

**Intent:**

To provide an overview of the Land Use Victoria's 100% digital lodgement project and its impact on Councils, with the express intent of providing justification for sending correspondence to Land Use Victoria requesting assurance that upon privatisation of the Land registry, Council's will continue to access designated services for free.

**Project Overview:**

Land Use Victoria is working on the timeline for transition to 100% digital lodgement by August 2019. In readiness for 100% digital lodgement, Land Use Victoria has 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 conversion to 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 As background, it should be noted that General Law Deed was superseded by Torrens Title in 1862.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 Land Use Victoria records are now consequently outdated because there have been no updates since 1998.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, whereby if Council is the vesting authority, the titles will be issued electronically instead of being issued in paper.

The services received by Councils participating 100% digital lodgement project to date are:

- All titles are brought to the current name and address for service of notices, so all notices get to the right place.
- When/if sell Council do not need to prove successor-at-law at that time.
- Road and reserve titles in new subdivisions go 'direct' to council electronically rather than your staff needing to chase lodging parties.

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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.

- Lost titles are replaced at no cost (mostly road and reserve titles).
- Secure storage, audit and administration of paper titles is no longer required.

To date 55 councils have elected to fully participate, 2 have begun the planning and 22 have elected to not do so. See Appendix 1 for list of non-participating councils.

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, can access these titles electronically via the View My eTitles account. There are other fees for other use.

For the Councils that have yet to participate in the conversion project, will need to contact Land Use Victoria after the plan of subdivision is registered if a paper title needs to be issued for road or reserve.

**For Action:** To date Land Use Victoria has provided no assurance that upon privatisation of the Land Registry Councils will continue to access these services for free.

Consequently it is a recommendation of the Information Governance Committee that a letter be sent to Land Use Victoria requesting assurance that councils continue to receive access services for free and that this is formalised through a memorandum of understanding post privatisation.

## Appendix 1:

Below is the list of 24 Councils that have not commenced the project. Both Melton and Moira have already been preparing their physical titles for delivery.

Melton
Cardinia
Greater Bendigo
Knox
Boroondara
Latrobe
Monash
Whitehorse
Kingston
Ballarat
Bayside
Stonnington
Colac-Otway
Maribyrnong
Moira
Glenelg
Warrnambool
Loddon
Towong
Yarra
Benalla
Hindmarsh
Hepburn
Yarriambiack