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There is no prescribed form for the accompanying document; rather a form will be approved by the Registrar. A sample of a proposed form, applicable for an unlimited owners corporation, is included later in this bulletin.

The second page is only relevant where there are “referred functions and obligations”. If both pages are used, both should be signed.

To help customers complete the document, Land Victoria has developed suggested wording, included on the proposed form. This may be appropriate for a ‘standard’ plan, but customers need to carefully consider if the suggested wording is appropriate to a particular plan.

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- be subject to a Model Rule if the owners corporation has not made a rule relating to a 'matter'.

References are to the Subdivision Act 1988 and the Subdivision (Procedures) Regulations 2005. Additional owners corporation information and contact details are as follows:

For 31st December 2007 every Body Corporate is deemed to be an Owners Corporation. Any reference to a Body Corporate in any Rule, Instrument or Form should be read as a reference to an Owners Corporation.

Statement End

Land Victoria

Customer Information Bulletin

Edition 107 November 2007
Customer Information Bulletin on email

If you’d like to receive the Customer Information Bulletin electronically or to unsubscribe, send your request via email: trs.enquiries@dse.vic.gov.au, telephone (03) 8636 2812, or fax (03) 8636 2250.

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Department of Sustainability and Environment
Land Registration Services
Land Victoria
Level 9, 570 Bourke Street
Melbourne VIC 3000
PO Box 500
East Melbourne VIC 8002
Tel (03) 8636 2010
Fax (03) 8636 2250
www.dse.vic.gov.au
www.land.vic.gov.au

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Printed by Stream Solutions
© The State of Victoria, Department of Sustainability and Environment 2007
This publication may be of assistance to you but the State of Victoria and its employees do not guarantee that the publication is without flaw of any kind or is wholly appropriate for your particular purposes and therefore disclaims all liability for any error, loss or other consequence which may arise from you relying on any information in this publication.
The new Model Rules will apply to existing plans that are subject to the old ‘Standard Rules’. If an owners corporation makes, amends or revokes its rules, it must notify the Registrar.

The notification must be accompanied by a certified, consolidated copy of the rules. A fee of $48.50 is payable to lodge notification of rules when lodging the plan.

Plan format

Minimal changes are required on plan formats with amendments centred on the Body Corporate Schedule (renamed the Owners Corporation Schedule). The changes are:

- reference to address for service of notice removed from the schedule, now included in an accompanying document
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Given the long life of a certified plan (which must be registered within five years of certification), plans drawn in the existing format will continue to be acceptable. However plans prepared and signed by the surveyor after 31 December 2007 should be submitted in the new format.

Limitations on owners corporations

A plan lodged for registration must specify whether the owners corporation is unlimited or limited (Section 27(3) Subdivision Act 1988). The plan format will then be processed accordingly.

The purpose of Owners Corporation 1 PS567890 is to manage the land affected by the owners corporation (except the use of any common property affected by a limited owners corporation).

If the owners corporation is unlimited — other than to common property — limitation details must be included in the additional owners corporation information document (Regulation 16(b) Subdivision (Procedural) Regulations 2000).

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The赖以 of the limited owners corporations affected by the unlimited owners corporation have referred functions and obligations, the following suggested wording may be suitable:

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If no functions and obligations have been referred, insert “Not applicable”.
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Given the long life of a certified plan (which must be registered within five years of certification), plans drawn in the existing format will continue to be acceptable.

However plans prepared and signed by the surveyor after 31 December 2007 should, preferably, be drawn in the new format.

**Limitations on owners corporations**

A plan lodged for registration must specify whether the owners corporation is unlimited or limited (Section 27(3)).

If the owners corporation is limited — other than to common property — limitation details must be included in the additional owners corporation information document (Regulation 16(b) Subdivision (Procedural) Regulations 2000). A plan may specify that an owners corporation is limited to the common property (Section 27G (Procedures) Regulations 2000).

If the owners corporation is unlimited, then Sections 48 to 51 of the Act, regarding maintenance and access rights to lots, do not apply to the owners corporation (Section 8 (Owners Corporation Act 2006)).

**Transitional arrangements for plans**

Plans lodged with Land Victoria on or after 31 December 2007 for registration under the Owners Corporation Act 2006 must comply with the new requirements.

