



Industry Education Webinar: Certifications



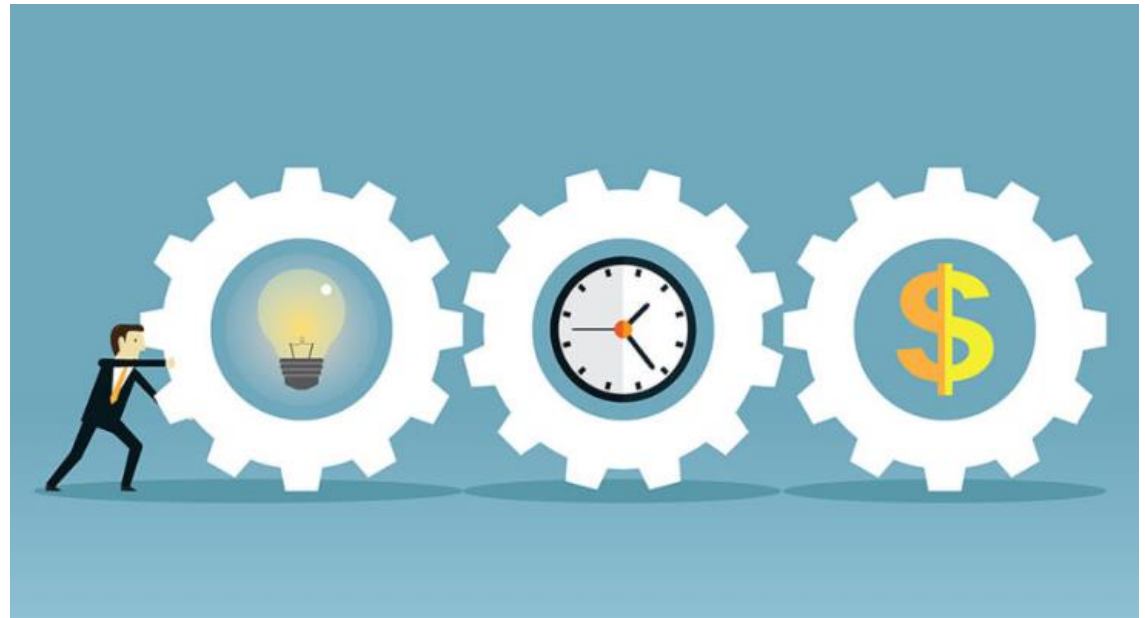


Industry Education Program

Land Services SA is committed to providing an excellent Customer Experience. One way we continue to deliver value to the Industry is through our Industry Education Program, where we produce a range of helpful educational materials, hold regular webinars and Industry Events.

Why are we doing this?

- ✓ Assist in educating the industry by providing regular training updates
- ✓ Assist in reducing requisitions across your business, saving you time and money
- ✓ Supporting you to deliver excellent service to your clients



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About our Land Services Team



Alastair Byrne is a Senior Registration Officer within Land Services SA. He has over 25 years' experience and his main focus is providing support of complex registration dealings. Alastair has a wealth of knowledge in relation to technical and legislative advice.

Rina Mattiazzo is a Registration Officer at Land Services SA. Rina has many years' experience and brings a wealth of knowledge to Land Services and our clients. Her main focus is on our clients, providing an experience to every customer she deals with.



Natasha Stupel is a Registration Officer with Land Services SA. She has over 30 years' of experience in numerous areas of the Lands Titles Office. Current areas of focus are registration of electronic dealings and training new Registration Officers.





Four Standard Certifications

Certification in accordance with s273 of the *Real Property Act 1886*

- The Certifier has taken reasonable steps to verify the identity of the transferee or his, her or its administrator or attorney.
- The Certifier holds a properly completed Client Authorisation for the Conveyancing Transaction including this Registry Instrument or Document.
- The Certifier has retained the evidence to support this Registry Instrument or Document.
- The Certifier has taken reasonable steps to ensure that the Registry Instrument or Document is correct and compliant with relevant legislation and any Prescribed Requirement.



