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Important:

This article was published on Wednesday, 9 September 2020 - 4:09pm. The information is accurate at the time and is used for reference purposes only.

For up-to-date information please [visit the Land Information New Zealand website \(http://www.linz.govt.nz\)](http://www.linz.govt.nz).



[Landwrap September 2020 \(/news/2020-09/landwrap-september-2020\)](/news/2020-09/landwrap-september-2020)

Issue 160

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Property Rights System review completed

We've published an assessment of the Property Rights Regulatory system and system owners' response.

To gather information about how the system is performing, a panel led by our Director of Regulatory Stewardship, Stuart Day gathered feedback from representatives across the cadastral survey industry, legal profession, Banking Association, Real Estate Authority, and Wellington and Christchurch regional councils. The panel also reviewed a range of background and administrative information about the system.

The assessment found that the system is seen as robust and durable, and delivering confidence in property rights related to ownership of most types of land in New Zealand, but there are areas that can be improved.

Many of the suggested improvements will be addressed through the Rebuilding Landonline programme. We have prioritised others, such as the review of the cadastral survey rules and reviewing the quality and accessibility of important information that our customers need.

[See Review finds property rights system robust \(//www.linz.govt.nz/news/2020-08/review-finds-property-rights-system-robust\)](http://www.linz.govt.nz/news/2020-08/review-finds-property-rights-system-robust)

Public Land Record Search

The development and release of Websearch for registered users as part of Rebuilding Landonline has also allowed us to work towards improving the service we offer to members of the public seeking title information.

From 1 February 2021, members of the public will be able to search and order titles from our website, making it easier and cheaper for New Zealanders to access title information.

Searching by 'owners' name', 'parcel ID' or 'in bulk', for example, will continue to be restricted to our registered users, but for individual title searches this is a significant improvement for the public.

Our fees are set by regulation, with electronic or automated searches at \$5 per document, and those that require LINZ staff involvement or manual support at \$15 per document. As the new public land record search allows for electronic searches, the charge per document will be \$5.

If you have any questions about this or would like more information on the new public Land Record Search or Rebuilding Landonline programme, please contact rebuildinglandonline@linz.govt.nz (<mailto:rebuildinglandonline@linz.govt.nz>).

[see Landonline web search \(https://search.landonline.govt.nz/newlogin\)](https://search.landonline.govt.nz/newlogin)

Files change from TIFF to PDF

From 28 September 2020, customers who receive products from Landonline via email will be sent PDFs instead of TIFF files. Any orders made through the web search application will also be sent as a PDF.

If an order is too large to be sent as an email attachment, customers will be emailed a link instead, so files can be downloaded. The link will be available for 2 weeks from ordering. If customers still need TIFF or JPEG images they can obtain these by using Landonline search.

LINZ is making the change as part of its progressive rebuild of Landonline.

Contact us at RebuildingLandonline@linz.govt.nz (<mailto:RebuildingLandonline@linz.govt.nz>) if you have questions.

[See rebuilding Landonline \(//www.linz.govt.nz/about-linz/what-were-doing/projects/rebuilding-landonline-0\)](http://www.linz.govt.nz/about-linz/what-were-doing/projects/rebuilding-landonline-0)

<https://www.linz.govt.nz/kb/694> ([//www.linz.govt.nz/kb/694](https://www.linz.govt.nz/kb/694))

Notice of Change of Ownership

In the last Landwrap, we talked about how the Rebuilding Landonline Programme ran a Notice of Change of Ownership (NoC) pilot with Tauranga City Council and Tauranga-based solicitors transacting on land within Tauranga City Council boundaries.

Since then we have on-boarded Wellington City Council and extended the pilot form to all solicitors in New Zealand transacting on land within both Tauranga and Wellington City Council boundaries.

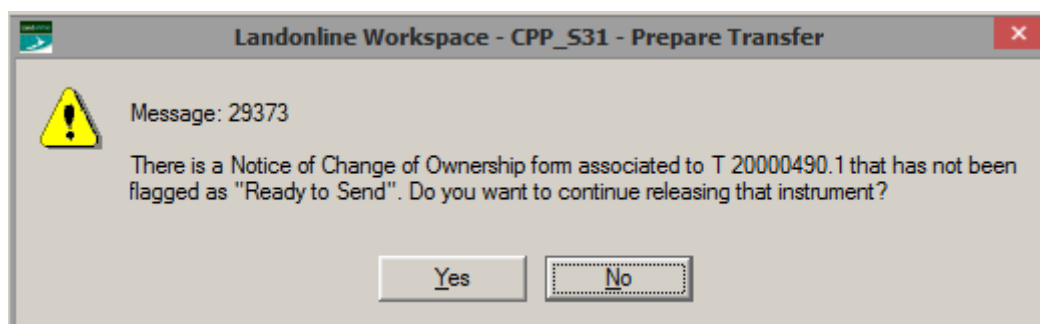
Ready to send:

