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No. 65  
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## A. ADVICE OFFICERS

With reference to Bulletin No. 27 regarding checking of documents. Advice Officers are constantly being asked to check documents for firms before acceptance, with the intention of avoiding the potential for a requisition or rejection notice. In the interest of equitable and effective use of customer advice, lodging parties are reminded that they should attend to the following before seeking advice on practice and procedure.

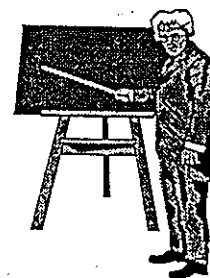
Make reference to:

1. Office of Titles Practice Manual and Customer Information Bulletins
2. "Getting It Right" Booklet
3. Refer to their Licensed Principal, Practitioner, Supervisor or experienced person in their organisation.

Clients should use these sources before contacting the Customer Service Centre. Customer Advice Officers will be able to assist in the event that the above actions have been taken. Clients should be prepared to nominate the page and section numbers of the Manual to assist in an answer to the enquiry. Pre-examination of documents will not be considered in the normal course of events. Abnormal situations may arise, if so the advice officer will assist.

Another common request is for an Advice Officer to initial a document as acceptable for lodgement, because another party will not settle without that authorisation. These requests are normally associated with minor issues and accordingly will not be accommodated, unless the advice seeker is able to quote Practice Manual reference and demonstrate that an ambiguous or contentious issue exists.

The Advice Officers will always remain helpful to those in genuine need of assistance.



## B. EARLY ISSUE (for Conveyancers)

The Early Issue of Title Scheme is a popular service offered by DOLA to enable rapid issue of Certificates of Title for new subdivisions. Surveyors designate surveys to be processed under the scheme at the time of lodgement of the Plan or Diagram. Dealings lodged under the system are given priority processing with preparation work for these titles being well advanced prior to lodgement of the application. Titles normally issue in 5 -7 working days after lodgement.

Early Issue dealings are identified by Clients using the appropriate green label and expedited through a production channel geared to handle only simple subdivisional cases. Failure to affix the label can result in the dealing not being identified subsequently in DOLA as Early Issue, this may result in delays.

Customers using this facility are reminded that any preliminary work needed, should be attended to prior to applying for the titles. Balance titles, similarly, are best dealt with after the subdivisional titles have been issued. Large complex dealings containing an application for an early issue subdivision cannot be readily dealt within the early issue stream and may be processed through normal channels without early issue priority. For further advice relating to this matter please contact the Manager, New Titles Production, Chris Mason on 273 7369.



### C. CHECK SEARCH ORDERING

Modifications have been made to the Customer Remote Search Check Search Ordering facility. In response to client suggestions for improved efficiency, when ordering multiple check searches under the same job number, the following changes have been made to the Check Search Entry screen;

- At the check search entry screen, the cursor will return to the "Register Number" field in readiness for the next check search entry.
- Sorting of registers in numerical order has been removed. Registers will be displayed and printed in the order in which they are entered.

### D. LAPSED CAVEATS



The letter from the lodging party requesting the issue of a 14 days notice on a Caveat pursuant to;

Section 137 of the Transfer of Land Act - 14 day notice to issue on request by a lodging party together with an instrument or dealing;

or

Section 141A of the Transfer of Land Act - 14 day notice issues once Commissioner is satisfied that the caveators claim in the land has ceased to exist,

should include a request for a copy of title(s) search to be faxed to them after the caveat(s) has lapsed or removed.

The letter of request must include;

- Name of Company
- Reference Number
- Fax Number
- CAS account number (normal searching fees will be applied)

DOLA will provide 1 copy of the title(s) that is/are the subject of the 14 days notice. The "Subject to Dealing" title search will be sent within a day of the caveat lapsing or being removed in accordance with standard procedures under Sections 137 and 141A respectively.

It is noted that the issue by the Registrar of a "Subject to Dealing" search following the time periods under Section 137 and 141A will only confirm that the caveat has either lapsed or being removed to the extent of the instrument following the 14 day notice. For example it is possible parties may still make application to the court for leave to apply for an injunction preventing registration of a dealing, notwithstanding the expiration of the statutory time period or the application or instrument may be withdrawn from registration. This new procedure will be introduced for a 3 month trial period commencing from 1/7/94.

Shown below is a copy of a Stamp which will be placed on all title(s) that is/are faxed to the lodging party.