National Mortgage Form Certification: Mortgagee signed (under authorisation)



Mortgage Form version 1.5

Mortgagee Execution

1. The Certifier has taken reasonable steps to verify the identity of the mortgagee, or his, her or its administrator or attorney.
2. The Certifier holds a properly completed Client Authorisation for the Conveyancing Transaction including this Registry Instrument or Document.
3. The Certifier has retained the evidence supporting this Registry Instrument or Document.
4. The Certifier has taken reasonable steps to ensure that this Registry Instrument or Document is correct and compliant with relevant legislation and any Prescribed Requirement.
5. The Certifier, or the Certifier is reasonably satisfied that the mortgagee it represents,:
(a) has taken reasonable steps to verify the identity of the mortgagor, or his, her or its administrator or attorney; and
(b) holds a mortgage granted by the mortgagor on the same terms as this Registry Instrument or Document.

Executed on behalf of MONEY BANK AUSTRALIA

Signer Name TOM SMITH

Signer Organisation SMITH CONVEYANCING

Signer Role LICENSED CONVEYANCER

Signature _____

Execution Date _____



National Mortgage Form Certification:

Mortgagor and Mortgagee signed (under authorisation)



Mortgage Form version 1.5

Mortgagee Execution

1. The Certifier, or the Certifier is reasonably satisfied that the mortgagee it represents, has taken reasonable steps to verify the identity of the mortgagor, or his, her or its administrator or attorney.
2. The Certifier has taken reasonable steps to verify the identity of the mortgagee, or his, her or its administrator or attorney.
3. The Certifier holds a properly completed Client Authorisation for the Conveyancing Transaction including this Registry Instrument or Document.
4. The Certifier has retained the evidence supporting this Registry Instrument or Document.
5. The Certifier has taken reasonable steps to ensure that this Registry Instrument or Document is correct and compliant with relevant legislation and any Prescribed Requirement.

Executed on behalf of MONEY BANK AUSTRALIA

Signer Name	<u>TOM SMITH</u>
Signer Organisation	<u>SMITH CONVEYANCING</u>
Signer Role	<u>LICENSED CONVEYANCER</u>

Signature _____

Execution Date _____



National Mortgage Form Certification: Mortgagee signed (Employee)



Mortgage Form version 1.5

Mortgagee Execution

1.

The Certifier has retained the evidence supporting this Registry Instrument or Document.
2.

The Certifier has taken reasonable steps to ensure that this Registry Instrument or Document is correct and compliant with relevant legislation and any Prescribed Requirement.
3.

The Certifier, or the Certifier is reasonably satisfied that the mortgagee it represents,:
(a) has taken reasonable steps to verify the identity of the mortgagor, or his, her or its administrator or attorney; and
(b) holds a mortgage granted by the mortgagor on the same terms as this Registry Instrument or Document.

Executed on behalf of MONEY BANK AUSTRALIA

Signer Name	LISA SMITH
Signer Organisation	MONEY BANK AUSTRALIA
Signer Role	EMPLOYEE
Signature	
Execution Date	



Body Corporate Certification: Unacceptable Example 1



TRANSFeree (Full name, address and mode of holding)

XYZ FINANCE PTY. LTD. ACN 019 347 910 OF 6 KING WILLIAM STREET ADELAIDE SA 5000

THE TRANSFEROR ACKNOWLEDGING RECEIPT OF THE CONSIDERATION, TRANSFERS TO THE TRANSFeree THE ESTATE AND INTEREST SPECIFIED IN THE LAND DESCRIBED.

DATED 01.06.2020

CERTIFICATION **delete the inapplicable*

Transferee(s)

*The Certifier has retained the evidence to support this Registry Instrument or Document.

*The Certifier has taken reasonable steps to ensure that the Registry Instrument or Document is correct and compliant with relevant legislation and any Prescribed Requirement.

