

# LOD-04 Registration

Version 1 - 12/09/2017

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 Landgate accepts no responsibility where parties print this guide and seek to rely on information that is out of date.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 Overview

Legal estates and interests in land do not pass by the act of the parties signing or executing a legal document but by the official act of registration of that document as set out in s.58 of the Transfer of Land Act 1893 (TLA)]. This occurs when the information contained in the document is entered on the relative certificate of title. Registration is completed by the updating of the Certificate of Title from the information provided in the document and by the placing a stamp with initialling as certification on the document or dealing (as required by s.56 and 57 of the TLA) by Landgate. This process is set out in s.10 of the TLA. The practice of stamping and initially a document or dealing was the practice up until 30 August 2015.

## 2 From 1 September 2015

A seal and initial will is no applied to registered documents. Where provided to our customers, images of registered documents will be marked with 'Completed', and un-registered documents will be marked with 'Subject to Dealing', 'Withdrawn', or 'Rejected' in accordance with their status. A registered document will not have these markings. This approach is supported by legislation.

## 3 How Registration May Be Prevented or Delayed

Registration may be prevented or delayed by:

- lodgement of a caveat
- service of a Property (Seizure and Sale) Order (s.133 of the TLA)
- an order for stay of registration (s.148 of the TLA)
- lodgement of a notice of intention to take or a Taking Order under Part 9 of the Land

Administration Act 1997 (LAA)

- a notice of intention to acquire by the Commonwealth of Australia
- a memorial lodged pursuant to certain statutory provisions prohibiting dealings with the estate and interest of the registered proprietor until withdrawn or until the body lodging the memorial consents in writing to such dealings
- lodgement of a statutory charge
- any order of the Supreme Court directing the Registrar to delay registration of any dealing presented for registration
- creation of Registrar Packet
- creation of Stopper
- an embargo notice issued by virtue of the provisions of the Misuse of Drugs Act, 1981 or the Crimes (Confiscation of Profits) Act 1988

or

- a freezing notice or freezing order issued by virtue of the provisions of the Criminal Property Confiscation Act 2000.

It should be noted that the memoranda for all the above procedures are not shown on the duplicate certificate of title. Preparation of documents from the duplicate certificate should never be attempted without first obtaining an up-to-date search of the original certificate of title from Landgate.

In the case of Supreme Court orders and embargo notices, because they are not shown on the Register, the title for the land becomes subject to what is known as a Registrar's Packet.

Any certificate of title that is subject to a Registrar's Packet continues to form part of the public record and can be searched. It is possible to ascertain why a certificate of title is subject to a Registrar's Packet by ordering a Status Report.

The creation of a Registrar's Packet may, but does not necessarily prevent the lodgement or processing of other transactions for the land in a Certificate of Title that may be the subject of a Registrar's Packet.

## 4 Also see

[- LOD-01 Lodging of Electronic Documents](#)

[- LOD-02 Lodging of Documents](#)

[- LOD-03 Fees and Transfer Duty](#)

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