

Restrictions on Title

A One-day course for the Surveying Profession

Our Presenter



Astrid Di Carlo

Bachelor of Laws (Deakin),
Master of Laws (Emory
[USA]), Bachelor of Arts
(LaTrobe), Postgraduate
Diploma of Policy and Law
(LaTrobe)

Special Counsel, Russell Kennedy Solicitors

Lecturer in Property Law,
RMIT University

As a lawyer, Astrid has
practised in water law, local
government law, planning
environment & heritage,
and property law

Enquiries and Registrations

To book into one of our
presentations, or
arrange a presentation
at your offices, contact

Jacqui Talbot

Manager, The Public Land
Consultancy

[jacqui@
publicland.com.au](mailto:jacqui@publicland.com.au)

Phone (03) 9534 5128

Maximum
class size 10

Cost: \$550 per student
including GST, Course
Notes and Working Lunch

This course has been accredited by the Surveyors Registration Board as providing 5.5 'cadastral' points and 1 'development planning' point for the purposes of Further Professional Education and Training (FPET)

COURSE CONTENT

Introduction: Indefeasibility of Title

Crown grants and 'fee simple'
Old Law and Torrens title
Common law constraints on indefeasibility
Statutory constraints on indefeasibility

Easements

The purpose of easements
Positive and negative easements
Easements in Common law; easements in Gross
Creation by subdivision; by acquisition
Implied and prescriptive easements
Recording and registering easements
Removal, extinguishment and abandonment

Covenants

The purpose of covenants
Statutory agreements and restrictions
Restrictive and positive covenants
Removal of covenants under planning law
Provisions of the Property Law Act 1958

Statutory Agreements

Sec 173, Planning & Environment Act
Sec 121 Road Management Act
Sec 69, Conservation Forests and Lands Act
Trust for Nature covenants
Heritage Act covenants
Indigenous Land Use Agreements

Crown Land Restrictions

The Reservation of Crown land
Conditional Crown Grants
Easement-like provisions on Crown land

"Victoria's law of easements and covenants is based on English common law, overlaid with property, planning and subdivision legislation. This means that the overall law is very complex and has significant gaps and overlaps."

– Law Reform Commission

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