

## Victorian conveyancing reform: provision reference

Companion to the LPLC risk webinar. Dates shown are the latest possible commencement; a provision can be brought into operation earlier, as published in the Victoria Government Gazette. “Bill” means the instrument is not yet law and the date can move, and the proposed amendments may change before passing both houses of parliament. “Regs pending” means the operating detail sits in regulations not yet made.

### Sale of Land Act changes

Instrument (Part, Div, clause)	Provision created or amended	Effect	Commencement
Building Legislation Amendment (Buyer Protections) Act 2025 (Part 6, Div 2, s 100)	s 9ADA, Sale of Land Act 1962	Purchaser cannot take possession of a lot in an off the plan residential apartment building (>3 storeys) before the occupancy permit issues. If breached, purchaser has a rescission right	<b>No later than 1 July 2026</b>
Building Legislation Amendment (Buyer Protections) Act 2025 (Part 6, Div 2, s 102)	s 9AEA, Sale of Land Act 1962	Purchaser rescission right for a lot in an off the plan residential apartment building, where occupancy permit has issued, and there is no developer bond or an insufficient developer bond	<b>No later than 1 July 2026</b>
Consumer Legislation Amendment Bill 2026 (Part 9, s 107)	s 26A, Sale of Land Act 1962	Deposit release before settlement only if the contract so provides (section 27 of the Sale of Land Act for release of deposits to be removed)	<b>No later than 1 June 2027 (Bill)</b>
Consumer Legislation Amendment Bill 2026 (Part 9, s 107)	s 26B, Sale of Land Act 1962	Estate agent must not retain commission or expenses before settlement if deposit is released in accordance with section 26A of the Sale of Land Act	<b>No later than 1 June 2027 (Bill)</b>
Consumer Legislation Amendment Bill 2026 (Part 9, ss 109–110)	s 32, Sale of Land Act 1962	Section 32 statement to be made available to a purchaser, 14 days prior to a publicly advertised auction, fixed-date of sale or before a contract of sale is signed (“sale availability time”)	<b>No later than 1 June 2027 (Bill)</b>
Consumer Legislation Amendment Bill 2026 (Part 9, s 111)	s 32K, Sale of Land Act 1962	Purchaser rescission right tied to the new 14-day sale availability time	<b>No later than 1 June 2027 (Bill)</b>
Consumer Legislation Amendment Bill 2026 (Part 9, s 113)	new s 59, Sale of Land Act 1962	28-day transitional grace window for the s 32 changes, from commencement	<b>No later than 1 June 2027 (Bill)</b>
Building Legislation and Treasury Legislation (Tax Relief) Amendment Act 2026 (Part 8, s 128)	s 9AEA(1)(c)(i), Sale of Land Act 1962	Further amendment of the new provision, if occupancy permit issued for a lot on an off the plan residential apartment building has issued, but the decennial insurance has not been issued, then purchaser will have a rescission right	<b>No later than 1 December 2027</b>
Building Legislation and Treasury Legislation (Tax Relief) Amendment Act 2026 (Part 8, s 129)	s 32B(ab), Sale of Land Act 1962	Disclose all statutory insurance scheme cover in the s 32 statement (registered domestic builder insurance in addition to owner-builder insurance), no longer just a contractual obligation to provide a copy of registered domestic builder insurance	<b>No later than 1 December 2027</b>
Building Legislation and Treasury Legislation (Tax Relief) Amendment Act 2026 (Part 8, s 130)	s 32C(ba), Sale of Land Act 1962	Disclose a designated flood-prone area in the s 32 statement	<b>No later than 1 December 2027</b>

## Owner-builder and the statutory insurance scheme (Building Act)

Instrument (Part, Div, clause)	Provision created or amended	Effect	Commencement date
Building Legislation Amendment (Buyer Protections) Act 2025 (s 56)	new s 137I(c), Building Act 1993	Applies the SIS to domestic building work carried out under a certificate of consent (owner-builder work)	No later than 1 July 2026
Building Legislation Amendment (Buyer Protections) Act 2025 (s 56)	new s 137J(d), Building Act 1993	SIS does not apply to work under \$20,000 (or a prescribed amount), or to work in a residential apartment building (>3 storeys)	No later than 1 July 2026
Building Legislation Amendment (Buyer Protections) Act 2025 (s 56)	new ss 137H and 137K, Building Act 1993	Subsequent owners are entitled to first-resort assistance for incomplete, defective or non-compliant work	No later than 1 July 2026
Building Legislation Amendment (Buyer Protections) Act 2025 (s 56)	new s 137L(c), Building Act 1993	The owner-builder is not entitled to assistance for their own work	No later than 1 July 2026
Building Legislation Amendment (Buyer Protections) Act 2025 (s 79, to confirm)	s 32B, Sale of Land Act 1962	Obligation to disclose owner-builder insurance has not changed, only the wording contained in section 32B of the Sale of Land Act will be amended to accord with new definition of 'statutory insurance scheme' found in the Building Act 1993 (Vic)	No later than 1 July 2026
SIS regulations (not yet made)	premium and cover mechanics	Premium obligation for certificate-of-consent work; when cover applies and starts; premium payable before the s 32 statement	Expected before 1 July 2026; not made or sighted

