

Land Victoria

# Customer Information Bulletin

Edition 117 May 2009

## Customer Information Bulletin on email

If you'd like to receive the *Customer Information Bulletin* electronically or unsubscribe, send your request via email to [trs.enquiries@dse.vic.gov.au](mailto:trs.enquiries@dse.vic.gov.au), telephone (03) 8636 2812, or fax (03) 8636 2250.

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## Land Registration Services

### Caveats Online

From 27 April 2009 caveats can be lodged online. This is an exciting new development.

Lodging caveats electronically is quicker and more efficient, and the lodgement fee for a 'caveat online' is cheaper than the lodgement fee for a paper caveat. Following lodgement, dealing numbers are provided electronically to the lodging party within minutes. Advice on recording of the caveat is also provided electronically.

Caveats expressing the following grounds of claim can be processed using caveats online:

- contract from the registered proprietor(s)
- mortgage from the registered proprietor(s)
- charge from the registered proprietor(s)
- charge contained in an agreement from the registered proprietor(s)
- charge contained in a mortgage from the registered proprietor(s)
- charge contained in a building agreement from the registered proprietor(s).

For information on how caveats can be lodged online, contact Land Victoria on 8636 2586 or go to [www.landexchange.vic.gov.au/ec](http://www.landexchange.vic.gov.au/ec).

Training for caveats online is straightforward and provided free-of-charge at your office.

### Interactive forms

Land Victoria will shortly be providing interactive PDF forms on the Department of Sustainability and Environment; Property, Titles and Maps website. These forms relate to the *Transfer of Land Act 1958* and *Subdivision Act 1988*. This will allow users to complete forms online and print them for execution, or print forms and complete them by hand. Go to [www.dse.vic.gov.au](http://www.dse.vic.gov.au) > Property, Titles and Maps > Land Titles > Forms, guides and fees.

All *Transfer of Land Act 1958* and *Subdivision Act 1988* forms that were previously available online have been reproduced in interactive PDF format. This includes all approved forms and high-use prescribed forms. The content of the forms has been reviewed to ensure that they accord with current Land Victoria lodging requirements. The layout of the forms remains fundamentally the same; however, the look and feel of the forms has been updated

The amended approved forms will have the approval number 30800812A.

## Plan lodgement checklists

All lodging parties must ensure that plans delivered to the plan acceptance area of Land Victoria are accompanied by a completed *Plan lodgement checklist* and, where applicable, an *Owner's corporation: accompanying documents checklist*.

These checklists are available from the plan acceptance area or online at [www.dse.vic.gov.au](http://www.dse.vic.gov.au) > Property, Titles and Maps > Land Titles > Forms, guides and fees.

**Land Victoria requests that practitioners and lodging parties comply with this change as plans that do not meet these requirements will be refused.**

## Land Victoria plan requirements reminder

Land Victoria changed its plan requirements on 1 March 2009 so that plans will only be accepted for lodgement at Land Victoria if:

- accompanied by a statement of compliance (where the statement is required for registration); and
- street address information has been provided either before or at the same time as the plan is lodged.

Street address information can be provided using either the Form 8 process of the Subdivision (Procedures) Regulations 2000, or the Vicmap update process known as M1, where details are forwarded to the Vicmap Property maintainer.

## Checking for street addresses

The following explains how to search the Land and Survey Spatial Information (LASSI) system to see if a subdivision has been allocated street addresses.

1. From the Land Channel website at [www.land.vic.gov.au](http://www.land.vic.gov.au) select Land & Survey Spatial Info.

2. Once you are in the site you can search by lot on plan (if known), street address or survey label.
3. The new allocated address information for that lot will be returned.
4. Only a brief property match will be returned if the complete information is not yet entered for the property.
5. Proposed or unregistered plans will appear on LASSI as incomplete lines or hatched areas showing the plan boundaries.
6. When the 'identify property' panel appears, it will show the current land description of the property and show the new details as Lot/Plan (proposed), followed by the new information.

# Victorian Water Register

## Changing your name in the Water Register

A form to change or correct a water share owner's name in the Victorian Water Register is now available online at [www.dse.vic.gov.au](http://www.dse.vic.gov.au) > Property, Titles and Maps > Victorian Water Registrar > Water Registrar forms, guides and fees.

An Application to the Registrar to record a change to a name and/or address is required to be signed by the applicant or a current legal practitioner, and lodged with proof by statutory declaration as to identity of the applicant with the recorded water share owner and sufficient (and acceptable) details of the circumstances of and verifying the change of name. A fee of \$98.90 (currently) is payable at lodgement of the application (see next page for sample form).

## Unconfirmed ownership of water shares in the southern and northern declared water systems

As noted in earlier Customer Information Bulletins, where a water share was unbundled out of an existing irrigation right derived from a land holding, some shares were issued with, or later changed to, the status of 'Unconfirmed 17(1) (a) and (b)'.

