
Book review: Avoiding Mortgage Fraud in Australia

Anthony Lo Surdo SC 12 WENTWORTH SELBORNE CHAMBERS

Avoiding Mortgage Fraud in Australia, Matthew Bransgrove, 2015, LexisNexis Australia, ISBN 9780409338867

As the author poignantly observes in the preface to this work, there would have been no call for a book like this a mere 20 years ago. He attributes the rise and rise of mortgage fraud to the introduction of securitised lending in the 1990s which drove the emergence of the loan broker and with it the demystification of the lending accreditation process to a pool of professional fraudsters. Add to this the advances in and access to technology and a perfect storm has been created for fraudsters to ply their trade.

This work, which is unashamedly directed to lending professionals and their advisers, commences with an examination of the tactics regularly employed by fraudsters to lure their unsuspecting prey including false: websites; email accounts; social media accounts; telephone numbers; documents; bank cheques; identities; professionals; companies; employers; applications; bank statements and the like, each designed to facilitate a fraud. Of particular interest is the author's consideration of the ruse of some fraudsters of making application for replacement certificates of title or stolen certificates of title which, together with other falsified documents, can be and have been used to obtain secured finance from unwitting lenders.

Having set the scene, the book then canvasses strategies to address the incidence of fraud regularly encountered in mortgage lending. Those frauds include: imposter fraud; "corporate hijack fraud" which involves the unauthorised alteration of the corporate details maintained by Australian Securities and Investments Com-

mission (ASIC); "unjustness fraud" involving a third party borrowing against someone else's land by duping the owner and where the mortgage may be liable to be set aside on equitable principles or under remedial legislation; serviceability fraud and valuation fraud.

For example, it is suggested that a great many frauds can be overcome by simple measures undertaken by the lender or its broker by seeking to properly verify the owner of the security to be taken by means other than that supplied by the fraudster. The work contains other many useful and incisive suggestions on combatting fraud at the lending coal-face.

The book provides, wherever possible, helpful case studies and references to relevant judicial authorities.

The sub-title to this work is a *Toolkit for Mortgage Professionals*. It lives up to its name.



Anthony Lo Surdo SC
12 Wentworth Selborne Chambers
losurdo@12thfloor.com.au
www.12thfloor.com.au

About the author

Anthony Lo Surdo specialises in commercial, equity, corporations, insurance, professional indemnity, property and sports law. He has a particular interest in banking and insolvency in respect of which he has written extensively. He has been described by "Doyle's Guide to the Australian Legal Profession — 2011" as a "Leading" counsel at the Insolvency Bar. Anthony is accredited as an advanced mediator, arbitrator and expert determiner.