

Replacing a Duplicate Certificate of Title

A guide to preparing the documents

Last updated September 2019



Preparing an Application for a Replacement Duplicate Certificate of Title

This step-by-step guide is designed to show you how to prepare and lodge an application for a **replacement Duplicate Certificate of Title (duplicate title)** for one that has been lost, destroyed or stolen.

The services of a competent professional, such as a solicitor or settlement agent, should always be considered when preparing this kind of application.

It is important to read through the whole of this guide. Being familiar with the important information provided will assist if you need to contact Landgate to clarify any part of the process. Useful contacts are listed on the back page.

What you should know about Certificate of Title

Certificates of Title, otherwise known as Title Deeds, are issued by Landgate with one original and the **option** to have a **duplicate** title issued. Original titles are always kept at Landgate. The duplicate title (if issued) would usually be kept by the proprietor/owner or by a lending institution as security for a loan.

Many lending institutions request the **non-issue** of a duplicate title when they register a mortgage. This means that when a property is under mortgage, there is a possibility that a duplicate title has not been issued.

Where a duplicate title has **not** been issued, the original title would include a note in the statements section indicating the **non-issue** of the duplicate title. The note in the statements section would be shown as 'DUPLICATE CERTIFICATE OF TITLE NOT ISSUED AS REQUESTED BY DEALING M149404'.

There are important differences between the original title and the duplicate title. The duplicate title does not show all limitations and encumbrances. For example, caveats, notifications, memorials and property seizure and sale orders are only shown on the original title held by Landgate and not on the duplicate title.

Some limitations or encumbrances (such as those stated above) may prevent the registration of a transfer or other interests on a Certificate of Title. For this reason, it is recommended that a copy of the original Certificate of Title be obtained from Landgate, to assist in completing the Transfer of Land form. We commonly refer to this as a 'title search'. A title search will show if a title has been issued or is **non-issue** and will show the spelling of the names of the registered proprietors/owners.

For a fee, you can conduct a title search and [obtain a copy of a Certificate of Title](#).

The replacement process

All of the registered proprietors (owners) must be shown as applicants in the application for the issue of a replacement title and each proprietor is required to sign the application and provide a statutory declaration (as set out later in this brochure).

Following lodgement of the application, statutory declaration and required evidence, the application will be examined for correctness and suitability for registration.

During the examination process further information or evidence may be requested. If the information or evidence cannot be provided in a timely manner the application may be withdrawn by the lodging party or rejected by Landgate.

Additional costs may be incurred if a requisition for additional information or evidence is requested. Registration fees may also be forfeited if the application is rejected.

Any replacement duplicate title will only be issued when the Commissioner of Titles is satisfied with the content of the application and supporting evidence provided. The Commissioner of Titles reserves the right to seek further evidence (in addition to any requirements discussed in this guide) before approving the issue of a replacement duplicate title.

What if the registered proprietor is deceased?

An additional application (Survivorship and/or Personal Representative) with original evidence of the passing of the proprietor/owner will be required to be lodged simultaneously with the application for a replacement duplicate title.

Where this has occurred, the process and documentation required to change ownership and to obtain a replacement duplicate Certificate of Title is complicated.

The services of a competent professional such as a solicitor or settlement agent should be considered and is highly recommended in these circumstances.

What do I need for my application?

- Verification of Identity (VOI) – the identity of the person(s) signing as applicants must be verified
- Title Search (recommended) – used to complete the application and statutory declaration forms
- Statutory Declaration form B3
- General Application e-form (or paper Application Form A5)
- The original current land rates notice, or original signed letter issued by the local council
- All original documents, notices and/or letters referred to in the statutory declaration
- Registration fees payable to Landgate

Verification of Identity (VOI) – Identifying the applicant

A self-represented party is responsible for ensuring their own identity has been independently verified and complies with Landgate's VOI practice. Self-represented parties can have their identity verified at a participating Australia Post office. Australia Post charges a fee for this service.

For information regarding the Verification of Identity Practice refer to [Verification of Identity webpage](#) on the Landgate website.

Title Search – A copy of the current original Certificate of Title

A title search is optional, however highly recommended, as the search provides you with a complete up-to-date copy of the title at the date and time the title search is conducted.

For a fee, you can conduct a title search online using an address and [order a copy of a Certificate of Title](#).

Statutory Declaration – Form B3

Download the Statutory Declaration [Form B3](#) or visit a Landgate office – see back page for details.

It is important to note the Commissioner of Titles can only consider the issuing of a replacement duplicate title based on the evidence and the facts set out in the statutory declaration(s) provided with the application document.

All applicants (and any other person who may have any knowledge of the history of the duplicate title) must provide a statutory declaration.

Where one page of a statutory declaration is not sufficient to include all the facts, it is acceptable to complete a second or third separate statutory declaration page (as many separate pages required to state the facts), however the clauses should be numbered in sequence and all pages comprising the statutory declaration will need to be separately signed and witnessed.

