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| Land Use Victoria  Customer Information Bulletin 183  November 2018 |
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# Christmas and new year closure

Land Registry Services at 2 Lonsdale Street, Melbourne and 57 Cherry Lane, Lavertonwill close at 4.00 pm on 21 December 2018 and reopen at 8.30 am on Wednesday 2 January 2019.

Online services (LANDATA® and electronic lodgment) will continue to be available during this period.

Customers with bulk paper lodgments or bulk payments will have access to ‘drop-off’ baskets on Level 1, 2 Lonsdale Street.

Customer queries (telephone message or email) will be responded to when the office reopens.

# Reminder and update on creating restrictive covenants in transfers

On 1 July 2018, the *Registrar’s Requirements for Paper Conveyancing Transactions* Version 4, requirement 12.2 came into effect.

It requires that the details of any restrictive covenant to be created in a transfer:

1. *for which any contract of sale is signed on or after 1 July 2018; or*
2. *when there is no contract of sale, the transfer is signed on or after 1 July 2018;*

*must be contained in a Memorandum of Common Provisions (MCP) or MCPs and referred to in the transfer by the correct MCP number(s).*

## Completing a Transfer of land for electronic and paper lodgment

The benefited land can be described using land title reference(s) and/or MCP reference(s) – at least one must be provided. To create the restrictive covenant the land title reference for the benefited land **must** **not be the same as the land being transferred**, which is the burdened land.

When using an MCP reference the benefited land should be clearly identified as such in that document and the correct MCP referenced.

For paper transfers creating a covenant: if the land being transferred is erroneously referenced as the benefited land, the transfer will be refused lodgment.

For electronic transfers: if the land being transferred is referenced as the benefited land a requisition will be sent to the Responsible Subscriber. If no response is received by the Registrar within 30 days of the date of the requisition, the transfer will be registered without the covenant being recorded on the folio. An appropriate customer response may be to withdraw the transfer and prepare a fresh transfer incorporating the covenant correctly. Alternatively, subsequent to registration of the transfer, an application to create a covenant pursuant to Section 88(1) of the *Transfer of Land Act 1958* may be lodged to record the covenant, supported by a deed signed by the registered proprietors of both the burdened and benefited land.

# Residual documents to be lodged electronically

New functionality is being implemented to enable remaining instrument types (residual documents) to be lodged electronically, as stated in Customer Information Bulletin No 179 (July 2018). Residual documents will be released incrementally between January and May 2019. The Application to record a section 173 Agreement will be one of the first document types to be made available.

A release schedule and guide outlining available residual document types and any supporting evidence/document requirements for each type will be published shortly. Initially, these will be instruments not lodged with other instruments or combinations of instruments. All residual documents will be manually examined after lodgment.

Some residual documents will be excluded from this phase of the process, including applications that do not require a Land Title Reference.

# Workshop: processing conveyancing transactions electronically

The Australian Institute of Conveyancers is hosting an advanced workshop series, *Processing conveyancing transactions electronically****.*** The course will best suit conveyancing professionals who have a basic understanding and some experience on the current electronic lodgment network but need support and reassurance that they are meeting legislative, regulatory and operator obligations and using the network to its full potential.

The workshop will be held in the computer training room at Land Use Victoria on Level 1, 2 Lonsdale Street Melbourne, and places are limited.

For more information please go to <https://www.eventbrite.com.au/e/eca-advanced-workshop-processing-conveyancing-transactions-electronically-tickets-50676914014>

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