



# REGISTRAR-GENERAL'S NEWSLETTER

APRIL 2004

Office of the Registrar-General: Land Titles Office - Titles Production - Births, Deaths and Marriages - General Registry - Ph: 8999 7223

Northern Territory Department of Justice

times on (08) 8999 5318.

## NEW REGISTRAR-GENERAL

Following Greg Shanahan's transfer within the Department of Justice, Gail Fleay has been temporarily appointed as Registrar-General, Registrar of Births, Deaths and Marriages and Acting Public Trustee until further notice.

## IMPORTANT NOTICE: TITLE DIAGRAMS

As discussed in the Registrar-General's Consultative Committee and forecast in the Newsletter dated June 2003, **as from 11 May 2004** it is proposed that this Office will no longer draw title diagrams describing parcels of land from survey plans on the issue of new titles resulting from subdivisions, acquisitions, partial surrenders of crown leases etc. This means that certificates as to title issued under the *Land Title Act* will no longer contain a diagram of the land.

SURVEY PLANS will be available for searching on-line in place of the diagram. The survey plan may be searched at no cost to the clients. However, it is important to note:

- The Registrar-General does not guarantee any information contained in, or forming part of the survey plans.
- At all times the survey plans should be read in conjunction with the certificate as to title.
- Some easements or other notations may be shown on survey plans that do not appear on title. **NOTE THAT** only easements (or other notations) registered on the title should be taken to be correct.

All diagrams that exist in the ILIS system as at the 11 May 2004 will remain in history, or carry forward onto new titles except in the case of a transaction involving a change to the parcel, eg in the case of a subdivision or easement. In these cases, the diagram will not be replaced.

To clarify further in respect of the more common dealings - any Discharge of Mortgage, Transfer or Mortgage dealing that is lodged at the Land Titles Office, and where there is a diagram that exists in the ILIS system, this diagram will carry over to the new owner's title. All historical diagrams that exist in the ILIS system will remain and be able to be searched.

Training sessions will be conducted by staff of the Surveyor-General's and Registrar-General's Offices about how to read the basic information on a survey plan and information provided on the search certificate.

Please contact Wendy Endenburg regarding the training

## ALTERATIONS TO INSTRUMENTS

In recent times there have been significant changes made to forms being lodged which have not been acknowledged by the relevant parties. If executing a transfer or other instrument, and changes have been made to the **description of the land or names of the parties**, the actual parties to the instrument must acknowledge these changes by signing their names next to the changes (an initial is not always a clear indication that the affected parties have seen the changes and know and agree to their nature). It is not sufficient if the change is initialled by the rounds clerk or Conveyancing Officer.

## NEWSFLASHNEWSFLASHNEWSFLASHNEWS

### TITLE SEARCHES ON THE INTERNET

The Land Titles Office is pleased to announce that direct internet service to ILIS will be available from 3 May 2004 for existing dialup clients. There is no monthly charge to access the ILIS service. It is assumed that clients will arrange their Internet Service Provider (ISP). The usual LTO fees for searches will apply.

Internet access to ILIS will be available to existing non-dialup clients from 31 May 2004. Access will be through the use of Internet Secure Certificates issued by ILIS Support.

All existing dialup clients will be, or have been contacted by Optus advising that the current dialup system will be discontinued and users will be required to change over to the Optus OPI system. This will not be necessary if you take up the direct internet service.

For details please contact ILIS Support

Phone 08 8924 4084

Fax 08 8924 4045

Email: [ilis.support@nt.gov.au](mailto:ilis.support@nt.gov.au)

New data licences will apply as from July 2004. Please contact ILIS Support to update your contact details so the documents can be forwarded to you as soon as they are approved. An ILIS Internet Access form is at the end of this newsletter or available at the Land Titles Office counter.

## PAYMENT OF ACCOUNTS

Please remember that it is part of our service agreement with account clients that accounts should be paid within 7 days of date of issue of the account. Failure to pay on time may result in withdrawal of the service until the account is cleared. We would appreciate your co-operation in this regard.

