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Preface

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Preface

Abstract
From the 4-6 December 2008 a selected group comprising some of the best Australasian property law academics and researchers were invited to present papers at the Bond University Torrens Title Workshop under the theme 'The Integrity of the Register.' This special edition of the Bond Law Review is an edited and refereed version of the papers presented to the workshop.

Keywords
Torrens Title, The Integrity of the Register

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PREFACE

From the 4-6 December 2008 a selected group comprising some of the best Australasian property law academics and researchers were invited to present papers at the Bond University Torrens Title Workshop under the theme 'The Integrity of the Register.' This special edition of the Bond Law Review is an edited and refereed version of the papers presented to the workshop.

During the course of the workshop participants debated and analysed some of the major issues that had arisen in the preceding 150 years of jurisprudence in relation to a form of land title registration that was first established with the impetus of Robert Torrens in South Australia and is now applied in all Australian states; New Zealand, Canada, Malaysia and Singapore and many other parts of the world.

One issue that arose during the workshop was that perhaps the primary focus should not be on the integrity of the register but the integrity of the 'system.' Concerns were expressed by some participants that an overly conservative application of torrens title principles by courts can allow persons to rely upon the indefeasibility provisions of the relevant torrens title legislation even when they act in a manner that may not be deemed fraudulent (as defined under the Torrens system) but which was unconscionable in its intent. These comments particularly focussed on the area of fraudulently created mortgages and the application of unjust enrichment principles in relation to the in personam exception.

The papers delivered reflect some of the tensions that apply at the commencement of the twenty first century relating to:

- The threat that associated legislation, such as strata title legislation, may create to the protection of torrens title property interests.
- The impact of overriding statutes that reflect the complexity of the modern world and the impact of other policy perspectives for example environmental issues.
- The necessity to deal with technological change and the integrity of digital registers.
- The impact of organized crime in areas such as fraudulent mortgages and how best to deal with this threat within Torrens title principles.

It is hoped that this special edition of the Bond Law Review will be of value to practitioners, academics and researchers in this area not only in providing guidance on practical issues that arise but will create debate in this significant area of research.

I would like to acknowledge the input of all the participants to the workshop and the assistance of Cherie Daye and Rachel Black in the organization of the workshop and Saskia Vanderbent and Jane Hobler in the editing process and Denis Ong as the General Editor.

Professor Michael Weir
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