

## PART 8—RATES AND CHARGES ON RATEABLE LAND

### Division 1—Declaration of Rates and Charges

#### 154. What land is rateable?

- (1) Except as provided in this section, all land is rateable.
- (2) The following land is not rateable land—
  - (a) land which is unoccupied and is the property of the Crown or is vested in a Minister, a Council, a public statutory body or trustees appointed under an Act to hold that land in trust for public or municipal purposes;
  - (b) any part of land, if that part—
    - (i) is vested in or owned by the Crown, a Minister, a Council, a public statutory body or trustees appointed under an Act to hold that land in trust for public or municipal purposes; and
    - (ii) is used exclusively for public or municipal purposes;
  - (c) any part of land, if that part is used exclusively for charitable purposes;
  - (d) land which is vested in or held in trust for any religious body and used exclusively—
    - (i) as a residence of a practising Minister of religion; or
    - (ii) for the education and training of persons to be Ministers of religion; or
    - (iii) for both the purposes in sub-paragraphs (i) and (ii);
  - (e) land which is used exclusively for mining purposes;
  - (f) land held in trust and used exclusively—
    - (i) as a club for or a memorial to persons who performed *service or duty* within the meaning of section 3(1) of the **Veterans Act 2005**; or

S. 154(2)(f)(i)  
substituted by No.  
67/2008 s. 55.

Local Government Act 1989 No. 11

- (ii) as a sub-branch of the Returned Services League of Australia; or
  - (iii) by the Air Force Association (Victoria Division); or
  - (iv) by the Australian Legion of Ex-Servicemen and Women (Victorian Branch).
- (3) For the purposes of sub-sections (2)(a) and (2)(b) any part of the land is not used exclusively for public or municipal purposes if—
- (a) it is used for banking or insurance; or
  - (b) a house or flat on the land—
    - (i) is used as a residence; and
    - (ii) is exclusively occupied by persons including a person who must live there to carry out certain duties of employment; or
  - (c) it is used by the Metropolitan Fire Brigades Board.
- (3A) For the purposes of sub-section (2)(b), any part of land does not cease to be used exclusively for public purposes only because it is leased—
- (a) to a rail freight operator within the meaning of the **Transport (Compliance and Miscellaneous) Act 1983**; or
  - (b) to a passenger transport company within the meaning of that Act.
- (4) For the purposes of sub-sections (2)(c) and (2)(d), any part of the land is not used exclusively for charitable purposes if it is in any of the following categories—
- (a) it is separately occupied and used for a purpose which is not exclusively charitable;
  - (b) a house or flat on the land—
    - (i) is used as a residence; and
    - (ii) is exclusively occupied by persons including a person who must live there to carry out certain duties of employment;
  - (c) it is used for the retail sale of goods;
  - (d) it is used to carry on a business for profit (unless that use is necessary for or incidental to a charitable purpose).

S. 154(3A) inserted  
by No. 98/1998  
s. 47.

S. 154(3A)(a)  
amended by Nos  
6/2010 s. 203(1)  
(Sch. 6 item 29.2),  
29/2011 s. 3 (Sch. 1  
item 55.2).

S. 154(4) amended  
by No. 13/1990  
s. 31(f).