## WHAT TO DO

# Acting for a purchaser

Behaviour to change	Trigger moment	Live from
On an off-the-plan residential apartment building, before advising the client to take possession or settle, confirm the developer bond is issued for at least the required amount. Advise that the s 9AEA rescission right is recovery right through a court, not an automatic right to the refund of the deposit.	Occupancy permit issued, pre-settlement	1 Jul 2026
When the seller is an owner-builder, check that the SIS cover is disclosed. Advise the client the SIS is first-resort, so they as a later owner can claim without having to first sue the builder or establishing whether the builder is dead or insolvent.	Reviewing the section 32 statement	1 Jul 2026 (regs pending)
Before the client agrees to any early deposit-release condition, review the proposed special condition and advise the client in writing about the risk to the client if the deposit is released prior to settlement.  In the alternative, advise the client that they have the option to not agree to such a condition, so that the deposit remains in a stakeholder trust account until settlement or termination of the contract (for whatever reason).	Reviewing the contract before signing	1 Jun 2027 (Bill)
Confirm that the client has received the section 32 statement at least 14 days before the publicly advertised auction, fixed-date sale or signing of the contract of sale. Advise the client on their s 32K termination right if this has not been complied with	On receipt of the contract and section 32 statement	1 Jun 2027 (Bill); 28-day transition
On an off-the-plan residential apartment building, once the occupancy permit has issued, and before settlement, check that the decennial insurance policy is in place. If the occupancy permit has issued without the decennial insurance in place, advise the client about their rescission right.	Occupancy permit issued, pre-settlement advice	1 Dec 2027
Scrutinise the section 32 statement for correct disclosure of statutory insurance scheme policies (expanded to also include registered domestic builders not just owner-builders), and flood prone areas, and advise on any termination right if a disclosure requirement is missing or wrong.	Reviewing the section 32 statement	1 Dec 2027

## WHAT TO DO

# Acting for a vendor

Behaviour to change	Trigger moment	Live from
Acting for a developer selling lots in an off the plan sale of a residential apartment building, do not require or permit the purchaser to take possession of a lot before the occupancy permit issues. Confirm the developer bond is lodged and is correct, before the developer applies for occupancy permit.	Managing possession, and developer bonds before an occupancy permit is issued	1 Jul 2026
If the vendor is an owner-builder and section 137B of the Building Act 1993 (Vic) applies, ensure that the particulars of any owner-builder coverage under the statutory insurance scheme are disclosed in the section 32 statement, where a residence is located on the land.	Preparing the section 32 statement	1 July 2026
For an owner-builder vendor selling within the warranty period, confirm the SIS premium is paid and disclose the insurance cover in the section 32.	Preparing the section 32 statement	1 Jul 2026 (regs pending)
If an early deposit release is requested by the vendor, considering whether appropriate to draft an express release condition into the contract (noting the purchaser may not agree). Advise the client that section 27 no longer applies. Note that the agent cannot retain commission before settlement from a deposit that is released early (s 26B).	Drafting or reviewing the contract	1 Jun 2027 (Bill)
Make the section 32 statement available at least 14 days before a publicly advertised auction or fixed-date sale, or before contract signing. Coordinate the sale availability time with the agent, and warn the client in writing about the consequences if this requirement is not complied with.	At listing, before the auction is advertised	1 Jun 2027 (Bill); 28-day transition
Where there is a residence on the land, disclose any particulars of statutory insurance scheme cover that apply, whether registered domestic builder or owner builder, and also disclose whether the land is in a designated flood-prone area in the section 32 statement.	Preparing the section 32 statement	1 Dec 2027
When acting for a developer, confirm that the developer bond is lodged and correct, and that the decennial insurance is in place, before the developer applies for an occupancy permit for any lot in an off the plan sale of a residential apartment building.	Managing developer bonds and decennial insurance before an occupancy permit issued	1 Dec 2027

## Links to relevant legislation

- [Building Legislation Amendment \(Buyer Protections\) Act 2025 \(Vic\)](#)
- [Consumer Legislation Amendment Bill 2026 \(Vic\)](#)
- [Building Legislation and Treasury Legislation \(Tax Relief\) Amendment Act 2026 \(Vic\)](#)