DOC-02 Parties to Documents - name and address requirements

Version 2 - 19/06/2019

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1 General

Landgate, to support its guarantee of title, must be sure that the person selling, mortgaging or otherwise dealing with the land in a title is indeed the person shown as the registered proprietor. In its simplest form, for documents such as mortgages, leases, applications, etc. the identity check is the comparison of the name and address shown on the document with the name and address shown on the title.

2 Name

The name of a person dealing with land must coincide with the name of the registered proprietor or a satisfactory explanation of the difference provided. Amendment of the document and/or amendment to the name in the Register will be required where the document shows that:

- a name has been added to or omitted from the proprietor’s name

- the order of names is different

- there is a difference in spelling in the name or names

- the signature of the proprietor indicates another name

- a female has been married since first becoming registered proprietor

- a person has changed name by repute or usage

- a person has changed name by application to the Registrar of Births, Deaths and Marriages
- a person has changed name by Deed Poll or Licence to Change Name, or
- a female wishes to revert to the use of her maiden name.

However, there are important exceptions to these rules.

3 Non Anglicised Names

Landgate follows the anglicised conventions in names, endorsing the surname after the given names and (usually) showing the same surname for married couples. Should a person not wish to use their partner’s name after marriage, they do not have to do so. Additionally, after marriage each partner can adopt a hyphenated combination of their surnames in either order.

In the interests of consistency, the Registrar will use the same naming convention for all names but realises the difficulties faced by persons from cultures where the use of a variety of names is both custom and legal. Only the true and correct legal name should be shown on the Register; endorsements including characters such as “@” to indicate “also known as” or “S/O” or “D/O” to indicate “son of” or “daughter of” will not be shown on the title.

The Land Titles Registry requires a Family name to be shown for each party to the document; the Given names field is optional. If a person has one or two given names and no surname, the given name(s) will need to be shown in the Family name field only. The Given name field can be left blank.

Document preparing parties can assist the Registrar to maintain accurate records by underlining the surname in non-anglicised names in documents for lodgement, particularly for transferees in Transfers of Land.

1 [Section 3 updated on 19/06/2019]

4 Corporation Names

The Corporations Act 2001 provides (among other things) for the allocation to each corporation registered, or to be registered, a distinct registration number.

On the first occasion that the name of a corporation is shown in a document, its registered Australian Company Number (A.C.N.) must also be shown. The A.C.N. must also be shown in the common seal. It is not necessary to show the A.C.N. in the sealing clause where the common seal has been affixed.

If a corporation executes a document without using the common seal, the A.C.N. must be shown in the sealing clause.

On 29th May 2000 the Corporations Regulations were amended to include the use of the Australian Business Number (A.B.N.).

The new regulations modify the law only to the extent that if a corporation has an A.B.N., it may use the A.B.N. with its company name in place of its A.C.N. on documents and negotiable instruments, provided that:

- the A.B.N. includes the company’s A.C.N. as the last nine digits
and

- the quotation of the A.B.N. is effected in the same manner in which quotation of the A.C.N. would normally occur, e.g. with the company name where it first appears in the document.

The corporation’s common seal must still show the A.C.N. Where a corporation does not have a common seal or does not use a common seal to execute documents (see s.127 of the Corporations Act 2001), their attestation clause can show their A.B.N. where it meets the requirement outlined in the first dot point above.

Corporations registered under State legislation, such as Building Societies and Credit Unions were also allocated a number, called an Australian Registered Body Number (A.R.B.N.), if they wished to operate out of their State of registration. The effect of the law is that any document at Landgate showing as a party a corporation registered in another State must show after the name its A.R.B.N. number. The number should be shown in the attestation clause but not in the common seal.

5 Addresses and Address Requirements

The present address of the parties to a document must be shown. Where a person dealing with land (for instance, by entering into a lease) has changed address, the present address should be shown followed by the former address. For example:

"A of (present address) formerly of (previous address)."

As the address shown on the title is used for the service of notices, every effort should be made to ensure the accuracy of the information given. Landgate will accept any alteration of address authenticated by the person whose address it is or the agent, solicitor or banker of that person.

Two addresses should not be given for any person. The address of a corporation is the address of the registered office of that corporation.

When preparing a transfer, it is acceptable to show the new or proposed address of the transferee (purchaser), thus ensuring that any following notices are received.

5.1 On 12 May 2016, Landgate made changes to address requirements for Western Australia’s land registry forms

Landgate uses AS 4590 – 2006 Address Standards for recording addresses for statutory and commercial purposes.

It is strongly recommended that Conveyancers comply with the following basic rules from AS 4590 when entering addresses onto Western Australia’s land registry forms.

These addresses are provided to Landgate within title dealings – in both paper and electronic formats - to enter onto the Register to be primarily used for the service of any notices required to be sent to the registered proprietors.

Following these standards will significantly increase the efficiency of processing paper-based title dealings, reduce delays and assist in accurate delivery of important notices to registered proprietors. When in doubt, the format returned by the Landgate Address Verification Service, where applicable, should be used.
5.2 AS4590 – 2006 Address Standards

Punctuation

Unless specifically part of the address, such as a hyphen in a range of numbers (e.g. 17-18), punctuation, including commas and full stops, should not be captured in address information.

