) Within 30 business days of receiving a notice under section 28(1), the Minister may decide to continue the amendment or the part of the amendment that the planning authority abandoned.
- (2) The Minister may also decide to become the planning authority for any part of the amendment that is related to the part of the amendment that the Minister decides to continue with under subsection (1).
- (3) The Minister becomes the planning authority for an amendment or any part of an amendment that the Minister—
- (a) decides to continue under subsection (1); and
- (b) decides to become the planning authority for under subsection (2).
- (4) The Minister must give written notice of a decision under this section to the planning authority.

**28B Effect of Minister's decision to continue
abandoned amendments**

If the Minister makes a decision under section 28A to continue an amendment or part of an amendment—

- (a) this Part continues to apply to the amendment or part of the amendment as if it had not been abandoned; and

- 5 (b) anything done in respect of the amendment or part that was abandoned, or any related part of the amendment that the Minister decided to become the planning authority for under section 28A(2), is taken to have been done by the Minister; and
- 10 (c) section 30(1)(c) does not apply in respect of the amendment or part of the amendment that had been abandoned.

28C Directions of Minister about abandoned amendments

15 If the Minister makes a decision under section 28A, the planning authority that abandoned the amendment or part of the amendment must comply with any directions of the Minister with respect to—

- 20 (a) the provision to the Minister of any document relating to the amendment or the part that has been abandoned and any related part of the amendment; and
- 25 (b) the provision to the Minister of assistance with any steps to be taken under this Part relating to the amendment or the part that has been abandoned and any related part of the amendment.

30 **28D Minister may refer amendment or part of amendment abandoned by planning authority to a panel**

35 If the Minister makes a decision under section 28A, the Minister may refer some or all of the submissions about the amendment or part of the amendment that has been abandoned, and any related part of the

amendment, to a panel appointed under
Part 8."

130 When does an amendment lapse?

5 In section 30(1)(c) of the **Planning and
Environment Act 1987**, for "when" **substitute**
"at the end of 30 business days after the date on
which".

131 Application for permit when amendment requested

10 (1) After section 96A(1) of the **Planning and
Environment Act 1987** insert—

"(1A) For the purposes of subsection (1), if the
planning authority is a municipal council, the
request to prepare the amendment must be
made under section 16A."

15 (2) In section 96A(2) of the **Planning and
Environment Act 1987**, for "The planning"
substitute "Subject to subsection (2A), the
planning".

20 (3) After section 96A(2) of the **Planning and
Environment Act 1987** insert—

"(2A) If the planning authority is a municipal
council, it must not agree to consider the
application for the permit concurrently with
the preparation of the proposed amendment
25 unless it has made a decision under
section 16B(a) to apply to the Minister for
authorisation to prepare the amendment, with
or without changes, under section 16F."

132 Application of provisions

30 In section 96B(1) of the **Planning and
Environment Act 1987**—

(a) in paragraph (a), for "and 20 to 25"
substitute ", 20 to 23, 24 and 25";

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(b) in paragraph (b), for "Parts 3 and 5"
substitute "Part 3 (other than section 23A)
and Part 5".

133 Recommendation by planning authority

5 In section 96H(3) of the **Planning and
Environment Act 1987**, for "sections 21 to 26"
substitute "sections 21 to 23, sections 24 to 26".

**134 Consequential amendment to the Suburban Rail
Loop Act 2021**

10 In section 70(1) of the **Suburban Rail Loop
Act 2021**, for "sections 8A and 8B" **substitute**
"sections 8A, 8B, 16G and 16I".

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Division 1—Permit application process

5 **135 Applications for permits**

In section 47(1B) of the **Planning and
Environment Act 1987**, after "void" insert
"and of no effect".

136 New sections 48A to 48D inserted

10 After section 48 of the **Planning and
Environment Act 1987** insert—

**"48A Responsible authority may give notice
about incomplete permit applications**

- 15 (1) A responsible authority that receives an
application for a permit which it considers
does not comply with section 47(1)(b), (c),
(d) or (e) may give a notice to the applicant
that the application is incomplete.
- 20 (2) A notice under subsection (1) must—
- 25 (a) set out—
- (i) any fee that the responsible
 authority considers is required to
 accompany the application that
 did not accompany the application
 which the applicant must pay; and
- 30 (ii) any information or document that
 the responsible authority considers
 is required to accompany the
 application that did not
 accompany the application which
 the applicant must give the
 responsible authority; and
-

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- (b) specify a date by which the applicant must—
- (i) pay any fee set out in the notice; and
- 5 (ii) give the responsible authority any information or document set out in the notice; and
- (c) include a statement setting out the effect of section 48B(1).
- 10 (3) A notice under subsection (1) must be given within 5 business days after the day the responsible authority received the application, or if a longer period is prescribed, within that longer period.
- 15 (4) The date specified in the notice must be no earlier than—
- (a) 5 business days after the day on which the notice is given to the applicant; or
- (b) if a longer minimum period is prescribed, the end of that period.
- 20 (5) A responsible authority must not give more than one notice under this section for an application for a permit.
- Note**
- 25 A responsible authority may give a notice in relation to amendments to permits—see section 73.
- 48B Effect of compliance or non-compliance with notice**
- (1) An application is void and of no effect if—
- 30 (a) the applicant is given a notice under section 48A; and
- (b) the applicant does not comply with the notice.
-

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- (2) An application in respect of which a notice is given under section 48A is taken to have been received on the day the applicant complies with the notice.
- 5 (3) For the purposes of this section, an applicant complies with a notice given under section 48A if the applicant—
- (a) pays any fee set out in the notice by the date specified in the notice; and
- 10 (b) gives the responsible authority any information or document set out in the notice by the date specified in the notice.

48C Refund of fees paid for void applications

- 15 (1) A person who paid a fee that accompanied an application which is void and of no effect under section 48B(1) is entitled to a refund of the fee.
- (2) If the fee was paid into—
- 20 (a) the Consolidated Fund, the Consolidated Fund is, to the necessary extent, appropriated accordingly; or
- (b) another fund or account, the amount is to be refunded from that fund or
- 25 account.

