



Document Lodgement Acceptability Guide

Getting it Right - Lodgement Acceptability

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This document is a guide to assist in paper document preparation, providing checking hints to ensure documents are completed to a standard that enables documents to be accepted for lodgement with Landgate.

Pape documents presented for lodgement at Landgate undergo a lodgement acceptability check, and those that contain errors or omissions will not be accepted for lodgement until the errors or omission have been corrected or added to the document.

References to the [Land Title Registration Policy and Procedure Guides](#) and to the “[Getting it Right](#)” reference Guide are included to assist.

Completing Paper Document Forms

Lodging Party Details

The lodging party details are required to be fully completed indicating:

- Name of the lodging party
- Address of the lodging party (can be a PO box)
- Phone number
- Fax number (where applicable)
- Reference number is optional
- Issuing box number

Examples:

TRANSFER	
LODGED BY	Fred Goods Settlements +
ADDRESS	PO Box 99999 GPO, PERTH. WA 6000
PHONE No.	08123456789 +
FAX No.	08123456788 +
REFERENCE No.	FGS - 123 +
ISSUING BOX No.	9999 XYZ +

PREPARED BY	+		
ADDRESS			
PHONE No.		FAX No.	
REFERENCE No.			

Check notes:

- Landgate will not check the preparing party panel as part of the lodgement acceptability check. Any requisitions that are raised will only be sent to the lodging party of the document. However, it is recommended that preparing parties provide their contact details to assist with communications with the lodging party.

Instruct if any documents are to issue to other than the lodging party panel

Documents issuing after the registration of the document will be issued to the lodging party.

Should you require documents or evidence to be issued to another party, this panel should be completed to clearly indicate what is to issue to whom and by what method.

For example, if a duplicate title was being produced by a third party, this panel should be completed with instructions to note the duplicate title is being produced together with issuing instructions following the completion of the dealing.

Example:

INSTRUCT IF ANY DOCUMENTS ARE TO ISSUE TO OTHER THAN LODGING PARTY.

Dup C/T produced by Smallgoods State Bank: Issue dup C/T to Smallgoods State Bank, Box XZY.
--

Check notes:

- Duplicate titles being produced must be noted in this panel.
- If requesting the return of evidence/duplicate titles by post direct to clients, use this panel and include clients name and correct postal address.
- Use this panel to request superseded duplicate titles to be return if customers require the old-style duplicate title for sentimental or historical purposes, a letter requesting the return of the superseded title is not required if this panel is completed.

Items received panel

All evidence and inclusions with the document must be listed in this panel. The evidence provided must be clearly written by the lodging party of the document.

Where evidence has not been clearly written or listed incorrectly, the document will not be accepted for lodgement.

- All items being produced must be clearly written, if items are not clearly written the document will not be accepted for lodgement
- Duplicate title Volume and Folio numbers must be included where applicable, it is not sufficient to write "Duplicate title" only.
- Landgate sighted copies of evidence such as a marriage certificate should be written as "sighted marriage cert".
- Certificate of Duty can be shown as "duty cert".
- VOI statements can be shown as "VOI" and if more than one can be shown as "VOI x 2".

TITLES, LEASES, DECLARATIONS ETC. LODGED HEREWITH

1.	Dup C/T 1234/145	Received Items Nos.
2.	Sighted Marriage Cert	
3.	VOI x 2	Receiving Clerk
4.	Duty Cert	
5.	Consent Letter	
6.	Stat Dec	

Check notes:

- Are the items of evidence clearly written?
- Has the evidence/items been correctly described?
- Has the duplicate title number been shown (rather than just duplicate title)?

Completing Panels in Documents (Land descriptions)

Ensure land descriptions are completed in accordance with the Record of Certificate of Title. The land descriptions on duplicate titles may not be current and as a result a search of the Record of Certificate of Title is recommended.

Refer to "[Getting it Right](#)" page 2 for acceptable land descriptions and for information relating to minor amendments to land descriptions. Page 7 provides information for amendments to documents in general.

