

NOTICE TO LODGING PARTIES LAND SERVICES GROUP

Department for Administrative and Information Services
101 Grenfell Street Adelaide 5000



No. 128

FORGERY OF TATS CERTIFICATES OF TITLE

It has come to my attention that some conveyancers are making colour copies of TATS Certificates of Title and providing these copies to clients. The copies have been produced either on a colour photocopier or by scanning and printing the image.

As you would be aware, the TATS Certificate of Title is the equivalent of a duplicate Certificate of Title.

Section 232 of the Criminal Law Consolidation Act 1935 provides that:

Any person who –

- (a) forges or utters any document, writing or entry made or issued under the provisions of any Act relating to the registration of deeds or the registration of titles to lands;
- (b)

shall be guilty of an offence and liable to be imprisoned for a term not exceeding fourteen years.

The Commissioner of Police has advised me that the making of colour copies may amount to forgery. As Certificates of Title are public documents, it is not necessary to prove an intent to defraud. An intent to deceive is sufficient to attract criminal liability. It should also be noted that the copy need only be capable of deceiving a person of ordinary powers of observation. The fact that a copy would not deceive a person with special experience, such as another conveyancer or staff of the Land Services Group, is not a defence.

The Commissioner of Police has indicated that criminal investigations into the practice of making colour copies will not be undertaken at the present time, unless in a particular case there is evidence to suggest criminal intent. Conveyancers and other clients are warned, however, that future instances will be referred for criminal investigation and may lead to prosecution.

To avoid police investigation and possible prosecution, the following guidelines should be adhered to:-

- Any copies of Certificates of Title should be in black and white and on one-sided paper.
- Any existing colour copies in your possession should be destroyed.
- If colour copies have been provided to clients, it is recommended that you notify the clients in writing that the copies are not official Certificates of Title and request that the copies be returned for destruction.

**ALAN J SHARMAN
REGISTRAR-GENERAL
18 August 2000**