

# 2022 Property Law Afternoon

eConveyancing in the ACT

Amanda Keenan, PEXA

Wednesday 16 March 2022

# PEXA in the Australian Capital Territory

Presenter:

**Amanda Keenan:** PEXA Partner (NSW and ACT)



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- PEXA in the ACT
- What documents can you lodge?
- Important items to note
- PEXA Key
- Upcoming Enhancements
- Business Advantage
- Where can I get help?

What's on the program today?

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2

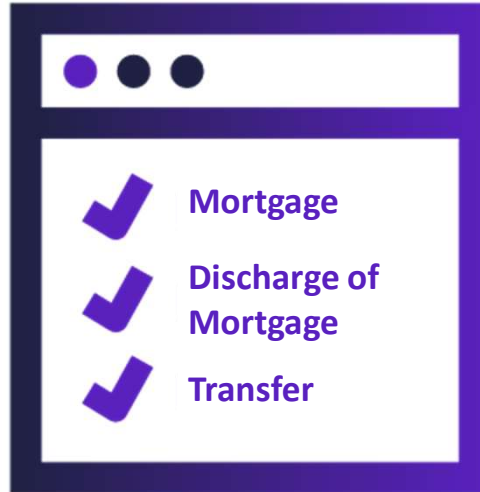
## PEXA in the ACT

- > PEXA launched in the ACT in December 2021.
- > Our training team hosted webinars in November 2021 and again in February 2022 on the topics ACT Discharge of Mortgage and Mortgage, ACT Transfers 101 – Representing the Proprietor on Title, and ACT Transfers 101 – Representing the Incoming Proprietor. We were able to reach 551 individual users through those webinars.
- > Our members have been the driving force in leading the industry's progression in our other states and with 73 ACT firms already actively using PEXA for NSW matters prior to launch, we knew that you would have a great foundation of knowledge to tap into and build upon.
- > ACT practitioners have completely embraced and actively collaborated with each other to make the transition to e-conveyancing an almost seamless process.

## PEXA in the ACT

- > We are also thankful to have received member feedback regarding different aspects of the platform for ACT workspaces, some of which our team is already working on.
- > Support and training options available to our members:
  - > Member Support Team available daily for all your transactional enquiries – 1300 084 515;
  - > PEXA Partner – available for training needs and to ensure that you are up to date with new functionality and are getting the most value out of PEXA, discuss improvement opportunities for PEXA offerings to further enhance the e-Conveyancing experience, and collaborate with you to set the standard for best practice;
  - > Customer Success hub – consists of 4 SME's whose aim is to upskill our members through regular webinars, coffee & learns and events on a range of topics. Our member's success is their success. You can contact them on - [enquires@pexa.com.au](mailto:enquires@pexa.com.au)

## What documents can you lodge?



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## What land titles can you use?



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# Important Items



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## Important items to note

- > As ACT uses the Barrier Free Model – there is **No Stamp Duty assessment or payment via PEXA**
- > ACT Practitioners must enter a **Seller Verification Declaration (SVD) code** or a **Buyer Verification Declaration (BVD) code** into the Transfer which they generate on the **Access Canberra – ACT Government Website**. This is a 6 character alphanumeric code. These codes must be entered in order for the Transfer to move to a **Prepared Status**.
- > In ACT, Interest types such as charges, writ, or court orders are reflected in PEXA under an interest type called a **Stopper Notice**.
- > A Stopper Notice prevents a land title from being transacted upon and requires action from the Land Registry before you can transact on this title.
- > All Stopper Notices recorded on a Land Title are displayed on the Land Titles screen under Other Interests.
- > You will have to contact the Land Registry to have this removed before you can proceed to transact on this title.

8

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## Important items to note

- > Currently, a few limitations apply when lodging Transfer instruments in PEXA:
  - > Part Tenancy Transfers are ineligible for electronic lodgement.
  - > On-Sale Transfers are ineligible for electronic lodgement.
  - > Transfers relating to Section 298 and Section 180 are ineligible for electronic lodgement.
  - > Transfers where multiple parties (either the Transferor or Transferee) have the same name (e.g. John Smith JR and John Smith SR) are not allowed.
  - > Transfers where not all registered Proprietors are represented are not allowed.
- > In such cases, you would need to lodge those dealings through the paper channel instead.