Check notes:

- Alterations to a Lot or to a Survey number are only acceptable if only one part of the land description is amended. If the amendment is to a lot or a plan number and more than one number is changed a new document is required.
- Any alteration to the land description must be acknowledged by the parties to the document.
- Land descriptions cannot be amended or altered by a solicitor or settlement agent
- Land descriptions in mortgages that are inserted following the signing of the document are required to be acknowledge by the mortgagor/s a bank attorney **cannot** insert land descriptions on behalf of the mortgagors.
- Where a land description has been amended and the document is subject to duty, the amendment must be noted by Revenue WA.

Panels inside documents

In general, all panels should be completed; documents presented without all relevant panels being completed cannot be accepted for lodgement.

Consideration panels in transfer should always show the true consideration, considerations expressed as "Nil, Zero or \$0" are not acceptable considerations.

Further information about completing panels is provided in "[Getting it Right](#)" on pages 1 to 2 and in examples 1 and 2.

Originally signed documents

Only originally signed documents can be lodged for registration.

Use of liquid paper/correction fluid/ white out

Documents containing liquid paper/correction fluid/white out are **not acceptable** for lodgement with Landgate. Liquid paper/correction fluid/white out cannot be used in any part of the document whatsoever.

Any documents that contain liquid paper/correction fluid/whit out will not be accepted for lodgement until the liquid paper/correction fluid/white out has been totally removed from the document. Where liquid paper/correction fluid/white out has been removed, it is recommended the document be referred to an Assistant Registrar of Titles to assess suitability for lodgement.

Check notes:

- Remove any liquid paper/correct fluid/white out from document and if removed successfully refer to an Assistant Registrar of Titles, in person, to assess document suitability for lodgement.
- Consider preparing a new document.

Operative Clauses

Operative clauses are essentially the legal words required in documents.

Ensure operative clauses are included where required. Requisitions are commonly issued for missing operative clauses, with T2 transfer documents being the most common error. AN operative clause for a T2 document is shown in the first image below and a T2A operative clause is shown in the second image.

Examples:

PAGE 2

THE TRANSFEROR for the consideration herein expressed HEREBY TRANSFERS TO THE TRANSFEREE the estate and interest herein specified in the land above described, subject to the encumbrances as shown hereon. (Instruction 2)

Page 2

THE TRANSFEROR 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/or otherwise affect the land under the *Transfer of Land Act 1893*. (Instruction 1 & 2)

Check notes:

- Check page 2 on T2 or T2A transfers for the operative clause (as this is a frequently requisitioned error).
- Check page 2 on all mortgage documents for the operative clause.

Addresses in documents

The current or future address of all parties to a document should be shown.

Landgate will accept an alteration of an address authenticated by the person whose address it is or the agent, solicitor, or authorised attorney of the banker of that person.

When preparing a transfer, it is acceptable to show the new or proposed address of the transferee (purchaser), this will ensure any notices sent in future are being sent to a current address.

Further information is provided in "[Getting it Right](#)" page 4 and in this publication in the "amendment to documents" section.

Check notes:

- Check the transferees address shown in a transfer matches the address shown in the mortgagor panel in any mortgage being registered at the same time as the transfer.
- If an address is amended, has the amendment been completed correctly, refer to amendment to document section for further information.
- Ensure the address for all parties is consistent in all documents being lodged in a series.

Duty Certificates and Revenue WA duty notation

Landgate is required to ensure duty has been assessed and noted on any document required to be duty assessed, prior to lodgement of the document with Landgate. This is set out in the *Duties Act 2008*.

Duty may be noted physically on a document by a stamped notation applied by Revenue WA or in a duty certificate issued from the Revenue online system.

The information required to be shown on a duty certificate will be checked and is required to include:

- Land description, survey reference and Certificate of Title volume and folio numbers.
- Names of the parties, transferors, and transferees.
- Tenancy and/or Shares of the transferee's

The information shown on the duty certificate must match the information that is shown in the document the subject of duty.

Landgate will not accept any documents for lodgement where the information on the duty certificate does not match the information shown in the document.

Refer to Land Titles Registration Policy and Procedure Guide [LOD-03 Fees and Transfer duty](#) for a list of documents that require duty assessment.