48D Effect of sections 48A and 48B

- Nothing in section 48A or 48B—
- (a) affects any requirement that an application for a permit must comply with section 47(1)(b), (c), (d) or (e); or
- 30 (b) affects the validity of an application for a permit that is not the subject of a notice under section 48A, including by making an application that does not
-

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comply with section 47(1)(b), (c), (d) or
(e) valid if it would not otherwise be
valid; or

- 5 (c) prevents a responsible authority from
requiring an applicant to provide more
information under section 54 in respect
of an application."

137 Notice of application

10 After section 52(1C) of the **Planning and
Environment Act 1987** insert—

"(1D) The responsible authority must have regard
to any guidelines issued by the Minister
under section 52A—

- 15 (a) in considering, under subsection (1)(a),
whether the grant of a permit would not
cause material detriment to a person;
and
(b) in considering, under subsection (1)(d),
whether the grant of the permit may
20 cause material detriment to a person."

138 New section 52A inserted

After section 52 of the **Planning and
Environment Act 1987** insert—

25 "**52A Minister may issue guidelines about
material detriment**

The Minister may issue guidelines about
either or both of the following—

- 30 (a) material detriment for the purposes of
sections 52(1)(a) and (d), 57B(2) and
96C(1)(f);
(b) whether a person may be materially
affected by an amendment or an
application for the purposes of
section 96C(1)(b)."
-

139 Notice of amended application

After section 57B(2) of the **Planning and
Environment Act 1987** insert—

- 5 "(2A) In considering whether the grant of a permit
would cause material detriment to a person
under subsection (2), the responsible
authority must have regard to any guidelines
issued by the Minister under section 52A."

140 When does a permit expire?

- 10 (1) In section 68(1) of the **Planning and
Environment Act 1987**—
- (a) in paragraph (a), after "permit" **insert** ", or, if
no time is specified, within 3 years after the
issue of the permit";
- 15 (b) in paragraph (b), for "two years" **substitute**
"5 years".
- (2) In section 68(2)(a) and (b) of the **Planning and
Environment Act 1987**, for "two years"
substitute "3 years".
- 20 (3) In section 68(3) of the **Planning and
Environment Act 1987**—
- (a) in paragraph (a), after "permit" **insert**
", or, if no time is specified, within 3 years
after the issue of the permit";
- 25 (b) in paragraph (b), for "two years" **substitute**
"5 years";
- (c) in paragraphs (c) and (d), for "two years"
substitute "3 years".

141 Application for permit when amendment requested

- 30 In section 96A(4B) of the **Planning and
Environment Act 1987**, after "void" **insert**
"and of no effect".

142 Notice of amendment, application and permit

After section 96C(1) of the **Planning and
Environment Act 1987** insert—

- 5 "(1A) The planning authority must have regard to
any guidelines issued by the Minister under
section 52A in considering—
- (a) under subsection (1)(b), whether
 owners or occupiers of land may be
 materially affected by the amendment
10 or application; and
- (b) under subsection (1)(f), whether the
 grant of the permit would not cause
 material detriment to a person."

143 Panel

- 15 (1) For section 97E(1) of the **Planning and
Environment Act 1987** substitute—
- "(1) The Minister may refer to a panel appointed
 under Part 8 any objections or submissions
 received in respect of an application referred
20 to the Minister under section 97B or 97C,
including any late objections or
submissions."
- (2) For section 97E(5) of the **Planning and
Environment Act 1987** substitute—
- 25 "(5) The Minister is not required to consider the
report of a panel if—
- (a) the Minister has not received the panel's
 report at the end of 3 months from the
 panel's appointment or 1 month from
30 the date on which the panel completed
its hearing, whichever is the earlier; and
- (b) the Minister considers that delay in
 considering whether to grant the permit
 may adversely affect the applicant."
-

Division 2—Metropolitan Planning Levy

144 Definitions

In section 3(1) of the **Planning and Environment Act 1987** insert the following definition—

5 "*levy exemption certificate* means a certificate
 granted under section 96UB;"

145 Applications for permits

(1) After section 47(1A) of the **Planning and Environment Act 1987** insert—

10 "(1AB) If the application is an application that is not
 a leviable planning permit application
 because of the operation of section 96P(1A),
 the applicant must, at the same time as
15 making the application, give the responsible
 authority—

 (a) a current levy exemption certificate in
 respect of the development for which
 the permit is required that states an
 estimated cost of the development that
20 is equal to or greater than the estimated
 cost of the development stated in the
 application; or

 (b) evidence that the application is—
 (i) made in the circumstances
25 referred to in section 96P(1A)(b);
 or
 (ii) an application of the class referred
 to in section 96P(1A)(c)."

30 (2) In section 47(1B) of the **Planning and Environment Act 1987**, after "subsection (1A)"
 insert "or (1AB)".

146 Application for permit when amendment requested

(1) After section 96A(4A) of the **Planning and
Environment Act 1987** insert—

"(4AB) If the application for a permit is an
application that is not a leviable planning
permit application because of the operation
of section 96P(1A), the applicant must, at the
same time as making the application, give
the planning authority—

(a) a current levy exemption certificate in
respect of the development for which
the permit is required that states an
estimated cost of the development that
is equal to or greater than the estimated
cost of the development stated in the
application; or

(b) evidence that the application is—

(i) made in the circumstances
referred to in section 96P(1A)(b);
or

(ii) an application of the class referred
to in section 96P(1A)(c)."

(2) In section 96A(4B) of the **Planning and
Environment Act 1987**, after "subsection (4A)"
insert "or (4AB)".

147 What is a *leviable planning permit application*?

After section 96P(1) of the **Planning and
Environment Act 1987** insert—

"(1A) Despite subsection (1), the following
applications are not *leviable planning permit
applications*—

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- 5
- (a) an application for a permit for a development in respect of which the Minister has issued a certificate under section 96UA;
 - (b) an application that is made in the prescribed circumstances;
 - (c) an application that is of a prescribed class."