## REGISTRAR-GENERAL'S DIRECTIONS

The Registrar-General's Directions made on the 23 July 2003 under Section 210 of the *Land Title Act* will be available for viewing shortly on the Justice Web site at [www.justice.nt.gov.au](http://www.justice.nt.gov.au)

The new forms will soon be available in electronic format on the web page or on CD Rom which can be purchased at minimal cost. If your firm uses only one or two of the forms, this Office will be happy to provide them to you via e-mail for free. There will be a changeover period of 3 months, so that by **1 August 2004**, all conveyancers should be using the new forms. Note that the new witnessing requirements (Medical Practitioners, Pharmacists, Licensed Real Estate Agents and Notaries Public [overseas]) will now be accepted for lodgement.

## SCANNING OF INSTRUMENTS

Scanning instruments over the counter has been successfully running since the start of the new ILIS system. There has been a significant increase in instruments that can be searched on-line. In addition, the bulk of the instruments in the Strong Room have now been scanned.

It would be a great help to this Office if, when lodging instruments over the counter (particularly lease documents of more than 1 page), binding and fastening could be kept to a minimum, or, preferably, clients could provide an unbound and unstapled original document. This will enable staff at the LTO to improve the quality of the scanned images and process the scanning more rapidly.

## REGISTRAR-GENERAL'S CONSULTATIVE COMMITTEE

The Consultative Committee met on 6 April 2004. Some of the issues discussed were:

- Removal of Diagrams.
- Concerns from lending institution clients re: note death without mortgagee consent.
- Registrar-General checking behind documents eg. Caveats / Workmen's Liens – Notice of Commencement of Proceedings and evidence produced.
- Production of Births, Deaths & Marriage Certificates, Statutory Declarations for reverting to maiden surname.
- In the light of the new Privacy laws, propose restriction of searching by owner's name and possibly introduce a fee (\$5).
- Scanning Project.
- LTO Induction Course.
- Update on new forms.
- New Swimming Pool Legislation.
- Unity of Title.
- Organisation of settlements (documents not requiring other parties to settle to be lodged earlier before the usual settlement time).
- Withdrawal of Caveat – suggested that a caveator or his or her authorised agent may withdraw a caveat and lodge a notice of commencement of proceedings.

- Issuing Certificates of Title - suggested that a certificate of title can be issued at the written request of the registered owner or his or her authorised agent.
- Execution of Certain Instruments – suggested that a solicitor or other authorised agent can sign a mortgage instrument on behalf of a mortgagee.
- Amending easements, covenants, profits a prendre. Suggested that a mortgagee must consent to amending an easement, covenant or profit a prendre.

*More on the unity of title issue.....*

It was generally agreed at the meeting that in cases where 2 parties are transferring to one remaining party:

- This does not appear to be a unilateral severance of tenancy situation.
- Both sellers need to sign out to the remaining owner as required by s10 of the *Land Title Act*.
- If it is successfully argued that it is a unilateral severance situation, then a statement needs to be made on the form that the remaining person on title is one and the same person as the original joint owner, as this will not be presumed.

Copies of the minutes will be available soon on request. Please contact Wendy Endenburg on (08) 89995318 for details. If you wish to raise matters with the Committee please contact Wendy or your industry representative.

## CONSENTS REQUIRED FOR REGISTRATION OF COVENANTS

Reminder: under Section 46(1(C) of the *Crown Lands Act*, consent from the Minister must be provided for the creation of an easement or covenant over a Crown Lease Term.

## LODGING REQUIREMENT: BIRTH, DEATH & MARRIAGE CERTIFICATES

Due to an increase in fraudulent activity on a national level, as from the 1 June 2004 this Office will be requesting that all applications to note death or changes of names on title are accompanied by an official certificate issued by the Registrar of Births, Deaths & Marriages. This includes a marriage certificate, as the parties (celebrant's) copy is no longer acceptable. In some cases a Statutory Declaration may also need to be completed, particularly in the case of reverting to a former name.

## OFFICE OF BIRTHS, DEATHS & MARRIAGE

BDM Office now has a part-time Office situated in the Palmerston Community Care Centre. This new service enables members of the public to lodge birth registration forms for newborn babies and to apply for birth, death, marriage or change of name certificates.

### **The Palmerston Office is open on Tuesdays and Wednesdays from 8:00 am to 12:00 pm**

The need for this initiative was identified through customer surveys. Newborn mothers can use this facility as a "one stop shop" where they can have their babies examined in the clinic and drop in their birth forms at the

same time. The service is intended to better meet the needs of clients outside the Darwin area.  
Please contact the Darwin Office on 8999 6119 for more details.