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| Land Use Victoria  Customer Information Bulletin 176  April 2018 |
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# Commercialisation of land registry functions

The Victorian Government has made a decision to commercialise land titles and registry functions of Land Use Victoria, which is recognised as a market leader in the delivery of these key services. The commercialisation is intended to deliver better services to the public through continued investment in information technology systems and customer interfaces.

Key functions and powers will be retained by the State. The State will also continue to own the land registry data and provide the State Guarantee of title to ensure the integrity, security and availability of registry services and systems are maintained.

The Treasurer's media release Wednesday, 7 March 2018, at <https://www.premier.vic.gov.au/land-use-victoria-proceeds-to-deliver-infrastructure-boost/> provides further information.

# Participation Rules and Operating Requirements for electronic conveyancing transactions

The Australian Registrars' National Electronic Conveyancing Council (ARNECC) has published for consultation Model Participation Rules Version 5 Consultation Draft and Model Operating Requirements Version 5 Consultation Draft. These consultation drafts propose amendments to the Model Participation Rules Version 4 and Model Operating Requirements Version 4 respectively.

The deadline for feedback to ARNECC on the consultation drafts is 24 April 2018. For further information on ARNECC's consultation see [www.arnecc.gov.au/resources](http://www.arnecc.gov.au/resources) >consultation.

# Registrar’s requirements for paper conveyancing transactions – Transfers of lands and survivorship applications

All customers are reminded that since 1 March 2018, transfers of land and survivorship applications must be lodged electronically. This requirement applies when a party is represented by a conveyancer or lawyer who signs the instrument on behalf of their client; or, the party is a conveyancer or lawyer, or PEXA subscriber acting for themselves.

Under Registrar’s requirement 6.5 the following exceptions to lodging using an Electronic Lodgment Network (ELN) include:

* a transfer is lodged with any other instrument for the same folio(s), including a survivorship application
* a transfer is of a type that as at 1 March 2018 is not available in PEXA, such as
* transfers by mortgagees
* transfers by a minor
* transfers creating an easement
* transfers of an interest (e.g. a lease or mortgage)
* transfers of part of land in a folio of the Register
* transfers of a tenant in common’s share
* transfers that cannot be assessed for duty by the State Revenue Office [Duties Online](http://www.sro.vic.gov.au/dutiesonline) – details of the transaction types able to be processed in Duties Online are in the tables of transactions and combinations of transactions available on the SRO website at [www.sro.vic.gov.au/duties-online-transaction-types](https://www.sro.vic.gov.au/duties-online-transaction-types)
* transfers affecting more than 20 folios
* a survivorship application that is to be lodged with any other instrument, unless the other instrument must be lodged electronically – this includes most discharges of mortgage, mortgages and withdrawals of caveat. If the discharge of mortgage, mortgage or withdrawal of caveat is an instrument required to be lodged electronically, that instrument must be lodged using the ELN. The survivorship application would then also be lodged electronically. In other cases, by way of example, a survivorship application and a caveat may be lodged in paper, as would a survivorship application and a discharge when both are lodged with a transfer (e.g. following a settlement)
* a survivorship application that, from 1 March 2018, is not available in PEXA, e.g. a survivorship application by an interest holder.

# Improved timeframes for registering subdivision plans of 10 or more lots

On 3 April 2018, Land Use Victoria (LUV) implemented a revised process for registering subdivision plans of 10 or more lots. The changes to the process follow a recent consultation with stakeholders.

Under the new process, the target registration time for subdivision plans containing 10 lots or more will be 5 business days instead of the standard registration period of 15 days from lodgment.

However, lodged plans of 10 or more lots will lose their accelerated status and be subject to the standard registration time frames if they require any of the following:

* re-certification
* consent to an amendment by council
* answers to any other requisitions or any other amendments to the plan or associated documents not satisfied within 48 hours.

Forty-eight hours is the equivalent of two business days. For example, if a requisition was sent on Friday at 3 pm the plan would lose its accelerated status at 3.01pm the following Tuesday.

If a plan with 10 lots or more is reliant upon a leader plan or dealing to be processed please notify [subdivision.branch@delwp.vic.gov.au](mailto:subdivision.branch@delwp.vic.gov.au) of the relevant details after the 10 lots or more plan has been lodged at LUV.

# Removing staged lots from plans of subdivision

From 1 July 2018, Land Use Victoria will no longer accept plans under the *Subdivision Act 1988* which seek to consolidate or subdivide land in a staged lot while removing the staged lot from the previous master plan (i.e. as a further “purpose of the plan”).

A separate plan under section 37(8) of the *Subdivision Act 1988* to remove a staged lot from a plan will be required, prior to the land in the staged lot being subdivided or consolidated by another plan. This plan may be a “text only” plan.

A separate plan under section 37(8) of the *Subdivision Act 1988* ensures the correct Statement of Compliance is issued pursuant to Regulation 32(5) of the *Subdivision (Procedures) Regulations 2011*.

**Notices of Action on a Folio**

Section 106(1)(f) of the *Transfer of Land Act 1958* allows the Registrar of Titles to take any step necessary to protect the operation, effectiveness and integrity of the Register. When exercising this power, the Registrar will place a ‘Notice of Action’ over a folio of the Register. Typically, this is done when the Registrar is aware of proceedings affecting land which may result in an amendment to the Register.

A ‘Notice of Action’ will not prevent the lodgment or registration of dealings with land. It simply allows the Registrar to monitor dealings affecting a folio. This may be necessary to ensure, for example, that dealings which may frustrate the proceeding are not registered. A ‘Notice of Action’ will be removed from a folio when it is no longer necessary. For example, when the Registrar is informed that a proceeding has concluded.

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