148 New sections 96UA and 96UB inserted

10 After section 96U of the **Planning and Environment Act 1987** insert—

"96UA Application for levy exemption certificate

- 15
- (1) A person who intends to make an application for a permit under section 47 or 96A for the development of land, before making the application, may apply to the Minister for a levy exemption certificate.
 - (2) An application for a levy exemption certificate under subsection (1) must—
 - 20 (a) be in the form approved by the Minister; and
 - (b) state the estimated cost of the development; and
 - 25 (c) include a copy of the application the person intends to make; and
 - 30 (d) include a copy of a previous permit application for the development of the same land and a copy of the levy certificate in respect of that application; and

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- (e) include—
- (i) if the land is under the operation of the **Transfer of Land Act 1958**, a copy of the certificate of title in respect of the land; or
 - (ii) in any other case, a description of the land that is sufficient to identify it; and
- (f) contain any other information required by the Minister.
- 96UB Levy exemption certificate**
- (1) The Minister may grant a levy exemption certificate in respect of an application for a permit for the development of land that a person intends to make under section 47 or 96A if the Minister is satisfied that—
- (a) the person has made a previous permit application for the development of the same land; and
 - (b) the person has paid an amount of the levy in respect of that previous permit application; and
 - (c) the estimated cost of the development is not more than 10% greater than the estimated cost of development specified in the levy certificate in respect of the previous permit application.
- (2) A levy exemption certificate must include the following information—
- (a) the estimated cost of the development;
 - (b) a description of the land on which the development will occur;
 - (c) the date on which the certificate was granted;
-

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(d) the date on which the certificate will
expire;

(e) any other information the Minister
considers appropriate.

5 (3) A levy exemption certificate expires
180 days after the day on which it is
granted."

149 Section 96Z amended

10 (1) In the heading to section 96Z of the **Planning and
Environment Act 1987**, after "certificate" insert
"and levy exemption certificate".

(2) At the end of section 96Z of the **Planning and
Environment Act 1987** insert—

15 "(2) A responsible authority or planning authority
must keep each levy exemption certificate
given to it under section 47 or 96A (as the
case requires) for not less than 5 years after
the levy exemption certificate is given to it."

Part 9—Amendments in relation to planning panels

150 Decisions about submissions

After section 23(5) of the **Planning and Environment Act 1987** insert—

"(6) A planning authority must not refer to the panel a submission which, in the opinion of the planning authority, is—

(a) frivolous or vexatious; or

(b) wholly irrelevant to the amendment."

151 Section 24 amended

(1) Insert the following heading to section 24 of the **Planning and Environment Act 1987**—

"Consideration of submissions by panel and reasonable opportunity to be heard".

(2) At the foot of section 24 of the **Planning and Environment Act 1987** insert—

"Note

A panel may consider submissions and provide a reasonable opportunity to be heard by conducting a hearing, on the basis of documents or a combination of both—see section 158G."

152 Planning authority to consider panel's report

For section 27(2) of the **Planning and Environment Act 1987** substitute—

"(2) A planning authority may apply to the Minister to exempt it from subsection (1) if the planning authority has not received the panel's report at the end of—

(a) if the panel considered one or more of the submissions by conducting a hearing, 6 months from the panel's

Part 9—Amendments in relation to planning panels

appointment or 3 months from the date
on which the panel completed its
hearing, whichever is the earlier; or

- 5 (b) if the panel considered all of the
submissions on the basis of documents,
3 months from the date on which the
panel completed its consideration of the
submissions or 6 months from the date
10 the submissions were referred to the
panel, whichever is the earlier."

153 Powers of advisory committee

- (1) In section 152(2) of the **Planning and
Environment Act 1987**—

- (a) after paragraph (a) **insert**—
15 "(ab) section 160A; and";
(b) in paragraph (b), for "and (5)" **substitute**
", (5) and (6)".

- (2) After section 152(2) of the **Planning and
Environment Act 1987** **insert**—

- 20 "(3) Sections 158C and 158D (with any necessary
changes) apply to the advisory committee as
if—
(a) the advisory committee were a panel
appointed under Part 8; and
25 (b) the references to submissions referred
to a panel were a reference to—
(i) submissions referred to the
advisory committee by the
Minister in relation to the matter;
30 or
(ii) submissions received by the
advisory committee in relation to
the matter; and
-

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- 5 (c) the references to submissions were a
reference to—
- (i) submissions referred to the
advisory committee by the
Minister in relation to the matter;
or
- (ii) submissions received by the
advisory committee in relation to
the matter.
- 10 (4) Section 159A (with any necessary changes)
applies to the advisory committee as if—
- (a) the advisory committee were a panel
appointed under Part 8; and
- 15 (b) the words "specified in section 24"
were omitted; and
- (c) the references to a submission were a
reference to—
- (i) a submission referred to the
advisory committee by the
20 Minister in relation to the matter;
or
- (ii) a submission received by the
advisory committee in relation to
the matter; and
- 25 (d) the reference in subsection (2)(b) to the
amendment were a reference to the
matter."

154 Appointment of directions panel

30 For section 158A(1) of the **Planning and
Environment Act 1987** substitute—

- "(1) The Minister may appoint a directions panel
to do either or both of the following in
respect of the consideration of submissions
by a panel appointed under Division 1—
-

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(a) to make decisions under section 158C
and designate lead submitters under
section 158D;

(b) to give directions under section 159."

5 **155 New section 158AB inserted**

After section 158A of the **Planning and
Environment Act 1987** insert—

**"158AB Decisions and designations by directions
panel—like submissions**

10 (1) A directions panel may make any decision
under section 158C and any designation
under section 158D that a panel may make
under those sections.

15 (2) Any decision or designation of a lead
submitter made by a directions panel has
effect as if it were a decision or designation
made by a panel under section 158C or
158D."

156 Directions by directions panel

20 In section 158B(1) of the **Planning and
Environment Act 1987** omit "in relation to a
hearing".

157 Heading to Division 2 of Part 8 amended

25 In the heading to Division 2 of Part 8 of the
Planning and Environment Act 1987, for
"Hearings" substitute "Consideration of
submissions".

