

Retention and Disposal Authority for Records of Land Registry

Authority number: PROS 07/10 VAR 2



PROS 07/10 VAR 2

**Retention and Disposal Authority for Records of
Land Registry**

Issued Date: 06/12/2019

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Variation 1

Public Records Act 1973 (Section 12)

Retention and Disposal Authority for Records of Land Registry

In accordance with section 12 of the *Public Records Act* 1973 (as amended), I hereby vary the Standard applying to the Retention and Disposal Authority for Records of Land Registry, issued as Public Record Office Standard (PROS) 07/10 on 19/10/2007, as follows:

Extension of the application of this Standard until 19/10/2020

This Variation shall have effect from its date of issue.

[signed]

Justine Heazlewood

Director and Keeper of Public Records

Date: 22/09/2017

Retention and Disposal Authority for Records of Land Registry

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Variation 2

Public Records Act 1973 (Section 12)

Retention and Disposal Authority for Records of Land Registry

Public Record Office Standard (PROS) 07/10

Variation 2:

In accordance with section 12 of the *Public Records Act 1973* (as amended), I hereby vary the Standard applying to the records of the Land Registry, issued as Public Record Office Standard (PROS) 07/10 on 19/10/2007, as follows:

Extension of the application of this Authority until varied or revoked.

This Variation shall have effect from its date of issue.

[signed]

Justine Heazlewood

Director and Keeper of Public Records

Date: 06 December 2019

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Retention and Disposal Authority for Records of Land Registry

Authority number: PROS 07/10 VAR 2

Retention and Disposal Authority for Records of Land Registry

Retention and Disposal Authority No	PROS 07/10 VAR 2
Scope	This retention and disposal authority covers records documenting the function of managing land administration and property information.
Status	Issued by Keeper
Issue Date	06 December 2019

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List of Functions and Activities covered

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Introduction

Purpose of this Authority

The purpose of this Authority is to provide a mechanism for the disposal of public records in accordance with the *Public Records Act 1973*. The Authority:

- identifies records which are worth preserving permanently as part of Victoria's archival heritage
- prevents the premature destruction of records which need to be retained for a specified period to satisfy legal, financial and other requirements of public administration, and
- authorises the destruction of those records not required permanently.

Context of this Authority

Public Record Office Victoria Standards

This Authority should be used in conjunction with the Standards issued by the Keeper of Public Records under Section 12 of the *Public Records Act 1973*. Copies of all relevant PROV standards, specifications and regulatory advice can be downloaded from www.prov.vic.gov.au. These documents set out the procedures that must be followed by Victorian public offices.

Disposal of records identified in the Authority

Disposal of public records identified in this Authority must be undertaken in accordance with the requirements of Public Record Office Standard PROS 10/13 *Disposal*.

It is a criminal offence to unlawfully destroy a public record under s 19(1) of the *Public Records Act 1973*.

The destruction of a public record is not unlawful if done in accordance with a Standard established under s 12 of the *Public Records Act 1973*.

This Standard (also known as an Authority) authorises the disposal of public records as described within its provisions. However, disposal is **not** authorised under this Standard if it is reasonably likely that the public record will be required in evidence in a current or future legal proceeding.

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For the purposes of this Retention and Disposal Authority, a 'legal proceeding' has the same meaning as the *Evidence (Miscellaneous Provisions) Act 1958*, and includes any civil, criminal or mixed proceeding and any inquiry in which evidence is or may be given before any court or person acting judicially, including a Royal Commission or Board of Inquiry under the *Inquiries Act 2014*.

If the public office identifies that public records must be retained under other applicable legislation for a period that exceeds the retention period specified under the Standards, then the longer retention period must apply.

Normal Administrative Practice

The destruction of some public records is permitted without final authorisation under normal administrative practice (NAP). NAP covers the destruction of ephemeral material of a facilitative nature created, acquired or collected by public officers during the course of their duties.

