

Cardinia Shire Council

# **Land Titles – transfer paper or share data**

## **Presentation to MAV LGIG**

7 April 2017

# Land Titles Transfer from Council to Land Victoria 2016 - 2017

- All Councils have been approached by Land Victoria to transfer all paper land titles of land owned by Council to Land Victoria
- Land Victoria offer to image, data capture and share list of all land holdings and their titles with each Council
- Access to Council owned land titles free via Land Victoria portal
- Paper Titles to be destroyed after imaging and only selected artefact value titles to be returned to Council upon request

# Land Titles Transfer from Council to Land Victoria 2016 - 2017

- Issues for us:-
  1. Under current legislation all these titles would be considered artefacts (records)
  2. Transfer of records between agencies must follow PROV standards – This has not been acknowledged
  3. When did the Titles shift from “an authorised copy of the original” to a “copy only”? (when you pay off your mortgage the bank releases the paper Title to you. You hold the “original” as evidence of full ownership) How does Council owned land and Titles differ?
  4. Destruction of record – Evidence Act - document destruction – How does this hold up Land Titles destruction of the paper Title? Do they have a Post Action Digitisation Plan to authorise and approval to destroy these documents?
  5. What assurances do we have of the Security of data – it’s privacy and use, current and future?

# Response from Land Victoria

- Land Victoria stated that Cardinia Shire Councils questions are:-
- A *“deviation from the purpose of this project”* and not relevant
- They have *“offered government agencies and councils a 'clean up' of their title records at a nominal cost. In the case of Council, this is a nominal saving of several ten thousand dollars if a clean-up had been managed in the traditional ways.”*

# Response from Land Victoria

- *“Benefits to Council include:*
- *all titles brought up to current proprietor name (this requires a CEO certificate in place of the old proof of gazettals and legislation)” s59A Certificate*
- *“all address for service of notices to the current address*
- *any missing titles identified replaced at no cost*
- *any road and reserve titles in subdivisions issued 'direct' to Council in future rather than the lodging party*

*LUV requires the titles to be held in electronic rather than paper form and provides free access to search all Council eTitles and plans.”*

# Response from Land Victoria

- *“Victoria and other states are in the early stages of a transition to eTitles so that LUV itself and government agencies and councils are early adopters.*
- *Council benefits from reduced secure storage needs, audit, reconciliation and chase up of paper titles.*
- *Legislation has been passed to provide for the phase out of paper titles as happened with shares 20 years ago.*
- *The uptake is expected to accelerate when the four big banks and PEXA ( the national electronic settlement system) roll out four party transactions this year.*
- *At present in Victoria about 2500 of 17000 dealings processed weekly are PEXA one party transactions (caveats etc)”*

# Questions and response from Land Victoria

QUESTION: What are the security measures to protect and maintain the integrity of the information within the systems in use within Land Use Victoria?

ANSWER:

- VOTS (Victorian Online Titles System) underpins all land transactions in Victoria. The Title Register, which is state guaranteed, sits within VOTS.
- Recently Crown Land Register has been included into VOTS system. There are multiple safeguards implemented to ensure security of VOTS information.

# Questions and response from Land Victoria

- QUESTION: Will the information be captured and managed in compliance to VERS Standards and other Standards of the Public Record Office of Victoria by Land Use Victoria?
- ANSWER
- This would be related to capturing projects undertaken by Laverton Office but is not applicable to this project.





# Questions and response from Land Victoria

- QUESTION: Can you please confirm that the use of the information by private enterprise and all other end users falls under all other State/Federal Legislative requirements that govern the protection of same- particularly in the light of State / Federal Governments “ Open Access to Information’ Strategy and Digital Transformation Strategies which include Local Government through the MAV?
- ANSWER:
- The Title Register is a public register in Victoria where anyone can conduct a title search for a fee. Name searches are only available via Land Information Centre located on Level 27, 570 Bourke Street and photo identification must be provided at the time of searching or via licensed Title brokers providing a deed of agreement was signed.
- This is not relevant to this project.



