REG-03 Searching the Register

Version 1 - 07/03/2019

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1 Why Search?

Searching the title register will confirm the registered true ownership of property and will reveal other registered and lodged interests that may be recorded on the original land title. A search of an original Certificate of Title provides a copy of the original land title which is noted as a “Record of Certificate of Title”.

Location information and/or dimensions of properties can be obtained by searching the survey for the land. The survey may be a diagram, plan, deposited plan, strata plan, survey-strata plan or a combination of these surveys, which can confirm the measurements, area and spatial extent of the land.

Another important reason to obtain the Record of Certificate of Title (and not to rely on looking at a paper duplicate title) is the fact that some limitations, interests, encumbrances and notifications are only ever recorded on the original title. This means checking a paper duplicate title (where issued) may not reveal all limitations, interests, encumbrances and notifications that are recorded against the land.

For example, the following types of limitations, interests, encumbrances and notifications are only recorded on the original title held by Landgate:

- Caveats
- Property Seizure and Sale Orders
- Notifications in general
- Notices of Intention to Take/Resume land
- Memorials – various types
- Trusts created on original Crown Grants not yet removed
- Documents lodged but not yet recorded on the original land title
- If there is a paper duplicate Certificate of Title issued

Some of these limitations, interests and encumbrances, that are only recorded on the original title,
may prevent the registration of changes to ownership and/or the registration of other interests on a Certificate of Title. For this reason, it is recommended that a current version of the Record of Certificate of Title be obtained from Landgate.

In the case of strata titles, the title for the strata lot together with the strata/survey-strata plan should be searched as not all encumbrances affecting the strata lot and common property are shown on the Certificate of Title. The strata/survey-strata plan may be subject to other interests such as easements, changes to by-laws, amendment of unit entitlement, restrictions as to the use of common property or other notations, endorsements and interests that lot owners and prospective lot owners should be aware of.

Not all interests that affect land can be recorded on a land title, so persons requiring further, more complete land information, may wish to consider a search of the Property Interest Report “PIR” and other land information reports available from Landgate, as discussed in section 7 below.

### 2 What May Be Searched?

The land titles register is an open, public searchable register created under the Transfer of Land Act 1893. The land title indexes enable the public and professionals to search the land title register and obtain information about property ownership.

Generally, all land titles, Crown leases, surveys and documents forming part of the land register, such as transfers, mortgages, easements and caveats are available for searching. This includes all the current information that is only shown on an original title and all historical records that also form part of the land title register.

Most of the information is now available in digital format and can be obtained online through Landgate’s self-service applications.

The prior consent of the Principal Consultant Title Dealings will be required before any information can be obtained for documentation that is associated with:

- Applications to bring land under the TLA
- Documents in Registrars Packets that are subject to Court injunctions;

Land information obtainable by searching the land title, survey and documents, may not necessarily provide all interests that may be associated with a land parcel. Persons wishing to obtain comprehensive property information may wish to seek further information such as the land information reports that are discussed in section 7.

### 3 Fees Payable to Obtain Information

There are fees payable to obtain or search the information maintained by Landgate. The fee payable is set by regulation and are prescribed in the Transfer of Land Act General Regulations. In most instances, information cannot be provided without payment of the prescribed fee.

Information that is obtained from searching titles, documents and surveys cannot be provided verbally or by email enquiry where there are regulated fees payable to access the information being sought.
The regulated fee payable to obtain information may be paid by the following methods:

- Cash
- EFT OS
- Credit or Debit Card (Visa or MasterCard only)
- Cheque made payable to “Landgate”
- Money Order
- By Landgate account for registered account holders

If paying by cheque or money order, please ensure that the payee is ‘Landgate’ and include a reference (i.e. document number if known) with your correspondence.

Payments can be posted to:

Landgate Customer Service

PO Box 2222 Midland WA 6936

4 Opening Times to Obtain Information at a Landgate Office

Landgate’s official inspection times for searching the records at a Landgate office are set by the Transfer of Land Act General Regulations, as set out in section 239 (1) Transfer of Land Act.

The current inspection times are 8.30 am to 4.30pm Monday to Friday.

