

To the CEO

In November 2017 the MAV, Land Use Victoria, PROV and representatives from the MAV Local Government Information Governance Group Committee met to clarify the purpose of the Council to Land Use Victoria transfer of paper titles and the arrangements for access that would follow. We also sought clarity on the ongoing access, any associated benefits or costs flowing on from this project.

Land Use Victoria provided an overview of Land Use Victoria's 100% digital lodgement project and its benefits for Councils. This was reassuring and we have detailed the highlights below.

To ensure this project is successful, we ask all councils that have not participated to date to contact Land Use Victoria for advice on how to proceed.

### **Project Overview:**

Land Use Victoria is working on the timeline for transition to 100% digital lodgement of all titles by August 2019. In readiness for 100% digital lodgement, they have been working with various Local, State and Federal Government agencies on a title reconciliation project to ensure all landholdings of each Government agency are in the current entity name and are converted into electronic titles.

Land Use Victoria would like councils to assist them to dispose of the General Law. As background, it should be noted that General Law Deed was superseded by Torrens Title in 1862. General Law Register was closed in 1998. Land Use Victoria records are now consequently outdated because there have been no updates since 1998. In the Land Legislation and Amendment Bill (LLAB 2017) new sections 26X and 26Y<sup>1</sup> are inserted to the Transfer of Land Act. The Registrar may request personal information from municipal councils and statutory authorities for the purpose of bringing the land under the Act.

Lastly, there will be a change to the process in issuing titles for road or reserve out of new subdivisions. If Council is the vesting authority, the titles will be issued electronically instead of being issued in paper.

### **Benefits:**

The benefits received by Councils participating in the 100% digital lodgement project to date are:

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<sup>1</sup> Section 26X introduces measures to enable the Registrar of Titles to bring land under the Act and to request information that identifies who is a ratepayer or mortgagor of a parcel of land. Section 26Y sets out the treatment of provisional folios of land. Section 26X will provide for the Registrar of Titles to make enquiries with municipal councils, statutory authorities or other persons (including financial institutions) for information on ratepayers or mortgagors, and for these entities to disclose personal information identifying ratepayers or mortgagors. The Registrar of Titles will then check this information against the information held by the Registrar of Titles or the Registrar-General. The Registrar of Titles may create provision folios in the name of the person who appears to be the freehold owner of the land. New section 26Y provides for provisional folios of land to become ordinary folios 15 years after the creation of the provisional folio. The proprietor of the folio can apply for an ordinary folio at any time within the 15 years under sections 14 and 15 of the Transfer of Land Act 1958.

1. All titles are brought to the current name and address for service of notices, so all notices get to the right place.
2. When/if Council sell they do not need to prove successor-at-law at that time.
3. Road and reserve titles in new subdivisions go 'direct' to council electronically rather than your staff needing to chase lodging parties.
4. Lost titles are replaced at no cost (mostly road and reserve titles).
5. Secure storage, audit and administration of paper titles is no longer required.
6. This is a project for Councils with negligible costs (only lodgement fee for section 59A - \$189.10 in the 2017/18 financial year).

For those Councils that have completed the conversion project, they now access their titles electronically via the **View My eTitles** account at no cost. There will continue to be fees charge for access to titles that are not in Council's name. That will not change.

MAV have received correspondence from Land Use Victoria providing assurance that all councils participating in this project will continue to receive access services to their titles, at no cost post privatisation. MAV is in the process of formalising this through a memorandum of understanding.

For council's wishing to participate please contact Stephen Yang, Work Unit Manager Application and Survey Land Use Victoria T: 03 9194 0573 and email: [stephen.yang@delwp.vic.gov.au](mailto:stephen.yang@delwp.vic.gov.au).

Yours faithfully

Rob Spence