Check notes:

- Is the document subject to duty, if so has the document been duty noted or a duty certificate provided?
- Check the names, tenancy, and shares of transferee's match the information shown in the transferee panel of a transfer.

Duplicate of Non-Issue Certificates of Title

Where a document being lodged required the inclusion of the duplicate Certificate of Title (duplicate), and where the duplicate is issued as a hard copy paper title, the hard copy paper duplicate must be provided with the document or be produced by a third party.

If the status of the Certificate of Title is non-issue and there is a mortgage registered against the land, the written consent of the mortgagee is usually required to be provided with the document.

Where a paper duplicate is produced by a third party, an additional registration fee is required to be paid.

Check notes:

- Is the duplicate or a letter of consent required for the document being lodged?
- If required, is the correct duplicate edition provided?
- Has the duplicate number been entered correctly in the items received panel and not shown simply as "duplicate title"?
- Is non-issue and under mortgage, is there an originally signed letter of consent provided?
- If produced by a third party, is this noted in the "instruct if items are to be issued to other than the lodging party" panel and the additional production fee included (refer to example shown below)?

INSTRUCT IF ANY DOCUMENTS ARE TO ISSUE TO OTHER THAN LODGING PARTY.

Dup C/T produced by Smallgoods State Bank:

Issue dup C/T to Smallgoods State Bank, Box XZY

Signing Documents and Declarations

General principles relating to signing of documents

Signing documents by parties named in the document usually required the signature/s of the party/s to the document to be independently witnessed.

Generally, the witness will sign under the signature of the person named in the document.

Where the document is being signed under a power of attorney, the attorney would sign and insert the power of attorney execution clause and their signature would be independently witnessed.

Documents may be signed/executed by a someone other than the party named in the document, for example a document may be signed by a plenary administrator under a SAT order or by a liquidator. The various methods and Landgate's requirements to the various signing/execution of documents is set out in the Land Titles Registration Policy and Procedure Guide [SIG-01 Signing of Documents](#).

In general, a document is considered signed and witnessed correctly if:

- The person named in the document has signed in the correct execution panel provided on the document.
- The signature of the person signing the document is independently witnessed, by a person who is not named in the document.
- The witness is a person over the age of 18 years.
- The witness has signed their usual signature.
- The witness has clearly printed their full name, address and occupation.

Signatures to parties to the document

A person named in a document (or signing on behalf of the person/s) must sign their usual signature. The signature can be in any format as long as the signature is their usual signature.

In general, the Registrar expects signatures to be written and the presence of a printed signature on a document raises the question of whether the document has been signed.

Where the usual signature of a party to the document is printed, the printed signature is acceptable where the person's signature is witnessed, as the witness is testifying the person named in the document has in fact signed the document.

Where the printed signature is that of a witness there is a possibility of a later denial, both as the witness and the party to the document. In cases where the signature of a witness is printed the Registrar will request confirmation that the witness did indeed witness the attestation of the document, and that the signature on the document is the normal signature of the witness.

Letters of explanation/confirmation and consent letters

In principle, the Registrar of Titles expects that a conveyancer will submit the originals of any duly executed and witnessed letters that are required to support the registration of a title dealing.

However, in the case of letters than explain the inconsistency of signatures in a series of documents, the Registrar of Titles will accept at lodgement a copy of a faxed or e-mailed letter where it accompanies the relevant documents. In such a case, the Registrar of Titles reserves the right to requisition the document for more information when it is examined if it is considered necessary to do so. It is expected that large differences/discrepancies in signatures are quite rare, and that letters of explanation will only be required in a very small proportion of dealings.

Whilst it is try that signatures by the same person vary somewhat from time to time, and that comparing any two signatures made at a different place and time is a generally unreliable measure of potentially fraudulent activity, the Registrar of Titles cannot made a general undertaking to accept all differences and discrepancies between signatures purporting to be made by the same person.

All other letters of explanation or confirmation presented at lodgement are required to be originally signed and witnessed letters.