Click here to obtain TLA General Regulations

In most instances a search is provided in the form of a copy or print of the digital information, scanned original document, certificate or survey. Where available, the original paper title, document or survey can be physically searched however this service is only provided where a search of the original documentation is absolutely necessary (in order to preserve the original documentation).

Original paper land titles, documents and surveys are stored offsite from all Landgate offices and searches of original documentation (where available) is only available by request. This service is not available to walk in customers due to the fact original documentation is stored offsite.

Online searching is available, generally around the clock, refer to section 8 below, for further information.

5 What Information do I need to obtain Searches

Land title and associate documents may be obtained by providing the following types of information:

- street address
- title reference using a Volume and Folio number
- identifying the location on a map
- Survey reference and lot number
- the name of the land owner/s – note: the person requesting search information by the
name of an owner/interest holder must be identified before a search can be conducted. Personal identification to satisfy 100-point ID standard must be provided prior to searching any records by the owner’s name only. This search method can only be used by registered online users or by personal attendance to a Landgate office.

Note: An owner can apply to have their name suppressed from the name searching indexes. A successful name suppression application will not change a record in the land titles register. It will however, remove the details associated with a suppressed name from name searching indices and from dataset/data extracts administered by Landgate. Name suppression prevents enquirers from using name information (by itself) as a starting point for a property search.

6 Land Information Reports Available

Landgate collects a myriad of land information and then packages this information to create a number of different land information reports. The following land information reports can be provided:

Property Interest Report

The Property Interest Report “PIR” provides information relating to land that is not available by searching a land title. The PIR report gathers interest information from multiple government bodies and private organisations in Western Australia and consolidates that information into a single report. This report will show interests that do and do not affect the property.

This PIR only serves as a guide to interests that relate to this property not recorded on the Certificate of Title. Landgate does not have access to all interest information that affects property in Western Australia. There may be other interests that relate to the property, where that information is currently not available to Landgate.

A sample PIR can be obtained here and click here for further PIR information

Other Online Reports available

- Suburb reports. This is a suburb sales report that lists the sales history of properties sold in a suburb with selling price, address, land size, bedrooms and bathrooms and build date details.
- Single address reports. There are two reports to choose from, a simple sales history listing for a single property address, or the PIR report.
- Land valuations. Information on gross rental values and unimproved land valuations made by the Valuer-General for rating and taxing.
- Street reports. A street sales report shows sales history and property particulars for houses, apartments and vacant land sold in a selected street.
- Market trends. If you're interested in weekly updates on property sales and median house prices, take a look at our market trends details page.

Click here to access the property reports page

7 Searching Online

Landgate provides an online searching option for all customers via Land Enquiry Services.
If you are seeking a title search, a plan or a related document, you can obtain a copy online if you know one of the basic search criteria of the property such as an address or document number. Click here to order and search products by street address

Land Enquiry Services provides the ability to order and search the following:

- Certificate of title
- Registration (associated) documents
- Plans – freehold and crown diagrams and plans
- Strata/Survey – strata plans
- Check searches

Searches can be accessed by:

- Name
- Address
- Parcel identifier (lot and plan details)
- Crown allotment
- Certificate of title volume and folio reference
- Reserve name/number

Click here to register for a MyLandgate account

Indexes and Information accessible to MyLandgate account holders only

Name Index

This is an index of names of people (including companies and other bodies capable of owning land) who are registered as proprietors of land. This index also provides records of caveator’s, who have lodged caveats claiming an interest as a purchaser, (for caveats lodged since 11 October 1982) linked to a current certificate of title number.

Survey/Lot Index

This index provides information on registered surveys including diagrams, plans, deposited plans, strata plans, or survey-strata plans. The index references the title number and also links to a spatial view.

Crown Allotment Index

This is an index of locations and lots that have a Crown land identity linked to a historical certificate of title reference. This index also contains the Crown Grant/historical certificate of title number for every Crown location or lot which has been sold by the Crown.

Check Search

This enables persons (such as conveyancers), immediately prior to the settlement of a dealing on a land parcel, to check whether there has been any action on the certificate of title since the initial title search was obtained (when ordered to commence preparation of documentation).

Check Search results can be viewed online for account holders.

Sales Evidence Index

This provides current and historical (from March 1986) sales transaction details for either
individuals, companies, streets and suburbs (within the metropolitan area), map sheets and surveys.

