Simple Transfer of Land
A guide to preparing the documents

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Preparing a simple Transfer of Land document

This step-by-step guide is designed to show you how to prepare and lodge a simple Transfer of Land document.

If you are completing the forms yourself, we advise you to exercise care as the documents involved are legally binding. A competent professional, such as a solicitor or settlement agent, should always be considered when preparing any land transfer document.

It is important to read through the whole of this information guide. Being familiar with the information provided in the guide will assist if you need to contact Landgate to clarify any part of the process. Useful contacts are listed on the back page.

What you should know about Certificate of Title

Certificates of Title, otherwise known as Title Deeds, are issued by Landgate with one original and the option to have a duplicate title issued. Original titles are always kept at Landgate. The duplicate title (if issued) would usually be kept by the proprietor/owner or by a lending institution as security for a loan.

Many lending institutions request the non issue of a duplicate title when they register a mortgage. This means that when a property is under mortgage, there is a possibility that a duplicate title has not been issued.

Where a duplicate title has not been issued, the original title would include a note in the statements section indicating the non issue of the duplicate title. The note in the statements section would be shown as ‘DUPLICATE CERTIFICATE OF TITLE NOT ISSUED AS REQUESTED BY DEALING M149404’.

There are important differences between the original title and the duplicate title. The duplicate title does not show all limitations and encumbrances. For example, caveats, notifications, memorials and property seizure and sale orders are only shown on the original title held by Landgate and not on the duplicate title.

Some limitations or encumbrances (such as those stated above) may prevent the registration of a transfer or other interests on a Certificate of Title. For this reason it is recommended that a copy of the original Certificate of Title be obtained from Landgate, to assist in completing the Transfer of Land form. We commonly refer to this as a ‘title search’. A title search will show if a title has been issued or is non issue and will show the spelling of the names of the registered proprietors/owners.

For a fee, you can conduct a title search and obtain a copy of a Certificate of Title.

What do I need for my Land Transfer

• Verification of Identity (VOI) – the identity of the person(s) signing as transferors must be verified
• Title Search (recommended) – used to complete the Transfer of Land form
• Forms – Transfer of Land (T1 or T2)
• Office of State Revenue (OSR) for the assessment of (stamp) duty
• Duplicate Certificate of Title (if issued)
• Registration fees payable to Landgate
Verification of Identity (VOI) – Identifying the transferors

Do you have a solicitor or licensed settlement agent preparing documents and acting on your behalf? If you do, you should discuss the verification of identity requirements with your solicitor or licensed settlement agent.

If you do not have a solicitor or licensed settlement agent acting on your behalf you are referred to as a self-represented party. Visit Landgate’s website for more information about self-represented parties.

Self-represented parties who are signing as transferors on the transfer document will need to complete a Land Title Identity Verification Form (a separate form required for each person signing) and have their identity verified at an Australia Post Outlet (APO). The Land Title Identity Verification form is available from a Landgate office, or download it from the Landgate website.

NOTE: If the transferor is a company or an attorney signing on behalf of a transferor, then the identity of the natural person/s who is/are actually signing the transfer document on behalf of the transferor/s is/are the person/s whose identity must be verified.

Following verification at APO, the relevant documentation will be sent directly to Landgate by registered post where it will be checked for compliance.

If the documentation from APO is correct, Landgate will issue the person whose identity has been verified with a letter, which is headed ‘Statement – Self Represented Party’.

The originally signed ‘Statement – Self Represented Party’ letter issued by Landgate, must be produced and lodged with the transfer document.

Importantly any transferor (natural person) signing the transfer outside of Australia is subject to specific identity and witnessing requirements. Please contact a Landgate Advice Officer (refer back page) to discuss these requirements.

Title Search – A copy of the current Original Certificate of Title

A title search is optional, however highly recommended, as the search provides you with a complete up-to-date copy of the title at the date and time the title search is conducted.

For a fee, you can conduct a title search online using an address and obtain a copy of a Certificate of Title.

A Transfer of Land Form – (T1 or T2)

A Form T1 is a one page form used when there are no more than two transferors and/or two transferees named in the document.

A Form T2 is a two page form that has larger information panels and can be used when there are more than two transferors and two transferees, or if more information is required in any panel on the transfer document.

Freehold land registration forms are available from a Landgate office or online from the Landgate website.

Please note that only original signed forms can be lodged for registration and all forms must be printed on white A4 size paper in duplex style, so both sides of the paper are printed upon.

Office of State Revenue (OSR) – For the assessment of (stamp) duty

When the transfer form has been completed and signed, the original signed transfer form must be presented to State Revenue at the Department of Finance for (stamp) duty assessment.

NOTE: All transfers must be presented to OSR for duty notation before the transfer can be lodged with Landgate.

Contact details for OSR are listed on the back page.
Duplicate Certificate of Title

• If issued and there is no mortgage on the property, the hard copy duplicate title must be produced with the transfer document.

  NOTE: A photocopy or a copy certified by a Justice of the Peace or a similarly qualified person is not acceptable for registration purposes.

• If issued and the property is under mortgage the financier holding the mortgage will need to produce the duplicate title to Landgate prior to the lodgement of the transfer document. There is an additional registration fee known as a production fee payable to Landgate when the duplicate title is produced separately from the transfer.

• If the status of the duplicate title is non issue and the property is under mortgage then an original signed letter of consent from the financier authorising the registration of the transfer is required. The original signed letter must be lodged with the transfer document.

• If the status of the duplicate title is non issue and the property is not under mortgage, then the original signed Transfer of Land document, together with relevant evidence is all that is required to be lodged with Landgate.

