

NOTICE TO LODGING PARTIES LAND SERVICES GROUP

Department for Administrative and Information Services
101 Grenfell Street Adelaide 5000



Government
of South Australia

ABN : 71 967 041 422

No. 138

PREVENTING FRAUD

Notice to Lodging Parties No. 128 dealt with the issue of forgery of TATS certificates of title. The purpose of this notice is to update you on some developments since then.

Fraud Interstate

There have been a number of incidences in other states of fraud involving the use of illegally obtained certificates of title.

The perpetrators of the fraud either falsely obtain a certificate of title or create a forged one. The title and fraudulent proof of identity documents are then presented to a financial institution to secure a mortgage over the land. The land is invariably unencumbered and the proceeds of the mortgage are to be paid to persons other than the registered proprietor.

There is no evidence to date that these scams have occurred in South Australia. Adopting some precautionary measures could help reduce the risk of it occurring. An important aspect to consider is the verification of the identity of the parties to the dealing by the conveyancer, solicitor or representative of the financial institution.

I am reviewing Lands Titles Office (LTO) practices and procedures in an effort to prevent the registration of fraudulent documents. However, most activity relating to the fraud, including disbursement of the settlement proceeds, occurs well before the documents are presented for registration at the LTO.

Colour Photocopying of TATS Certificates of Title

There have been three recent instances of colour photocopies of titles being produced by registered proprietors to complete transactions at the LTO. No criminal intent has been identified in any of these cases but it is, nevertheless, of great concern. If you have any doubts as to the authenticity of a certificate of title you should contact the client advice officer on 8226 3983.

Changes to *Criminal Law Consolidation Act 1935 (the Act)*

Section 140 has replaced the repealed section 232 of the Act as the legislation relating to the forging of TATS certificates of title and dishonest dealings with documents generally. It defines a false document and what is considered dishonest conduct. At sub-section (4) it provides that:

A person is guilty of an offence if the person dishonestly engages in conduct to which this section applies intending

(a) one of the following:

(i) to deceive another, or people generally, or to facilitate deception of another, or people generally, by someone else;

(ii) to exploit the ignorance of another, or the ignorance of people generally, about the true state of affairs;

(iii) to manipulate a machine or to facilitate manipulation of a machine by someone else; and

(b) by that means

(i) to benefit him/herself or another; or

(ii) to cause a detriment to another.

Maximum penalty: Imprisonment for 10 years.

**Simon Libbis
REGISTRAR-GENERAL
24 March 2004**