Consent letters presented at lodgement must also be originally signed and witnessed letters; except where the consent is from a mortgagee, in which case the signing section of the consent letter must include the full name and position of the person signing on behalf of the mortgagee and does not need to be witnessed.

Witnessing signature in documents

Generally, a signature that is required to be witnessed is considered correctly witnessed if the following occurs:

- The witness is an independent person who is not a party to the document.
- The witness has signed the document with their usual signature.
- Is a person of the age of 18 years or greater.
- The full name, address and occupation of the witness are printed clearly in English on the document.
- If the document is witnessed outside of WA but in Australia, the local address and the country must be shown. (Refer to Land Titles Registration Policy and Procedure guide [SIG-01 Signing of Documents](#)).

The Registrar expects signatures to be written and the presence of a printed signature in a document raises the question of whether the document has been signed. Where a witness has a printed signature, the Registrar will request confirmation that the witness did indeed witness the signing of the document and that the signature on the document is the usual signature of the witness.

Where a witness has a printed signature an originally signed letter of explanation should be provided, the letter should clearly indicate the document being signed by including the land description, document type and the parties to the document, together with an explanation. The signature of the person requiring the letter should also be witnessed in the usual manner.

Document Examples

The witness does not appear to have the document as the writing is all the same, this document **would not** be acceptable for lodgement.

TRANSFEREE/S SIGN HERE (Note 7)

THE LODGING PARTY OF THIS DOCUMENT IS AUTHORISED BY THE ABOVE NAMED TRANSFEREE TO INSTRUCT ISSUING DETAILS FOR THE DUPLICATE CERTIFICATE(S) OF TITLE.

Signed *Fred Smallgoods*

In the Presence of: *Kris Cracker*
31 Mad Circle, Ascott, WA, 6999
Circus Proprietor

The witness has signed and correctly include their full details clearly in English, this document **would be** acceptable for lodgement.

TRANSFEREE/S SIGN HERE (Note 7)

THE LODGING PARTY OF THIS DOCUMENT IS AUTHORISED BY THE ABOVE NAMED TRANSFEREE TO INSTRUCT ISSUING DETAILS FOR THE DUPLICATE CERTIFICATE(S) OF TITLE.

Signed *Fred Smallgoods*

In the Presence of: *K Cracker*
Kristoper Frank Cracker
31 Mad Circle, Ascott, WA, 6999
Circus Proprietor

The witness address details must provide the state if signed outside of WA and if signed overseas, the address must include the city or state and the country. The example below **would not** be acceptable for lodgement without the state of “NSW” being included in the address details.

TRANSFEREE/S SIGN HERE (Note 7)

THE LODGING PARTY OF THIS DOCUMENT IS AUTHORISED BY THE ABOVE NAMED TRANSFEREE TO INSTRUCT ISSUING DETAILS FOR THE DUPLICATE CERTIFICATE(S) OF TITLE.

Signed *Fred Smallgoods*

In the Presence of: *K Cracker*
Kristoper Frank Cracker
31 Mad Circle, Bondi Beach
Circus Proprietor

Check notes:

- Has the witness signed the document?
- Have the witness details been included and printed clearly in English, including state, territory or country if signed outside of WA?
- Is the usual signature of the witness printed, if so an originally signed letter of confirmation is required.
- If a letter of confirmation is required, is the letter an originally signed letter that is witnessed?

Variations to usual general signing requirements

There are occasions when the parties or witnesses to documents do not adhere to the required practices discussed in this work book.

For example, a transferor may sign the transfer document twice, however the witness has only signed once. This situation is usually acceptable for lodgement with Landgate without further evidence or explanation, however check the [“Getting it Right”](#) publication for guidance.

Refer to the “Getting it Right” publication “Attestations section” beginning on page 4 and examples 3 and 4.

Check notes:

- If the document has not been signed in the usual manner refer to “Getting it Right” for information and instructions.

Extra signatures in documents

In general, where there are additional signatures in a document for no apparent reason (other than discussed in the [“Getting it Right”](#) publication) a letter of explanation from any person who has signed in addition, is required. The explanation should include a statement to the effect that they hold no interest in the land transaction document that has been signed; describe the land, the document type, and the parties to the document. The signature of the person should also be witnessed in the usual manner.