The following material may be destroyed under NAP:

- working papers consisting of rough notes and calculations used solely to assist in the preparation of other records such as correspondence, reports and statistical tabulations
- drafts not intended for retention as part of the office's records, the content of which has been reproduced and incorporated in the public office's record keeping system
- extra copies of documents and published material preserved solely for reference.

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Transfer of records to Public Record Office Victoria

Contact Public Record Office Victoria for further information on procedures for transferring permanent records to archival custody.

Use of Other Authorities

In applying the disposal sentences set out in this Authority, reference should be made to other current Authorities where applicable. Where there is a conflict between two Authorities (for instance this Authority and the General Retention and Disposal Authority for Records of Common Administrative Functions), consult the Public Record Office Victoria for advice.

Explanation of Authority Headings

Class Number

The class number or entry reference number provides citation and ease of reference.

Description

The description of each record class is specified in this entry. A record class is a group of records that relate to the same activity, function or subject and require the same disposal action.

Status

This entry provides the archival status of each class - either permanent or temporary.

Custody

This entry specifies whether the records are to be retained by the public office or transferred to the Public Record Office Victoria. Permanent electronic records are to be transferred in VERS Encapsulated Object (VEO) format according to PROS 99/007 - Management of Electronic Records (Version 2). The storage of public records identified in this Authority must also be in accordance with the requirements of Public Record Office Standard PROS 11/01 *Storage*

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Concurrence of Public Office

This Authority has the concurrence of:

[signed]

Name: Chris McRae

Position: Executive Director, Land Victoria

Date: 09/10/2007

Establishment of Standard

Pursuant to Section 12 of the *Public Records Act 1973*, I hereby establish these provisions as a Standard (also known as a Retention and Disposal Authority) applying to Department of Environment, Land, Water and Planning. This standard as varied or amended from time to time, shall have effect from the date of issue unless revoked.

[signed]

Justine Heazlewood, Keeper of Public Records

Date of Issue: 10/10/2007

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No	Function/Activity	Description	Status	Disposal Action
1	CROWN GRANT REGISTER MANAGEMENT	The management of information concerning the alienation of land from the Crown by fee or lease under the <i>Transfer of Land Act 1958</i> .		
1.1	Recording the Registration of Crown Grants	The recording of the registration of the alienation of land from the Crown to freehold under the Torrens system. As part of the process a Crown Grant is created. Includes hardcopy registers of Crown Grants, the Victorian On-Line Title System and indexes that support the registration of Crown Grants [For survey information concerning the registration of Crown Grants, see class 2.0.0 of <i>Retention & Disposal Authority for Records of the Surveyor-General</i> .]	Permanent	Retain as State archives
2	LAND TITLE REGISTRATION & DEALINGS ADMINISTRATION.	The management of information concerning current and non current proprietorship on Land Titles as required by the <i>Transfer of Land Act 1958</i> . Also includes the administration of all dealings under the <i>Transfer of Land Act 1958</i> and the <i>Subdivisions Act 1988</i> . Includes caveats, encumbrances, transfers, subdivisions, consolidations, etc. as well as survey information, advice papers and any other documentation that supports the administration of dealings.		
2.1	Land Title Registration	The recording and registration of land description, proprietorship of, and encumbrances on, a property for which the Title has been issued. Includes details of current and non current proprietorship, encumbrances on title, land description, the derivative (parent title) and the Title diagram source	Permanent	Retain in agency

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No	Function/Activity	Description	Status	Disposal Action
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LAND TITLE REGISTRATION & DEALINGS ADMINISTRATION.