158 New sections 158C to 158G inserted

Before section 159 of the **Planning and
Environment Act 1987** insert—

**"158C Panel may treat like submissions as one
submission**

- (1) A panel may decide to treat two or more
submissions referred to it as if they were one
submission if the panel is satisfied that the
submissions are the same or substantially the
same.
- (2) In making a decision under subsection (1),
the panel may have regard to any of the
following—
- (a) whether the issues raised in the
submissions are the same or
substantially the same;
- (b) whether the wording of the submissions
is the same or substantially the same;
- (c) any other relevant matter.

158D Lead submitters for like submissions

- (1) If a panel decides under section 158C to treat
two or more submissions as if they were one
submission, the persons who made the
submissions may nominate a person who
made one of the submissions to be the lead
submitter for the submissions, with that
person's consent.
- (2) A person who is nominated as the lead
submitter under subsection (1) must notify
the panel of the nomination by the date
required by the panel.

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Note

If the panel decides under section 158C to treat two or more submissions as if they were one submission, the panel may give directions about any matter in relation to the submissions, which may include the date by which notice of a nomination must be given—see section 159.

(3) If the panel is not notified under subsection (2), the panel may designate one or more of the persons who made the submissions to be a lead submitter for the submissions, with the consent of the persons the panel proposes to designate.

(4) If the panel is notified under subsection (2) of the nomination of more than one person to be the lead submitter for the submissions—

(a) the panel may designate one or more of the nominated persons to be a lead submitter for the submissions, with the consent of the persons the panel proposes to designate; and

(b) the other persons are not a lead submitter for those submissions.

(5) In designating a lead submitter under subsection (3) or (4), the panel must consider—

(a) whether a person is capable of advancing the matters raised by the submissions; and

(b) whether the designation will facilitate the efficient and timely consideration of the submissions.

158E Like submissions and the opportunity to be heard

- 5 (1) If a lead submitter for submissions is designated under section 158D, the panel is not required to give an opportunity to be heard in relation to the submissions to any person other than a lead submitter.
- 10 (2) Without limiting subsection (1), it is sufficient compliance by the panel with any requirement of this Act to give an opportunity to be heard to the maker of a submission in respect of which a lead submitter has been designated if an
- 15 opportunity to be heard is given to the lead submitter.
- 20 (3) If the panel is not notified under section 158D(2) and is unable to designate a person as lead submitter under section 158D(3) because there is no person who consents to being designated, the panel is not required to give an opportunity to be heard in relation to the submissions to any person.

158F Notice of proposal to proceed on the basis of documents

- 25 (1) If a panel proposes to make a decision under section 158G(1)(b) or (c) it must give notice to—
- 30 (a) the Minister; and
- (b) the relevant planning authority; and
- (c) any person who made a submission that is referred to the panel; and
- (d) any responsible authority or council concerned; and
-

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- 5
- (e) any person who asked the planning authority to prepare the amendment; and
- (f) any person whom the Minister or planning authority directs the panel to hear.
- (2) A notice under subsection (1) must—
- 10
- (a) state that the panel proposes to consider a submission referred to it or give a person a reasonable opportunity to be heard under section 24 on the basis of documents; and
- 15
- (b) be given within 10 business days after the day on which the submissions were referred to the panel; and
- (c) specify the date by which a person referred to in subsection (1) may make a written submission to the panel about the proposed decision.
- 20
- (3) The date specified in the notice must be no earlier than 10 business days after the day on which the notice is given to the applicant.
- (4) The panel must consider each submission about the proposed decision within
- 25
- 5 business days after the date specified in the notice.
- (5) After considering the submissions made to it under this section, the panel may make a decision under section 158G(1)(b) or (c)."
- 30
- 158G Consideration of submissions by hearing, on the basis of documents or both**
- (1) Unless the Minister gives a panel a direction under subsection (2), the panel may decide to consider a submission referred to it or give a
-

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person a reasonable opportunity to be heard
under section 24—

- 5
- (a) by conducting a hearing; or
- (b) on the basis of documents, if the panel
is satisfied that, in considering the
submission or giving the person a
reasonable opportunity to be heard, it
will not need to consider a major issue
of policy; or
- 10
- (c) by conducting a hearing about some
matters in relation to the amendment
and on the basis of documents for other
matters, if the panel is satisfied that the
matters to be considered on the basis of
documents do not raise a major issue of
policy.
- 15
- (2) The Minister may direct a panel to consider
one or more of the submissions about an
amendment referred to it or give a person a
reasonable opportunity to be heard under
section 24 by conducting a hearing.
- 20
- (3) In deciding whether to consider a submission
referred to it or give a person a reasonable
opportunity to be heard under section 24 on
the basis of documents, the panel must have
regard to any guidelines issued by the
Minister under subsection (4).
- 25
- (4) The Minister may issue guidelines about the
consideration of submissions or giving a
person a reasonable opportunity to be heard
on the basis of documents.
- 30
- (5) For the purposes of sections 24, 34 and 97E,
a panel gives a person referred to in those
sections a reasonable opportunity to be heard
if the panel hears that person—
- 35
-

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- (a) by conducting a hearing; or
- (b) on the basis of documents."

159 Section 159 amended

- (1) **Insert** the following heading to section 159 of the **Planning and Environment Act 1987**—

"Directions".

- (2) Before section 159(1) of the **Planning and Environment Act 1987** **insert**—

"(1AA) A panel may give directions about the consideration of submissions.

(1AAB) Without limiting subsection (1AA), if a panel decides under section 158C to treat two or more submissions as if they were one submission, the panel may give directions about any matter in relation to the submissions."

- (3) In section 159(1) of the **Planning and Environment Act 1987**, for "A panel" **substitute** "Without limiting subsection (1AA), a panel".

