

DOC-03 Amendment of Documents

Version 2 - 23/05/2018

The information provided in this guide is not intended to amount to legal advice. Professional assistance may be required to determine the most appropriate action to protect your legal rights. Please read our [Terms of Use](#) on the Land Titles Registration policy and procedure guides web page. Landgate accepts no responsibility where parties print this guide and seek to rely on information that is out of date.

1 Amendment of Documents before Lodgement

An omission or error in a document noticed before it is lodged should be corrected and the correction authenticated by the party to the document affected by the correction.

In most instances amendments can be made by solicitors and settlement agents acting on behalf of their clients.

However, there are amendments that cannot be made by solicitors, settlement agents which include:

- Amendments or inclusions to the tenancy shown in the transferee panel of a transfer document.
- Alterations/amendments to the land description
- Substitution of a completely different name of a party
- Deletion of a name from a transferee's panel of a transfer document
- the substitution of a completely different number in the registered number of an encumbrance being discharged or withdrawn (an amendment of no more than 2 numbers or an addition, deletion or transposition of numbers is acceptable provided that the number being changed is not an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).

Where any of the above amendments are required, the written consent of each party affected by the amendment/inclusion will be required. The written consent must clearly indicate the nature of the amendment/inclusion and include the full signatures of the parties to the documents. The completion of a new document will often provide the best solution to amending errors in prepared documents.

Where an authorised amendment is made by a solicitor, settlement agent the amendments made are to be verified by a statement on either the face or back of the document or in an accompanying letter on a letterhead in the following form:

I . . . (insert full name) . . . am the (solicitor / settlement agent) for the transferee / transferor / etc.). I have made or authorised and I have authority to make and to authorise on behalf of such person(s) the amendments(s) (hereon / on the reverse hereof) countersigned by me.

Signed:

Witnessed:

Dated:

2 Amendment of Documents after Lodgement

After a document has been lodged but not yet registered, minor alterations to the document, not being matters of substance affecting the intention of the parties, can be made (at the discretion of the Registrar) on receipt of a request in writing, detailing the alteration to be made.

Written requests to amend will be accepted if the letter of request names the person(s) for whom the author of the letter is acting (who must be the person(s) detrimentally affected by the amendment) and certifies that the authority to make the amendment has been obtained. Such letters will only be accepted from:

- A solicitor or firm of solicitors, in which case the request must be on letterhead paper and signed by the solicitor or a principal of the firm.
- A settlement agent, in which case the request must be on letterhead paper and signed by a principal of the firm.
- A bank or a trustee company on its official stationery and signed by a manager or a nominated senior securities officer.

A private person who is personally affected by the required amendment may also by letter, request the amendment of a document.

Written requests to amend will not be accepted from the party lodging the document where the lodging party is:

- an estate agent or a firm of estate agents

or

- a private person who is not personally affected by the required amendment.

In these cases, the request to amend must be signed by the party to the instrument affected by the required amendment.

3 Patent Errors

The Registrar is empowered to correct patent errors in instruments after they have been lodged for registration. To make a correction the offending words or figures are ruled through so as not to obscure the original words or figures and the correct words or figures are substituted (s.189 of the TLA).

4 Also See

- [Getting it Right brochure](#)