Acceptable format: 1 Midland Square MIDLAND WA 6056

Post Office Box

Post Office Box information should be shown in an abbreviated format and capitalised. Private Mail Bag Service should be shown as ‘PRIVATE BAG’ and General Post Office Box should be shown as ‘GPO BOX’.

Acceptable format: PO BOX 2222 MIDLAND WA 6936

Care of

In Australia, ‘Care of’ is used where a letter etc. is to be delivered and entrusted to another person or company.

Consequently, ‘Care of’ should only be used on land transaction forms when immediately followed by the name of a person or company. References to ‘Care of’ should be listed in full (not as C/-).

Acceptable format: Care of Joe Citizen of PO BOX 2222 MIDLAND WA 6936

Street addresses

Street names, types, suffixes, prefixes and directional indicators should be shown in full, generally without punctuation.

Acceptable formats:
- Sixth Avenue MOUNT LAWLEY WA 6050 (not 1 6th Ave MT LAWLEY)
- Cottonwood Place O’CONNOR WA 6163 (not 7 Cottonwood Place O’CONNOR)
- Chandler Avenue East FLOREAT WA 6014 (not 3 Chandler Avenue E FLOREAT)
- Kulin-Lake Grace Road NORTH LAKE GRACE WA 6353 (not 6153 Kulin Lake Grace Rd (NTH LAKE GRACE)

Please note that both Unit 1 79, 1/79 and Unit 1, 79 Second Avenue MOUNT LAWLEY WA 6050 are all acceptable.

Suburbs, localities and cities

Suburbs and localities are to be fully spelled out and capitalised (e.g. ‘MOUNT’), except that ST shall be used for SAINT).

Acceptable formats:
- City Road MOUNT HAWTHORN WA 6016
- Victoria Street ST JAMES WA 6102
States and postcodes

For Australian addresses, the state/territory and postcode (capitalised, abbreviated and without punctuation) are to be included.

State abbreviations should be depicted as shown in the following table:

<table>
<thead>
<tr>
<th>State/Territory</th>
<th>State Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>Australian Capital Territory</td>
<td>ACT</td>
</tr>
<tr>
<td>New South Wales</td>
<td>NSW</td>
</tr>
<tr>
<td>Northern Territory</td>
<td>NT</td>
</tr>
<tr>
<td>Queensland</td>
<td>QLD</td>
</tr>
<tr>
<td>South Australia</td>
<td>SA</td>
</tr>
<tr>
<td>Tasmania</td>
<td>TAS</td>
</tr>
<tr>
<td>Victoria</td>
<td>VIC</td>
</tr>
<tr>
<td>Western Australia</td>
<td>WA</td>
</tr>
</tbody>
</table>

Acceptable format: 1 Melbourne Street MELBOURNE VIC 3000

International addresses

The listing of an overseas address is to include the country (capitalised and not abbreviated). Street names, types, suffixes, prefixes and directional indicators should be shown in full, in accordance with local usage, without punctuation.

Acceptable formats:

- Brompton Road LONDON SW1K 7XL UNITED KINGDOM
- Glenwood Drive WESTERVILLE OHIO 43081 UNITED STATES OF AMERICA

Western Australian addresses

Landgate recommends that all Western Australian (not national or international) addresses that are to be entered into the EAS2 system or into legal documents are checked for accuracy and formatting via the Address Verification Service on Landgate’s website.

Only a valid returned address should then be entered into EAS2 or the legal form. The tool contains a follow-up notification for any queries relating to failed addresses.

Please note that this service will soon be enhanced to include the state of ‘WA’ in the resulting address. Please remember to include ‘WA’ in the address until this is implemented.

5.3 Transitional Implementation

The addressing standards described above are intended to apply to all paper land transaction documents in which the address for service of notices is required.

The initial focus will be on capturing the correct and consistent addresses of the transferees in transfer of land documents. In dealing cases where a mortgage follows a transfer, Landgate will apply the address of the transferee to the certificate of title.

From Monday 1 August 2016, Addresses are no longer be required in the mortgagor panel of mortgage forms lodged in paper. However, where addresses are provided they will be accepted
in any format on these forms.

Mortgage documents will not then be sufficient to effect a change of the registered proprietor’s address on a certificate of title. Clients are to be directed to the appropriate form, generally NA1, where necessary.

The current Lodgement Acceptability Check (LAC) will be modified to remove the check of addresses on mortgage documents. It will continue to check that other related documents where addresses are required are consistent.

6 Occupation

6.1 Adults

The occupation of every witness to a document and of every person swearing a statutory declaration is an essential part of his or her description and MUST be stated.

Note: This is not a requirement for electronically lodged documents.

6.2 Minors

In law every person under the age of eighteen years is considered a minor. The date of birth of a minor is an essential part of his or her description and must be shown (s.59 of the TLA). To show a minor, the words 'a minor born the [dd] day of [month], [yyyy]' are added after the name and address of the person.