Signed By:

*Anna Jones
Director*

for: XYZ Finance Pty. Ltd.

on behalf of the Transferee



Attorney Certification:

Unacceptable Example 2



TRANSFeree (Full name, address and mode of holding)

RUTH CELIA JONES OF 2 SMITH STREET FLAGSTAFF HILL SA 5159

THE TRANSFEROR ACKNOWLEDGING RECEIPT OF THE CONSIDERATION, TRANSFERS TO THE TRANSFeree THE ESTATE AND INTEREST SPECIFIED IN THE LAND DESCRIBED.

DATED 01.06.2020

CERTIFICATION **delete the inapplicable*

Transferee(s)

*The Certifier has retained the evidence to support this Registry Instrument or Document.

*The Certifier has taken reasonable steps to ensure that the Registry Instrument or Document is correct and compliant with relevant legislation and any Prescribed Requirement.

Signed By:

*Anna Jones
As attorney*

for: Ruth Celia Jones, PA No. 13302544

on behalf of the Transferee



Self-Represented Body Corporate: In House Practitioner



TRANSFeree (Full name, address and mode of holding)

Wyatt Operations Pty. Ltd. ACN 000 323 484 of 2 Grenfell Street Adelaide SA 5000

THE TRANSFEROR ACKNOWLEDGING RECEIPT OF THE CONSIDERATION, TRANSFERS TO THE TRANSFeree THE ESTATE AND INTEREST SPECIFIED IN THE LAND DESCRIBED.

DATED 02/03/2020

CERTIFICATION **delete the inapplicable*

Transferee(s)

*The Certifier has retained the evidence to support this Registry Instrument or Document.

*The Certifier has taken reasonable steps to ensure that the Registry Instrument or Document is correct and compliant with relevant legislation and any Prescribed Requirement.

Signed By:

George Jackson
Solicitor

for: *Wyatt Operations Pty. Ltd.*

on behalf of the Transferee





Certification requirements for Self-represented Lessees

- Not Exempt
- Comply with Verification of Identity (VOI) and Verification of Authority (VOA) requirements

Notice

To Lodging Parties

26 September 2019 No 222

National Mortgage Form and Certification Requirements for Self-Represented Lessees

Update to National Mortgage Form

The Registrar-General has received requests from financial institutions to remove witnessing provisions from the approved National Mortgage Form in order to enable more efficient execution of mortgages.

As there is no requirement under the *Real Property Act 1886* for a mortgage to be witnessed, the witnessing provisions for South Australia have been removed from the National Mortgage Form. If any mortgagees still wish to lodge mortgages which contain the witnessing of the mortgagor's signature, these will be accepted by Land Services SA however as the witnessing is not a requirement of the approved form this part of the form will not be examined.

An [addendum](#) to the National Mortgage Form Design Specification has been published on Australian Registrars National Electronic Conveyancing Council (ARNECC) website. The web form on the ARNECC site has also been updated to reflect this amendment.

Certification Requirements for Self-Represented Lessees

Notices to Lodging Parties No. [189](#) and [191](#) notified Lodging Parties of changes to conveyancing requirements as a result of the commencement of the *Real Property (Electronic Conveyancing) Amendment Act 2016* and advised that unrepresented lessees are exempt from certification requirements for Leases, Extensions of Lease and Surrenders of Lease.

As this exemption was only a transitional arrangement, the Registrar-General has determined that from 4 November 2019 unrepresented lessees will no longer be exempt from providing certifications under section 273 of the *Real Property Act 1886*. This timeframe aligns with the date targeted for enabling the lodgement of leases electronically.

A transition period of three months will apply to provide sufficient lead time to comply with the new requirements and to allow for in flight transactions. Leases, Extensions of Lease and Surrenders of Lease lodged on or after 3 February 2020 must be certified by unrepresented lessees and are required to comply with formal Verification of Identity and Verification of Authority requirements. Please note that an attorney or a body corporate cannot make certification statements.

For further information please contact Land Services SA on (08) 8423 5000 or customersupport@landservices.com.au.