Accompanying documents required must be lodged with plans that will create an owners corporation.

Plans currently held unregistered in Land Victoria:

- will be processed as presented, if the Statement of Compliance is presented before 31 December 2007
- will require accompanying documents for EACH owners corporation created if registered ON or AFTER 31 December 2007.

Owners corporation search report

As advised in Customer Information Bulletin No. 95 (October 2006), Land Victoria is currently extracting body corporate information from registered plans and holding it in electronic data. The body corporate schedule is then removed from the plan.

A search will then provide ‘diagram’ pages of the plan and a Body Corporate Search Report containing only the current body corporate information. This project is due for completion by May 2008.

When the Owners Corporation Act 2006 commences, information about the owners corporation will be presented to Land Victoria partly in the plan and partly in accompanying documents. The plan and accompanying documents, when registered, will go through the same process of information extraction to be reproduced, when required, in Owners Corporation Search Report.

The ‘accompanying documents’ will be imaged and be available for public search.

The revised Owners Corporation Search Report will contain an expanded range of information presented in an easy-to-read format that will be uniform across all plan types. An example of the proposed Owners Corporation Search Report is included at the end of this bulletin.

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**FUNCTIONS AND OBLIGATIONS THAT ARE TO BE CARRIED OUT OR COMPLIED WITH BY THE UNLIMITED OWNERS CORPORATION ARE:**

(Owners Corporation Act 2006)

If the plan contains multiple overlapping owners corporations and some of the functions and obligations of limited owners corporation(s) are to be carried out or complied with by the unlimited owners corporation(s) or if only some of the owners corporation(s) affected by the unlimited owners corporation(s) have referred functions and obligations, the following suggested wording may be suitable:

‘Functions and obligations to be carried out or complied with by the limited owners corporation(s) are……….’

‘…functions and obligations to be carried out or complied with by the unlimited owners corporation(s) are……….’

The new owners corporation certificate will contain an expanded range of information presented in an easy-to-read format that will be uniform across all plan types. An example of the proposed Owners Corporation Search Report is included at the end of this bulletin.

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**ADDITIONAL INFORMATION ACCOMPANYING A PLAN**

1. **POSTAL ADDRESS FOR SERVICES OF NOTICES**

   [Registration (New Subdivision) (Procedures) Regulations 2000]

   Insert the postal address of the owners corporation to which notices are to be sent. Please note that a ‘care of’ or ‘post office box number’ is not an acceptable address.

2. **THE POWERS OF THE OWNERS CORPORATION ARE:**

   [Owners Corporation Act 2006]

   The purpose of Owners Corporation 1 PS567890 is to manage the land affected by the owners corporation (except the use of any common property affected by a limited owners corporation).

3. **THE BASIS FOR THE ALLOCATION OF LOT ENTITLEMENT AND LOT LIABILITY IS:**

   [Section 27C(1)(a) Subdivision Act 1988]

   If only some of the limited owners corporations affected by the unlimited owners corporation(s) are to be carried out or complied by the unlimited owners corporation, insert a statement defining those functions and obligations.

   If the plan contains multiple overlapping owners corporations and some of the limited owners corporations affected by the unlimited owners corporation(s) are to be carried out or complied by the unlimited owners corporation(s), the following suggested wording may be suitable:

   ‘Functions and obligations to be carried out or complied with by the limited owners corporation(s) are……….’

   ‘…functions and obligations to be carried out or complied with by the unlimited owners corporation(s) are……….’

---

**OWNERS CORPORATION INFORMATION**

**UNLIMITED OWNERS CORPORATION**

**Privacy Collection Statement**

The personal information is collected under statutory authority and is used for the purpose of: managing the land affected by the owners corporation; and maintaining the owners corporation register and notices in the Victorian Land Register.

**Lodged by: …………………………………….**

**Name: …………………………………….**

**Address: …………………………………….**

**Reference: …………………………………….**

**Crown Code: …………………………………….**

**Owners Corporation Number: …………………………………….**

**Plan Number: …………………………………….**

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**For current information regarding an owners corporation, obtain an Owners Corporation Search Report**

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**The Back of this Form Must Not Be Used**

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**Land Victoria, 570 Bourke Street Melbourne 3000; Phone (03) 8636 2609**

**Approval No. OC 1**

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**Page …of …**

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