Reserves Index

This is an index which provides reserve management and status details.

Powers of Attorney Index

The Power of Attorney index (including Enduring Powers of Attorney) provides details of powers of attorney deposited with Landgate which are indexed by the donor’s name, attorney's name and by power of attorney number. This index may also provide details of powers of attorneys that have not been deposited with Landgate but have been revoked before they have been deposited.

Issuing Enquiry

This will allow a client to enquire as to the last issuing details for a duplicate title and/or duplicate document;

8 Subject to Dealing Searches

When there is action to create an interest/encumbrance or there are notations to be made on a land title and the title is awaiting updating, the title is given the status of “subject to dealing”. This includes all updates being created by a sundry document, which is created inhouse by Landgate to include notes in the statement section of the record of Certificate of Title.

Where a title that is subject to dealing is ordered for a search, the search copy will be notated with the words “subject to dealing”. This is a warning to persons searching, that the title may not be a complete up to date copy.

The dealing (document/s) that have created the “subject to dealing” warning can be made available, upon request, by ordering a dealing search. The usual document searching fees will be payable for any dealing (document) search.

Documents that are obtained as a “subject to dealing” search, may or may not be registered. Persons searching such documents must bear in mind that the subject to dealing documents may be rejected, withdrawn from registration and/or registered in an amended format.

[Click for a subject to dealing request form]

9 Certified Copies of Original Titles, Documents and Surveys

Certified copies of Certificates of Title, documents, survey plans (including diagrams, plans, deposited plans, strata and survey strata plans), Crown surveys registered, deposited or lodged under the Transfer of Land Act or the Registration of Deeds Act, may be obtained following payment of the prescribed fee.

Requests for certified copies are required to be made in writing. The quickest and easiest way to order a certified copy is to fill out and return a completed certified copy request form, which includes costs and provides payment options. [Click here for a certified copy request form]

As certified copies can take time to prepare, usually a minimum of four working days must be given
to ensure the certified copy can be made available as requested. Persons requiring certified copies for Court purposes should make sure their request for a certified copy is provided to Landgate well in advance of the Court date.

10 Check Search

A check search is available to find out if any action has occurred on a land title within a 3-month window, from the date the title was first obtained as a full search. The fee to obtain a check search is less than the fee payable for a full title search.

For example, if a full land title search was obtained on 1 January 2019 and you want to check what actions may have occurred between 1 January 2019 and 1 March 2019, a check search may be requested.

The check search will provide a list of any documents or actions lodged and/or recorded against the land title in any 3-month period. Should action be noted on the check search, further searches should be undertaken to ensure the information being considered is current and up to date.

The check search option is available online to Landgate account customers or by clicking here for the check search order form.

11 Mineral Rights and Depth Limits

11.1 General Information

All Crown Grants which were issued in WA from the first settlement to 31 December 1898 contained a reservation to the Crown (State Government) of all gold, silver and precious metals in or upon the land comprised in the land grant.

All other minerals in these grants then became the property of the land-owner, who may mine them or grant mining rights to other parties.

All Crown Grants issued subsequent to 1 January 1899 reserve all minerals to the Crown, and a mining tenement must be obtained under the Mining Act 1978 before the commencement of any mining operations on such land.

Prior to 1 January 1898, no depth limits were expressed in Crown Grants. In December 1897, acting to address concerns expressed about the extent of mineral rights potentially lost to the State through this practice, Cabinet decided to impose depth limits on all future grants.

A notice was then published in the Government Gazette of 14 January 1898 limiting the depth of Crown Grants within the Goldfields and Mining Districts to 20 feet. Depth limits were varied from then on, as outlined below.

Section 117 of the Mining Act 1904 subsequently provided that -

- gold, silver and other precious metals on or below the surface of all land in Western Australia, whether alienated or not alienated from the Crown, and if alienated whenever alienated, are the property of the Crown; and
- all other minerals on or below the surface of any land in Western Australia which was not
alienated in fee simple from the Crown before 1 January 1899, are the property of the Crown.

The following information summarises mineral reservations and depth limits in successive Land legislation and Crown Grants.

PRIOR TO 1 JANUARY 1899

Prior to 1 January 1899, Crown land in Western Australia was disposed of pursuant to a succession of Land Regulations. The forms to be used for Crown Grants were specified in the regulations and varied from time to time.