Cristina Florea





Updated Approved Land Registry Forms

Old Format

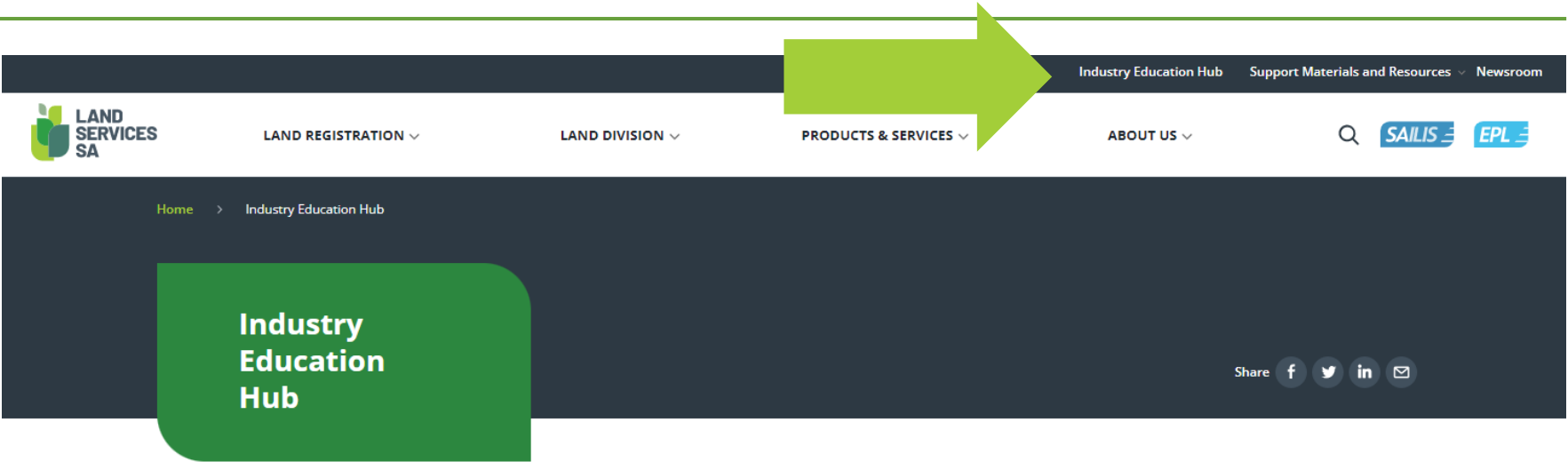
- × The Prescribed Person has taken reasonable steps to verify the identity of the transferee.
- × The Prescribed Person holds a properly completed Client Authorisation for the Conveyancing Transaction including this Registry Instrument or Document.
- × The Prescribed Person has retained the evidence to support this Registry Instrument or Document.
- × The Prescribed Person has taken reasonable steps to ensure that the Registry Instrument or Document is correct and compliant with relevant legislation and any Prescribed Requirement.

Current Format – Lodged on or after 8.11.2019

- ✓ The **Certifier** has taken reasonable steps to verify the identity of the transferee or **his, her or its administrator or attorney.**
- ✓ The **Certifier** holds a properly completed Client Authorisation for the Conveyancing Transaction including this Registry Instrument or Document.
- ✓ The **Certifier** has retained the evidence to support this Registry Instrument or Document.
- ✓ The **Certifier** has taken reasonable steps to ensure that the Registry Instrument or Document is correct and compliant with relevant legislation and any Prescribed Requirement.



Industry Education Hub



Land Services SA partner with the SA Government and relevant Industry Bodies to deliver a range of Educational Materials to support property industry professionals. This webpage is dedicated to the publication of Industry Education Materials to assist conveyancing and survey professionals.

Hot Tip:
Keep updated on
LSSA's webinars and
video's

Industry Education Series	+
eConveyancing	+
Digital Plan Lodgement	+
SAILIS Video Tutorials	+
Land Services SA Fact Sheets	+



Questions