Generally, as additional signature in a transferor’s signing panel, a mortgagor’s signing panel, or in an applicant’s signing panel are acceptable without explanation. However, refer to the “Getting it Right” publication on page 5 and examples 3 and 4.

Check notes:

- Are there any additional signatures in the document?
- If there are additional signatures in the transferee section of a transfer, a letter of explanation is required.
- If a letter of explanation is required, the letter must be an originally signed letter that has been witnessed. Note: emailed or faxed letters of explanation are not acceptable for lodgement.
- Generally, additional signatures in the transferors signing section of a transfer, or in a mortgagor's signing section of a mortgage, in the applicants signing section of an application, or in the issue/non-issue panel of a T2 transfer will be acceptable (refer to "Getting it Right").

Signing and witnessing documents subject to Verification of Identity (VOI)

Where a document is being signed outside of Australia and the party to the document is subject to VOI, the signing by the party to the document will need to be witnessed by an Australian Consular Officer.

For documents within Australia this process is completed by Australia Post for self-represented parties. Refer to the [Australia Post website](#) to complete your verification of identity.

For information regarding the Verification of Identity Practice refer to the [Verification of Identity webpage](#) on the Landgate website.

Signing and Witnessing Statutory Declarations

Generally, a statutory declaration is considered correct if the following is provided on the declaration form:

- The full name, address and occupation of the declarant/s is shown.
- Each declarant has signed the declaration.
- Any attached referenced in the declaration is provided with the statutory declaration form.
- The place where the declaration is signed has been completed.
- The witness/s have signed once for each declarant signing the declaration.
- The witness is qualified and has printed their full name, address, and qualification.
- If there are amendments or inclusions to clauses in the declaration, the amendments or inclusions are initialled by the declarants and the witness(es).

Document Example:

The example indicates how the statutory declaration should be completed, noting the handwritten additions being acknowledged by the declarant and the witness.

STATUTORY DECLARATION
I <i>Frederick Smallgoods of 123 Diet Street, Forvie, WA 6999, Fitness Instructor</i>
Sincerely declare as follows -
1. I am one of the donee/s (attorney/s) appointed in the enduring power of attorney of <i>Kristopher Frank Cracker dated 31 April 2014 KF</i>
2. The donor is still alive.
3. I last communicated or saw the donor <i>in person on 31 June 2015 KF</i>
4. The enduring power of attorney has not been revoked by the donor
5. The State Administrative Tribunal or an appointed Administrator has not varied or revoked the enduring power of attorney
6. A substitute donee has not been appointed by the State Administrative Tribunal
This declaration is true and I / WE know that it is an offence to make a declaration knowing that it is false in a material particular.
This declaration is made under the Oaths, Affidavits and Statutory Declarations Act 2005 at (place) <i>Forvie</i>
on <i>31</i> day of <i>JUNE</i> 2015 by - <i>Freddy Smallgoods</i>
Signature of person making the declaration (sign in the space above)
In the presence of - <i>Kyle Frank</i>
Signature of authorised witness (sign in the space above)
<i>Kyle Frank - 123 Crown Circuit, Allanbrook, WA, 6444 - Chemist</i>
(Print the full name, Address and qualification of authorised witness in the space above)

Check notes:

- Check the full name, address and occupation of the declarant are shown in the declarant panel.
- Ensure there is a separate qualified witness signature for each declarant. For example, where there are two declarants, the witness must sign twice, once for each declarant.
- Where there are amendments or a hand-written inclusion (in a template style declaration where the declarant fills in blanks) ensure the amendments or inclusions are initialled by the declarant and the witness (refer to example below).
- If the amendment or error is made after the first signing of the declaration and the witness is no longer available, the declaration should be redeclared in the presence of a new witness. The new witness and declarant must then acknowledge the amendments or inclusions, or a new declaration should be completed.
- Check the declaration is dated and the place section has been completed.
- If additional pages are required for a statutory declaration it is recommended that additional statutory declarations (form B3) be completed.

