



Consultation Paper

Requisition notices and managing responses to Requisitions

Registration Services February 2023



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Background

One of the changes enabled by the *Transfer of Land Amendment Act 2022* is the ability for the Commissioner of Titles and Registrar of Titles to send statutory notices electronically, for example, using email. This ability modernises the way notices are communicated with Landgate's customers and replaces the former limitation on sending formal legal notices by post or fax.

Once the provision to email notices comes into effect, Landgate will formally email Requisition notices to document lodging parties where a lodged document or case of documents does not meet the registration requirements. There will no longer be an option to send the notice to a fax machine.

Due to the anticipated increase in email communication between Landgate and Landgate's document lodging party customers, Landgate has engaged a project team to investigate options on how responses to requisitions are managed.

Purpose

The purpose of this consultation paper is to give an opportunity to Landgate's customers who are document lodging parties to provide feedback regarding industry needs for:

- Electronic methods of receiving Requisition notices, and
- Electronic methods to securely provide Landgate with additional evidence and documentation to rectify defective lodged documents to enable them to be registered.

The consultation questions outlined in the consultation paper below can be responded to via this link <https://www.surveymonkey.com/r/YRFX388>. Stakeholders are free to address as many or as few of these questions as they would like.

Alternatively, stakeholders who wish to provide written or general feedback can do so via email at TLA.Amendments@landgate.wa.gov.au.

The consultation period will be open for four weeks from 9 February 2023 to 5pm AWST 10 March 2023.

Requisition notices

There are approximately 10,000 requisitions issued each year by the Registrar of Titles or Commissioner of Titles to document lodging parties requiring the correction of imperfect documents. This equates to about 50 requisitions per day.

A document may be lodged for registration by a lodging party via an Electronic Lodgment Network Operator (ELNO), by post or over the counter. Currently, if the document is not in a registerable format or has factual errors or legal issues pertaining to it that do not make it registerable without further information being provided by the lodging party to the Registrar or Commissioner, a requisition will be sent to the lodging party to a fax number or postal address which is provided by the lodging party on the lodged document.

When the changes to the *Transfer of Land Act 1893* introduced by the *Transfer of Land Amendment Act 2022* come into effect, Requisition notices will formally be able to be emailed to document lodging parties with the time periods for responses to the email requisitions applying under the amendments to the *Transfer of Land Regulations 2004*. Requisition notices will no longer be faxed after this time, nor will they be sent via the post.

1. Document lodging party email addresses

To give effect to the ability to send email Requisition notices some changes will be required. All documents lodged for registration will be required to have a contact email address shown for the document lodging party or subscriber.

For professional document lodging parties, Landgate will require a generic office email address rather than the email address of an individual person to be used as the lodging party contact email. This is to ensure that the Requisition notice will be received and actioned in a timely manner by the lodging party in the circumstances that the individual case manager is on leave or has ceased working with the lodging party by the time the document is examined and requisitioned. It will also serve as a central point of contact for the lodging party where there are multiple people dealing with multiple lodged documents.

Landgate is exploring using the email address which is used as the account contact for the lodging party/subscriber where the document is lodged through an ELNO. This email address would be prepopulated as the email address of the lodging party when a document is prepared for lodgement in the workspace with the ELNO.

Recommendation

Landgate recommends a generic office email address is provided for the delivery of all Requisition notices to the lodging party which is to be consistent with the contact address the subscriber uses as an account holder with an ELNO.

Consultation question

1. **Do you support Landgate in using the email address supplied to your ELNO in your account details? If no, please provide additional information and/or reasons.**

2. Delivery of Requisition notices

In most other states of Australia, Requisition notices are sent to document lodging parties as an attachment to an email. Landgate intends to enable the formal service of Requisition notices via email, with several options being considered as follows:

1. Landgate to send the Requisition notice as an attachment to an email to the email address specified by the lodging party on the lodged document (either on the lodged document or as specified by a subscriber of an ELNO).

2. Landgate to send the Requisition notice as an attachment to an email to the email address specified by the lodging party on the lodged document (either on the lodged document or as specified by a subscriber of an ELNO) where the email and attachment is sent from Landgate's mailbox in an encrypted format. For example, if the recipient has a Microsoft 365 license and is using Microsoft software to read their email, such as Outlook, then they can read the encrypted email immediately. If not, then the recipient is taken to a Microsoft portal where they can read the message. The current technology being considered here is called [Microsoft Purview](#).

Option 2 provides that the email from Landgate and the Requisition notice attachment would be encrypted. The recipient would have a seamless experience to decrypt the email and attachment, however if the content of most Requisition notices is not of a sensitive nature, is there a need to encrypt the email?

