

# Notice

## To Lodging Parties

24 January 2014 No 172

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### 1. Bills of Sale over Water Licences

Notices to Lodging Parties No. [163](#) and [164](#) have previously advised of the commencement of a Commonwealth Personal Property Securities Scheme and the transitional arrangements relating to Land Services Group's Bills of Sale and Stock Mortgages/Wool Liens registers.

This notice is to advise that the *Bills of Sale Variation Regulations 2014* have extended the date that Bills of Sale over Water Licences can be registered and dealt with under the *Bills of Sale Act 1886* until 25 January 2018.

Please direct any enquiries to Peter Potoczky on 08 8226 3876 or by email to [peter.potoczky@sa.gov.au](mailto:peter.potoczky@sa.gov.au).

### 2. Leases of Easements - GU Documents/Easements of Limited Duration

*This notice relates to leases of easements only, not leases of land that include rights attached.*

For many years, easements of limited duration have been created over Crown Leases vide Leases (L), Underleases (UL) and Leases creating Easement/Right of Way (GU) documents. This practice will now cease.

#### Grant of Easement (TG) Documents to Create Easements of Limited Duration

GU, L or UL documents dated after 30 April 2014 will no longer be accepted to create easements of limited duration.

The *Crown Land Management Act 2009* enables an easement to be granted over a Crown Lease utilising a TG. The Crown Lands Unit, Department of Environment, Water and Natural Resources must be contacted to apply for an easement over Crown land, email [DEWNR.CrownLandsEnquiries@sa.gov.au](mailto:DEWNR.CrownLandsEnquiries@sa.gov.au) or phone 08 8204 1218.

An easement for limited duration will be shown in the easement clause of titles (i.e. *subject to an easement with limitations over the land marked A on FP 12345 for water supply purposes expiring on 12/12/2032*) and on Crown Leases as a similarly worded endorsement.

The Plan Presentation Guidelines will be updated to include reference to easements of limited duration.

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#### Land Services Group

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### Change to Practice for Existing Easements of Limited Duration

Existing easements of limited duration created by a GU, L or UL will no longer be treated as leases by the Lands Titles Office. Therefore when dealing with land on which a lease of an easement is registered it will not be necessary to ensure the lease is also dealt with. For example if transferring or mortgaging the dominant land, a transfer or mortgage of the lease of easement will not be required. Although in the form of a lease they are easements and therefore run with the land. The fact that the lessee's name may differ to the current proprietors of the appurtenant land is irrelevant.

### Extinguishment or Variation of Easements of Limited Duration

A Variation/Extinguishment of Easement (VE) document is required to vary the extent or appurtenance, or extinguish any easement of limited duration no matter how it was created. Please note, easements of limited duration cannot be varied as regards their term under section 90B of the *Real Property Act 1886* and would therefore require a Grant of Easement, for the new term, to be lodged.

If you have any queries in relation to easements of limited duration please contact our Property Examiner Client Advice Officer on 08 8226 3983.

### **3. Name Search Suppression**

This free service enables at-risk individuals to apply for access to their personal details to be restricted via searches of Land Services Group records using their name. Searches made using other criteria, such as a Certificate of Title reference, are unaffected.

If you think you or one of your clients would benefit from Name Search Suppression, please visit [www.sa.gov.au/landservices/nss](http://www.sa.gov.au/landservices/nss) for further details and application forms.



Brenton Pike  
**Registrar-General**  
**Land Services Group**

