|  |
| --- |
|   |
| Land Use Victoria Customer Information Bulletin 214 |
| December 2021 |

# Christmas and New Year closure

Secure Electronic Registries Victoria (SERV), formerly Victorian Land Registry Services (VLRS), offices at Level 13, 697 Collins Street, Docklands and Land Registry Services offices at 57 Cherry Lane, Laverton remain closed due to the coronavirus (COVID-19) restrictions. Registration, call centre and search services continue to be provided remotely.

Registration and call centre services will be unavailable during the end of year holiday period, from 4.00 pm on Friday 24 December 2021, reopening at 8.30 am on Tuesday 4 January 2022. Online services including electronic lodgment will continue to be available during this period.

Customer queries (telephone messages or emails) will be responded to from 4 January 2022 onwards.

# Victorian Land Registry Services announces rebrand as SERV (Secure Electronic Registries Victoria)

VLRS which provides administrative services to the Land Registry Services has announced that it has rebranded as SERV, short for Secure Electronic Registries Victoria.

VLRS began trading as SERV (pronounced ‘serve’) on Tuesday 30 November 2021. For more information please [visit the SERV website.](https://victorianlrs.com.au/news-updates/vlrs-announces-rebrand-as-serv/) ([Homepage - SERV (servictoria.com.au)](https://servictoria.com.au/)

# Future options for non-represented parties and certificates of title

Customers were notified of the Future Options for Non-represented Parties and Certificates of Title Consultation Paper on 1 October 2021. Consultation closed on 1 November 2021. Land Use Victoria (LUV) would like to thank stakeholders for their comments. To view LUV’s responses to feedback, visit the [Consultation papers page](https://www.land.vic.gov.au/land-registration/consultation-papers) on the Land.Vic website.

Guide to Leases

LUV has published a ‘Guide to Leases’ (link) or through [the Fees, Guides and Forms page](https://www.land.vic.gov.au/land-registration/fees-guides-and-forms) of land.vic.gov.au. Customers are encouraged to refer to the Guide when preparing a lease or sublease, a variation of lease, a surrender of lease or other removal of lease. The Guide sets out the common issues that are encountered when these documents are lodged for registration.

To view the full Guide, visit the [Fees, Guides and Forms page](https://www.land.vic.gov.au/land-registration/consultation-papers) on the Land.Vic website.

Surveyor’s Report Requirements

Licensed surveyors must adhere to the [Victorian Cadastral Surveys Practice Directives](https://www.land.vic.gov.au/surveying/cadastral-survey/practice-directives) when submitting survey documentation to Land Registry Services (LRS). LRS will either refuse lodgment of the application or requisition licensed surveyor’s reports if the Directive is not complied with. If requisitions are not answered adequately, the application may be rejected, with fees forfeited.

Requisitions may include content relating to purpose, folio (title) particulars, Crown description, municipality, road abuttals, survey information used/perused, need for amendment of the title diagram and currency.

Key components that must be accurately and comprehensively described within the surveyor’s report to assist in accepting the survey re-establishment of the subject land are:

**Datum relationship**

Clearly describe the derivation of the cadastral datum and document comparisons between the survey and the prior survey(s) for any datum points nominated that assist in confirming a rotation.

**Alignments and boundaries adopted**

How road alignments, intersections and parcel boundaries were adopted must be comprehensively described and easily verified by the information shown on the abstract of field records. Any differences to title diagram and/or other registered surveys, however minor, must also be reported and justified.

While LRS reviews the surveyor’s report and abstract of field records, it is not the role of LRS to re-establish the subject land.

For more information refer to the Surveyors report template found [here](https://www.land.vic.gov.au/__data/assets/word_doc/0028/491824/Licensed-surveyors-report-template-2021.docx).

