

# The Computer Freehold Register; a user's point of view

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## ABSTRACT

The computer freehold register is a complex information system that has changed extensively in the last 150 years. It began with a system in which unregistered deeds were grunted from the crown. In 1908 we saw the implementation of the compulsory registration of deeds in which land transfers became recorded under headings in registry books. From here there was a shift from the registration of deeds to the registration of titles. Technology became utilized beginning with microfiche. In 2003, an E-dealing system was introduced with the online registration system for land title transactions called the Landonline. This system is not just the creation of "Surveyors and lawyers" as it is commonly described, the IT industry has played an essential part. How often do we as industry practitioners really examine the impacts of this type of system?

This year I investigated a complex Right of Way that was put in place over eighty years. This content relating to the Right of Way was affected by changes in information system. These changes may affect our interpretations of the intent of the material.

## Categories and Subject Descriptors

H.3.2 [Information Storage]: File organization,  
K.4, [Computers and Society]: General, B.6.2

## General Terms

Design, Experimentation, Human Factors, Standardization, Interaction, HCI, Reliability, Legal Aspects.

## Keywords

Information systems, titles system, land online, communication system, database system.

## TRACKING THROUGH NUMBERS

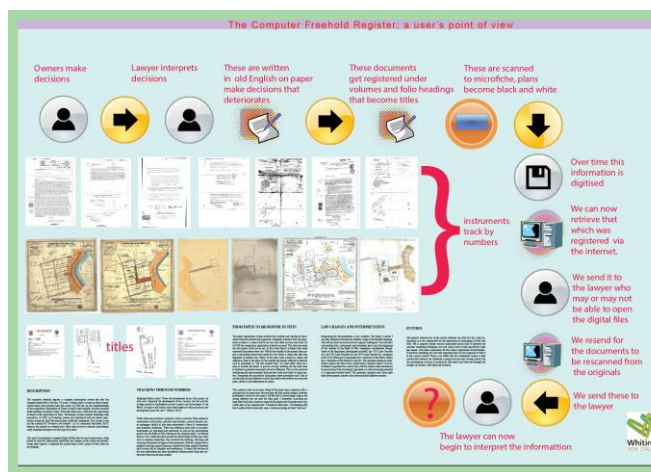
Stephanie Harris writes "From the development of our title system, we have also witnessed the development of our country and her passion to keep herself at the forefront of land systems and technologies in the World. Surveyors and lawyers have been integral to these processes and developments from the start." (Harris, 2013)

Today when one purchases property a title is received. Titles reference instruments such as plans, previous land transfers, council consents, prior mortgages (which at one time represented a form of conveyance) and easement certificates. Titles also reference prior titles as do plans. Instruments are registered and numbered. As part of my investigation process for the Right of Way relating to this research work. I tracked back to 1925, when the block of land for which Right of Way was built, was in common ownership. This involved the tracking, searching and the retrieval of hundreds of pages of documentation. Had this simply been a numbers and logic game the process would have been simpler. However each system had its strengths and weaknesses. It seems that because of the way information has been transferred, idiosyncrasies from one system have been passed onto another.

## FROM PAPER TO MICROFICHE TO TIFFS

The paper registration system involved the creation and copying of documents with pen and ink and typewriter. Originally transfers were not registered so there is a chance that if you lost your deed, you lost your land. As of 1908 the compulsory registration of deeds occurred. This does not mean that documents could not be lost. In this study there is evidence that some registered documents were lost. Whilst the transfer of documents from paper to microfiche would have made this less likely it seems that data was degraded in another way. Many of the plans were created in colour and references from the plans by the transfer documents referred to interests such as easements as "the part marked blue" (or some other color) on a plan or transfer document. A process of logic working out the land areas to identify the potential easements had to be followed. This in turn involved transferring the measurements from perches, links and roods to square meters. Frequently the microfiche instruments were unreadable and I had to use the land on line database to send Linz staff to the archives to rescan the plans, deeds or title information in colour.

This created a new set of issues. Many of the plans were scanned as tiffs, a good practice in many ways because they are high quality images; however problematic because if you open a tiff file that is several pages long in the wrong software you see only the front page. I remember scratching my head after I had sent a lawyer a range of documents that I thought were very useful only to the response that "I needed to find more." On meeting with him I realised that he had only seen a small percentage of what I had sent.



This poster paper appeared at ITX 2014, incorporating the 5<sup>th</sup> annual conference of Computing and Information Technology Research and Education New Zealand (CITRENZ2014) and the 27<sup>th</sup> Annual Conference of the National Advisory Committee on Computing Qualifications, Auckland, New Zealand, October 8-10, 2014. Mike Lopez and Michael Verhaart, (Eds).

## LAW CHANGES AND INTERPRETATION

Interpreting the documentation is very complex. Not being a Lawyer I can only interpret it through the ordinary usage of the English language. This left me short because much of it appears ambiguous. Also the laws surrounding titles, instruments and easements have, since the beginning of the creation of the Right of Way, undergone considerable change. Some of the legislation investigated included, the 1915 Land Transfer Act, the 1925 Land Transfer Act, the 1952 Land Transfer Act, variations of the 1933 Municipal Corporations Act, variations of the Public Works Acts, variations of the Property Law Act. The question remains if something is legal at the time it was created does it remain in place? If an instrument is registered to a search title; will the subject estate and interest be passed, even if the instrument registered is a void instrument, provided it is registered without fraud? The questions continue and I have dealt with three property lawyers who have provided different answers.

## FUTURES

The greatest idiosyncrasy of the system however lies with fact the Lands Information is in fact responsible for the registration of instruments to titles, and titles. We as property owners receive guaranteed search titles. If, however, we consider something ambiguous we may search back to find specifically what was meant. Linz takes responsibility for the correct registration of instruments. If, however, something has not been registered, how are we supposed to find it in the current system? There is no doubt that the Landonline system is well constructed; however the challenge is going to be not only staying current, but the investigation of ways to reconstruct that which has been lost through the changes in systems, both legal and technical.

Information technologies are to support us in the processes of communication; and we must remind ourselves that if the intent of this information is lost or degraded, then no matter how well they work on some levels technically we may be losing data.

## REFERENCES

- [1] Deeds Registration Act, 1908 retrieved <http://www.legislation.govt.nz/act/public/1908/0040/latest/DLM141135.html>
- [2] Harris, S. (2013) Towards a bright future - changes to our title system: Surveyors Quarterly, retrieved August 12, 2014 <http://www.glaister.co.nz/staff-profiles/>
- [3] Land Information New Zealand: Titles, Transfers, Deposited Plans, retrieved 2013-2014 retrieved June 2014
- [4] Land Transfer Act, 1915, retrieved June 2014 <http://atojs.natlib.govt.nz>
- [5] Land Transfer Act, 1952, retrieved June 2014, <http://www.legislation.govt.nz/act/public/1952/0052/latest/DLM269032.html>
- [6] Local Government Act 1974, retrieved June 2013, <http://www.legislation.govt.nz/act/public/1974/0066/latest/DLM415532.html>
- [7] Municipal Corporations Act 1933, retrieved March 2013, <http://www.enzs.auckland.ac.nz/docs/1933/1933A30.pdf>
- [8] Property Law Act 2007, retrieved December 2013 <http://www.legislation.govt.nz/act/public/2007/0091/latest/DLM968962.html>