9

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## Terms and Conditions - Mortgages



Upload and Attach T&C's ❌

Registers T&C's with Land Registry ✅

Nomination ✅



Upload and Attach T&C's ✅

Registers T&C's with Land Registry ✅



Upload and Attach T&C's ✅

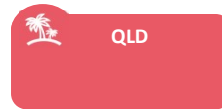
Registers T&C's with Land Registry ✅



Upload and Attach T&C's ❌

Registers T&C's with Land Registry ✅

Duplicate Holding Details ✅



Upload and Attach T&C's ✅

Registers T&C's with Land Registry ✅





Upload and Attach T&C's ❌

Registers T&C's with Land Registry ✅

**Please note:**  
In each jurisdiction you can append text to Terms and Conditions within the Mortgage document – up to 4000 characters

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## Interact securely with your clients via our app

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11

## Tracking life's biggest transactions with PEXA Key

### What is PEXA Key?

- > A **FREE App** your clients download.
- > Provides clients with **clarity around settlement**.
- > **Mitigates the risks** between you and your clients.

### Benefits of PEXA Key?

- > Secure Communication Guarantee
- > **No** rekeying
- > Settlement notifications
- > **All** clients can use Key



### Why did we build PEXA Key?

- > In response to **cyber fraud** and **email phishing**.
- > Payment re-direction scams cost Australian businesses **\$128 million in 2020** and all scams reported surged to **\$323 million in 2021** – *ACCC Scamwatch*.
- > PEXA Key **links directly with the PEXA platform** to remove the risk of email compromise and external interference.



#### PEXA Key will:

- > Display settlement date and notifications.
- > Clients can securely share account details.
- > Practitioners can securely share Trust or Source account details.
- > Access to "What to Expect" articles.
- > Allow clients to plan their move with the "Moving Checklist".

#### PEXA Key won't:

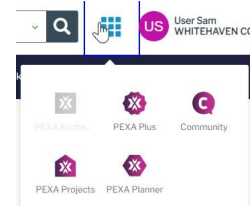
- > Transfer the funds into the client's account.
- > Show your clients the PEXA workspace.
- > Provide your client with legal advice.
- > Share details of any documents or financials in the workspace.

# Upcoming Enhancements



# PEXA Projects

- > PEXA Projects integrates with PEXA Exchange and is available for all PEXA Subscribers in the roles of PoT and MoT.
- > Projects workspaces are uploaded using a simple spreadsheet – no need to create workspace individually.



## Bulk activities for a PoT

- > Create workspaces
- > Withdraw from workspaces
- > Automatically represent the PoT
- > Send invitations to the IP and MoT
- > Set settlement dates
- > Efficiently manage GSTW payments
- > Lock financial accounts – greater security
- > Upload destination & source line items
- > View the status of up to 100 lots on one page – eliminates the need to view workspaces individually

## Bulk activities for the MoT

- > Accept workspace invitations
- > Withdraw from workspaces
- > Automatically represent the MoT
- > Accept settlement dates
- > Create Discharge of Mortgage
- > Lock financial accounts – greater security
- > Upload payout figures
- > View the status of up to 100 lots on one page.



**Highrise Development**

Proprietor on Title: Helen Bengt Pty Limited | Parent Land Title: 2/SP6261 | Mortgagee name: whitsunday bank | Est. Settlement: March 22 | Jurisdiction: NSW

**INTERACTIVE PROJECT VIEW (click to filter)**

- Invitation acceptance: Mortgagee on Title Rep (10), Incoming Proprietor Rep (3), Incoming Mortgagee Rep (6)
- Settlement date acceptance: Mortgagee on Title Rep (6)
- Workspace status: All active (10), Settling today (0), Completed (0), Withdrawn (0), All (10)

Awaiting digital signatures: 0

Workspaces (10/10) [Remove filters](#) [Add Workspaces](#)

