

APP-01 Applications

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1 General

An application is merely a request, addressed to the Commissioner or Registrar, asking that some desired discretion be exercised. An application, by itself, is of little value. It is the evidence supplied, either by statutory declaration setting out the facts, or by being produced with, or as annexures to a statutory declaration, which determines whether or not the application will be successful. An application must be signed by the applicant or each of them if more than one. A witness to the signature(s) of the applicant(s) is required.

2 Effect of Applications

An application is made usually to effect some change in the Register. The duplicate certificate of title (if any) must be produced where land is concerned. In other cases, e.g. an application to amend a mortgage or lease, production of the duplicate certificate of title (if any) is not essential although it is desirable. After examination of the application and compliance with any requisitions made, the necessary changes are made in the Register.

3 Forms

There are application forms available for use at <https://www0.landgate.wa.gov.au/for-individuals/forms-and-fees/land-titling-forms>.

4 General Requirements

Each application submitted for approval must show:

- a full, correct description of the land sought to be affected

- a full, correct name and address of the applicant and, where necessary, the capacity in which he or she is acting, and

- where a blank application is being used the nature of the application set out concisely. The change required should be set out showing the current information on the title, and the new information. For example, an application to amend a name should be set out as to have the name, shown on the title to the above land as Allan Smith amended to show Alan Frederick Smith.

5 Presentation of Evidence

All statements supplied in support of an application must be in the form of a statutory declaration made under the provisions of the Oaths, Affidavits and Statutory Declarations Act 2005 (WA) (OASD Act). Statements presented in the form of an affidavit are not acceptable.
