

Customer INFORMATION Bulletin

ISSN 1441-1504

TITLE REGISTRATION SERVICES (Land Registry) No 74 May 1999
283 Queen St., Melbourne 3000 PO Box 500 East Melbourne Victoria 3002 / Tel 03 9603 5555 / Fax 03 9603 5556 / DX 250639

Inside

- Execution of Dealings by a Municipality
- General Law Land Conversion
- Landata

EXECUTION OF DEALINGS BY A MUNICIPALITY

During 1998, Land Registry implemented significant business process re-engineering to enable quicker registration of dealings. As a result dealings containing an execution by a municipality, unless containing other issues, are now examined and registered within Work Units in the Dealing Registration Branch of Title Registration Services.

Land Registry has ensured that its staff understand the complexity of these dealings. This understanding involves interpretation of the circumstances in which a dealing executed by Councils conforms with the law.

The *Local Government Act 1989* establishes no statutory means of execution by a local council. However, section 5(3) permits a council to make a local law in which it sets out the mode of execution to be used by the council.

If Land Registry has no proof that an officer affixing the common seal or signing on behalf of a Council is authorised to do so under a local law of the Council, a requisition will be raised. This will state either that –

- *proof is required that the person witnessing the affixing of the seal of the municipality does so as a delegate of the said municipality*

or

- *proof is required that the person signing*

on behalf of the municipality does so as a delegate of the said municipality.

To avoid the cost and inconvenience of repeated requisitions, it is suggested that local councils arrange for reference to the delegate status of the person executing to be typed under the signature of any person signing an instrument on behalf of a Council or witnessing the affixing of the Council's seal.

Depending on whether the person executing on behalf of the Council was signing or witnessing the affixing of the Council's seal, acceptable reference to delegate status would be –

- “signed under delegation”
- “signed by a delegated officer pursuant to Local Law X of the (insert the full name of the Rural City, City or Shire Council)”
- “The common seal of the (insert the full name of the Rural City, City or Shire Council) was affixed in the presence of being a delegated officer pursuant to Local Law X of the Council”.

The concept of judicial notice applies to such execution and reference to delegation in this way avoids the need for the Registrar of Titles to make further inquiry as to delegation in relation to the instrument.

For any further queries, please telephone Mr. Steven Hardy, Senior Advice Officer on 9603 5439.



Natural Resources
and Environment

AGRICULTURE

RESOURCES

CONSERVATION

LAND MANAGEMENT

GENERAL LAW LAND CONVERSION

As notified in the last Customer Information Bulletin (No 73 February 1999) from 1 January 1999, the register kept under the *Property Law Act 1958* was closed to all further registration. Searches of the register are not affected. Instead, the **Transfer of Land Act 1958** (TLA) requires that all dealings with general law land now be recorded on the register under the TLA.

Conversion figures reveal the interest of customers. In January 1998, 136 parcels were converted. This January, after changes took effect, 215 parcels were converted. In February the conversion rate was 327 and it is anticipated that the rate will continue to rise.

Land Registry is keen to encourage as many owners as possible to convert their title to an ordinary folio. Accordingly, it has undertaken a number of projects designed to reduce the costs of conversion.

As from July 1997, Land Registry has been able to make available a subsidy payable on searches (back to the Crown grant) which are lodged in conversion applications. This subsidy will now **continue until 30 June 2000**.

Land Registry is also establishing a library of General Law searches for all identified marketable parcels of General Law land. The library is available to any person undertaking conversion. Legal Practitioners using a library search for the purposes of preparing a Legal Practitioner's certificate can rely on the accuracy of these searches and need only check for any entries after the date of the search.

Land Registry also provides title plans for conversion purposes avoiding in most cases the need for survey. These are available to assist in the conversion process and can be used by Legal Practitioners in the

preparation of applications for conversion. The only cost involved is the photocopying fee.

The basic lodging fee is payable for most dealings. This provides an additional financial incentive for owners of General Law land to convert their land. The ad valorem fee still applies to dealings lodged without a legal practitioner's certificate under Section 22 TLA.

There has never been a better time for your client to obtain an ordinary folio of the Register for his or her General Law land.

If you need further assistance or want to discuss the incentives available please telephone Mr. Peter Burns, Manager, Registrar-General's Office on 9603 5255.

A 1800 FREECALL number (1800 224 189) operates for customers to call with more general inquiries and requests for information on the Conversion Projects.

LANDATA

Appointment of Data Resellers

The Titles Automation Project will make more land titles information accessible to remote customers. This means that customers of Land Registry will be able to do their searches from their own offices.

LANDATA, which provides this remote access, is looking to broaden its distribution by appointing further data resellers. These resellers will actively promote the new automated products and assist Land Registry in broadening the customer base for remote searches.

As part of this process LANDATA will move towards a wholesale role (ie selling predominantly to data resellers), and move away from its current retail role (ie selling to direct customers).

The process of developing a framework for the appointment of data resellers is currently being conducted by Ferrier Hodgson Corporate Advisory and it is anticipated that a fact package will be made available to interested parties in June / July 1999. This will be followed by a call for Expressions of Interest, and the expected appointment of new data resellers later in the year. LANDATA will keep customers informed of progress.

Imaged Plan and Instrument Viewing

As part of the Victorian Government's requirement for the Department of Natural Resources and Environment to provide electronic access to land information, LANDATA recently began providing a pilot Imaged Plan and Instrument Viewing facility. This allows customers to view imaged plans of subdivision and instruments via the Internet. The 85% of plans of subdivision which have already been imaged can be accessed and printed remotely avoiding the need to attend our offices at 456 Lonsdale street.

Current interim pricing for the product is \$5.20 (subject to review).