Subscriber Reference	Lot(s) on Unreg. Plan	Child Titles	Workspace Id	Settlement date	Incoming Proprietor Rep	Mortgagee on Title Rep	Incoming Mortgagee Rep	Send Invite	Loggement	Settlement
123456 - Lot 1	1	2/SP6262	PEXA220039954	31/03/2022 11:00 AEDT	WHITEHAVEN CONVEYANCING SERVICES	WHITSUNDAY ISLAND BANK	-	+P	In Preparation	In Preparation
123456 - Lot 2	2	2/SP6262	PEXA220039955	31/03/2022 11:00 AEDT	WHITEHAVEN CONVEYANCING SERVICES	WHITSUNDAY ISLAND BANK	-	+P	In Preparation	In Preparation
123456 - Lot 3	3	2/SP6262	PEXA220039956	06/04/2022 12:30 AEDT	ALEXANDER WA	WHITSUNDAY ISLAND BANK	-	+P	In Preparation	In Preparation
123456 - Lot 4	4	2/SP6262	PEXA220039957	31/03/2022 11:00 AEDT	WHITEHAVEN CONVEYANCING SERVICES	WHITSUNDAY ISLAND BANK	-	+P	In Preparation	In Preparation
123456 - Lot 5	5	2/SP6262	PEXA220039958	31/03/2022 11:00 AEDT	WHITEHAVEN CONVEYANCING SERVICES	WHITSUNDAY ISLAND BANK	-	+P	In Preparation	In Preparation

## Upcoming Enhancements

- >ACT Land Tax payment line item
- >PEXA Signing

# Business Advantage

## PEXA Member Offer

### PRACTICAL, SENSIBLE AND CONFIDENTIAL ADVICE AT YOUR FINGERTIPS

Being a business owner can be isolating. Don't try to be an expert in everything – save time (and costly mistakes) by booking a call with an experienced coach or send a question and get practical advice.

The advice from our coaches cover the **Big 5** areas identified as being mission-critical for any small business.

Our coaches have experience in starting, operating, selling and closing small businesses. The team have themselves have hired employees, borrowed business loans, leased business premises and dealt with the daily challenges of being in business. Over the last 10 years, they have also served small business owners as advisors, coaches and mentors.

#### EXPERT VIDEOS AND BUSINESS TOOLS

<p><b>Build your business knowledge with videos &amp; templates prepared by industry experts. Apply what you have learned to your own business using simple tools and guidance.</b></p> <p>The resources and business tools cover a range of challenges every business owner/manager faces.</p>	<p><b>Business planning &amp; operations</b></p> <p>Understand the critical elements of business planning and business operations management.</p>	<p><b>Attracting &amp; retaining customers</b></p> <p>Discover practical and effective marketing and sales strategies you can adopt to attract and retain customers.</p>	<p><b>Managing cash flow &amp; finance</b></p> <p>Explore strategies to help you measure, forecast and successfully manage cash flow in your business.</p>
<p><b>Leveraging digital technology &amp; services</b></p> <p>Learn how every area of business can be improved through the use of digital technologies.</p>	<p><b>Managing employees &amp; suppliers</b></p> <p>Discover strategies to help you attract, develop and motivate staff so you can reach their full potential and build strong, long-term relationships with contractors and suppliers.</p>	<p><b>Managing risks and legal requirements</b></p> <p>Identify and understand the main risks and legal requirements your business may face.</p>	<p><b>Personal development</b></p> <p>Improve your ability to prioritise, learn and deliver high-quality work.</p>

#### SAVE TIME WITH ADVICE AND RESOURCES AT YOUR FINGERTIPS SAVE MONEY ON BUSINESS EXPENSES WITH GREAT OFFERS

Save time and over \$5,000 of savings on business expenses in key business areas:

Digital, IT and Website	Finance and Insurance	Human Resources	Marketing and Advertising	Training and Coaching
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## PEXA MEMBER EXCLUSIVE OFFER

### 1 Year Membership fully subsidised by PEXA (worth \$500)

Visit <https://businessadvantage.online/pexa> and use offer code PEXAFREE to sign up.

