

Australian Capital Territory

Land Titles (Fees) Determination 2019

Disallowable instrument DI2019–67

made under the

Land Titles Act 1925, s 139 (Determination of fees, charges and other amounts)

EXPLANATORY STATEMENT

Section 139 of the *Land Titles Act 1925* (the Act) provides that the Minister may determine fees under the Act (and certain other legislation) that relate to the Registrar-General exercising a function in connection with the register of land.

This instrument does not vary the existing fees for the 2018-19 financial year as provided in the previous determination (the *Land Titles (Fees) Determination 2018 (No 2)* [DI2018-189]). The instrument exempts Icon Water Limited (Icon) from fees payable under Item 131 for making an application to inspect the register.

Icon is a territory-owned corporation that provides water and sewerage services for residential and commercial customers in the ACT. It collects the majority of its revenue by billing customers. A person who owns land or holds the crown lease is responsible for paying the bill, as outlined in section 94 (1) of the *Utilities Act 2000* and section 13.1 of the *Utilities (Consumer Protection Code) Determination 2012*.

The ACT Land Titles Office (LTO) informs Icon about new or transferred land titles so it may create water and sewerage accounts and issue bills accordingly. Where Icon learns about a change in title other than from the LTO (e.g. by being notified by a customer), Icon must verify that a person holds the title to the land before updating relevant account information.

There are no other means available to Icon to confirm who owns a particular folio of land. As confirming account holders is critical to Icon's core function and ability to collect revenue, the LTO historically allowed Icon to access land titles information without charge through its now-disused Tarquin database system. The LTO migrated to the ACT Land Information System (ACTLIS) in July 2018. Title searches by Icon through ACTLIS now attract an automatic fee of \$30.00 per search.

Exempting Icon from title search fees reduces unnecessary administrative cost that impedes its ability to deliver core services and ensure bills are correctly addressed. Ensuring more efficient access to land titles information will also allow Icon to perform daily quality assurance checks with a view to it streamlining service delivery.