Registration Fees

View the current Registration and Search Fees that can be paid by cash, credit card, EFTPOS, or by cheque/money order made payable to Landgate. Fees must be paid when lodging the document in person or included if posting the documents to Landgate.

Steps to lodging a transfer

1. Complete the transfer form by using the title search. Type or print legibly in dark ink (preferably black) to complete the panels in the transfer form, using the examples in this guide to assist you.

2. Ensure the transfer has been assessed for duty by OSR and duty is noted on the original transfer form.

3. If the property is subject to a mortgage, ensure the Duplicate Certificate of Title (if issued) has been supplied to Landgate by the financier; or you have obtained an original signed letter of consent from the lender (if the Duplicate Certificate of Title has not been issued).

4. The original identification ‘Statement – Self-Represented Party’ letter issued by Landgate must be produced and lodged with the transfer document.

5. Lodge the original signed transfer form (together with any other evidence that may be required) with Landgate, ensuring the registration fee payment is enclosed if lodging by post.

   • In person at one of Landgate’s lodgement offices. Note: any person can lodge the transfer document with Landgate; the lodging party does not need to be one of the persons named in the transfer document.

   • By post to:
     Landgate Document Lodgement Section
     PO Box 2222
     MIDLAND WA 6936

NOTE: Duplicate Certificate of Title and original evidence being returned by post will be posted in the normal mail. If you wish to have the duplicate title and/or original evidence returned by registered post, you will need to provide a self addressed, pre-paid registered post envelope to Landgate with the transfer document.

Terms of Use

Disclaimer of Liability

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Important

The information in this document should not be regarded as legal advice. In all matters, users should seek legal advice from an independent legal practitioner.
A: Lot 1580 on Deposited Plan 22396

B: Patrick Steven Bouvier

C: Selma Bouvier

BOTH OF 101 EVERGREEN TERRACE ELLENBROOK

AS JOINT TENANTS

T M 149404  REGISTERED 28 AUGUST 2020

LIMITATIONS, INTERESTS, ENCUMBRANCES AND NOTIFICATIONS:
(SECOND SCHEDULE)

1. MI 49404  RESTRICTIVE COVENANT BURDEN: REGISTERED 20 8 2020.
2. MI 49406  MORTGAGE TO STEALTH BANK LTD: REGISTERED 20 8 2020

Warning: A current search of the details of the land shall be obtained whose detail of problem, dimension or one of the list is required.
* Any interests provided by an amateur may not appear on the current edition of the duplicate certificate of title.
* A list as described in the land description may be of list or location.

--- END OF CERTIFICATE OF TITLE ---

STATEMENTS:
The statements set out below are not intended to be sworn except that the land is described in the relevant documents or for legal purposes.
1. Duplicates of Certificate of Title must be issued as requested by Department of Mines, Industry and Resources.

SKETCH OF LAND

PROPERTY STREET ADDRESS: 101 EVERGREEN TCE, ELLENBROOK
LOCAL GOVERNMENT AREA: CITY OF SWAN

NOTE 1: DUPLICATE CERTIFICATE OF TITLE NOT ISSUED AS REQUESTED BY DEPARTMENT OF MINES, INDUSTRY AND RESOURCES.

THIS TITLE HAS BEEN CREATED FOR INFORMATION PURPOSES ONLY

--- END OF CERTIFICATE OF TITLE ---

TRANSFER OF LAND

A: Lot 1580 on Deposited Plan 22396

B: Whole

C: 3332 339

D: 3332

E: Fee Simple

F: Patrick Steven Bouvier

G: $750,000.00

H: Frank Kyle Hock and Brook Skye Hock

Both of 101 Evergreen Terrace ELLENBROOK WA 6069

As joint tenants

I: The TRANSFEREE for the consideration herein expressed transfers to the TRANSFEREE the estate and interest herein specified in the land herein described, subject to the limitations, interests, encumbrances and notifications as shown on the Certificate of Title and otherwise affect the land under the Transfer of Land Act 1983.

J: Dated this day of

K: 2020

L: WESTERN AUSTRALIA

SAMPLE ONLY, ACTUAL TEXT WILL VARY
Contact List

Landgate contacts
Landgate Office Hours 8.30am to 5.00pm
(Lodgement Hours 8.30am to 4.30pm)

Landgate - Midland Head Office
1 Midland Square
MIDLAND WA 6056
Tel: +61 (0)8 9273 7373
Email: customerservice@landgate.wa.gov.au
Website: www.landgate.wa.gov.au
Postal Address: PO Box 2222, MIDLAND WA 6936

Landgate - Perth Business Office
200 St Georges Terrace
PERTH WA 6000

Other useful contacts
Department of Finance
State Revenue/Duties (OSR)
200 St Georges Terrace
PERTH WA 6000
Tel: +61 (0)8 9262 1400
Email: duties@finance.wa.gov.au
Website: www.finance.wa.gov.au

Department of Planning
140 William Street
PERTH WA 6000
Tel: +61 (0)8 6551 9000
Website: www.planning.wa.gov.au

Family Court
150 Terrace Road
PERTH WA 6000
Tel: +61 (0)8 9224 8222
Website: www.familycourt.wa.gov.au

Probate Office
11th Floor, 28 Barrack St
PERTH WA 6000
Tel: +61 (0)8 9421 5152
Website: www.supremecourt.wa.gov.au

Registry of Births, Deaths and Marriages
141 St Georges Terrace
PERTH WA 6000
Tel: 1300 305 021
Website: www.bdm.dotag.wa.gov.au

State Administrative Tribunal
6th Floor, 565 Hay Street
PERTH WA 6000
Tel: +61 (0)8 9219 3111
Website: www.sat.justice.wa.gov.au