# Where can I get help?



Go to [www.accesscanberra.act.gov.au](http://www.accesscanberra.act.gov.au)

## Land title lodgements, registrations and searches

Seller verification declaration

ACT Land Information System (ACTLIS)

Buyer verification declaration

Overview

FAQs

ACT Land Titles  
Bulletins

Public register searches

Forms and fees

Self-represented party

Memorandum of  
provisions

Title watch

Payment options

Related resources

Contact options

### Frequently asked questions

#### Lawyers

##### What are the key considerations for me as a lawyer?

Familiarise yourself with the Verification of Identity and Verification of Authority Rules – if you are lodging in person, and the ACT Participation Rules – if you are lodging electronically. Before entering into a transaction and executing a form to be lodged at the Land Titles Office (either electronically or in person) you must be authorised by your client by executing the Client Authorisation Form prior to completion. You must take reasonable steps to verify that your client is a legal person and has the right to enter into the transaction.

The Electronic Conveyancing National Law, Participation Rules, and the *Land Titles Act 1925* does not require the Client Authorisation form to be wet signed.

##### What is the Verification of Identity standard?

You must take reasonable steps to verify your client's identity. You must apply reasonable steps to verify their identity through the Verification of Information Standard, roughly a 100-points ID check and a face to face interview or another reasonable way. If your client is unable to meet the standard you must make best endeavours in to seek further documentation that your client is who they say they are and be comfortable in this approach before certifying the documents.

##### Do reasonable steps apply to Identity Agents?

You may wish to have your client see an Identity Agent to verify your client's identity. Identity Agents must use the Verification of Information Standard. They can't be engaged to perform identity verification based on the reasonable steps alone approach.

##### How can I verify my client's identity face-to-face remotely?

If you cannot do a face-to-face interview you can verify your client or customer's identity in a way that you are comfortable that constitutes reasonable steps. This could include sighting documents through a video conference, engaging an identity agent, or taking other reasonable steps.

RB1

Go to [www.accesscanberra.act.gov.au](http://www.accesscanberra.act.gov.au)

**What can't be transacted through PEXA?**

There are some property types that must be lodged in paper due to the following Crown Lease Restrictions on Title:

- Declaration of National Land: Current
- Concessional Lease: Applies for Term of Lease
- Concessional Lease: Current
- Restriction on Transfer/Assignment: Applies for Term of Lease
- Restriction on Transfer/Assignment: Applies Within Three Years of the Date of Grant
- Restriction on Transfer/Assignment: Refer Crown Lease
- Restriction on Transfer: Applies for Term of Lease
- Restriction on Transfer: Created By T
- Restriction on Transfer: Current
- Restriction on Transfer: Refer Crown Lease
- S.180 181 Land Act 1991: Current
- S.180 Land Act 1991: Current
- S.251 Planning and Development Act 2007: Applies for Term of Lease
- S.298 Planning and Development Act 2007: Current
- S.20 Unit Titles Act 2001 - Subject to a Staged Development Approval: Current
- S.163(6) Land Act 1991: Applies for Term of Lease
- S.167(5) Land Act 1991: Applies for Term of Lease
- S.167(5) Land Act 1991: Current
- S.28DA City Area Leases Act 1936: Current

Crown Lease expiry dates must not expire within one day of intended lodgement date.

If there is any form of stopper notice (Caveat, Writ, Court Order, Statutory Charge or Charge) on title the lodgement must be made in paper format.

Organisation type cannot be "Registered Company in External Administration".

If the Transferor is a minor the Transfer will need to be submitted in paper format.

The lodgement of a second mortgage must be lodged in paper due to the requirement of Form 042, which must accompany lodgement.

**Online Tutorials**

PEXA and the ACT Government have a range of interactive tutorials to help guide you through this process.

- ACT Webinar: [ACT Mortgage and Discharge for Financial Institutions](#)
- [Training material from Webinar](#)
- [PEXA Interactive Tutorials](#)

**Lodgement Requirements and Certifications**

community.pexa.com.au


Register Now!

Learn, Ask Questions, Share your Experience, Help Others

PEXA PEXA Certified Help Centre Ask a Question Share your Experience Raise an Idea Blogs **Register / Login**

Community home

Transforming property experiences for everyone

Search here for an answer  

Ask a Question

## Slide 23

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**RB1** [@Samantha Karakai] slide added with notes below. I have layered the images and set the animations to show which part of the site has info on whats out of scope. Added like this so that if they watch the webinar in the future they can just check the website for current info.

