

Call for Submission of Motions
*Councils are invited to submit motions for debate
to be Included at General Meetings*

Name of Council: West Tamar

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Date of General Meeting for Motion to be Included: December 2022

Motion Requirements:

In order for a Motion to be considered please indicate if the proposed Motion:

- Concerns a local government matter¹.
- Is a matter of common concern to local government and not a specific local issue.
- Addresses the objectives of the Association².
- Is linked to LGAT's current Annual Plan, available [here](#)
- Is not an existing resolution of the sector (please refer to the Follow up of Resolutions Report in the preceding General Meeting for a list of current resolutions).
- Has not been considered at a General Meeting in the 12 months prior.
- Relates to existing, or sought, activities/policy of the Tasmanian Government that would benefit from members understanding the Tasmanian Government position prior to considering³.

LGAT staff are happy to assist you in developing your motion. Please phone 03 6146 3740 in the first instance.

Please attach –

The proposed Motion that clearly articulates the action required of LGAT, or the policy position being sought from the sector.

The attachment should also include additional background comments, including matters listed above, to ensure members have a complete understanding of what is being sought and how the Motion addresses the requirements listed above.

Email to admin@lgat.tas.gov.au

¹ Considering the functions outlined in the *Local Government Act 1993*, Section 20.

² The objectives of LGAT are

- (a) Protect and represent the interests and rights of Councils in Tasmania;
- (b) Promote an efficient and effective system of local government in Tasmania; and
- (c) Provide services to Members, councillors and employees of Councils.

³ Council should consider raising the motion at the General Meeting when State Government Comment on Motions is sought, .

Details of Motion

Motion Title **Review of Property Agents & Land Transactions Act 2016**

Decision Sought

THAT LGAT:

“Seek revisions to the Property Agents and Land Transactions Act 2016 to consider:

- a) Requiring a 337 Certificate prior to listing of a property and making it available as part of the sale process; and***
- b) Requiring full disclosure for properties as part of the listing process.”***

Background Comment

The process of seeking the issue of a 337 Certificate as part of purchasing a property provides an effective tool in identifying a range of matters including matters relating to planning, building and plumbing. Regrettably normal practice is that a purchaser does not seek a certificate until they are about to, or already have, signed a contract meaning important information can remain unknown until the end of the process. This can and often does lead to frustration, increased costs, legal argument and ultimately delays in the process.

Requiring a 337 certificate prior to listing a property places the onus on the vendor and ensures the information is available when the property is listed for sale. This places the responsibility where it should lie and ensures a prospective purchaser is able to make a more informed decision.

Property disclosure statements exist in most states and territories in Australia and form part of the process of residential property sale. As with the responsibility described above regarding 337 certificates, it is appropriate that a property vendor be responsible for disclosing matters related to the property being listed for sale.

This is a matter which has been previously considered by government however with the recent increase in property transactions it has become apparent that it is appropriate to reconsider these suggested changes and incorporate them into Tasmanian law.

Providing this level of consumer protection has become the minimum standard expected by our communities.