160 New section 159A inserted

After section 159 of the **Planning and Environment Act 1987** **insert**—

"159A Directions about conferences of experts and joint experts reports

- (1) A panel may direct under section 159 experts who are engaged by a person specified in section 24 to provide an opinion in a hearing about a matter addressed in that person's submission or in any other submission considered by the panel—

- (a) to hold a conference of experts; or
 - (b) to prepare a joint experts report; or
-

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- 5
- (c) to hold a conference and prepare a joint experts report.
- (2) A direction to hold a conference of experts may include that the conference of experts be held with or without the attendance of all or any of the following—
- 10
- (a) a person who engaged an expert;
- (b) any other person who made a submission about the amendment;
- (c) the legal representative of a person referred to in paragraph (a) or (b);
- (d) an independent facilitator.
- (3) A direction to prepare a joint experts report may include the following—
- 15
- (a) that the joint experts report specifies—
- (i) the matters agreed and not agreed by the experts; and
- (ii) the reasons for any agreement or disagreement;
- 20
- (b) the issues to be dealt with in the joint experts report by the experts;
- (c) the facts, and assumptions of facts, on which the joint experts report is to be based.
- 25
- (4) Directions referred to in this section may be general or in relation to specified issues.
- (5) Nothing in this section limits any other direction the panel may give under section 159 or other power the panel may
- 30
- have.
-

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(6) In this section—

expert means a person who has specialised
knowledge based on the person's
training, study or experience."

5 **161 Section 161 amended**

(1) **Insert** the following heading to section 161 of the
Planning and Environment Act 1987—

**"General procedure for the consideration of
submissions".**

10 (2) In section 161(1) of the **Planning and
Environment Act 1987**—

(a) for "In hearing" **substitute** "In considering";

(b) in paragraph (c), for "the hearing" **substitute**
"any hearing".

15 (3) In section 161(4) of the **Planning and
Environment Act 1987**, for "hear evidence any
submissions" **substitute** "consider evidence and
further submissions".

162 New section 162A inserted

20 After section 162 of the **Planning and
Environment Act 1987** insert—

**"162A Use of conference of experts and joint
experts reports in a hearing**

25 (1) Unless the persons who attend a conference
of experts held under section 159A agree, or
the panel otherwise directs, anything said or
done during a conference of experts, except
as referred to in a joint experts report, must
not be referred to at any hearing to which it
30 relates.

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- (2) A joint experts report may be given to the panel as evidence (as appropriate) of—
- (a) joint or separate opinions of the experts; or
 - (b) matters agreed by the experts; or
 - (c) matters not agreed by the experts."

Part 10—Amendments in relation to certain proceedings before VCAT

Division 1—Planning and Environment Act 1987

163 New section 83AA inserted

- 5 After section 83 of the **Planning and
Environment Act 1987** insert—
- "83AA Tribunal may treat two or more objectors
as a group**
- 10 (1) This section applies if in a proceeding for
review under this Act—
- (a) two or more objectors each lodge a
statement under clause 56(1) of
Schedule 1 to the **Victorian Civil and
Administrative Tribunal Act 1998**;
15 and
- (b) the statements rely on similar grounds
or raise similar issues; and
- (c) the objectors do not each lodge a notice
under clause 56(5) of that Schedule to
20 that Act.
- (2) Despite anything to the contrary in
section 83, the Tribunal may—
- (a) identify two or more of the objectors as
a group; and
- 25 (b) appoint one or more of those objectors
as a representative of the group.
- (3) The Tribunal must ensure that a person
appointed under subsection (2) consents to
acting as a representative of the group."
-

164 New Division 3A of Part 4 inserted

After Division 3 of Part 4 of the **Planning and
Environment Act 1987** insert—

**"Division 3A—Active management of
proceedings by Tribunal**

94A Active management of proceedings

(1) Despite sections 84A, 84AB and 84B, if the
Tribunal considers it desirable in the
interests of the just, timely and efficient
determination of a proceeding under this Act,
the Tribunal may actively manage the
proceeding by doing one or more of the
following—

- (a) conducting all or part of the proceeding
entirely on the basis of documents;
- (b) imposing on a party a time limit on the
making of submissions, or the
examination of a witness, at a hearing;
- (c) prohibiting or limiting the
cross-examination of a witness at a
hearing;
- (d) imposing reasonable limits, restrictions
or conditions in respect of—
 - (i) the conduct of the proceeding; or
 - (ii) the conduct of a party;
- (e) giving directions to ensure that the
proceeding is conducted promptly and
efficiently;
- (f) identifying at an early stage the issues
involved in the proceeding;

- 5
- (g) deciding the order in which the issues
in dispute in the proceeding are to be
resolved;
- (h) encouraging the parties—
- 10
- (i) to co-operate with each other in
the conduct of the proceeding; or
- (ii) to settle the whole or part of the
proceeding; or
- (iii) to use appropriate dispute
resolution;
- (i) controlling the progress of the
proceeding, including by—
- 15
- (i) fixing timetables; or
- (ii) dealing with as many aspects of a
proceeding as it can on the same
occasion; or
- (iii) making use of technology;
- (j) considering whether the likely benefits
of taking a particular step in a
proceeding justify the cost of taking it.
- 20
- (2) In addition to subsection (1), the Tribunal
may do either or both of the following—
- (a) confine the proceeding to particular
matters in dispute;
- 25
- (b) summarily strike out or dismiss all or
any part of the proceeding that in the
Tribunal's opinion lacks substantive or
objective merit and has no real prospect
of success.
-

- 5
- (3) The Tribunal's power to do a thing referred to in—
- (a) subsection (1)—is exercisable by the Tribunal as constituted for the proceeding; or
- (b) subsection (2)—is exercisable only by the Tribunal as constituted by a presidential member or a member who is an Australian lawyer.
- 10
- (4) The Tribunal may do a thing referred to in subsection (1)(a) or (2)(a) or (b) whether or not all the parties to the proceeding agree.
- 15
- (5) Subsection (2)(b) is in addition to, and does not limit or affect, section 75 of the **Victorian Civil and Administrative Tribunal Act 1998**".

Division 2—Victorian Civil and Administrative Tribunal Act 1998

20 **165 Note and new clauses 56A and 56B inserted in Schedule 1**

- (1) At the foot of clause 56 of Schedule 1 to the **Victorian Civil and Administrative Tribunal Act 1998** insert—
- "Note
- 25 See also sections 83AA (Tribunal may treat two or more objectors as a group) and 94A (Active management of proceedings) of the **Planning and Environment Act 1987**".