We have noticed that not all NoCs are being updated to Ready to Send. For Landonline to send the NoC to the relevant territorial authority, the NoC form must be updated to 'Ready to send'. In the case of a transfer instrument currently this must be done by the party acting for the vendor. The 'Ready to Send' button is in the top right corner of the NoC form:

If a NoC has been created but has not been updated to 'Ready to Send' the following message will appear when releasing the instrument:



To ensure the NoC is sent on registration of the dealing, you need to click 'No' to the above message, return to the NoC form and click the Ready to send button.



This must be done for Landonline to automatically send the notice upon registration of the instrument.

The NoCs are sent to the territorial authorities on the evening of registration. A copy is also sent to the contact email address under the acting for section in the form. If you do not receive an email containing a copy of the PDF notice following registration overnight it usually means the NoC was not updated to 'Ready to Send', and Landonline did not send the notice. If this happens you will need to send a sales notice via other means. We are always looking at ways to ensure the form is simple to use and that councils receive notices.

Please let us know what you think about the new Landonline NoC so we can make sure it is working well for you. You can feedback using the feedback button at the bottom of the NoC form.

More information:

<https://help.notices.landonline.govt.nz/general> (<https://help.notices.landonline.govt.nz/general>)

Improving our understanding of Landonline customers

We are currently carrying out research to help us better understand our Landonline customers, including how they run their operations, their business experience, how they deal with government

generally and how they experience LINZ.

So that customers can provide frank and honest feedback, we have engaged Research New Zealand (www.researchnz.com (<http://www.researchnz.com>)) to conduct this work.

Research New Zealand will be contacting randomly selected users of Landonline to participate in a survey. We are very keen to hear from as many customers as possible. This is your opportunity to provide feedback to help shape and improve the redevelopment of Landonline and our survey and title operation services. If you are invited to take part, we would really appreciate it if you do.

If you have any questions about this survey, please contact jgraham@linz.govt.nz (<mailto:jgraham@linz.govt.nz>).

Landonline Terms and Conditions changing

Landonline Terms and Conditions are being updated with terms that are clearer and in one place. We've also separated our treatment of personal information and privacy with a new Landonline Privacy Statement.

A review of the current terms found that they were out of date. For example, they:

- referred to obligations not in the terms but elsewhere on our website, such as digital certificates, and
- dealt with privacy within the contractual terms rather than in a separate privacy statement, which is now the expectation.

In preparing the new Terms and Privacy Statement, we worked with LINZ business groups, the New Zealand Law Society, Survey and Spatial New Zealand, the Institute of Cadastral Surveyors, the New Zealand Society of Conveyancers, certain territorial authorities, the Auckland District Law Society and the Real Estate Institute of New Zealand. Their feedback was very helpful and led to numerous changes.

The new Landonline Terms and Conditions now clearly distinguish between the roles and obligations of Account Holders (such as firms) and Individual Users (individuals who use Landonline). They also create a System Manager role that every Account Holder is required to fill. The new Landonline Privacy Statement provides a comprehensive description of how we collect, use and share personal information.

Under the current Landonline Terms and Conditions, we must give 30 days' notice of change. That 30-day period began on 2 September 2020 and we are considering feedback during this notice period. We welcome feedback at LandonlineTerms@linz.govt.nz (<mailto:LandonlineTerms@linz.govt.nz>).

The new Landonline Terms and Conditions and Landonline Privacy Statement are intended to take effect on 5 October 2020. If there is any change to that date, we will announce it on our website.

[More information on Landonline Terms and Conditions](http://www.linz.govt.nz/land/landonline#termsconditions)
(<http://www.linz.govt.nz/land/landonline#termsconditions>)

Post Registration Searches not received

We are concerned that an increasing number of Post Registration Searches are being bounced back to us as undeliverable, often with the recipient unaware. The main cause appears to be increasingly aggressive spam filter rules aimed at reducing the multiple security risks in the despatch and receipt of email.

Spam filter rules are implemented and maintained by your IT support or services provider(s), so are outside our direct control.

An example is that the subject line in our Post Registration Searches includes a client reference for your convenience, however, the text in this field can sometimes trigger a security alert resulting in the email being rejected by your email service before it reaches your inbox.

The problem will not always be obvious to you, for example, a reference may get interpreted as a potential bank account, or an obscure abbreviation like SHA may trigger alerts because it could be referring to a Secure Hashing Algorithm.

If you are experiencing this issue, please raise it with your IT support team.

A refund may be claimed for the searches charged but not received. Please follow the usual process when claiming a refund.