The statutory declaration MUST provide a statement for EACH AND EVERY dot point shown below:

- Identify the person who is making the declaration (for example ... 'I am one of the registered proprietors/owners')
- If the declaration is being made by someone other than the registered proprietor/owner, state the authority of the person making the declaration (for example ...'I am a director of XXX company which is registered as the proprietor of ...')
- Identification of the property by its volume/folio reference or the lease number where a lease has been lost or destroyed
- The name of the registered proprietor(s) (owner(s)) of the property;
- If the duplicate title was held by the applicant, how and when it came into the applicant's possession
- If the duplicate title was not held by the applicant, the name of the person or body that did hold it, how and when it came into their possession and the reason that person or body cannot now produce the title (the person or an officer of the body formerly in possession of the duplicate title must, by statutory declaration, confirm the facts recited and include what searches were made for the duplicate and negate its deposit for security)
- The name of the person presently in possession of the property and the nature of the occupancy
- Where the duplicate title was usually kept and who apart from the applicant(s) had access to that place. Any other person(s) having access will also need to complete a statutory declaration providing their knowledge of the duplicate title and negate its deposit by way of lien or security from any form of loan or business agreement
- That there is no person known to have, or is likely to have, the said duplicate title in their possession
- What searches for the duplicate title were made and the result of those searches. A statement that "all reasonable enquiries" have been made is not sufficient
- What enquiries were made of banks, accountants or other institutions and with what result. The original of any replies received must be produced with the declaration
- That the duplicate title had not been deposited with any bank, firm or person by way of security for any lien or loan or for any other purpose
- Where the land has been sold under contract of sale or where money has been borrowed on its security and there is a caveat protecting such contract or loan (on the original title held by Landgate) a declaration from the caveator(s) is required as to their knowledge of the duplicate title
- Depending on the facts and circumstances of each case, additional statutory declarations may be required from third parties to establish some of the facts
- A reference to the current original land rate notice or letter from the local government, produced with the declaration which identifies the property and indicates in whose name(s) the property land is currently rated. (If it is not rated in the exact names of the registered proprietor(s) (as shown on the original title held by Landgate), then an explanation clause must be inserted explaining the anomaly)
- Where the duplicate title is known to have been destroyed by fire, a reference to the letter of confirmation from Department of Fire and Emergency Services (DFES) or relevant fire authority if outside Western Australia as to the facts
- Where the duplicate title is known to be stolen, the declaration should state the Incident Number of the theft as recorded by the Western Australia Police.

General Application e-Form (or Form A5) and a Statutory Declaration Form B3

The General Application e-form and the Statutory Declaration Form B3 are available via Landgate's [Land Titling Forms](#) page. Alternatively, paper versions (Application Form A5 and Form B3) are available from a Landgate office. Please note that only original signed forms can be lodged for registration and all forms must be printed on white A4 size paper in duplex style, so both sides of the paper are printed upon.

The original current land rates notice or an original signed letter from the local council

The **current original** land rates notice issued by the local council or an **original** signed letter from the local council confirming the rating records of the council must be included as evidence for the application.

Original documents, notices and/or letters referred to in the statutory declaration

Any original letters or notices referenced in the statutory declaration(s) **must** be produced as evidence with the application and annexed to the statutory declaration.

This includes the original land rates notice issued by the local council and any original letters or statements that have been obtained from banks, settlement agents or solicitors or from any other person or agency.

Registration Fees

[View the current Registration and Search Fees](#) that can be paid by cash, credit card, EFTPOS, or by cheque/money order made payable to **Landgate**. Fees must be paid when lodging the document in person or included if posting the documents to Landgate.

Steps to lodging an application

1. Complete the application and statutory declaration forms by typing or printing legibly in dark ink (preferably black). A copy of the Certificate of Title (from a title search) will provide the exact details required.

Ensure the statutory declaration contains written statements explaining each and every single dot point shown under the 'completing statutory declaration' section.

2. The original identification 'Statement – Self-Represented Party' letter issued by Australia Post must be produced and lodged with the application document.
3. Ensure the **original** land rates notice (or **original** signed letter) issued by the local council is provided.
4. Lodge the application form together with the original documents, letters or notices referenced in the statutory declaration (and annexed), along with any other evidence that may be required.

Ensure the registration fee payment is enclosed if lodging by post.

- In person at one of Landgate's lodgement offices. NOTE: Any person can lodge the application document with Landgate; the lodging party does not need to be one of the persons named in the transfer document.
- By post to:
Landgate Document Lodgement Section
PO Box 2222
MIDLAND WA 6936

NOTE: Duplicate Certificate of Title and original evidence being returned by post will be posted in the normal mail. If you wish to have the duplicate title and/or original evidence returned by registered post, you will need to provide a self-addressed, pre-paid registered post envelope to Landgate with the application document.

Terms of Use

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Important

The information in this document should not be regarded as legal advice. In all matters, users should seek legal advice from an independent legal practitioner.