Company Execution

An Australian registered company is required to sign documents in accordance with section 127 of the Corporations Act 2001.

Documents can be signed under a common seal. However, most documents are now signed without affixing a common seal.

Company execution of documents with or without a common seal would normally include the signatures, full name and designation of:

- 2 directors of the company; or
- A director and director/secretary of the company; or
- For a proprietary company that has a sole director who is also the sole secretary, that sole director and sole secretary.

A “sole director and sole secretary” should always be shown as “sole director and sole secretary”. If a person is shown as “sole director/secretary” there is uncertainty if the person executing is either the sole director or sole secretary or both, so this form of notation should not be used.

Variations as to who may execute documents may be permitted by the constitution of an individual company. Where this is the case, evidence must be produced to verify the right of the person or persons signing. For example, if a document is signed by an “alternative director”, evidence to prove the alternative director is qualified to sign must be presented with the document at lodgement. If there is no evidence provided, the document will not be accepted for lodgement.

Where a company is executing as transferors and there are witnesses to the signatures of the company seal holders, the additional signatures of the witnesses (and details) are acceptable for registration, provided the execution by the seal holders is in accordance with the Land Titles Registration Policy and Procedure Guides. Refer to example 4 in the [“Getting it Right”](#) publication.

Where a company is executing as Transferee and there are witnesses to the signatures of the company seal holders, then the witnesses must supply a letter of explanation negating any interest in the transfer. The letter should describe the transfer by land description, the parties to the transfer, must be signed, dated, witnessed and contain a statement confirming the person signing does not have any interest in the transfer document other than as a witness. The signature of the persons named in the letter should also be independently witnessed.

The Land Title Registration Policy and Procedure Guides provide further information relating to signing by companies in [SIG-03 Signing by a Corporation](#) and in addition the “Getting it Right” publication provides further information on page 5 and example 4.

Document Example:

An alternative director has signed: Landgate requires a copy of the company constitution (or other evidence) to prove the alternative director has authority to sign.

TRANSFEROR/S SIGN HERE (Note 7)

Executed by Smallgoods Pty Ltd – ACN 999 999 9999

Fred Smallgoods
Fredrick Neale Smallgoods – Director

Kris Cracker
Kristofer Frank Cracker – Alternative Director

Correct execution without a seal by a sole director and sole secretary company

TRANSFEROR/S SIGN HERE (Note 7)

Executed by Smallgoods Pty Ltd – ACN 999 999 9999

Freddy Goods
Fredrick Neale Goods – Sole Director and Sole Secretary

The execution shown below is **not acceptable** as the designation of the person signing is not clear

TRANSFEROR/S SIGN HERE (Note 7)

Executed by Smallgoods Pty Ltd – ACN 999 999 9999

Freddy Goods
Fredrick Neale Goods – Sole Director / Secretary

Check notes:

- Has the document been signed with a seal and has the execution clause been inserted as per the manual?
- Does the name on the common seal and the ACN number shown in the seal match the name and ACN details shown in the document?
- Has the sealing/execution clause been inserted and has the ACN number been included?
- If signed by a “sole director and sole secretary” has this been shown as “sole director and sole secretary”?
- Has the full name of the person/s signing been clearly printed under their signature?
- Has the designation of the person/s signing been included in the execution (e.g. Director)?

- If a company signs a document other than set out in Land Titles Registration Policy and Procedure Guide [SIG-03 Signing by a Corporation](#) (such as by alternative director), proof that the company has signed in the correct manner must be provided at lodgement. A copy of the company constitution or other evidence which provides for the different signing method will be required.

VOI Statements

Verification of Identity Statement forms T1A, T2A, T4A and NMF. It is not acceptable to strike through the VOI Statement that has been integrated within the new forms.

The standard forms must be used if you are providing a VOI Statement on a separate letter head.

A two-page VOI statement should be signed on each page and be page numbered. A two-page VOI statement that is not signed on each page is not acceptable for lodgement.

A separate VOI statement is required for each document that is subject to the VOI practice. For example, an application by personal representative and a transfer lodged together required two separate VOI statements, one for each document.

