

# Land Victoria Customer Information Bulletin

Edition 144 August 2014

## Lodgement checklist requirements for adverse possession and amendment of title boundary applications

From 6 October 2014 lodgement checklists are mandatory when lodging adverse possession and amendment of title boundary applications under sections 26P, 60, 99 and 103 of the *Transfer of Land Act 1958* (the Act). The appropriate lodgement checklist must be signed by the applicant, a legal practitioner or an agent of the applicant.

These types of applications are complex, so customers are encouraged to engage a legal practitioner to assist. This will help avoid an application neither complying with legislative requirements nor containing all necessary supporting documentation. Applications that do not comply may be refused at lodgement or rejected later, resulting in loss of the application fee(s).

Accordingly, from 6 October Land Victoria will no longer undertake pre-examination of these applications. If you consider your applications are registrable, you must lodge them for examination together with the appropriate checklist.

*Customer Information Bulletin No 142/2013* contained information on lodgement checklist requirements for applications under sections 14 and 15 of the Act to bring general law land under the operation of the Act.

The checklists are available at [www.dtpli.vic.gov.au/property](http://www.dtpli.vic.gov.au/property) >Land titles>Forms, guides and fees – choose 'Checklists and investigation request'.

## Aligning paper and electronic conveyancing – verification of identity

The Registrar will be introducing requirements for formal identity verification for all paper instruments lodged on or after 1 July 2015\*. Land Victoria's view is that verification of identity should be an essential part of existing conveyancing processes. These formal requirements will require that

conveyancers, lawyers and financial institutions must take reasonable steps to verify the identity of each client or customer.

This follows Land Victoria's consultation with stakeholders about aligning electronic and paper conveyancing requirements (and as far as practicable, adopting uniform national requirements to minimise inconsistencies between jurisdictions).

Land Victoria will consult industry representatives over the next six months about the implementation of verification of identity requirements, as well as other implementation issues raised in the consultation feedback.

The Registrar will also set out a verification of identity standard that, if followed, will be deemed to constitute reasonable steps. Timely advice about the Registrar's requirements will be provided to Land Victoria's customers prior to implementation.

The introductory paper, consultation paper and response to stakeholders paper are available at [www.dtpli.vic.gov.au/property](http://www.dtpli.vic.gov.au/property) >Publications.

\*Please note: the *Consultation paper on aligning electronic and paper conveyancing requirements* states 1 January 2015 as the commencement date; it has been deferred to 1 July 2015.

## Attending a paper settlement when the Certificate of Title is electronic

Land Victoria requires production of a Certificate of Title to support the lodgement of most conveyancing transactions. Two types of Certificates of Title (CT) are supported in Victoria, the paper CT (pCT) and the electronic CT (eCT).

A Register Search Statement (RSS) will indicate the Certificate of Title's format. If electronic, the party controlling it will be cited as the eCT Control and details will be provided of any current nomination of the eCT.

Traditionally, a pCT is provided at settlement to enable lodgement of a conveyancing transaction. It is, however, also possible to make an eCT available for a paper

settlement. This is done by nominating the eCT to the paper transaction prior to settlement. This nomination can only be completed electronically in an *Administrative Notice* by the eCT Control, using the national electronic conveyancing system, PEXA.

The paper *Nomination Request* form described in Customer Information Bulletin 142/2013 cannot be used for this purpose. This form is used to nominate a pCT to either a paper instrument or an electronic lodgement.

As the eCT becomes more common, it is important to become familiar with its characteristics and how it is used in the settlement process.

The *Guide to attending a paper settlement when the Certificate of Title is in an electronic format* is available at [www.dtpli.vic.gov.au/property](http://www.dtpli.vic.gov.au/property) >Land titles>Forms, guides and fees – choose 'Guides', then 'National Electronic Conveyancing'.



## Standardised caveat grounds of claim

The introduction of electronic conveyancing has resulted in different requirements for paper and electronic caveats.

To minimise these differences, Land Victoria has created an informative guide – *Grounds of claim for caveats* – with tables grouping standardised grounds of claim and their associated estate and interest by claim category. These tables encompass most caveat types that can be lodged at Land Victoria and ensure that a correct claim is provided to the Registrar for recording.

The tables are already used in PEXA – the national electronic conveyancing system – and will be included in new interactive caveat forms being introduced later this year. These standardised grounds of claim will soon be cited in most Victorian caveats.

Consequently, all Land Victoria customers are encouraged to familiarise themselves with these caveat tables and use them when creating their paper caveats, irrespective of the form used.

For additional information on PEXA caveat capability and the new interactive caveat form, refer to *Customer Information Bulletin 143/2014*.

The *Grounds of claim for caveats* guide is available at [www.dtpli.vic.gov.au/property](http://www.dtpli.vic.gov.au/property) >Land titles>Forms, guides and fees – choose 'Guides' then 'Caveats'.

## Closure of Victorian Electronic Conveyancing (EC)

EC will close on 29 August 2014. From this date subscribers will no longer be able to access or transact on EC. Conveyancers or lawyers wishing to conduct electronic transactions should contact PEXA Ltd, provider of the national electronic conveyancing system.

Many Victorian EC subscribers have already migrated, or are completing their migration, to PEXA.

PEXA has been operating in Victoria since June 2013. It provides functionality for mortgages, discharges of mortgage, caveats, and withdrawal of caveats. In October 2014 it is scheduled to provide functionality for transfers and financial settlements.

To contact or register with PEXA Ltd:

T: 1300 084 515

E: [registration@pexa.com.au](mailto:registration@pexa.com.au)

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For further information

Land Registration Services  
Land Victoria  
570 Bourke Street  
Melbourne VIC 3000

GPO Box 527  
Melbourne VIC 3001

Telephone (03) 8636 2010  
Fax (03) 8636 2299

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