

# Land Victoria Customer Information Bulletin

Edition 142 November 2013

## Aligning paper and electronic conveyancing

Land Victoria is consulting stakeholders about aligning electronic and paper conveyancing requirements, and as far as practicable, adopting uniform national requirements to minimise inconsistencies between jurisdictions. This consultation process will also consider some changes to mortgage provisions.

An Introductory Paper outlining the proposals and the consultation process has been released and is available at [www.dtpli.vic.gov.au/property](http://www.dtpli.vic.gov.au/property) > Publications. The Consultation Paper will also be available on this web page when it is released in late November.

An information session on the proposed changes is being held on 26 November 2013 at 2pm. Details are provided below. This information session will include a presentation on the proposals, followed by a question and answer session.

## Information session on aligning paper and electronic conveyancing

When: Tuesday 26 November

Time: 2pm to 4pm

Where: Level 16, 570 Bourke St, Melbourne

RSVP: (for venue seating purposes) via email to: [policy.lv@dtpli.vic.gov.au](mailto:policy.lv@dtpli.vic.gov.au) by 4pm 22 November

## Lodging requirements for applications to bring general law land under the *Transfer of Land Act 1958*

From 16 December 2013, Land Registration Services is changing the lodging process for applications to bring general law land under the *Transfer of Land Act 1958*.

- All applications are to be lodged through the Plan Acceptance area.
- Practitioners and lodging parties must ensure that applications lodged under sections 14 or 15 of the *Transfer Land Act 1958* are accompanied by a completed Plan Lodgement Checklist.

The Plan Lodgement Checklist is available online at [www.dtpli.vic.gov.au/property](http://www.dtpli.vic.gov.au/property) > Land titles > Forms, guides and fees.

Click on the link 'Checklists and investigation request'.

## Nomination of Certificates of Title

When corresponding with a financial institution to request the nomination of a Certificate of Title, please ensure:

- details of all transaction documents intended for lodgement are included
- the dealings are expected to proceed before the nomination request expires (within 180 days).

It is the responsibility of the party requesting the nomination to disclose all documents they are intending to lodge. This is because all transaction documents lodged with Land Victoria will be registered if they are in a registrable form, regardless of whether they appeared on the Nomination Request form.

To minimise unnecessary work for all parties, we also ask that requests for nomination only proceed when the requesting party is certain the transactions will be lodged before the Nomination Request expires (within 180 days).

## Customer management of caveats – understanding when to consent and when not to consent to a dealing

There are three possible responses from a caveator when they receive notice that a dealing has been lodged for registration:

- it can be ignored and no response provided if there is no objection – the caveat will then lapse (to the appropriate extent) after 30 days

- they can provide consent – the dealing will be processed but the caveat will be maintained
- they can proceed to court because they object to the dealing.

Unless you wish the caveat to remain in place, ignoring the notice is the most appropriate action.

If the caveator consents, the caveat can only be removed if the caveator lodges a withdrawal of caveat, on the lodgement of a subsequent dealing, via an application to remove the caveat under Section 89A of the *Transfer of Land Act 1958* or pursuant to a court order.

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## Change of family name on forms

The Transfer of Land and Mortgage of Land online forms allow you to change the proprietor/mortgagor's name on a folio. It is essential that the full name as it currently appears on the folio is included.

To change the name, check the box 'Name differs to Folio' and a drop-down box will appear. You are then asked to fill in the 'Name on Title' and to provide a reason for the change.

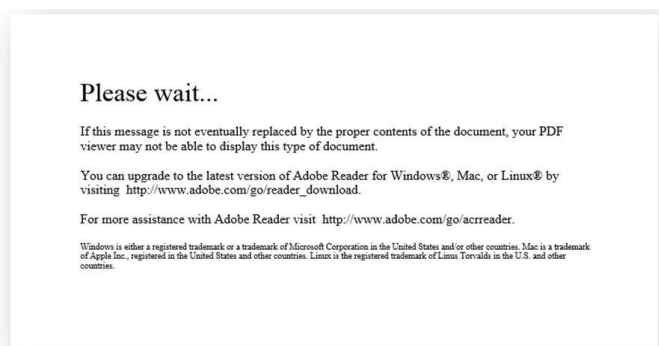
For example: if Maryanne Jane Smith marries and changes her name to Maryanne Jane Brown, include the complete maiden name as it currently appears – Maryanne Jane Smith (just the family name will not suffice) and the reason as 'Marriage'.

Forms are available at: [www.dtpli.vic.gov.au/property](http://www.dtpli.vic.gov.au/property) > Land titles > Forms, guides and fees

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## Opening Land Victoria forms

For some browsers, opening the Land Victoria interactive forms in the browser generates a 'please wait' message.



Generally this situation can be resolved by doing two things:

- ensure your computer is running the most recent version of the Internet browser
- ensure the most recent version of Adobe is installed on your system.

However, if this situation continues to occur, right click on the form and do a 'save as PDF' to a folder on your desktop and open it from there.

## Transfer of Water Share by Mortgagee – changed procedures

From 1 December 2013 the Victorian Water Registrar, Victorian Water Register will not accept a mortgagee's transfer of a water share unless it has a valid approval.

To obtain approval, a mortgagee must first apply to the relevant water corporation by completing a Form 1 'Application to transfer a water share' and an 'Annexure 4' available from [www.waterregister.vic.gov.au](http://www.waterregister.vic.gov.au) > Application forms, guides and fees > Forms to Water Corporations. For advice on the Form 1 and the accompanying application fee, customers should contact the relevant water corporation.

When the application is approved, a mortgagee or their lodging agent will be sent a letter and a 'Transfer of a Water Share by Mortgagee' form with a checklist on how to complete the form. The letter will set out the date on which the Transfer of Water Share by Mortgagee expires under Section 33S of the *Water Act 1989* (the Act).

Once the Transfer of Water Share by Mortgagee form is completed and signed by the mortgagee and the buyer, it can be lodged at Land Victoria with the appropriate lodging fee.

Transfers by mortgagees must be lodged with the Registrar within two months of the approval date. The Registrar is prohibited from accepting lodgements after the approval expires (see Sections 84J(3) and 33S of the Act).

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