(2) After clause 56 of Schedule 1 to the **Victorian
Civil and Administrative Tribunal Act 1998**
insert—

"56A Notice of hearing

- 5 (1) In a proceeding under a planning enactment,
the Tribunal may by order served on one
party—
- (a) give notice of the time and place of a
hearing; and
- 10 (b) require that party to serve the order on
any other party to the proceeding or
person specified in the order.
- (2) An order under subclause (1) is sufficient for
the purposes of section 99.
- 15 (3) This clause is in addition to, and does not
limit or affect, section 99.

56B Reasons for final orders

If, in a proceeding for review of a decision
under a planning enactment, the Tribunal
20 affirms or varies the decision, it is sufficient
for the purposes of section 117 for the
Tribunal to give a summary of the key basis
for the Tribunal affirming or varying the
decision."

25 **166 Amendment of application**

- (1) Clause 64(1) of Schedule 1 to the **Victorian Civil
and Administrative Tribunal Act 1998** is
repealed.
- (2) In clause 64(2) of Schedule 1 to the **Victorian
Civil and Administrative Tribunal Act 1998—**
- 30 (a) for "to which this clause applies" **substitute**
"under a planning enactment";
-

(b) for "works approval or licence" **substitute**
"development licence, operating licence or
pilot project licence".

167 Extension of time

5 In clause 65(1)(b) of Schedule 1 to the **Victorian
Civil and Administrative Tribunal Act 1998**,
for "licence or works approval" **substitute**
"development licence, operating licence or pilot
project licence".

10 **168 Schedule 2 amended**

In Schedule 2 to the **Victorian Civil and
Administrative Tribunal Act 1998**, after
"Procedure for withdrawing applications and
referrals." **insert—**

15 "The just, timely and efficient determination of
proceedings in particular divisions or lists.

Actively managing proceedings under the
Planning and Environment Act 1987 in
accordance with section 94A of that Act."

20 **169 New section 176 inserted**

After section 175 of the **Victorian Civil and
Administrative Tribunal Act 1998** **insert—**

25 **"176 Transitional—Consumer and Planning
Legislation Amendment (Housing
Statement Reform) Act 2024**

The amendments made to this Act by Part 10
of the **Consumer and Planning Legislation
Amendment (Housing Statement Reform)
Act 2024** apply only to a proceeding
30 commenced on or after the commencement
of that Part."

Part 11—Amendments in relation to compensation

170 New section 99A inserted

After section 99 of the **Planning and
Environment Act 1987** insert—

"99A Requirements for claim for compensation

- (1) A claim for compensation under this Part,
including a claim under section 101 in
respect of expenses, must be—
 - (a) made in the prescribed form; and
 - (b) accompanied by any supporting
evidence specified in an order made
under subsection (2).
- (2) The Minister, by order published in the
Government Gazette, may specify the
supporting evidence required to accompany a
claim for compensation under this Part."

171 New sections 104B and 104C inserted

After section 104A of the **Planning and
Environment Act 1987** insert—

"104B Interest on compensation

- (1) If an amount of compensation under this
Part, including an amount under section 101,
is awarded by the Tribunal or the Supreme
Court, the person liable for the compensation
is liable to pay interest, from the relevant
date until the date the amount awarded is
paid, on the difference between the amount
awarded and any amount of compensation
offered by that person immediately before
the relevant date.

Part 11—Amendments in relation to compensation

- (2) The *relevant date* is the date on which—
- (a) an application was made to the Tribunal to resolve the disputed claim for compensation; or
 - 5 (b) the disputed claim for compensation was referred to the Supreme Court.
- (3) Interest is payable under this section at the rate for the time being fixed under section 104C.
- 10 (4) Interest is payable under this section in relation to an amount claimed under section 101 only if the expenses incurred have been paid.
- 104C Determination of rate of interest**
- 15 (1) The Governor in Council may from time to time, by order published in the Government Gazette, determine the rate of interest to be paid in respect of unpaid compensation under this Part.
- 20 (2) An order under subsection (1) may be made only on the recommendation of the Minister, after the Minister has consulted—
- (a) the Attorney-General; and
 - (b) the Treasurer; and
 - 25 (c) the Minister administering the **Major Transport Projects Facilitation Act 2009**.
- (3) The Minister may only recommend a rate that the Minister considers—
- 30 (a) is compensatory in nature; and
 - (b) is commensurate with a fair market rate that reflects the opportunity cost of money."
-

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Part 11—Amendments in relation to compensation

**172 Land Acquisition and Compensation Act 1986 to
apply**

In section 105 of the **Planning and Environment
Act 1987**, for "Parts 10 and 11" substitute
"Subject to section 99A, Parts 10 and 11".

5

Part 12—Transitional provisions for the Planning and Environment Act 1987

173 New section 231 inserted

At the end of Part 11 of the **Planning and
Environment Act 1987** insert—

"231 Transitional provisions—Consumer and Planning Legislation Amendment (Housing Statement Reform) Act 2024

(1) A request to amend a planning scheme that is
made before the commencement of Part 7 of
the amending Act is taken, on that
commencement, to be a request that was
made under section 16A, if—

(a) any fee that is prescribed for the
making of the request has been paid;
and

(b) before that commencement, the
relevant planning authority has not—

(i) agreed to consider an application
for a permit under section 96A
concurrently with the preparation
of a requested amendment; or

(ii) made an application under
section 8A(2).

