

Land Victoria Customer Information Bulletin

Edition 137 November 2012

Provisional Folio Project for General Law land – conversion of marketable parcels

Land Victoria is implementing a state-wide program to convert the remaining General Law land to the Torrens title registration system as part of an initiative to celebrate the 150th anniversary of Torrens title in Victoria.

It has been over 13 years since the *Transfer of Land (Single Register) Act 1998* commenced operation on 1 January 1999. The registration provisions of the *Property Law Act 1958* were repealed by that Act, bringing an end to the General Law register and making conversion compulsory on transaction. At the same time, an opportunity was taken to 'fine tune' the conversion provisions and provide means for provisional folios to be created.

Despite the changes effected by that Act, a significant number of General Law parcels still exist. With the diminishing expertise in General Law land, and slowing in the rate of General Law land conversions, Land Victoria has taken the initiative to accelerate conversion.

Owners of General Law land will receive a letter from Land Victoria informing them that a provisional folio of the Register has been created under the *Transfer of Land Act 1958*.

The conversion from General Law to a provisional folio will be undertaken at no expense to the owner(s).

The volume and folio reference, along with an explanation of the benefits – what it means to the owner – and contact details if questions arise, will be provided as part of the correspondence.

Land Victoria can only deal with the lodging party

As a matter of long-standing practice the Registrar of Titles will only deal with a lodging party or, for electronic lodgement, a Responsible Subscriber.

Responses to requisitions must therefore be processed via the lodging party or Responsible Subscriber.

If an applicant changes his/her representative or agent while an instrument or application is before the Registrar, both the

outgoing representative and the new representative must advise the Registrar of the change in writing.

Following registration, the instrument or application will form part of the public record and can be searched. However, copies of supporting documentation are not provided.

Folio versus Certificate of Title

The Register is divided into folios, each one referring to a parcel (or in rare cases several parcels) of land. Each folio has a unique volume and folio reference. A folio is updated each time a dealing is registered or recorded. A search of a folio of the Register shows its current status (including dealings lodged but not yet registered or recorded) at the time of the search.

A Certificate of Title, previously known as a duplicate Certificate of Title and sometimes called a paper Certificate of Title, is a document issued following a registration. A Certificate of Title provides a snapshot of the status of a folio at a particular time, including only registered and recorded dealings.

A folio search should be carried out for an up-to-date report on the status of land under the *Transfer of Land Act 1958*.

For those who subscribe to Electronic Conveyancing (EC), it is possible for Certificates of Title not to be issued. Instead, a notification about who has eCT control is made on the folio of the Register. Further details are contained in *Customer Information Bulletin* Edition 94, October 2006.

150 years of Torrens title in
Victoria 1862–2012

Commencement of fee for pre-population of folio information

From 1 December 2012, Land Victoria will charge a fee for the pre-population of folio information from the Register for all transactions in Electronic Conveyancing (EC).

The pre-population fee of \$9.58 and the title activity check fee of \$1.21 (GST inclusive) will be charged each time folio information or a title activity check is requested.

For instance, if there are multiple folios involved in the transaction, the pre-population fee will be charged for the inclusion of each individual folio. The fee will be charged whether or not the created Electronic Lodgement File (ELF) proceeds.

For an introductory period, Land Victoria did not charge a fee for providing this information to EC subscribers, and has borne the cost of doing so.

Invoicing the pre-population fee will occur through the current LANDATA® billing process mailed out at the end of each month. When someone subscribes to EC a LANDATA® account is set up for this purpose.

The invoice will provide a summary showing the total number of times the pre-population or title activity fee have been charged, together with the total invoice amount.

If you require a detailed report of the pre-population or title activity check fees, please call (03) 8636 2456 or email Landata.enquiries@dse.vic.gov.au.

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