In those cases, the irrigation holding was made up of two or more land folios and some of the land folios had different owners or were owned in a different manner, or had different mortgages.

Under the transitional arrangements in Schedule 15 to the *Water Act 1989*, all entitled parties are required to agree on the ownership structure and the ranking of mortgages. If there is no agreement as to ownership and no referral of a dispute as to ownership to arbitration, the Act further provides that after 18 months from the deemed commencement date for that share, the ownership structure is to be determined in accordance with Clause 17(3) of Schedule 15.

This means that the owner of each parcel of land in the holding is deemed to hold the water share in equal undivided portions with the owner of each other parcel. If there is more than one owner for a portion of a share then those persons own that portion in the same manner as they held the land parcel that entitled them to ownership of that portion of the share – Clause 17(3) (c). Further, any mortgage extended to the water share will be deemed to be apportioned in accordance with Clause 26(2), Schedule 15.

As indicated to customers earlier, these changes to the ownership structure and mortgages may not be as water share owners or lenders/mortgagees intend or require for their current purposes. Until a share is confirmed, only limited transactions with the water share are permitted – an approved transfer of a water share or a limited term transfer, and a discharge of mortgage (but not a new mortgage).

The Water Registrar is continuing to encourage all water share owners and their lenders in these circumstances to reach agreement and complete an *Application to Confirm Ownership of a Water Share* and lodge it with the Water Registrar as soon as possible so that the agreed ownership structure and mortgage ranking (if applicable) can be recorded in the Water Register.

The application form as well as information on completing the form and other general information on unbundling is available online at [www.dse.vic.gov.au](http://www.dse.vic.gov.au) > Property, Titles and Maps > Victorian Water Registrar > Water Registrar forms guides and fees. There is no fee to lodge an *Application to Confirm Ownership of a Water Share*.

When a lender or bank agrees to discharge a mortgage, the discharge of that mortgage on the water share must be lodged for recording. Applicants should lodge the discharge form either before or at the same time that they

lodge the *Application to Confirm Ownership of a Water Share*. The *Discharge of Mortgage of Water Share* form is also available from the Victorian Water Registrar web page.

If your lender or bank agrees to discharge a mortgage that was extended to a water share under Schedule 15, this will be recorded free of charge if lodged with the Water Registrar by 31 December 2009 (the normal fee is \$49.50).

## Lodging documents for recording in the Water Register

A separate fees and receipting system has been introduced for the Water Register at Land Victoria. Payments for Water Register lodgement must now be separate from any payments for land register lodgements. Cheques for payments should also be for the exact amount of the recording fee and be made payable to the 'Victorian Water Register'.

Practitioners, conveyancers and agents for banks and lenders are also advised that any bulk lodgement of documents for recording in the Water Register should be lodged direct with Water Register staff on Level 9, 570 Bourke Street, Melbourne.

Postal lodgements are also acceptable:

Victorian Water Register  
Land Victoria  
Department of Sustainability and Environment  
PO Box 500  
East Melbourne VIC 8002

or:  
AUSDOC  
DX 25639 Melbourne

**APPLICATION TO CORRECT OR AMEND NAME, ADDRESS  
IN VICTORIAN WATER REGISTER**

Section 84ZB(4) **Water Act 1989**

Lodged by -

Name:

Address:

Privacy Collection Statement - The information from this form is collected under the Water Act 1989, in order to process this transaction. The information is used for the purpose of maintaining the water register and for the provision of statistical water market information. Most of the information in the water register is available to the public. Incomplete forms cannot be processed.

The applicant applies to correct or amend the name and/or address recorded in the Register to the name and/or address specified.

Applicant: *(full name of person (not addresses) requesting change to record)*

**CHANGE OF NAME REQUIRED**

From Name: *(here insert name as it appears in the Register)*

To New Name: *(here insert correct or amended name required in the Register)*

**CHANGE OF ADDRESS REQUIRED**

Change Address presently recorded in the Register from :  
*(here insert address as it appears in the Register)*

To New Address details including Postcode:  
*(here insert address required in the Register)*

Reason for request\*:

\* (Reasons for request to be completed for change of name only, e.g., change of name by deed poll, on marriage, registered change of name, error in earlier application or assumes the use of another name (proof by statutory declaration as to the identity of the applicant with the water share owner and verifying circumstances of change of name must be supplied).

**Dated:**

**Execution by Applicant**

I certify that the Applicant, with whom I am personally acquainted or as to whose identity I am otherwise satisfied, signed this document in my presence

Certified correct for the purposes of the *Water Act 1989* by the Applicant

Signature of witness:.....

Name of witness:.....

Signature of Applicant

Or,

Certified correct for the purposes of the *Water Act 1989*

Signature of Australian Legal Practitioner under the *Legal Profession Act 2004* for the Applicant

**VICTORIAN WATER REGISTER, 570 Bourke Street, Melbourne 3000 Telephone: 8636 2010**

The back of this form must not be used

Office Use Only:

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