The address where the identification occurred is required to be included in the VOI Statement. The country where identified is a strict requirement however, the address can also be shown as suburb, town, city, or state if signed in Australia. If signed outside of Australia and the City is shown, the country must also be included. For example, Subiaco, Norwood, Melbourne, Wagga Wagga, or Perth are acceptable, whereas Rome would not be acceptable without showing Italy as the country.

Further information is provided in "[Getting it Right](#)" publication on page 6 and on the Landgate [Verification of Identity](#) webpage.

Amending Documents Prior to Lodgement

Amendments by parties named in the document

The parties to a document can generally make amendments or include additional information in documents, provided the amendment or inclusion is acknowledged by all of the parties.

Minor amendments can be made by the party affected by the amendment/addition rather than by all of the parties to the document. For example, in a transfer document, if the limitation "interests notified on strata plan" was handwritten into the limitations panel, it would be acceptable for the transferee(s) to acknowledge the inclusion. The transferor/s would not be required to acknowledge the change to the document as they are not affected by the inclusion.

The "[Getting it Right](#)" publication provides further information on page 7 and in examples 1 and 2.

Amendments by Solicitors and Settlement Agents

Amendments made prior to lodgement to prevent the issue of requisitions, or after lodgement to comply with requisitions, can, in some instances, be made by Solicitors or Settlement Agents on behalf of their clients.

Generally, amendments **cannot** be made by Solicitors or Settlement Agents where there:

- Are alterations to Lot or to Survey numbers and;
- Is substitution of a completely difference name of a party and/or;
- Is substitution of a completely difference number in the registered number or an encumbrance being discharged or withdrawn (an amendment of no more than 2 number or an addition, deletion or transposition of numbers is acceptable provided that the number being changed is not an encumbrance on that Certificate of Title.

Amendments by Bank Attorneys

Minor amendments that only affect the bank may be made on behalf of a bank attorney, provided the bank attorney making the amendment has a power of attorney registered with Landgate.

Authorised officers of the bank **cannot** make any amendments to mortgage documents.

Any amendment or inclusion should be acknowledged by the attorney by signing the document next to the amendment/inclusion and by including their details by printing their full name, position (if required by the p/a) and the power of attorney number.

Updating the address of the mortgagor shown in a mortgage document can be amended by a bank attorney, however, the bank attorney is required to include their full name, position, and power of attorney to the amendment.

A bank attorney may include the Volume and Folio reference number where the mortgage is being lodged against a newly registered lot on survey.

A bank attorney may also make amendments or inclusions to the limitations panel, where the amendment or inclusion affects the banks interest in the mortgage.

Amendments or inclusions **cannot** be made by bank attorneys where:

- A lot number and/or survey number is written into a land description panel.
- There is any alteration to a lot or survey number.
- There is a substitution of a completely difference name of any person.

Document Examples:

The example below indicates the **correct** method for a bank attorney to acknowledge an amendment to a mortgage document (where the attorney is authorised to make the amendment):

MORTGAGOR (Note 4)	
Kristofer Frank Crackers of 23 Adonis Street, Ascott <i>New of 313 Mad Circle, Ascott</i>	Frederick Goods as attorney for Smallgoods State Bank – P/A 7147893 <i>F Goods</i>
MORTGAGEE (Note 5)	
Smallgoods State Bank of 9000 St. George Street, Perth.	

The following example is **not acceptable** for lodging with Landgate, without the acknowledgement of the parties to the document:

DESCRIPTION OF LAND (Note 1)	EXTENT	VOLUME	FOLIO
Lot 123 on Deposited Plan <i>789654</i>	Whole		

The following example is **acceptable** for lodgement with Landgate as the mortgagor has acknowledged the inclusion of the deposited plan number. **Note:** The bank attorney may include a new Volume and Folio reference for lots the subject of new subdivisions, the bank attorney stamp must be included:

DESCRIPTION OF LAND (Note 1)	EXTENT	VOLUME	FOLIO
Lot 123 on Deposited Plan 789654 KC <i>SS</i>	Whole	3333	123