Rachael Bell, 14/02/2022

PEXA Certified **Help Centre** Ask a Question Share your Experience Raise an Idea

# Help Centre

Search here for an answer

Community / Using PEXA Day to Day / Help Centre

**Help Centre Topics**

- Digital Certificates
- Workspace Basics
- Before Proceeding a Transaction
- Financial Settlement
- Transfer
- Bank Transfer Top
- Administration Settings
- Caveats
- Transactions
- Logging into PEXA
- PEXA Plus
- Introduce PEXA Services
- PEXA Planner
- PEXA Projects
- Downloadable Help Links
- PEXA Tracker
- PEXA Planner
- PEXA Planner
- PEXA & ATO Help

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**Go to Community > Help Centre**

**PEXA**

## Completing a Transfer Proprietor on Title

Help Card

**Create a new Workspace**

- Click **Create New** and add the following details:
  - Select your Jurisdiction
  - Select Transaction Type = **Sale**
  - Note:** This step is not applicable for ACT Workspaces. Proceed to select 'Role'.
  - You can click the tick box to 'Make this my default Transaction Type'. This is optional.
  - Role = **Proprietor on Title**
  - Land Title(s) and **Validate**
  - Subscriber Workspace Reference
  - Financial Settlement Date and Time
- The question defaults to 'Yes' based on whether the Transaction Type would most likely include Financial Settlement.
- Mark all land title references in workspace as parent = **Yes/No**
- Transfer = **Yes**
- Request Land Title Data = **Now**
- Workgroup
- Click **Save**

**Or, Accept an Invitation**

- Review the Invitation
- Select **Accept**
- Enter your Subscriber Workspace Reference
- Workgroup
- Click **Save**

**Review Land Titles**

- Navigate to the **Land Titles** screen
- Review the land title details returned from the Land Registry.

**Represent Party**

- Navigate to the **Participants** screen
- Locate the **Proprietor on Title** you represent
- Click **Edit Party**
- Complete the outstanding details including date of birth and relevant addresses.
- Click **Save**

**Invite other Participants** (if not already in the Workspace)

- Select **Invite Participant**
- If required, invite Purchaser's Representative as **Incoming Proprietor**
- If the title is encumbered, invite the **Mortgage on Title**.
- Complete the details and **Send Invitation**.

**Documents**

- Navigate to the **Documents** screen
- Click down arrow **Edit** > **View > Transfer**
- Check the details are correct
- Note:** Information may vary between jurisdictions
- Click **Save**

**Important!** The document will specify what address is required. Ensure you read and complete all information requested.

**Supporting Documents**

- If **QLD**, **Edit** > **edit Form 24 Part B** and complete document.
- If the title is **unencumbered** and issued in paper in **VIC or NSW**
  - If **VIC**, create, sign and lodge a **Nomination**.
  - If **WA** and the title is a Duplicate Certificate of title, click down arrow **Edit** > **Lodgement Instructions** > **Edit** and complete **Duplicate Holding Details**

**View and Sign Documents**

- Click down arrow **Sign** > **View**
- Select down arrow **Sign** > **Edit** to update any of the details in a document
- Click **Sign** > **Sign Documents**.

**Complete Financial Settlement Schedule**

- Navigate to **Financial Settlement Screen**
- Destinations**
- Select **Destinations/Payments & Adjustments** tab
- Add **Adjustments** if applicable

**Add Destinations** as applicable (e.g. Vendor Funds, water rates, professional fees etc).

- Click **Sign** > **Sign** to digitally sign the settlement schedule.
- Note:** Unless you are providing Source Funds, your steps end here.
- Important!** You only need to complete the steps below if the Proprietor on Title is providing Source Funds.
- Select the **Source Funds** tab
- Click **Add a Source** >
  - Category = Other**
- Complete details and select **Save**
- Click **Verify Funds**
- Click **Authorise Funds**
- Select **Sign** > **Sign** to digitally sign the settlement schedule.

Ensure the Workspace is at **Ready** status on the day of settlement

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**Help Card**

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## Recorded Webinars for ACT

Go to the Webinar page on Community

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## Training and Further information

- > For PEXA training, further information on PEXA Key, PEXA Projects, Business Advantage or any other questions you have, you can contact me:

0499 555 348

[Amanda.Keenan@pexa.com](mailto:Amanda.Keenan@pexa.com)