[see the Procedure for requesting a credit on a Landonline account \(PDF 93KB\)](https://www.linz.govt.nz/system/files_force/media/pages-attachments/request-credit-factsheet_0.pdf?download=1)
([//www.linz.govt.nz/system/files_force/media/pages-attachments/request-credit-factsheet_0.pdf?download=1](https://www.linz.govt.nz/system/files_force/media/pages-attachments/request-credit-factsheet_0.pdf?download=1))

Waiving and refunding title fees policy change

We have introduced a new policy for waiving and refunding title fees.

The policy moves from a prescriptive to a principles-based approach for determining whether waivers and refunds should be granted.

The new policy has 3 additional grounds for waiving or refunding title fees:

- a customer acting on the guidance of LINZ has bought a service they do not require,
- a customer withdraws an instrument before it is noted or registered, or
- a customer has information necessary to maintain the integrity of title to certain estates and interests in land.

[See the Waiving and Refunding Title Fees policy 2020 \(//www.linz.govt.nz/regulatory/01249\)](https://www.linz.govt.nz/regulatory/01249)

The Trusts Act 2019 and land registration

[The Trusts Act 2019 \(http://www.legislation.govt.nz/act/public/2019/0038/latest/DLM7382815.html?src=qs\)](http://www.legislation.govt.nz/act/public/2019/0038/latest/DLM7382815.html?src=qs) introduces a new process for vesting land held by trustees if a retiring or removed trustee is unable to sign transfer documentation.

We have been fielding questions about our requirements to transfer trust property under the Act when it comes into force on 30 January 2021.

Under the Act, the execution of a document that changes trustees vests the trust property, “without any conveyance, transfer, or assignment” ([s116\(2\)\(b\)](#)).

(<http://www.legislation.govt.nz/act/public/2019/0038/latest/DLM7383034.html>). However, the Act is clear that the vesting of land will not take effect until a transfer instrument is registered under the Land Transfer Act 2017 (LTA) – see section [117 Requirements to notify, register, or record divesting and vesting of trust property](#).

(<http://www.legislation.govt.nz/act/public/2019/0038/latest/DLM7383035.html>). This means when trustees retire or are removed and new trustees are appointed, a transfer must be registered to change the ownership of the trust's land, just as under the present Trustee Act 1956.

Please note, the vesting of land under s 116(2) of the Act will not be a transmission for the purposes of [s 87 LTA](#) (<http://www.legislation.govt.nz/act/public/2017/0030/latest/DLM6731227.html>), or a statutory vesting under [s 90 LTA](#) (<http://www.legislation.govt.nz/act/public/2017/0030/latest/DLM6731231.html>).

In a significant change under the Act, if a trustee is removed and cannot sign an Authority and Instruction (A & I) form for a transfer instrument, for example, because they are incapable or refuse to do so, the new and continuing trustees will be able to do so on their behalf ([s118\(2\)](#) (<http://www.legislation.govt.nz/act/public/2019/0038/latest/DLM7383036.html>)). A copy of the document removing the trustee and a declaration that it was validly executed will be sufficient proof of the right to sign on behalf of the removed trustee. These will need to be retained by the certifying practitioner with the signed A & I form (s 117(1)(c)) and must be provided to LINZ if the transaction is subject to an e-dealing compliance review.

We will investigate providing an example form of declaration in time for the Act coming into force.

The High Court will still be able to appoint and remove trustees and vest LTA land by court order (s 116(5)).

The new provisions regarding vesting land are subject to the transitional provisions of the Act. That means that this process is only available to give effect to removals/appointments that are completed after the Act comes into effect. If the change of trustees document was signed before 30 January 2021, [Schedule 1, Part 1, clause 11](#) (<http://www.legislation.govt.nz/act/public/2019/0038/latest/DLM7383135.html>) states that the divesting/vesting must be completed as if the Act hadn't commenced.

More information

<http://www.legislation.govt.nz/act/public/2019/0038/latest/DLM7382815.html?src=qs>
(<http://www.legislation.govt.nz/act/public/2019/0038/latest/DLM7382815.html?src=qs>)

[Registrar-General Robbie Muir's article in The Property Lawyer, Volume 20, Issue 2 \(December 2019\), page 8](#) (<https://www.lawsociety.org.nz/branches-sections-and-groups/property-law-section/publications/the-property-lawyer-magazine/the-property-lawyer-magazine-past-issues/>)

Christchurch legal seminar cancelled

There will no longer be an event in Christchurch on 21 October due to ongoing COVID-19 restrictions.

We are looking at instead running a webinar with the Property Law Section and the New Zealand Institute of Legal Executives. We will have more details on this shortly.

Articles referenced within this issue
