

ACT Government

**ACT Law Society Intensive Conference**  
**Land titles office update**  
**13 March 2024**



# Today's Presentation

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- National Mortgage Form updates
- Upcoming e-conveyancing work
- Compliance Audits
- Mortgage Validation
- Pre-Lodgement Check Service
- Requisition fees

# National Mortgage Form updates

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- In collaboration with PEXA, the ACT LTO has updated the ACT NMF addendum and the Mortgage document lodged through PEXA
- The main updates included;
  - Changing the estate being mortgaged from Whole of the Land to Leasehold
  - The removal of the requirement to provide an address for the mortgagor or mortgagee
  - Removal of witnessing requirements
- The ACT LTO will accept the current and the old version of mortgages until 31 December 2024

# Document Hub

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- DocHub is a service PEXA provides to allow subscribers to upload approved attachments to an instrument
- Approved attachments consist of consent and annexures
- An attachment will become a part of the rendered instrument once the instrument is registered with the ACT LTO
- ACT LTO are in the process of testing this new function with PEXA
- The LTO will reduce some of the current 'stoppers' in the system where users previously could not submit electronically where an attachment was required
- Further industry correspondence and help guides to be produced

# Compliance Audits

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- The LTO has upskilled staff and now has a dedicated compliance team in our commitment in Upholding Regulatory Protections
- The compliance team will be responsible for assessing subscriber certifications for paper and electronically lodged dealings
- The compliance team will assess the requirements under the *Land Titles Act 1925* and the Electronic Conveyancing National Law (ACT)
- All ELNO Subscribers and paper instrument Certifiers are reminded that they must comply with a Compliance Examination notice issued by this office. Please note that a failure to comply may result in further regulatory action.
- To update your contact details with the ACT LTO, please email [LTOcompliance@act.gov.au](mailto:LTOcompliance@act.gov.au)

# Mortgage Validation

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- The Mortgage Validation Service has been designed to assist financial institutions in improving their record keeping practices.
- For a fee, banks or an agent they have authorised to do so will receive a regular data packet which contains details of the titles on which they are registered as mortgagee.
- The LTO is close to finalising a proposed agreement. We have included restrictions on the permitted uses of this data to avoid customers from gaining an unfair commercial advantage from this service and to ensure the privacy of our customers is maintained. This agreement will be made available in the next month.
- We anticipate that this will help to prevent those situations where the failure of a bank to discharge an old mortgage creates unnecessary delay and administrative work for our customers.
- The ACT LTO continues to investigate potential data and data product offerings.

# Pre-Lodgement Check Service

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- The Pre-Lodgement Check is an optional service in which LTO staff review your documents prior to lodgement to ensure that they are in registerable form.
- NSW offers a similar service for plan lodgements, we are opening this up for all lodgement types, with the fee depending on the complexity of the lodgement.
- This service will provide customers with the confidence that their lodgement will be registered without unnecessary delays and avoid the incoming requisition fee.
- You can submit your documents online via a Smartform or request a pre-lodgement check appointment by emailing the LTO.
- Once you've received a PLC approval, you can lodge your documents using the existing service channels or make a PLC appointment.
- The LTO will expand our appointment offering to provide this service in a timely manner.

# Pre-Lodgement Check Service

Smartform submission

LTO review, PLC form records advice

LTO requests payment

Payment received

PLC form sent to customer

If PLC approved, customer uses drop box or PLC appointment

Instrument corrected using PLC form advice and dropped off

LTO check PLC errors corrected

Standard lodgement process

Appointment requested via email

Fee paid at appointment

PLC undertaken in presence of customer where practicable

If PLC approved...

If not registerable, PLC form records errors and advice

Instrument corrected and returned

LTO check PLC errors corrected

Standard lodgement process



# Pre-Lodgement Check Service

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Service	Description	Fee (inc. GST)
Simple Check	Check of non-complex instruments such as transfers, transmissions, caveats etc.	\$80 per instrument
Complex Check	Check of complex instruments such as community title schemes, alterations to unit plans etc.	\$160 per instrument
Units Plan and Sublease Plan Check	Check of applications to register a units plan and sublease plans.	\$309 + \$10 per unit in excess of 30 units

- Simple/Complex instrument types will be made available on the Access Canberra website
- For example, a unit plan comprising 20 units would be \$309 for a pre-lodgement check
- A unit plan consisting of 40 units would be \$409

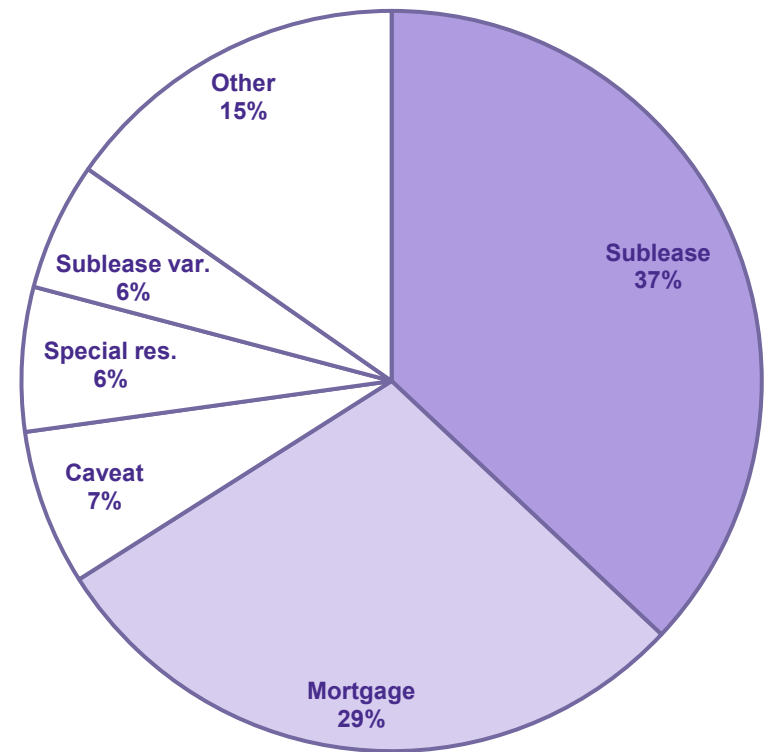
# Requisition Fees

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- Commencement date (3 months after announcement).
- There will be a 'grace period' where we will work closely with industry to reduce requisitions as much as possible
- In this period, we will collect data and understand industry's pain points based on feedback and ongoing correspondence
- The LTO will continue to update our guidance notes, practice manual and bulletins to assist customers in ensuring they are lodging registerable instruments, including targeted information supplements where required

# Requisition Statistics - 2023

- Subleases and Mortgages made up 65% of Requisitions in 2023
- 19% of Subleases were requisitioned due to annexures incorrectly numbered or missing pages
- 38% of Mortgages were requisitioned due to missing or incorrect consents
- 39% of Caveats had incorrect names of Registered Proprietor(s) or were missing all Registered Proprietors



# Requisitions Generally

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- Change of address for service – previous address needs to match what is recorded on title
- Application to correct the register – statutory declaration cannot simply state “an error was made previously”. The statutory declaration should state an in-detail explanation of what the error is, how the error occurred and what needs to be done to correct the register with supporting evidence ie ID etc
- Notice of death – name on death certificate does not match what is on title
- These issues can be addressed by using Title Search function on ACTLIS before lodging instruments
- Regular analysis of requisition data will inform supplemental guidance notes