

Notice

To Lodging Parties

28 August 2013

No 170

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1. Instant Dealings

When the South Australian Integrated Land Information System (SAILIS) is introduced lease, mortgage and encumbrance endorsements will generally be updated instantly to reflect the current details when dealings are registered over them. For example, when a transfer of lease is registered the lessee details in the lease endorsement will be updated rather than the transfer of lease being endorsed on the title as is currently the case.

In readiness for SAILIS the Land Services Group has commenced a program to update all current endorsements. To facilitate this, a new Certificate of Title will be generated for those Titles with endorsement dealings, displaying the updated endorsement information.

Clients will benefit significantly from this change in process as it will eliminate the need to search through a number of endorsement dealings to establish the current lessee, mortgagee or encumbrancee details.

A confirmation of registration certificate will continue to be issued as per the current arrangements.

2. Rejection of Inactive Plans exempt from Development Assessment Commission (DAC)

Further to Notice to Lodging Parties (NTLP) #165 the rejection of inactive non-DAC plans will commence in preparation for introduction of the new land administration system.

As outlined in [NTLP #165](#), should a plan be approved for longer than 12 months, the Lodging Agent will be sent an explanatory letter outlining the options available to avoid rejection of the plan. Agents will have 60 days from the date of that letter to either apply to withdraw the plan or lodge the necessary documents to have the plan deposited. If no response is received within 60 days the plan will be rejected.

Copies of rejected plans will be kept for information purposes only. Further queries regarding this process can be directed to the Team Leader – Division on 8226 4129.

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3. Amendments to Strata Plans in the A3 Textual Diagram Format

The A3 Textual Diagram plan format may now be used where all sheets in a Strata Plan lodged in the Common Plan format are to be amended. These amendments can **only** be lodged manually. The plan drafting requirements as set out in Section 7 and 9 of the Plan Presentation Guidelines (PPG) will apply subject to the specific requirements provided below. When referring to requirements in section 9 in the PPG, clients will need to substitute Strata for Community Strata. The PPG will be updated to cater for the change in requirements when amending strata plans.

Specific Strata Plan Requirements

- Plan purpose is STRATA
- The development number to be entered is the development number relating to the amendment
- The last plan reference is obtained from the strata plan when first deposited or a later outer boundary plan
- The label SUBSTITUTE SHEET must be shown on all sheets of the plan. The label is to appear below the strata plan number on the textual sheet(s) and in the plan diagram area on the diagram sheet(s)
- The same strata plan number is retained
- A version number must be shown in the version panel on all sheets i.e. V01
- The following certificate must be shown in the surveyor's certification panel:

CERTIFICATE OF A LICENSED SURVEYOR RELATING TO THE AMENDMENT OF A DEPOSITED STRATA PLAN

I....., a licensed surveyor under the Survey Act 1992 certify that the plan correctly delineates the units, common property and buildings on the land comprised in the plan

Dated thisday of2013

.....Licensed Surveyor

- The original title reference(s) and land description prior to deposit of the strata plan must be shown in the Subject Title Details on the textual sheet
- Only the title reference(s) for those parcels affected by the amendment is shown in Other Titles Affected. For example if only units 1 and 3 are affected only those current titles are shown. The other titles for the remaining units are not to be referred to
- All sheets within the amended plan must be drawn to the same scale but do not need to be drawn to the same scale as the original strata plan
- Existing easement details must be carried forward as outlined in Section 5 of the PPG.
- Creation, extinguishment or variation of easements refer to section 5.29 of the PPG but substitute "strata" for "community" where relevant
- Refer section 9 of the PPG in relation to unit subsidiaries but substitute "unit" for "lot"

4. Panel Form and Guidance Notes Amendments

Minor changes have been made to the Grant of Easement (TG) and Amendment to Strata Plan (A7) Panel Forms and the A7 Guidance Notes.

The TG panel form has been corrected to insert "grantee" in lieu of "applicant" within the certification panel.

To simplify the A7 panel form changes have been made in relation to:

- The operative panel on page one to incorporate additional options for the plan amendment
- A7 consent page to include reference to Section 12(5) and (5a) of the *Strata Titles Act 1988*. This section automatically adjusts certain registered interests therefore there is no requirement for adjustment of those interests to be stated.