		that defines the boundaries of the land in question. Includes the Registered Search Statement. Includes indexes to the register.		
2.2	Registration of Proprietorship and Restrictions	<p>The registration of original Instruments that act as evidence for transactions that affect the proprietorship, restrictions and rights on land.</p> <p>Includes the transfer of proprietorship of land, the creation, variation and administration of easements, restrictive covenants, applications for lost duplicates under Section 31 of the <i>Transfer of Land Act</i> 1958 and other measures which impact on the proprietorship of land titles. Includes the receipt and registration of instruments that remove an existing easement or restrictive covenant from Title.</p> <p>[For Caveats, see 2.3.0] [For Mortgages and Discharged Mortgages, see 2.4.0]</p>	Temporary	Destroy after all statutory obligations have been met.
2.3	Caveats on Title Registration	The receipt and registration of instruments documenting the imposition of caveats that prevent the registration of a dealing. Also includes instruments documenting the removal or lapse of any caveat.	Temporary	Destroy 15 years after the lapse or withdrawal of the caveat.
2.4	Mortgages and Discharge of Mortgages Registration	<p>The receipt and registration of instruments that add or remove a mortgage from a title.</p> <p>The mortgage is a live encumbrance on Title, and can only be removed on the registration of a</p>	Temporary	Destroy 10 years after the registration date of discharge.

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No	Function/Activity	Description	Status	Disposal Action
<i>LAND TITLE REGISTRATION & DEALINGS ADMINISTRATION.</i>				
		discharge.		
2.5	Adverse Possession Application - Examination and Registration	The receipt, registration and examination of applications regarding the acquisition of land by Adverse Possession under section 60 of <i>Transfer of Land Act</i> 1958. Includes the application and accompanying evidence. [For any supporting survey records see 2.9.0]	Temporary	Destroy 15 years after application resolved.
2.6	Amendment to Register Application - Examination and Registration	Applications for Amendment to the Register under section 99 of the <i>Transfer of Land Act</i> 1958. This can occur when the bona fide occupation of the land is different from that on the Title and when the actual surveyed boundaries do not match what is detailed on the Title. Includes the application and accompanying evidence. [For any supporting survey records, see 2.9.0]	Temporary	Destroy 15 years after application resolved.
2.7	Corrections to Errors in Register Applications	Applications from stakeholders under section 103 of the <i>Transfer of Land Act</i> 1958 to correct errors in the Register. Also includes notifications from Courts and from Victorian Civil and Administrative Tribunal (VCAT) of Orders that require changes to the Register. [For any supporting survey records, see 2.9.0]	Temporary	Destroy 15 years after application resolved.
2.8	Advice Papers	The receipt or creation of documentation supporting a dealing that has been lodged for registration by the Titles Office. Advice papers record advice provided by Advice Officers and Legal Officers of the Titles Office		

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LAND TITLE REGISTRATION & DEALINGS ADMINISTRATION. - Advice Papers

		<p>in relation to the registration of a dealing. They are created in instances where a dealing requires amendment before it can be registered, or cannot be registered, or requires the attention of an officer with expertise in a particular section of the <i>Transfer of Land Act 1958</i>.</p> <p>Records that may be attached to the advice paper include:</p> <ul style="list-style-type: none"> • Examiners stop notices - notices detailing the decision to halt the registration process in relation to a particular dealing; • Requisitions - notices setting out Titles Office Requirements in order for the registration of a dealing to proceed; • Statutory declarations relating to dealings such as requests for the issue of a replacement duplicate certificate of title, or the discharge of a mortgage where the duplicate instrument cannot be located; • Rectifications - requests for rectifications to the Land Titles Register; • Correspondence between the applicant (or the applicant's solicitor) and the Titles Office; • Photocopies of the dealing. 		
2.8.1	Advice Papers - Significant	Advice papers that contain major legal advice and legal opinions likely to create precedent or are related to large and/or controversial dealings (e.g.	Permanent	Retain as State archives