Recommendation

Landgate recommends option 1 for the following reasons:

- The information contained in a Requisition notice is generally not of a sensitive nature.
- Landgate can send Requisition notices immediately as the document is examined, and lodging parties will receive the notices in real time, without the requirement to decrypt the email or attachment.

Consultation questions

2. **Do you have any feedback or issues with the recommended option? If yes, please provide additional information and/or reasons.**
3. **Do you consider that a Requisition Notice should be encrypted when being sent as an email attachment?**
4. **Do you have any alternative suggestions for Landgate to consider for the issuing and electronic delivery of Requisition notices?**
5. **Are you aware of any instances where an email from Landgate has been intercepted or compromised?**

3. Attending to Requisition notices

To attend to Requisition notices, lodging parties will usually have to do one or more of the following:

- Submit additional evidence
 - Letter (of explanation, of legal submission, authorisation of document amendments, request to uplift document to amend or for document to be withdrawn from registration etc)
 - VOI statement/s
 - Statutory Declarations
 - Probate, SAT orders, deeds, duty certificate, birth/death/change of name certificate etc

- Lodge additional documents
- Withdraw documents
- Pay a Requisition fee or additional registration fees

Some of our customers have expressed concern at providing information to Landgate by way of email and email attachments due to the potential threat of email interception, email interference or other email scamming activity. Landgate invites you to provide feedback on alternate mechanisms to provide information required to deal with the Requisition notice to Landgate to resolve outstanding requisitions to enable registration of defective documents.

4. Requisition Management System

Landgate's preferred end state is to be in a position where additional evidence is only received electronically.

Landgate has considered the following options for managing electronic responses to Requisition notices with additional evidence:

1. Lodging party sends additional evidence via email and email attachment/s. This is the status quo position.
2. Lodging party sends additional evidence via encrypted email and email attachment/s such as by using Microsoft Purview (if a Microsoft 365 license is held).
3. Landgate to create a secure Attachment Store or enable an Independent Portal where lodging parties can upload their evidence to satisfy a Requisition notice. The requisition email will contain a single-use URL or a one-time password or similar for the lodging party to access the Portal.
4. Landgate to create a secure Attachment Store or enable an Independent Portal, where lodging parties are required to sign in using digital identification authentication prior to uploading evidence to satisfy a Requisition. Landgate is considering using a myGovID/WA Digital ID-type credential.
5. Create a Requisition management system in the ELN so that Requisitions for electronically lodged documents go back to the subscriber/lodging party and any subsequent lodged documents or evidence are managed in the ELN. (For this option to be available, there needs to be high interest and commitment from ELNOs and other states of Australia. At this stage, there is not enough interest in this option from the other state jurisdictions or the ELNOs to build this functionality.). Therefore, this is not a viable option in Landgate's assessment.

Option 1 – currently many lodging parties choose to provide evidence to Landgate by sending it as email attachments, however this does not remove the risk of email interception and tampering. It does allow the provision of additional evidence in real time without the need to encrypt the email and attachments or to gain access to a separate site to provide the evidence and this is currently the most expedient way to respond to Requisition notices.

Option 2 - adds a level of security by encrypting the email and attachments. Not all lodging parties would have current licenses in place to enable this encryption and there would be additional costs to the user to have the license if they only needed it for this purpose.

Option 3 - removes the risk of attached evidence being intercepted by creating a space managed by Landgate for the evidence to be uploaded. There would be additional steps to

gain access to the site which may involve clicking on a link. It is possible that the link could be intercepted and tampered with.

Option 4 - removes the risk of attached evidence being intercepted by creating a space managed by Landgate for the evidence to be uploaded. There would be additional steps to gain access to the site which may involve having a myGovID/WA Digital ID- type credential.

Options 3 and 4 would have the added benefit for Landgate of the evidence being automatically uploaded into the corresponding requisitioned case for review by a Registration Officer thereby enabling faster processing.

Recommendation

As an interim step to enable the return of documentary evidence via email, Landgate recommends Option 1 in the first instance as a continuation of current practices which does not require encryption of emails by the lodging party or require them to have a Microsoft 365 license. This is on the basis that there is no apparent interception of emails from and to Landgate occurring at present.

Option 3 or Option 4 can be progressed if there is interest from customers who are lodging parties. These Options 3 and 4 remove the risk of interception and tampering of emails and email attachments as there is not email being returned to Landgate with attachments. It further provides Landgate with timesaving benefits by the evidence being automatically uploaded to the relevant case prior to registration.

Consultation questions

- 6. Do you have any feedback or issues with the recommended option? If yes, please provide additional information and/or reasons.**
- 7. If you are responding to a Requisition notice by email, do you consider that the email and attachments should be encrypted when being sent?**
- 8. Are you interested in progressing Option 3 or Option 4? Why?**
- 9. Do you have any alternate suggestions which Landgate has not considered above?**