

How to comply with the 'diagram location' requirement in section 32l of the Sale of Land Act

What constitutes a diagram location for the purposes of section 32l of the Sale of Land Act 1962 (Vic)?

The section relevantly provides that a vendor must attach to the section 32 statement:

'... the document, or part of the document, referred to as the diagram location in the Register Search Statement that identifies the land and its location ...'

The words 'diagram location' typically appear on the Register Search Statement followed by a plan of subdivision (PS) or title plan (TP) number. See extract of Register Search Statement below. It is the plan of subdivision, or title plan, described by the PS or TP number in the diagram location panel that should be attached to the section 32 statement to comply with s.32l of the Sale of Land Act.

If the title plan number appears in the diagram location panel, what is not clear from section 32l, is whether it is enough to just include the title plan and not include any plan of subdivision, otherwise referred to in the Register Search Statement or in the title plan itself.

What is part of a document?

The reference to 'part of the document' in section 32l may lead some practitioners to think they only need to include the page of a multi-page plan of subdivision for a multi-story apartment block showing the relevant apartment. While it may technically comply with section 32l, the problem with this strategy is it might not disclose all the relevant easements as required by section 32C. For example, drainage easements which are usually located in the common property on the plan of subdivision.

Extract of Register Search Statement

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ENCUMBRANCES, CAVEATS AND NOTICES

Any encumbrances created by Section 98 Transfer of Land Act 1958 or Section 24 Subdivisions Act 1988 and any other encumbrances shown or entered on the plan set out under DIAGRAM LOCATION below.

DIAGRAM LOCATION

SEE **PS 123456D** FOR FURTHER DETAILS AND BOUNDARIES

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Risk management tips:

LPLC recommends that:

- all the pages for any plan of subdivision referred to in the Register Search Statements be attached
- where the diagram location refers to a TP number, the title plan bearing that number be attached to the section 32 statement
- where the title plan refers to a plan of subdivision, all the pages of the plan of subdivision be attached.

Using this approach is best practice because it will ensure a vendor has the best chance of avoiding any dispute, as any or all these documents may contain details of easements which need to be disclosed. See s.32C(a) of the Sale of Land Act.



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