# Subdivision (Registrar’s Requirements) Regulations 2021

The Subdivision (Registrar’s Requirements) Regulations 2021 came into operation on 10 November 2021, replacing the Subdivision (Registrar’s Requirements) Regulations 2011. The new regulations are substantially the same as the 2011 regulations, with only minor changes to accommodate amendments made to the *Subdivision Act 1988* since the 2011 regulations were made. These changes are largely administrative and are not expected to have an impact on customers. Meanwhile, LUV is conducting a detailed review of these regulations and will consult with industry in 2022.

Applications to remove a caveat under section 89A of the Transfer of Land Act 1958 (TLA)

The Registrar is changing processes in relation to caveat removal applications under section 89A of the TLA. The purpose of these changes is to create efficiencies and remove redundant practices.

When a caveat is lodged, it remains recorded until it is withdrawn, lapsed or removed. See [Customer Information Bulletin 132](https://www.land.vic.gov.au/__data/assets/pdf_file/0031/469516/CustomerInfoBulletin_ed132.pdf) for information about caveats and their removal.

If an application to remove a caveat is lodged under section 89A, the Registrar sends notice to the caveator advising of the application and the requirements of section 89A.

Once this notice is sent, the caveator can choose to bring proceedings, withdraw the caveat or do nothing. The applicant can also choose to have their section 89A application abandoned with the consent of the caveator. The Registrar’s practice has been to send appropriate notices to the parties advising them of these actions. From 1 February 2022, the Registrar will cease sending some notices.

The following table sets out the different scenarios and the notification that will be sent using the Dealing Activity on

Title alert service:

The Registrar will continue to send notice to applicants advising if notice of proceedings has been received and the 89A application abandoned in accordance with section 89A(3)(b).

In every other circumstance, it is recommended that parties lodging an 89A application consider subscribing to an alert service, refer to [Where To Find Information About Land Titles](https://www.land.vic.gov.au/land-registration/for-individuals/where-to-find-information-about-land-titles) to find a list of title alert service providers. If customers do not wish to obtain an alert service, the above information may be obtained from a folio search.

|  |  |  |
| --- | --- | --- |
| An 89A application is lodged and  | Action by LRS | Alert service notification |
| The caveator provides notice of proceedings that complies with section 89A(3)(b) | The 89A application is abandonedNotice sent to section 89A applicantThe caveat remains recorded | Application to Remove Caveat Abandoned |
| The applicant requests that the 89A application be abandoned with the consent of the caveator under section 89A(3)(a) | The 89A application is abandonedNo notice sentThe caveat remains recorded | Application to Remove Caveat Abandoned  |
| The caveator takes no action within the statutory period | The 89A application is recorded No notice sentThe caveat is lapsed | Application to Remove Caveat Registered  |

# Contact us

For location and contact details, please go to [www.land.vic.gov.au/contact-us](http://www.land.vic.gov.au/contact-us)

|  |  |
| --- | --- |
| © The State of Victoria Department of Environment, Land, Water and Planning 2021LogoThis work is licensed under a Creative Commons Attribution 4.0 International licence. You are free to re-use the work under that licence, on the condition that you credit the State of Victoria as author. The licence does not apply to any images, photographs or branding, including the Victorian Coat of Arms, the Victorian Government logo and the Department of Environment, Land, Water and Planning (DELWP) logo. To view a copy of this licence, visit http://creativecommons.org/licenses/by/4.0/ DisclaimerThis publication may be of assistance to you but the State of Victoria and its employees do not guarantee that the publication is without flaw of any kind or is wholly appropriate for your particular purposes and therefore disclaims all liability for any error, loss or other consequence which may arise from you relying on any information in this publication. | AccessibilityIf you would like to receive this publication in an alternative format, please telephone the DELWP Customer Service Centre on 136186, email customer.service@delwp.vic.gov.au, or via the National Relay Service on 133 677 [www.relayservice.com.au](http://www.relayservice.com.au). This document is also available on the internet at [www.delwp.vic.gov.au](http://www.delwp.vic.gov.au).  |

#