(2) If, before the commencement of Part 7 of the
amending Act, a planning authority has
agreed under section 96A(2) to consider an
application for a permit concurrently with
the preparation of an amendment but has not
applied to the Minister for authorisation to
prepare the amendment, on that
commencement the planning authority is
taken to have decided, under section 16B, to

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(a) the application is taken to have been referred to the Suburban Rail Loop Minister under section 16G(6)(a); and

- (b) section 16J applies to the application.
- (7) If, before the commencement of Part 7 of the
amending Act, an application is referred to
the Suburban Rail Loop Minister under
section 8B(5A)(a) and the Suburban Rail
Loop Minister has not decided whether to
give consent to the application under
section 8B(5A)(b)—
- (a) the application is taken to have been
referred to the Suburban Rail Loop
Minister under section 16I(5)(a); and
- (b) section 16J applies to the application.
- (8) If, before the commencement of Part 7 of the
amending Act, the Minister has authorised an
amendment under section 8A and the
amendment remains on foot as at that
commencement, on that commencement the
amendment is taken to have been authorised
under section 16G.
- (9) If, before the commencement of Part 7 of the
amending Act, the Minister has authorised
the preparation of an amendment under
section 8B and the amendment remains on
foot as at that commencement, on that
commencement the amendment is taken to
have been authorised under section 16I.
- (10) An amendment for which an application is
made under section 8A or 8B, as in force
immediately before the commencement of
Part 7 of the amending Act, is not a
low-impact amendment and cannot be
determined to be a low-impact amendment.
- (11) If, before the commencement of Part 7 of the
amending Act, the Suburban Rail Loop
Minister decided to give consent under
section 8C for the purposes of
-

- 5 section 8A(6A)(b) or 8B(5A)(b), on that
commencement the Suburban Rail Loop
Minister is taken to have given the consent
under section 16J for the purposes of
section 16G(6)(b) or 16I(5)(b).
- 10 (12) If, before the commencement of Part 7 of the
amending Act, the Minister has authorised
the preparation of an amendment under
section 9 and the amendment remains on foot
as at that commencement, on that
commencement the amendment is taken to
have been authorised under section 16L.
- 15 (13) The amendments made by section 136 of the
amending Act do not apply in relation to
permit applications made before the
commencement of that section.
- 20 (14) Despite the amendment to section 52 by
section 137 of the amending Act, section 52
as in force immediately before the
commencement of section 137 of the
amending Act continues to apply to a notice
of an application given under section 52
before that commencement.
- 25 (15) Despite the amendment to section 57B by
section 139 of the amending Act, section
57B as in force immediately before the
commencement of section 139 of the
amending Act continues to apply to a notice
of an amended application given under
section 57B before that commencement.
- 30 (16) Section 68, as amended by section 140 of the
amending Act, applies to a permit if—
- 35 (a) the permit was issued before the day on
which section 140 of the amending Act
came into operation; and
-

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- (b) the permit has not expired on or before
the day on which section 140 of the
amending Act comes into operation.
- 5 (17) Despite the amendment to section 96C(1) by
section 142 of the amending Act, section
96C as in force immediately before the
commencement of section 142 of the
amending Act continues to apply to a notice
10 given under section 96C before that
commencement.
- (18) The amendments made by Part 9 of the
amending Act apply in relation to
submissions referred to a directions panel or
15 a panel on or after the commencement of
those sections of the amending Act.
- (19) The amendments made to this Act by Part 10
of the amending Act apply only to
proceedings commenced on or after the
commencement of that Part.
- 20 (20) In this section—
amending Act means the **Consumer and
Planning Legislation Amendment
(Housing Statement Reform)
Act 2024**."

Part 13—Amendment of Victorian Civil and Administrative Tribunal Act 1998—RDRV

Division 1—Amendment of Victorian Civil and Administrative Tribunal Act 1998

5 **174 Definitions**

- (1) In section 3(1) of the **Victorian Civil and
Administrative Tribunal Act 1998**, in the
definition of *proceeding*, after paragraph (d)
insert—

10 "(e) an RDRV proceeding;"

- (2) In section 3(1) of the **Victorian Civil and
Administrative Tribunal Act 1998** **insert** the
following definitions—

15 "**ADR** means a process attended, or participated
in, by a party in a proceeding for the
purposes of negotiating a settlement of the
proceeding or resolving or narrowing the
issues in dispute, including, but not limited
to—

- 20 (a) mediation;
(b) early neutral evaluation;
(c) settlement conference;
(d) reference of a question to an expert or
other person;
25 (e) expert determination;
(f) compulsory conference;
(g) conciliation;

RDRV means Rental Dispute Resolution Victoria;

RDRV proceeding means a proceeding in relation to an application to the Tribunal under the **Residential Tenancies Act 1997** to be dealt with by ADR under Division 5A of Part 4;".

5 **175 New section 32AB inserted**

After section 32AA of the **Victorian Civil and Administrative Tribunal Act 1998** insert—

"32AB Functions of principal registrar—RDRV proceedings

- 10 (1) Without limiting section 32 or 32AA, the principal registrar has the following functions in relation to ADR at RDRV and RDRV proceedings—
- 15 (a) assessing applications under the **Residential Tenancies Act 1997** for suitability or eligibility to be dealt with in accordance with Division 5A of Part 4;
- 20 (b) conducting RDRV proceedings under Division 5A of Part 4;
- (c) any other function referred to in Division 5A of Part 4 or by rules made for the purposes of that Division.
- 25 (2) With the prior written approval of the President, the principal registrar may delegate any function referred to in subsection (1) to a member of staff referred to in section 32(1)(c) if satisfied that the member of staff is appropriately qualified to perform the function.
- 30 (3) A delegation under this section must be in writing.
- (4) In this section ***appropriately qualified*** has the same meaning as in section 32A(4).".
-

At the end of section 38AA of the **Victorian Civil and Administrative Tribunal Act 1998** insert—

5

10

After section 64(5) of the **Victorian Civil and Administrative Tribunal Act 1998** insert—

15

After Division 5 of Part 4 of the **Victorian Civil and Administrative Tribunal Act 1998** insert—

20

- (1) This Division applies to RDRV proceedings.
- (2) This Division is in addition to, and does not limit, the procedures in Division 5.

25

30

93D RDRV proceedings

- 5 (1) If the Tribunal or the principal registrar considers that an application under the **Residential Tenancies Act 1997** or any part of it is suitable to be dealt with as an RDRV proceeding, the Tribunal or the principal registrar may refer the application or any part of it to be dealt with as an RDRV proceeding to be resolved by a person nominated by the Tribunal or principal registrar (as the case requires) by ADR.
- 10 (2) A referral may be made under subsection (1) with or without the consent of the applicants or parties.
- 15 (3) The principal registrar must give notice of the referral to each applicant or party in accordance with the rules.
- 20 (4) An applicant or a party must pay the prescribed fee (if any) for an RDRV proceeding, whether or not the applicant or party consented to the referral.
- 25 (5) The person conducting the RDRV proceeding may refuse to continue with the proceeding if the fee payable under subsection (4) has not been paid.
- (6) Subject to this Act and the rules, the procedure for an RDRV proceeding is at the discretion of the person conducting it.