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<i>LAND TITLE REGISTRATION & DEALINGS ADMINISTRATION. - Advice Papers</i>				
		subject to a court case), are prepared after complex research by the Titles Office or its delegate, or which result in changes to Titles Office policy or processes.		
2.8.2	Advice Papers Relating to the Replacement of Certificates of Title	The receipt of supporting documentation for applications for the replacement of lost Certificates of Title accompanied by supporting documentation such as Statutory Declarations.	Temporary	Destroy 10 years after application resolved.
2.8.3	Advice Papers Relating to Impounded Dealings	Cases where the administration of a dealing is suspended temporarily due to a court order, or due to the suspicion that fraud has been or is about to be committed.	Temporary	Destroy 10 years after the lifting of the dealing's impounded status.
2.8.4	Advice Papers Relating to Withdrawn, Rejected or Abandoned Dealings	Advice papers relating to cases where the administration of a dealing ceases due to the withdrawal of the dealing at the request of the applicant, or where the Titles Office rejects the application for a dealing, or where the Titles Office rejects applications for the alteration of entries in the Titles Register.	Temporary	Destroy 2 years after the dealing is withdrawn, rejected, or the request for rectification is refused.
2.9	Survey Information	Survey information that is lodged in support of dealings. Includes plans and field notes relating to subdivisions, and consolidations under the <i>Transfer of Land Act 1958</i> , <i>Subdivision Act 1988</i> and in accordance with the <i>Survey Co-ordination Act 1958</i> . Also includes surveys relating to the bringing of land under the <i>Transfer of Land Act 1958</i> .	Permanent	Retain as State archives
2.10	Administrative	Non-statutory instruments used as part of on-line conveyancing to manage the interaction between	Temporary	Destroy 7 years after transaction has

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No	Function/Activity	Description	Status	Disposal Action
<i>LAND TITLE REGISTRATION & DEALINGS ADMINISTRATION.</i>				
	Notices	new electronic and existing paper-based processes. For example, a request for an electronic title to be created from an existing hard-copy title, in order that it may be used for on-line conveyancing.		concluded.
2.11	Body Corporate Liaison	Transactions and correspondence between the Titles Office and Bodies Corporate. Includes the notifications of the existence and establishment and winding up of Bodies Corporate, changes of contact details and the adoption and forwarding of rules.	Temporary	Destroy 7 years after body corporate is wound up.
3	SUBDIVISION AND CONSOLIDATION OF LAND	<p>The administration under the <i>Subdivision Act</i> 1988 of applications for subdivision or consolidation for land that has been acquired under the <i>Transfer of Land Act</i> 1958. Includes land subdivided by private persons or companies, acquiring authorities and bodies corporate.</p> <ul style="list-style-type: none"> • Includes the records of subdivisions and consolidations prior to the passing of the <i>Subdivisions Act</i> 1988. • For Instruments of dealings to do with subdivisions and consolidations, see 3.1.0. • For advice papers dealing with Subdivisions and consolidations, see 2.9.0. • For survey information concerning subdivisions and consolidations, see 2.9.0. 		
3.1	Successful Applications for	The administration under the <i>Subdivision Act</i> 1988 of successful applications for subdivision or	Temporary	Destroy after all statutory obligations

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SUBDIVISION AND CONSOLIDATION OF LAND

	Subdivision and Consolidation	consolidation of land.		have been met.
3.2	Receipt of Council Certified Plans	<p>The receipt of original certified plans that have received approval by the relevant local municipal council in relation to an application for subdivision or consolidation.</p> <p>Includes lodged plans, plans of subdivision, strata plans, cluster plans, plans for staged subdivisions and plans of consolidation.</p> <p>These provide the continual history of parcelization of land and manner of holding of property within the State of Victoria. Certificates of Title may be issued for the land parcels upon registration of the plan.</p>	Permanent	Retain as State archives
3.3	Receipt of Plan Transparencies and Linens	The receipt of copies of the Council Certified Plan as part of an application for subdivision or consolidation of land, to be used as working copies for the assessing and annotation of applications.	Temporary	Destroy after administrative use is concluded.