COT-01 Reading a Certificate of Title

Version 2 - 17/10/2018

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1 Record of Certificate of Title

With a digital register, the computer record (digital data) becomes the certificate of title. A paper printout of what is contained in the digital register for a particular piece of land will be made available to those wishing to search the title. The paper printout (search) of the title is called a Record of Certificate of Title.

A Record of Certificate of Title may, in many respects, look like an actual paper-based certificate of title but it is merely a search or printout of the digital Register.

A Record of Certificate of Title will be printed on plain white A4 photocopy paper. It will only show current information relevant to the title being searched. No sketch for the land, or other interests is shown on the Record of Certificate of Title.

Two main features of a Record of Certificate of Title are:

- Register Number: This is the lot on survey reference for a particular piece of land. It is located in a box at the top right-hand corner.

As an example, the Register Number for Lot 2 on Deposited Plan 123456 would be 2/DP123456. In the case of a Strata Plan, the alpha characters used are SP. A Register Number for a Digital Title is not the same thing as a Certificate of Title Volume and Folio number.

- The Volume and Folio Number: Use this in all search and documentation. Do not use the Register Number.

2 Duplicate edition
A digital title only contains current information, therefore every transaction (with some exceptions) results in the creation of a new edition of the duplicate certificate of title (if required). The Duplicate Edition panel indicates the number of times a new duplicate certificate of title has been issued. Where a digital duplicate title has not yet been issued, the ‘Edition’ panel may show “N/A”, as no digital duplicate has been issued as yet. This panel is located in a box immediately under the Register Number. Where a duplicate title has issued and then requested to not issue, there may be an edition number (to indicate the last edition issued). Where a title is “NDI” (meaning a non-issue title) a note is added to the ‘statement’ section at the bottom of the title stating ‘Duplicate certificate of title not issued as requested by dealing .......’. ¹

¹[Paragraph updated on 17/10/2018]

This note should not be confused with ‘Dup not produced for document .....’ when a document was processed without the production of the duplicate title.

Note: When a duplicate certificate of title is lodged with a dealing, settlement agent’s etc. must ensure that the duplicate title they receive prior settlement is the correct (latest) edition. In other words, the duplicate edition number as shown on the duplicate certificate of title must be the same number as that shown on the current Record of Certificate of Title. Superseded duplicates, if in the possession of Landgate, will be destroyed.

3 Date duplicate issued

The Date Duplicate Issued panel indicates the registration date when the current edition of the duplicate was issued. This panel is located in a box immediately under the Register Number. In some cases, this may show "N/A" where a duplicate has not been issued as yet.

4 Land description

In the digital register the land description for a piece of land has been simplified to show only the Lot on Survey information. Interests previously shown in the land description (like depth limits etc.) are now shown in the Limitations, Interests, Encumbrances and Notifications section.

5 Registered Proprietor (First Schedule)

The ownership particulars disclosed in the Registered Proprietor section is an aggregation of the current ownership. It is not necessary to look at a number of endorsements (as in the case of some paper titles) to ascertain the current proprietorship of the land.

The reference to the document number and registration date in the first schedule is the last dealing affecting the current ownership. Any other dealings affecting current ownership lodged previously will be shown in the Historical Database.

6 Limitations, Interests, Encumbrances and Notifications (Second Schedule)

All interests previously shown in the land description and second schedule of a paper title are now
shown in this section. Other notations affecting the land formerly shown on a paper title are now also included in the second schedule. Some of these interests are as follows:

- Reference to the reservations, conditions and depth limits contained in the original grant, but not the specifics of the reservations, conditions and depth limits themselves.

- Easements that benefit and/or burden the land.

- Less Portion Resumed or Less Portion Dedicated notations that were formerly shown on the sketch of a paper title.

- Any other encumbrances etc. that were formerly shown in the second schedule of an original (paper) title.

and

- Crown Grants in Trust.

Notifications, interest and encumbrances that do not require the production of the duplicate title to be registered will not show on the duplicate title. These include things like Memorials and Caveats.²

²[New paragraph added on 17/10/2018]

The endorsements in the Second Schedule can be divided into what is known as Prime and Sub-endorsements. Prime endorsements are things like mortgages, charges and leases. Sub-endorsements are those affecting a prime endorsement.

If for example, a mortgage has been extended, the mortgage becomes the prime endorsement and the extension is the sub-endorsement. Sub-endorsements are shown directly under (indented) the prime endorsement, without regard to document number or date registered (i.e. documents are now not necessarily shown in registration order.)

The last sub-endorsement affecting the proprietorship will show the outcome of previous endorsements affecting the proprietorship of the prime endorsement. This means that you only need to search the last sub-endorsement to ascertain the total position in respect to the prime Limitation, Interest, Encumbrance or Notification.

Note: The endorsement "This Edition was Issued Pursuant to Section 75 of the TLA" is not required to be shown in documents lodged for registration. An asterisk preceding an endorsement indicates that the notation or endorsement following is not shown on the current edition of the duplicate certificate of title (if any).

7 Statements

This is additional information provided that is not guaranteed by the government. It is information relevant to the land, but not (in most cases) previously available on the paper title. Statements appear toward the bottom of the Record of Certificate of Title after the words:

"—END OF CERTIFICATE OF TITLE—."
- the previous title for the land
- the property street address of the land (or in some cases, no street address information available)
- the local government for the land
- the responsible agency (crown titles and freehold certificates of title for land held by the State of Western Australia, Commonwealth of Australia or instrumentality, authority or agency representing the State or Commonwealth)

and

- any Notes. This section contains any other recording of information that does not fit into the previous categories. Notes do not form part of the title. It is used as the electronic means to replace the old practice of making pencil notations on the paper original title. Notes include the following information:
  - ending surveys (previously noted in the top right-hand corner of the paper original title)
  - lodged dealing where the title is subject to dealing
  - no duplicate issued information
  - lapsed s.138D caveats.

The Notes section does not appear on the duplicate certificate of title (if any).