Frederick Goods as attorney for Smallgoods
State Bank - P/A 7147893
F Goods

Check notes:

- Has an amendment to a document been acknowledged by the parties to the document? Any amendment to be initialled by the parties to the document.
- If an amendment has been made by a solicitor or settlement agent, ensure the authority stamp or letter of authority is included. The amendment or addition should also be signed by the solicitor or settlement agent on the document where the amendment/inclusion is shown.
- If there is an amendment to a mortgage document by a bank attorney, has the bank attorney included their full name, position and a p/a number on the document and signed the amendment/inclusion, refer to example above?
- Does the amendment/inclusion need to be noted by Revenue WA?
- Amendments/inclusions to land descriptions cannot be authorised by Solicitors, Settlement Agents, or Bank Attorneys.

Lodging a Series of Related Documents with Multiple Lodging Parties

Joint lodgement of documents occurred when two or more participating parties jointly presented their separate documents to form part of the one case. Each party to the case made payment for the documents they personally lodged and received their own (separate) receipt.

Recent statistics have shown that less than 2% of all documents lodged over formed part of a joint lodgement.

From 1 September 2015, joint lodgement of documents will no longer be available. Documents that form part of a case will need to be lodged by one lodging party who pays the registration fees for all the documents and is issued with one receipt that covers all the documents. Most documents that form part of a case are already lodged by one lodging party (e.g. a bank who is lodging a mortgage to follow a transfer of land document).

In the situation where several lodging parties want their documents over the same title to form part of the one case but wish to lodge and pay for their documents separately, the Registrar of Tiles has approved the following procedure that will achieve an outcome similar to joint lodgement:

1. All lodging parties wanting to lodge documents over the same title(s) as part of a single series/case need to liaise together and mark each document, in the bottom right hand corner of the lodging panel, to indicate the order e.g. 1/3, 1/3, 3/3.
2. They are all to line up at the same Document Lodgement queue at a Landgate counter in the order they have agreed upon in Step 1, and as marked on the documents. Follower letters, where relevant, will not be required if this step is followed.
3. Landgate will lodge and receipt each document separately, and the documents will all undergo the usual internal processing path.

The above-mentioned procedures will not require any changes to the way Customer Service staff lodge documents. However, they will place lodgement receipts in specified issuing boxes on request. The individual lodging parties do not need to inform Customer Service staff of their intention to lodge a series of documents to form a case. The Registration System will identify all of the unregistered documents that have been lodged against the same title at the examination stage.

The document examination process will amalgamate all of the documents numbered as part of a series into once case and process them all together.

If any document in the series/case is requisitioned, the lodging parties of the other documents in the case will also receive a requisition notice.

Lodgement Acceptability Checklist

Components	Yes	No
Lodging party		
- Name and address		
- Phone number		
- Fax number		
Items received panel (must be completed by customer)		
- Lists all accompanying evidence inside the document		
Revenue WA stamping		
- Certificate of Stamp Duty enclosed		
- Land Description, Parties, Shares & Tenancy		
- Cash register imprint on document		
Prepared document		
- All panels within the document completed		
- Address of Transferee and Mortgagor match		
- "White out" has not been used		
- Original document, photocopy not acceptable		
- Operative Clause present		
Consideration Panel		
- Consideration panel completed; "NIL" is not acceptable		
Verification of Identity		
- Verification of Identity Statement enclosed		
- Incorporated Verification of Identity Statement completed in the T1A, T2A, T4A, NMF		
- Self-represented Party Statement enclosed		
Documents that require VOI – T1, T2, T4, NMR, A1, A2, A2a, A5, A7 & P1		
EXECUTION OF DOCUMENTS		
Documents can be executed in the following ways:		
- A natural Person		
- A Company		
- Under Power of Attorney		
- Foreign Company		
- Other		
Original signatures required		
Witness		
- All signature to be independently witnessed, unless Company executing document		
- Witnesses to Statutory Declaration under the <i>Oaths, Affidavits and Statutory Declarations Act 2005</i> are required to be qualified		

Components	Yes	No
Fees		
- Registration fees		
- Production fee		
- Extra fees		

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