

Land Victoria

Customer Information Bulletin

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Customer Information Bulletin on email

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Changes to lodgement requirements for plans of subdivision and consolidation

Effective 1 March 2009, plans of subdivision and consolidation will only be accepted for lodgement at Land Victoria if they have a Statement of Compliance.

Currently, approximately 20 per cent of plans of subdivision and consolidation lodged with Land Victoria are not accompanied by a Statement of Compliance and are therefore not registrable.

Accurate and timely street addressing is required for effective title searching and despatch of emergency vehicles. In a small number of cases, this information is not available until well after the plan has been registered.

Accordingly, effective from 1 March 2009, Land Victoria requires the street address information to be provided either prior to lodgement or at lodgement with the plan of subdivision or consolidation; otherwise, the plan will not be accepted.

Street address information can be provided using the 'Form 8' process of the Subdivision (Procedures) Regulations 2000, or the Vicmap update process known as the 'M1'.

These changes aim to improve the efficiency of operations, transparency of service and the maintenance of street address information in Vicmap.

The plan lodgement checklist will be updated to reflect these changes.

Changes to 'Made Available' process

Effective from 1 March 2009, the following minor changes will be introduced to the 'Made Available' process.

- The period during which a Certificate of Title will be held in 'Made Available' will be extended from 90 to 180 days.
- If no dealing is lodged during the 'Made Available' period, the Certificate of Title issued back to the party that produced it will be a new-style certificate, not the document originally produced.
- Any old-style paper or parchment Certificate of Title required to be returned must be accompanied by a written request attached to the Certificate of Title. The party that makes the Certificate of Title available will be responsible for determining the proprietor's requirements.

Return of old-style paper or parchment Certificates of Title

Currently, Land Victoria returns to the lodging party any old-style paper or parchment Certificate of Title submitted through the bulk lodging process with a dealing that does not result in a change to registered proprietorship. Additionally, in the over-the-counter area, all old-style paper or parchment Certificates of Title are currently returned to customers unless specifically stated otherwise.

Effective from 1 March 2009, Land Victoria will cease these practices.

From that date, no old-style paper or parchment Certificate of Title will be returned to a customer unless specifically requested in writing (bulk process) or verbally (over-the-counter process) at the time of lodgement. The written request must be attached to the Certificate of Title that is requested to be returned. The controlling party of the Certificate of Title will be responsible for determining the proprietor's requirements.

Document signing by conveyancers

The *Conveyancers Act 2006* introduced a regulatory regime for conveyancers, effective from 1 July 2008.

Numerous Land Victoria applications and instruments may be signed by an agent on behalf of the applicant or party. Land Victoria now recognises the principal or agency relationship between a licensed conveyancer and his or her client, and does not require proof beyond a recital of the relationship in the application or instrument.

An example of the recital's acceptable wording in an application or instrument is:

(Signature of agent conveyancer)

Licensed conveyancer OR

A person authorised by the Conveyancers Act 2006

Any other wording that clearly indicates that the signatory is a licensed conveyancer is acceptable.

Because a company can be a licensed conveyancer a document may be signed, for example, 'ABC Conveyancing Pty Ltd'. However, it is also acceptable if simply signed 'ABC Conveyancing'.

If the licensed conveyancer is a natural person, the person should legibly sign his or her own name.

Document signing by Australian legal practitioners or legal firms

Land Victoria accepts documents with either the signature of an individual practitioner or a legal firm on behalf of their clients. In all cases, the signature must be legible.

Dealings not conforming to these requirements will be refused.

Adelaide Bank merger

On 1 December 2008, Adelaide Bank Limited (ABL) merged with Bendigo and Adelaide Bank Limited (BEN). BEN is the successor in law to ABL in respect of all mortgages, interests and estates in land.

The merger has resulted in the following practice changes in relation to dealings lodged at Land Victoria –

- A discharge of an ABL mortgage may identify ABL or BEN as the discharging party. Either is acceptable, irrespective of the instrument's date.
- An attorney of either ABL or BEN may execute discharges

of mortgage where ABL is the registered mortgagee, irrespective of the instrument's date.

- Only an attorney of BEN may execute discharges of mortgage where BEN is the registered mortgagee.

T2 Transfer of Land form

A T2 Transfer of Land form is used when a transfer of land includes creations and reservations of easements and restrictive covenants. Sometimes the length of the terms of the easement or restrictive covenant mean that it is necessary to use more than the standard two pages. In this case, the second page should be signed by the parties in the same way that an Annexure Page is signed. The third and all subsequent pages need to be on approved A1 Annexure Pages.