Clauses 16 and 17 of the 1887 regulations provided that -

- all Crown Grants must contain a reservation to the Crown of all gold, silver and other precious metals in or under land the subject of each grant; and
- the Governor could, in addition to the above reservations, reserve in Crown Grants alluvial metals, inferior metals, gems and jewels.

There were provisions in the Land Regulations 1887 relating to minerals lands, but these were repealed by the Mineral Lands Act 1892.

The 1887 regulations and associated forms made no reference to depth limitations in Crown Grants, nor were there references to reserving water rights to the Crown.

FROM 1 JANUARY 1899 to 6 MARCH 1934

The Land Act 1898 came into effect 1 January 1899 and repealed the pre-existing Land Regulations.

Section 15 of the Act provided that henceforth -

- all Crown Grants must contain a reservation to the State of all gold, silver, copper, tin, or other metals, ore, mineral or other substances containing metals and all gems or precious stones, and coal, or mineral oil, and all phosphatic substances in or upon the land;
- Crown Grants may be issued to a limited depth, reserving to the Crown all land below such depth; and
- grantees of land nevertheless had the right to all wells and springs on such land, and to bore and sink wells to any depth, for water.

The Act prescribed forms to be used for Crown Grants.

Regulations published in the Gazette of 17 March 1899 (effective from 1 January 1899) specified the following depths:

- within Goldfields and Mining Districts - 40 feet
- all other lands - 2000 feet

The Regulations were amended in the Gazette of March 1906 (effective from 1 January 1907) as follows:

- within Goldfields and Mining Districts - 40 feet
- all other lands - 200 feet
FROM 6 MARCH 1934 TO 30 MARCH 1998

The Land Act 1933 commenced on 6 March 1934 and repealed the 1898 Act. Section 15 of the 1933 Act contained provisions in relation to mineral reservations, depth limitations and water rights in Crown Grants which were very similar to those in Section 15 of the 1898 Act. However, water rights were expressed to be subject to the provisions of the Rights in Water and Irrigations Act 1914.

Section 8 of the Rights in Water and Irrigations Act 1914 vests in the Crown the right to the use and flow, and the control of the water at any time in any water-course, lake, lagoon, swamp, marsh or spring.

“Spring” is defined by Section 2 of the Act as meaning a spring of water naturally rising to and flowing over the surface of the land. In 1984 the Act was amended by insertion of Section 26, extending the Crown’s rights to underground sources of water.

The Land Act 1933 prescribed forms to be used for Crown Grants as per the second and third schedule of the Act. These forms of Crown Grant could be and were modified from time to time by regulation.

The Land Regulations 1934, as gazetted on 2 March 1934, provided in clause 15 for depth limits as follows:

- within Goldfields and Mining Districts - 40 feet
- all other lands - 200 feet
- or such other depths, in special cases, as the Minister in his discretion may direct.

FROM 30 MARCH 1998 TO THE PRESENT

The Land Administration Act 1997 commenced on 30 March 1998 and replaced the Land Act 1933.

While section 74(1)(g) of the Land Administration Act 1997 empowers the Minister to sell Crown land subject to reservations, there is no specific provision in relation to depth restrictions. The Act was drafted in this way because it had been determined that depth limits are no longer required, as:

- section 9 of the Mining Act 1978 reserves to the State all mineral rights previously secured by section 117 of the Mining Act 1904; and
- section 24 of the Land Administration Act 1997 reserve all minerals and petroleum to the Crown, when Crown land is disposed of in fee simple

Crown Grants are no longer used. Disposals of Crown land are now effected by transfers under the Transfer of Land Act 1893, from Crown land titles to fee simple Certificates of Title.

Purchasers of Crown land now receive ownership to unlimited depths.

Searching Information

Crown Grants issued prior to 1 July 1875 are filed in the Deeds Office and may be located by reference to the Land Index of the deed’s office.

To search Crown Grants issued after 1 July 1875, references to titles/grants are found by searching using the Crown Allotment reference.
The Crown Allotment reference provided by the Crown Allotment index is usually the volume and folio reference to a Crown Grant. However, for a limited number of Crown Grants issued between 1875 and 1920, the reference provided, may be a reference to a town or country grant (and not a Crown Grant volume and folio reference). Copies of these grants are also available.