# Questions and response from Land Victoria

- QUESTION: Can we discuss the development of a formalised transfer process which could be adopted by the whole of Local Government ( as mentioned, we are told that via contact with other local government representatives in our industry, that earlier in the process- this was to be looked at )
- ANSWER:
- Title reconciliation project is to identify titles in your current and predecessor names. Titles in current name can be converted to eCT at the end of the project and titles in predecessor names will require section 59A to be executed by CEO at your Council.
- No Transfer process is involved in this project.



# Questions and response from Land Victoria

- QUESTION: Can you please advise any details of the **ongoing charges if any** applicable to Local Government due to this arrangement.
- ANSWER:
- Free of charge to view Council's eCT and associated plans.
- Any other searches will be chargeable including viewing of instruments listed on Council titles as is currently.



# Questions and response from Land Victoria

- QUESTION: What is the strategic direction that your project may be leading to, particularly in the light of the last part of that mentioned at Point 3 – the Electronic Conveyancing Project in total and in the light of South Australia and New South Wales proceeding with “Privatising” or contracting out the management-maintenance of their Land Title Registries?
- ANSWER:
  - PEXA (Property Exchange Australia) is a national electronic conveyancing system that was formed in 2010. This is a national model that is being adopted by all states in Australia.
  - We would not know or could not anticipate what impact the privatisation of NSW and SA Land Registry will bring. Again this is not relevant to this project.



# Questions and response from Land Victoria

- QUESTION: In line with point 6, Roger has seen a link on one of the Real estate websites allowing an individual to order a copy of a title
- ANSWER:
- As mentioned in comments to point 3 that Title Register is a public register in Victoria and anyone can conduct a title search with a fee whether it is done through LANDATA®, licensed Title Broker or their sub licensees.
- This has always been available since title searches were made available online.



# Privitising Land Titles



**Property, capital and labour are the three corner stones of an economy.**

*In property, our Torrens system of title by registration has been exported to the far reaches of the planet for its incomparable safety and efficacy.*

*Its administration processes and procedures ensure even handed consistent application of the [law](#). When paper volumes with folios were replaced by electronic folio identifiers the progress advantaged every user and no vested interest in particular.*

*Will this be so if LPI becomes a private concession? This is not an idea suddenly occurring to the administrators of LPI.*

*This has been thought through and negotiated by those who will benefit. My guess is **Pexa** owned by Property Exchange Australia Ltd – a company limited by shares. Key stakeholders include the big four banks **CBA, NAB, WBC and ANZ, the Macquarie Group, Little Group, Link Group**, and the governments of NSW, VIC, QLD and WA.*

*Compulsory electronic settlements with its attendant fees could be a nice earn for this conglomerate.*

**And from that stepping stone who knows where conveyancing goes.**

[Guy Dawson](#)  
**May 24, 2016**

# Land Titles Privatisation Discussion

- [https://www.linkedin.com/pulse/econveyancing-authority-sign-simon-blount?trk=feed&lipi=urn%3Ali%3Apage%3Ad\\_flagship3\\_search\\_srp\\_content%3BG9CboR%2BpXxNW6tlU0GyckQ%3D%3D](https://www.linkedin.com/pulse/econveyancing-authority-sign-simon-blount?trk=feed&lipi=urn%3Ali%3Apage%3Ad_flagship3_search_srp_content%3BG9CboR%2BpXxNW6tlU0GyckQ%3D%3D)
- <http://www.smh.com.au/nsw/insider-says-nsw-government-is-using-wrong-model-to-privatise-land-titles-registry-20170309-guuztu.html>

