



legal chat

with Solicitor

MARK TOBIN

ALL CERTIFICATES OF TITLE TO BE CANCELLED

While the heading might just look like a headline grabbing attempt to get your attention, that is not the case. It seems like the governments intention of selling off every State owned asset they can, to make their bottom line look better during their term in power, is getting out of control. A couple of years ago it sold the State Land Titles Office, the repository of all things safe and secure for landowners now those pieces of cardboard you get, called Certificates of Title (CTs), when you buy a property or finally to pay off your mortgage are being done away with, to make things easier for the new operators. Legislation is in the works, due later this year, to make all CTs defunct. They will all be cancelled so your treasured piece of cardboard will be worthless. The plan is to make them all electronic CTs (eCTs). Sounds like a modern progression to a computerised world, but what has happened to all the security measures put in place for more than a century. Prior to the mid 1800's there was no formal record of ownership of land, the procedure used when buying or selling was to record it by Deed. The land owner held the deeds. In 1863 Sir Robert Torrens came up with the idea of registering ownership of land, so owners of land were recorded by the State and a Certificate of Title issued. Steps have already been taken to eliminate the holding of large amounts of paper CTs by banks and mortgagees now only being recorded electronically, by the end of the year it is planned your CT will just be a memory. Literally! You won't have to remember where you put them just that you have the right to the land and hope no one else can prove a better right to the same land. Sounds like a backward step to the past

doesn't it. With eConveyancing underway with settlement transactions done by computer these days the rules provide what is called the party with the Control of Right to Deal, the CoRD Holder. That was the person or party with the greatest right to hold the CT. The owner is often the CoRD Holder but banks are also CoRD Holders when they have a mortgage on the land. If there was to be a transaction then there had to be 'Consent' by the CoRD Holder, but the government are doing away with that as well. It will all be on computer and we all know how safe they are! It will all fall back on solicitors and conveyancers to make sure they do the right thing. The government better keep their fingers crossed.

Johnston Tobin Solicitors always make sure your sale and purchaser transactions are done right, give us a call if you would like to make sure.



JOHNSTON TOBIN
Solicitors

Ph 4421 5344

74 Berry St, Nowra

www.johnstontobin.com.au