#### SUBJECT TO DEALING DEPARTMENT OF LAND ADMINISTRATION

TO:  
 FAX:  
 REF:  
 RE: 14 Days Notice on Caveat(s).....  
 Document.....  
 DATE:

*This is a copy to show above Caveat(s) has lapsed/removed.*

**A NEW SEARCH MUST BE CONDUCTED FOR OTHER PURPOSES**

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## E. LETTERS REQUESTING REGISTRAR TO AMEND DOCUMENTS



Bulletin No 64 dealt with this issue at length. The Deputy Commissioner has advised that an amendment be made to the authorisation clause set out in the letter of request as published in Bulletin No. 64. The requirements for a letter of authorisation have been set down by the Deputy Commissioner to diminish the possibility of an unauthorised amendment to documents.

Please note that all other requirements on this topic in Bulletin No. 64 must be adhered to. The clause in the following form or substantially in the following form in the letter of request to the Registrar should read:

I (full name) am the (Solicitor/Settlement Agent) for the (transferor/transferee etc). I authorise and request and I have the authority to authorise and request on behalf of such person(s) the following amendments:

e.g. (a) to amend Transfer No. \_\_\_\_\_ by etc.

SIGNED: (by Person making request)  
(Solicitor / Settlement Agent)

DATE: / /19

DOLA apologises for any inconvenience the advice in Bulletin No. 64 may have caused.



## F. Customer Remote Search (CRS) Users

### 1. Logging Off

Computer Reports generated to monitor logg-off action by remote users, indicate that many "Jobs" have not been logged off correctly. When a search and order session has been completed the user must sign off by entering "X" at the command line, on the main menu screen, and proceed to the DOLA logo screen, then hang up. The consequence of

non compliance with this procedure, by users, causes ordered searches to be delayed for processing until 7.30pm on the day of ordering. Accordingly users are urged to comply with the practice if they wish to receive timely delivery of their searches.

### 2. User ID

Investigations have revealed that firms and organisations are still using the logon -ID of staff that are no longer in their employ.

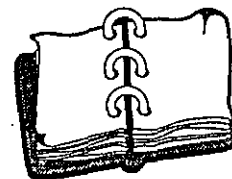
To maintain your own security on the CRS system it is imperative that users:-

2.1 Attend to necessary action to cancel logon-ID for staff no longer employed.

2.2 Restrict the use of logon-ID to the operators authorised as remote users.

Please direct all your enquiries for cancellations and new enrolments to the CRS Security Officer Phone: 273 7343 or Fax: 273 7655.

## G. PRACTICE MANUAL UPDATE



The schedule for completion and availability of the "Manual" is on target. It is anticipated that it will be available by September. The manual promises to be more than "How to do it" but also "Why do it".

It is expected that customers will find that it is a valuable training document. In preparing the manual DOLA has revised many of the practices and procedures of the Land Titles Division to reflect modern practices in the conveyancing industry. One of the changes that have occurred, and will take effect immediately, are requirements for the execution of documents. The following is an extract from the manual:

Printed name or variations of characters in lieu of a signature by parties to the document are acceptable by the Land Titles Division when witnessed correctly. The Land Titles Division will assume that the parties understand the document and have applied their normal signatures. If however any of the documents presented suggest a person did not understand the English language all documents should be consistent and bear an interpreter's clause within the attestation.

It is important to note the requirement that the witness certifies he or she saw the relevant party attest his or her name.

Instruments under the Transfer of Land Act signed by any person and attested by one witness are duly executed, where:

- The witness is not a party to the instrument.
- The witness is an adult and there appears on the instruments the address and occupation of the witness.
- The witness has signed the document in English script (as distinct from printing)
- The instrument is signed within Australia or a Territory of Australia including the Cocos (Keeling) Islands or Christmas Island, and
- The signature of each person is separately attested.

A party to a document (but not a witness) may sign by printing their name, use English script, Chinese calligraphy, thumb print or any other trade mark.

The Registrar expects signatures to be written, not printed. The presence of a printed name on a document raises a question of whether the document has been signed. Where the printed signature is duly witnessed, the witness is testifying that the document has been signed, but where the printed signature is that of the witness there is the possibility of a later denial, both as to the witness and the party to the document. In cases where the signature of a witness is printed the Registrar will request confirmation that the witness did indeed witness the attestation of the document, and the signature on the document is his or her normal signature.



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DIVISIONAL MANAGER  
LAND TITLES  
AND REGISTRAR OF TITLES