Key Article to note:-

- [https://www.linkedin.com/pulse/privatisation-new-south-wales-land-titles-registry-an-update-minehan?trk=feed&lipi=urn%3Ali%3Apage%3Ad\\_flagship3\\_search\\_srp\\_content%3BJ7kNjVXOnlhB6RPtURwxHA%3D%3D](https://www.linkedin.com/pulse/privatisation-new-south-wales-land-titles-registry-an-update-minehan?trk=feed&lipi=urn%3Ali%3Apage%3Ad_flagship3_search_srp_content%3BJ7kNjVXOnlhB6RPtURwxHA%3D%3D)
- [https://www.linkedin.com/search/results/content/?keywords=Land%20titles%20NSW&origin=SWITCH\\_SEARCH\\_VERTICAL](https://www.linkedin.com/search/results/content/?keywords=Land%20titles%20NSW&origin=SWITCH_SEARCH_VERTICAL)
- <http://www.governmentnews.com.au/2017/02/experts-say-nsw-land-titles-registry-sell-off-disaster/>
- [https://www.linkedin.com/pulse/privatization-nsw-land-title-registry-john-minehan?trk=feed&lipi=urn%3Ali%3Apage%3Ad\\_flagship3\\_search\\_srp\\_content%3BpsjAis3XJO8xYrrxbvjmpQ%3D%3D](https://www.linkedin.com/pulse/privatization-nsw-land-title-registry-john-minehan?trk=feed&lipi=urn%3Ali%3Apage%3Ad_flagship3_search_srp_content%3BpsjAis3XJO8xYrrxbvjmpQ%3D%3D)
- [https://www.linkedin.com/pulse/lpi-privatisation-bill-introduced-parliament-claire-martin?trk=feed&lipi=urn%3Ali%3Apage%3Ad\\_flagship3\\_search\\_srp\\_content%3BFXiEKEmFUqH1A6y6TMKhQ%3D%3D](https://www.linkedin.com/pulse/lpi-privatisation-bill-introduced-parliament-claire-martin?trk=feed&lipi=urn%3Ali%3Apage%3Ad_flagship3_search_srp_content%3BFXiEKEmFUqH1A6y6TMKhQ%3D%3D)
- <http://www.governmentnews.com.au/2017/02/experts-say-nsw-land-titles-registry-sell-off-disaster/>
- <http://www.abc.net.au/radio/sydney/programs/mornings/land-titles-selloff/8292574>
- [https://www.linkedin.com/pulse/australia-world-leader-real-estate-transparency-status-phillip-dance?trk=feed&lipi=urn%3Ali%3Apage%3Ad\\_flagship3\\_search\\_srp\\_content%3BK2eAC%2BMN9z5sIUgW9gM6Qg%3D%3D](https://www.linkedin.com/pulse/australia-world-leader-real-estate-transparency-status-phillip-dance?trk=feed&lipi=urn%3Ali%3Apage%3Ad_flagship3_search_srp_content%3BK2eAC%2BMN9z5sIUgW9gM6Qg%3D%3D)
- [https://www.linkedin.com/pulse/privatising-land-titles-guy-dawson?trk=feed&lipi=urn%3Ali%3Apage%3Ad\\_flagship3\\_search\\_srp\\_content%3Bey8nvH8SHRNNjmbylKyAbA%3D%3D](https://www.linkedin.com/pulse/privatising-land-titles-guy-dawson?trk=feed&lipi=urn%3Ali%3Apage%3Ad_flagship3_search_srp_content%3Bey8nvH8SHRNNjmbylKyAbA%3D%3D)
- <http://www.smh.com.au/nsw/leaked-draft-of-land-titles-registry-contract-shows-nsw-jobs-could-leave-state-20170223-gujo7a.html>
- [https://www.linkedin.com/pulse/privatising-land-titles-guy-dawson?trk=feed&lipi=urn%3Ali%3Apage%3Ad\\_flagship3\\_search\\_srp\\_content%3Bey8nvH8SHRNNjmbylKyAbA%3D%3D](https://www.linkedin.com/pulse/privatising-land-titles-guy-dawson?trk=feed&lipi=urn%3Ali%3Apage%3Ad_flagship3_search_srp_content%3Bey8nvH8SHRNNjmbylKyAbA%3D%3D)

# We are asking for these as a minimum requirement for transfer

1. Written and signed memorandum of understanding including:
  - Security and privacy clause (their data security CDPP)
  - Assurance that data will not be used for profit
    - If is used for profit that Council receive set percentage of those profits, or
    - PRA must be changed to allow such
2. All paper titles remain the property of Council and are returned for safe keeping (ETA states that both parties must agree to digital as the original for the transaction to be accepted. With so many Barristers, Solicitors, Lawyers and Judges in NSW concerned about their related project we want to hold on to the paper Titles until this has been resolved as it is then that precedence will be established.)



# BrainStorm from MAV LGIG 7 April 2017