THIS TITLE HAS BEEN CREATED FOR INFORMATION PURPOSES ONLY

REGISTRY NUMBER	
1580/P22396	
DUPLICATE EDITION	DATE DUPLICATE ISSUED
4	NA

WESTERN AUSTRALIA

RECORD OF CERTIFICATE OF TITLE
UNDER THE TRANSFER OF LAND ACT 1893

The person described in the first schedule is the registered proprietor of an estate in fee simple in the land described below subject to the reservations, conditions and depth limits contained in the original grant (if a grant issued) and to the limitations, incumbrances and notifications shown in the second schedule.

REGISTRAR OF TITLES

LAND DESCRIPTION:

REGISTERED PROPRIETOR:
(FIRST SCHEDULE)

FRANK PETER WHISKEY
ANNA WHISKEY
BOTH 13 CROWN STREET, ALLANBROOK
AS JOINT TENANTS

(T M149404) REGISTERED 28 AUGUST 2020

LIMITATIONS, INTERESTS, ENCUMBRANCES AND NOTIFICATIONS:
(SECOND SCHEDULE)

1. M149565 RESTRICTIVE COVENANT BURDEN. REGISTERED 28.8.2020.

Warning: A current search of the sketch of the land should be obtained where detail of position, dimension or area of the lot is required.
* Any entries preceded by an asterisk may not appear on the current edition of the duplicate certificate of title.
Lot as described in the land description may be a lot or location.

END OF CERTIFICATE OF TITLE

STATEMENTS:
The statements set out below are not intended to be used should they be relied on as substitutes for law and the relevant documents on file for local government, legal, surveying or other professional purposes.

SKETCH OF LAND: 3332-339,
PREVIOUS TITLE: 3332-000,
PROPERTY STREET ADDRESS: 344 ROLLING CIRCUIT, HELENA HILLS
LOCAL GOVERNMENT AREA: CITY OF SWAN

THIS TITLE HAS BEEN CREATED FOR INFORMATION PURPOSES ONLY

- A** To be copied from Certificate of Title
- B** To be copied from Certificate of Title
- C** To be copied from Certificate of Title
- D** To be copied from Certificate of Title
- E** Reason for application and your Title's Duplicate Edition number
- F** Date to be shown
- G** Signature of applicant(s)
- H** Signature of witness then print full name, address and occupation.

This example is for paper forms only. Please refer to Landgate's **Land Titling Forms** page for the equivalent e-form.

FORM AS
WESTERN AUSTRALIA
TRANSFER OF LAND ACT 1893 AS AMENDED

APPLICATION

DESCRIPTION OF LAND (Note 1)	EXTENT	VOLUME	FOLIO
Lot 1580 on Deposited Plan 22396	Whole	3332	339

APPLICANT (Note 2)

Frank Peter Whiskey and Anna Whiskey
Both of 13 Crown Street, Allanbrook

REASON FOR APPLICATION (Note 3)

THE APPLICANT HEREBY APPLIES

For the issue of a replacement duplicate Certificate of Title as duplicate Certificate of Title edition number 4 has been lost or destroyed.

Dated this _____ day of _____ Year _____

SIGNATURE OF APPLICANT/S (Note 4)

Signed _____

In the presence of _____

Signed _____

In the presence of _____

NEED MORE INFORMATION?

Please contact one of Landgate's experienced Advice Officers. See contact list on next page.

Contact List

Landgate contacts

Landgate Office Hours 8.30am to 5.00pm
(Lodgement Hours 8.30am to 4.30pm)

Landgate - Midland Head Office

1 Midland Square
MIDLAND WA 6056
Tel: +61 (0)8 9273 7373
Email: customerservice@landgate.wa.gov.au
Website: www.landgate.wa.gov.au
Postal Address: PO Box 2222, MIDLAND WA 6936

Document lodgement sites

Document Lodgement Hours strictly 8.30am to 4.30pm

Landgate - Midland Head Office

1 Midland Square
MIDLAND WA 6056

Landgate - Perth Business Office

200St Georges Terrace
PERTH WA 6000

Other useful contacts

Department of Finance
State Revenue/Duties (OSR)
200St Georges Terrace
PERTH WA 6000
Tel: +61 (0)8 9262 1400
Email: duties@finance.wa.gov.au
Website: www.finance.wa.gov.au

Department of Planning
140William Street
PERTH WA 6000
Tel: +61 (0)8 6551 9000
Website: www.planning.wa.gov.au

Family Court
150Terrace Road
PERTH WA 6000
Tel: +61 (0)8 9224 8222
Website: www.familycourt.wa.gov.au

Probate Office
11th Floor, 28 Barrack St
PERTH WA 6000
Tel: +61 (0)8 9421 5152
Website: www.supremecourt.wa.gov.au

Registry of Births, Deaths and Marriages
141St Georges Terrace
PERTH WA 6000
Tel: 1300 305 021
Website: www.bdm.dotaq.wa.gov.au

State Administrative Tribunal
6th Floor, 565 Hay Street
PERTH WA 6000
Tel: +61 (0)8 9219 3111
Website: www.sat.justice.wa.gov.au



Landgate