The guidance notes for the A7 have been updated in relation to those changes made to the panel form.

5. Supporting Evidence Requirements

The Lands Titles Office (LTO) has reviewed the requirements for the production of supporting evidence for the registration of instruments under the *Real Property Act 1886 (RPA)*.

As a result of this review, the LTO will accept a photocopy of supporting evidence. Photocopied evidence that does not need to stay attached to the RPA document for registration purposes, will be securely destroyed and not returned to the client after registration has occurred.

The Registrar-General reserves the right to request the original to be produced.

To enable clients to better understand the current and revised requirements, the following table has been formulated:

Evidence	Requirement
Death Certificate	Photocopy of the certificate issued from the Births, Deaths and Marriages Registration Office or relevant authority. Evidence will be sighted and then securely destroyed.
Probate, Letters of Administration and Registrar Certificate	Photocopy of the sealed Probate or Letters of Administration and Registrar's Certificate is to be produced. Evidence will be sighted and then securely destroyed.
Charging Order, Restraining Order and Order extending time for a Removal of Caveat (and various other orders issued from the court)	Photocopy of the sealed Order of Court (signed by Registrar/Deputy Registrar). Evidence will stay attached to the RPA document.
Change of Name Certificate issued from the Australian Securities & Investment Commission, Australian Prudential Regulation Authority (APRA), Corporate Affairs Commission or any other admissible authority	Photocopy of the original Certificate that issued from the relevant authority. Evidence will stay attached to the RPA document.
Australian Securities and Commission (ASIC) certificate (form 505 or 205) appointing a Liquidator, Receiver or Receiver/Manager	Photocopy of the Certificate that issued from ASIC. Evidence will stay attached to the RPA document.
Guardianship Board Order appointing an Administrator, Real Estate Order authorising the administrator to deal with the particular property	Photocopy of the original Order issued by the Guardianship Board. Evidence will stay attached to the RPA document.
Aged and Infirm Persons' Property Act Order appointing a Manager	Photocopy of the original Order that issued from the court. Evidence will stay attached to the RPA document.

Court Order, Receipts or Official Search carried out in the court for the purpose of a Cessation of Lien	<p>Photocopy of the Order of Court or search (both requiring to be sealed and signed by Registrar/Deputy Registrar)</p> <p>Photocopy of original receipt that issued from payment.</p> <p>Evidence will stay attached to the RPA document.</p>
Trust Deed, Probate or Will for the purpose of an application to appoint a New Trustee	<p>Photocopy of the Trust Deed that created the trust required to be produced. The Deed will be a photocopy of the original that has been stamped by the Stamp Duties Office.</p> <p>Photocopy of the Will or Probate.</p> <p>Evidence will be securely destroyed.</p>
Bankruptcy Disclaimers	<p>Photocopy of Section 133 Disclaimer Certificate (with Trustee signature) or Winding Up Order or relevant order of court (sealed and signed by the Registrar/Deputy Registrar).</p> <p>Evidence is retained in a docket with the Office of the Registrar-General.</p>
Registered Proprietor Bankrupt and Trustee appointed	<p>Photocopy of Certificate of Appointment of Trustee that issued from Insolvency and Trustee Service Australia (ITSA), signed and dated by the Official Receiver.</p> <p>Evidence will stay attached to the RPA document.</p>
Annulment of Bankruptcy	<p>Photocopy of Annulment Certificate (signed and sealed by the Registrar/Deputy Registrar of the court).</p> <p>Evidence will stay attached to the RPA document.</p>
Insolvency (deed of assignment, the control of the land passes to the trustee)	<p>Photocopy of Personal Insolvency Agreement.</p> <p>Evidence will stay attached to the RPA document.</p>

6. Power of Attorney Index

This is a reminder that a Power of Attorney is deposited in the LTO and not registered as an instrument under the provisions of the *Real Property Act 1886*.

The LTO examines Powers of Attorney for legal correctness only.

It is the responsibility of the certifying party to ensure that when an instrument is either executed or accepted pursuant to a Power of Attorney, it is a valid use of the power. Therefore it is essential they check the deposited Power of Attorney and do not rely on the Power of Attorney Index which is a guide only and is not Government guaranteed.



Brenton Pike
Registrar-General
Land Services Group