Persons searching and having ascertained the reservations in the Crown Grant, should consider the relevance of the depth limit (if any) also shown in the Crown Grant and the effect of other legislation such as the Mining Act 1978. A registered proprietor may also, by reservation in a transfer, sell the land but retain specified mineral rights.

Crown Grants created and registered in the name of the Commonwealth of Australia do not contain any mineral reservations. It is customary, should the Commonwealth dispose of the land, for the transfer effecting the sale to contain the same mineral reservations as contained in the normal Crown Grant. Following the registration of the transfer the Commonwealth can then transfer to the Crown (the State Government) the mineral rights so reserved.

With the introduction of the LAA no mineral reservations are shown on the Crown land title or the first freehold Certificate of Title created and registered upon the sale of Crown land.

Mineral and petroleum rights are no longer shown because they are adequately provided for under s.24 of the LAA and the relevant sections of the Mining Act 1978, the Petroleum Act 1967 and the Petroleum (Submerged Lands) Act 1982.

Depth limitations are not included in the land description of the Crown land title or the first freehold Certificate of Title created and registered upon the sale of Crown land.

12 Historical Searches

Landgate is one of the oldest State Government agencies. It was originally known as The Survey Office of Western Australia and created as early as 1829. We hold valuable State archives of historic titles, maps, charts, survey plans and an array of other historic records that date back to the first colonisation of the Swan River Settlement.

Historical records can provide:

- ex-owner details and sales records
- historic titles from 1875 (Torrens system)
- detailed reports, including 'chain of title' searches
- cancelled titles and public plans
- historic maps with land tenure
- crown surveys, leases and registers.

Historical records are useful for:

- searching your own family history
- researching past ownership of a property
- finding sales history of a property
- discovering past land use for development or environmental studies
- understanding changes in land tenure or cadastral boundaries over time.

Searching Paper Certificates of Title
Historical information can be obtained from Landgate upon payment of the prescribed fee for this service.

Paper Certificates of Title list previous title numbers in the top left hand corner of a title, so persons conducting their own historical searches can obtain previous title references and searches by ordering the titles successively listed at the top of the left-hand side of paper titles.

The first freehold title issued will be noted as a Crown Grant, Crown land title or bears the endorsement on the top left hand side O.G., Crown Grant or the reference to a memorial (e.g. bkXII-123). Where the earliest reference shown in the top left hand corner of a paper title refers to a memorial book, previous land dealings recorded may be obtained by continuing the search in the Deeds Office.

Notice should be taken of any change in Crown Lot or Location numbers for the land in question, if there is a change to lot number or location is indicated, then a search of that amended lot or location should be considered.

Searching Digital Certificates of Title

Unlike paper Certificates of Titles, the digital title system does not retain an image of a previous version of a digital title, so it is not possible to source historical information from previous versions of titles.

To obtain history for a digital title, a digital history listing document can be obtained.

A digital history list shows any transaction that has occurred on a digital title since its creation. Digital titles only show current information, so to research the land transactions that have taken place since the title became digital, a digital history list is required.

The digital history list search will produce a list of all dealings that have affected the digital title. The digital history list will also indicate if a document was lodged for registration and it was subsequently withdrawn or rejected.

When a digital title is cancelled, the cancelled version of the title can be viewed and the Record (search) of Certificate of Title can be printed.

Click here for further information and a historical search request form

Click here to request a digital history list

13 Search Certificate

Where a person wishes to deal with the registered proprietor and desires information as to any caveat, instrument lodged for registration, order or injunction not noted on the title, application may be made for a search certificate (sections 146 and 147 of the T LA). The application is made on a Search Certificate form, and the prescribed fee must be paid.

Click here to obtain a Search Certificate form

Note: The applicant in a Search Certificate is any person who wishes to deal with any interest in land of a registered proprietor. The applicant or his authorised agent may sign the application.
14 Also See

REG-01 The Transfer of Land Act, REG-02 The Register, REG-04 Rectification in the Register and on Instruments (After Registration), REG-05 Service of Court Orders on the Register, NAM-02 Name Suppression, COT-01 Reading a Certificate of Title, SEA-01 Search Certificate