93E Personal attendance may be required at RDRV proceedings

30 The Tribunal or principal registrar who refers an application under the **Residential Tenancies Act 1997** or any part of it to be dealt with as an RDRV proceeding may

require a party to attend the proceeding,
either—

- (a) personally; or
- (b) by a representative who has authority to
settle the proceeding or part of it on
behalf of the party.

**93F What happens if RDRV proceeding is
successful?**

If the parties agree to settle an RDRV
proceeding or any part of it, the person
conducting the RDRV proceeding must
notify the principal registrar that the parties
have agreed to settle, unless the principal
registrar is the person conducting the RDRV
proceeding.

**93G What happens if RDRV proceeding is
unsuccessful?**

If the person conducting the RDRV
proceeding has attempted unsuccessfully
to settle the proceeding or any part of it, the
person must notify the principal registrar that
the RDRV proceeding has been
unsuccessful, unless the principal registrar is
the person conducting the RDRV
proceeding.

93H Evidence inadmissible

Evidence of anything said or done in the
course of ADR for an RDRV proceeding is
not admissible in any subsequent hearing
before the Tribunal in the proceeding to
which the application under the **Residential
Tenancies Act 1997** relates, unless all
parties agree to the giving of the evidence.

93I Settlement of RDRV proceeding

- 5 (1) If the parties agree to settle the RDRV proceeding or any part of it at any time, the Tribunal may make any orders necessary to give effect to the settlement.
- (2) The Tribunal's power to make an order under subsection (1) is exercisable by any member.
- 10 (3) If the parties agree to settle an RDRV proceeding or any part of an RDRV proceeding at which the principal registrar is presiding, the principal registrar may exercise the Tribunal's power to make any orders under subsection (1)."

179 Special referees

- 15 (1) In section 95(1)(b) of the **Victorian Civil and Administrative Tribunal Act 1998**, for "his or her" substitute "the special referee's".
- (2) After section 95(2) of the **Victorian Civil and Administrative Tribunal Act 1998** insert—
- 20 "(3) This section does not apply to any RDRV proceeding."

180 Method of conducting hearings

- After section 100(3) of the **Victorian Civil and Administrative Tribunal Act 1998** insert—
- 25 "(4) Subsections (2) and (3) do not apply to any RDRV proceeding."

181 Evidence

- After section 102(4) of the **Victorian Civil and Administrative Tribunal Act 1998** insert—
- 30 "(5) This section does not apply to any RDRV proceeding."

182 Presumption of order for costs if settlement offer is rejected

After section 112(3) of the **Victorian Civil and Administrative Tribunal Act 1998** insert—

5 "(4) This section does not apply to any RDRV proceeding or settlement by ADR at RDRV."

183 Provisions regarding settlement offers

10 After section 113(4) of the **Victorian Civil and Administrative Tribunal Act 1998** insert—

"(5) This section does not apply to any RDRV proceeding or settlement by ADR at RDRV."

15 **184 Provisions concerning the acceptance of settlement offers**

After section 114(7) of the **Victorian Civil and Administrative Tribunal Act 1998** insert—

20 "(8) This section does not apply to any RDRV proceeding or settlement by ADR at RDRV."

185 Consequences if accepted offer is not complied with

At the end of section 115 of the **Victorian Civil and Administrative Tribunal Act 1998** insert—

25 "(2) This section does not apply to any RDRV proceeding or settlement by ADR at RDRV."

186 Reasons for final orders

After section 117(6) of the **Victorian Civil and Administrative Tribunal Act 1998** insert—

30 "(7) This section does not apply to any RDRV proceeding."

187 Immunity of participants

After section 143(8) of the **Victorian Civil and
Administrative Tribunal Act 1998** insert—

- 5 "(9) Without limiting subsection (8), the principal
 registrar or a person referred to in section
 32(1)(c) to whom a function or power is
 delegated under section 32AB, in performing
10 a function or power under section 32AB or
 Division 5A of Part 4, has the same
 protection and immunity as a member of the
 Tribunal."

**188 Rules may provide for certain functions of the
Tribunal to be performed by principal registrar**

15 In section 157A of the **Victorian Civil and
Administrative Tribunal Act 1998**—

- (a) in subsection (2), after "to the proceeding"
 insert "or orders made in an RDRV
 proceeding";
 (b) in subsection (5)(a), after "32A" **insert**
20 "or 32AB";
 (c) in subsection (5)(b), for "that section"
 substitute "section 32A or 32AB".

189 Schedule 2 amended

25 At the end of Schedule 2 to the **Victorian Civil
and Administrative Tribunal Act 1998** insert—

- "Procedure in relation to RDRV proceedings
 and generally as to procedure under Division
 5A of Part 4, including powers and functions
30 of the principal registrar, registrars or other
 persons conducting ADR for RDRV
 proceedings in accordance with that
 Division."

**Division 2—Consequential amendment of
Residential Tenancies Act 1997**

190 Purposes

5 In section 1(d) of the **Residential Tenancies
Act 1997**, after "this Act" **insert** ", including, but
not limited to the use of ADR for RDRV
proceedings under Division 5A of Part 4 of the
**Victorian Civil and Administrative Tribunal
Act 1998**".

10 **191 Objectives of this Act**

 After section 3A(d) of the **Residential Tenancies
Act 1997 insert—**

15 "(da) without limiting paragraph (d), the effective
and prompt resolution of disputes by use of
ADR for RDRV proceedings under Division
5A of Part 4 of the **Victorian Civil and
Administrative Tribunal Act 1998**; and".

Part 14—Repeal of this Act

Part 14—Repeal of this Act

192 Repeal of this Act

This Act is **repealed** on 30 June 2028.

Note

5

The repeal of this Act does not affect the continuing operation of the amendments made by it (see section 15(1) of the **Interpretation of Legislation Act 1984**).

Consumer and Planning Legislation Amendment (Housing Statement
Reform) Bill 2024

Endnotes

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.

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