

CUSTOMER INFORMATION BULLETIN



No. 33, 13th August, 1990

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1. CAVEATS "AS TO PORTION ONLY"

On the 18th April, 1990 Rowland J delivered written reasons for judgement in Supreme Court Action No. 3348 of 1989 between a registered proprietor of land, and the caveators and the Registrar of Titles.

The case concerned a caveat in which the description of land panel read "As to portion only of: Lot 180 ...". The portion was not further described in that section. In that part of the document relating to grounds, reference was made to Lots 9 and 10 on an "unregistered strata plan".

His Honour held that the caveat did not properly identify the land sought to be protected and that it was lodged without reasonable cause.

The caveators were ordered to pay compensation to the registered proprietor pursuant to Section 140 of the Transfer of Land Act.

The caveators and the Registrar of Titles have lodged Notices of Appeal against that decision.

It is the responsibility of the caveator to ensure that the land description is sufficient.

If the caveator wishes to amend the land description prior to notices being sent to the registered proprietor, then the amendments are to be signed by the caveator, or the agent who signed the caveat, either on the caveat or by letter which is to be annexed to the caveat. Alternatively the amendment may be made by the caveator's solicitor or settlement agent by Certificate after lodgement (Customer Information Bulletin No. 12 dated 17.11.88).

If notices have been sent to the registered proprietor, then amendment will not be permitted. If the caveator wishes to effect a change it will need to be by way of withdrawing the caveat and lodging a new caveat.

2. STOPPED DOCUMENTS - LETTER REQUESTING AMENDMENTS

Where requisitions are raised by this Office on documents lodged for registration and amendments are required to those

documents, such amendments must be authorised. The most emphatic authorisation is the initials of the parties to that document and their witnesses.

However, it is customary for this Office to accept letters authorising the Registrar to amend the document on behalf of the parties. Such letters come from either the party or parties to the document and affected by the amendment, or in certain circumstances by the solicitor or settlement agent acting on behalf of and authorised by the party affected.

The standard of letter being received requesting amendments has been declining. Customers are reminded that the letter should refer to:

- a. Details of the document to be amended.
- b. Clearly express the amendment to be made.
- c. The authority under which the request is made.

By way of example, reproduced is an extract from the 'Getting it Right' booklet (now out of print) which is held by most of our customers.

Certificate After Lodgement

Solicitors and settlement agents may request that documents be amended so as to comply with requisitions. The request is to be made in a letter with the solicitor's or settlement agent's usual letterhead and is to be addressed to the Registrar of Titles. The letter is to be in the following form. Appropriate deletions or insertions are to be made in those parts of the form between brackets.

I am the (solicitor/settlement agent)
(full name)

for (the transferee/transferor/etc.). I authorise and request and I have authority to authorise and request on behalf of such person(s) the following amendments.

- a. (To amend Transfer No..... by/etc.)
- b. (To amend Mortgage No..... by/etc.)

.....
Witness (Solicitor/Settlement Agent/Justice of the Peace).

Date / / 19

3. TRANSFERS OF FREEHOLD LEASES

In future, Transfers of Freehold Leases will be endorsed on original Titles as well as the original Leases in much the same manner as are Transfers of Mortgages.

It should be noted that the Lessees copy of the lease will be required to be produced, and that production of the duplicate Certificate of Title would be desirable but not compulsory.

4. CHANGES IN GRAPHIC BANK CROWN SURVEYS

In keeping with the Department's aim of a single land registration system, it has been resolved to move toward a single Survey Index Plan that, in effect, is a combined Keysheet and Index Plan.

To achieve this single Survey Index Plan a strategy of staged implementation has been adopted.

Stage One has commenced and involves the following:-

- a. Microfilming of all keysheets. These microfiche will be updated after any amendment has been made to the keysheet.
- b. Replacement of all paper dyeline keysheets with plastic copies.
- c. Elimination of duplicate keysheets.
- d. Some new crown survey information will be charted on LTO Index Plans. This will only occur for new Crown Surveys.
- e. The database listing of the Keysheet series will be updated.

It should be noted that in view of item (d) above, the current requirement that both LTO Index Plans and Keysheets be searched when undertaking a survey search now becomes obligatory in all instances.

Customers will be kept informed of further progress toward the achievement of an integrated Survey Index Plan.

5. NEW TITLE PRODUCTION - STREAMLINING PROCEDURE

In Bulletin Number 23, customers were requested to identify different types of documents being lodged which involved the issue of new titles. The response was good and the identifying colour tabs placed on the documents helped streamline our processing systems with resultant benefits to you.

Recently, some documents have been lodged without the identifying colour tabs. This has resulted in the documents being processed with the bulk of the work instead of running along a special fasttrack process. To help us process your dealing quickly, please attach the required colour tab available at the Acceptance Counter.

The four categories and the required colour identification are:

CATEGORY OF DEALING	COLOUR
1. Early issue survey applications	Green
2. Plans and Diagrams other than early issue applications.	Yellow
3. Strata Plan applications	Red
4. Balance certificate of title applications	Brown

6. CUSTOMER REMOTE SEARCHING (CRS)

Customer Remote Searching is a dial up access service linking the customer with the Office of Titles computerised indices. Currently there are 186 clients using this system. These clients

are able to maximise the use of their staff within their own office due to the many advantages of the system.

So what are the strengths of CRS?

Firstly - System is available outside normal business hours (7 a.m. to 7.30 p.m.).

Secondly - Access can only be achieved through a coded security system which protects the client.

Thirdly - Once contact is established the user can:

- a. Search the main Office of Titles indices, being Name, Lot on Plan/Diagram, Strata Plan and Crown Allotment (Street Address not yet available on CRS).
- b. Order title prints for delivery into collection boxes, or return by Facsimile or post.
- c. Obtain on the spot check searches an/or copy if so desired.
- d. Check on production of duplicate titles for dealing by other parties.
- e. Check on progress of dealings.

Plus, several other options.

Fourthly - The cost is minimal. \$65.00 a year includes a comprehensive user manual and initial training when joining the system.

Fifthly - Fees are automatically charged to your Customer Accounting System (CAS) account.

What is required to enroll as a CRS user?

- a. Be a CAS Card holder.
- b. A personal computer.
- c. A modem (1200 or 2400bps).
- d. Suitable communications software.
- e. A telephone outlet.

If screen prints are required a printer can be added to your hardware requirements.

It must be remembered that this communication set-up does not have to be dedicated to Office of Titles use. It can be used to access other information systems throughout Australia and the World. It can also accommodate other uses within your office.

Perhaps your organisation would like more information or like to have the system demonstrated. If so contact Arthur Towers, Customer Service Centre Manager on 222 6807.



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LAND TITLES