

Customer Information Bulletin

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1. WESTERN AUSTRALIA'S CERTIFICATE OF TITLE

New Look Duplicate Certificate of Title

The Department of Land Information (DLI) will be issuing a new look duplicate Certificate of Title. This new duplicate Certificate of Title will have improved security features made possible by latest technology. This is consistent with a National approach to dealing with security features in all duplicate Certificates of Title issued within Australia.

The "original" certificate of title is held in the DLI digital databases. A duplicate Certificate of Title is a land owner's paper record of interests and rights affecting his or her land. It is issued by the Registrar of Titles to the person entitled to possession of it (usually the owner or mortgagee). It is evidence of all registrations and recordings made in the land title register at the time and date of the creation of the digital certificate.

New Security Features

The new security features include water marks, a hologram, a thermocromic icon and a control number. The duplicate Certificate of Title is therefore more secure and the possibility of fraud is minimised. This proposal is consistent with the Australia wide approach to provide improved security features on duplicate Certificates of Title and aligns Western Australia with other State and Territory standards.

Benefits

There will be benefits in adopting the new improved duplicate Certificate of Title for both DLI and its customers. For DLI it will:

- enable DLI to identify more quickly any illegitimate title lodged at DLI;
- permit generic printing of new titles on standard format printers and thereby reduce the cost of printing;
- provide one consistent title for land under both the *Transfer of Land Act 1893 (TLA)* and the *Strata Titles Act (STA)*.

The benefits to customers include the ability to better identify the legitimacy of duplicate Certificate of Titles presented by clients before settlement, or by other parties to a transaction at settlement.

Colour Change

The colour of the new duplicate Certificates of Title will be blue. This will apply for all titles issued under the *TLA (previously green and purple)* and *STA (previously sienna)*

Years ago when sketches were included on duplicate Certificates of Title, DLI had the practice of tinting the sketch green or purple. The title was known as a “green” or “purple” title. Now that the sketch is no longer included on the title, there is no meaning in the phrase “green” or “purple” title other than as a term of common use. DLI argues here that a “green” or “purple” title is a colloquial term which no longer accurately reflects that it is a freehold title registered under the TLA. On this basis, DLI proposes to move to just one colour, blue, for all duplicate Certificates of Title.

Suggested Name Changes

It is therefore suggested that the industry moves to a new form of description for titles as follows:

- “Freehold” Title formerly known as “green” title;
- “Freehold Share” or “Share” Title formerly known as “purple” title; and
- “Freehold Strata” or “Strata” Title already known as “strata” title.

Converting to the New Titles and Costs

It is not intended to immediately convert existing duplicate Certificates of Title to the new Certificate of Title format. There are currently approximately 1.4 million titles issued in Western Australia and existing duplicate Certificates of Title will still be valid. They will be converted to the new duplicate Certificate of Title over a period of time on a “dealing by dealing” basis. There will be no additional charge for this. However, if customers wish to convert their title to the new look title before they transact on their land, they may apply to the Registrar of Titles. In this case, the normal processing fee will apply (currently \$79.00).

Consultation

DLI has consulted with all representative bodies of major customer groups that are affected by this proposal. These include the Law Society of Western Australia, the Australian Institute of Conveyancers and the Conveyancing Industry Liaison Committee (which includes representatives from these customer groups, financial institutions, independent settlement agents and government agencies). All representative bodies have supported the proposal.

When will the proposed new Titles be Implemented?

It is intended to implement this proposal in August 2005 when the stores of existing title paper are used.

More Information and Feedback

If you require any further information on the proposed new Certificates of Title, or if you wish to provide feedback to DLI on this proposal, please contact Peter Hicks on (08) 9273 7348.

2. CHANGE IN PRACTICE – THE REQUIREMENT TO PROCESS DEALINGS OVER FREEHOLD LEASES WHERE THE DUPLICATE LEASE HAS NOT BEEN PRODUCED

The Commissioner of Titles has advised that the registration of documents over registered Freehold Leases will no longer require the production of the duplicate Freehold Lease.

Past practice has required a Statutory Declaration declaring the non-deposit of the duplicate Lease as a security or lien and forwarding to the legal section to process the document pursuant to the provisions of Section 74 of the TLA.

Due to amendments to Section 74 in 1996 together with other related sections it is now interpreted that the former legislative requirement no longer applies.

Therefore documents such as Transfers, Mortgages, Charges and Surrenders over Freehold Leases can now be processed **without** the need for production of the duplicate Freehold Lease or evidence of non-deposit as a security or lien.

**MAX VAN WEERT
ASSISTANT REGISTRAR OF TITLES
A/MANAGER
REGISTRATION SERVICES BRANCH**

4 MAY 2005



Western Australia's Certificate of Title

Now even more secure

From August 2005 a new look Certificate of Title will be issued with improved security features, using the latest technology.

The new security features, which include a watermark, hologram, thermocromic icon and control number, aim to further minimise the possibility of fraud, making Western Australia's Certificates of Title even more secure.

A Certificate of Title is a customer's record of interests and rights affecting their land. It is issued by the Registrar of Titles to the person entitled to possession of it (usually the owner or mortgagee). It is evidence of all registrations and recordings made in the Register at the time and date of the creation of the Certificate.

Existing Certificates of Title are still valid and there will be no additional costs or charges for the new look Certificates.

For further information on Certificates of Title contact:

Land Registration Centre
Registration Services
Department of Land Information (DLI)
1 Midland Square
Midland

PO Box 2222
Midland WA 6936

Tel: (08) 9273 7044

Fax: (08) 9273 7651

Email: Irc@dli.wa.gov.au

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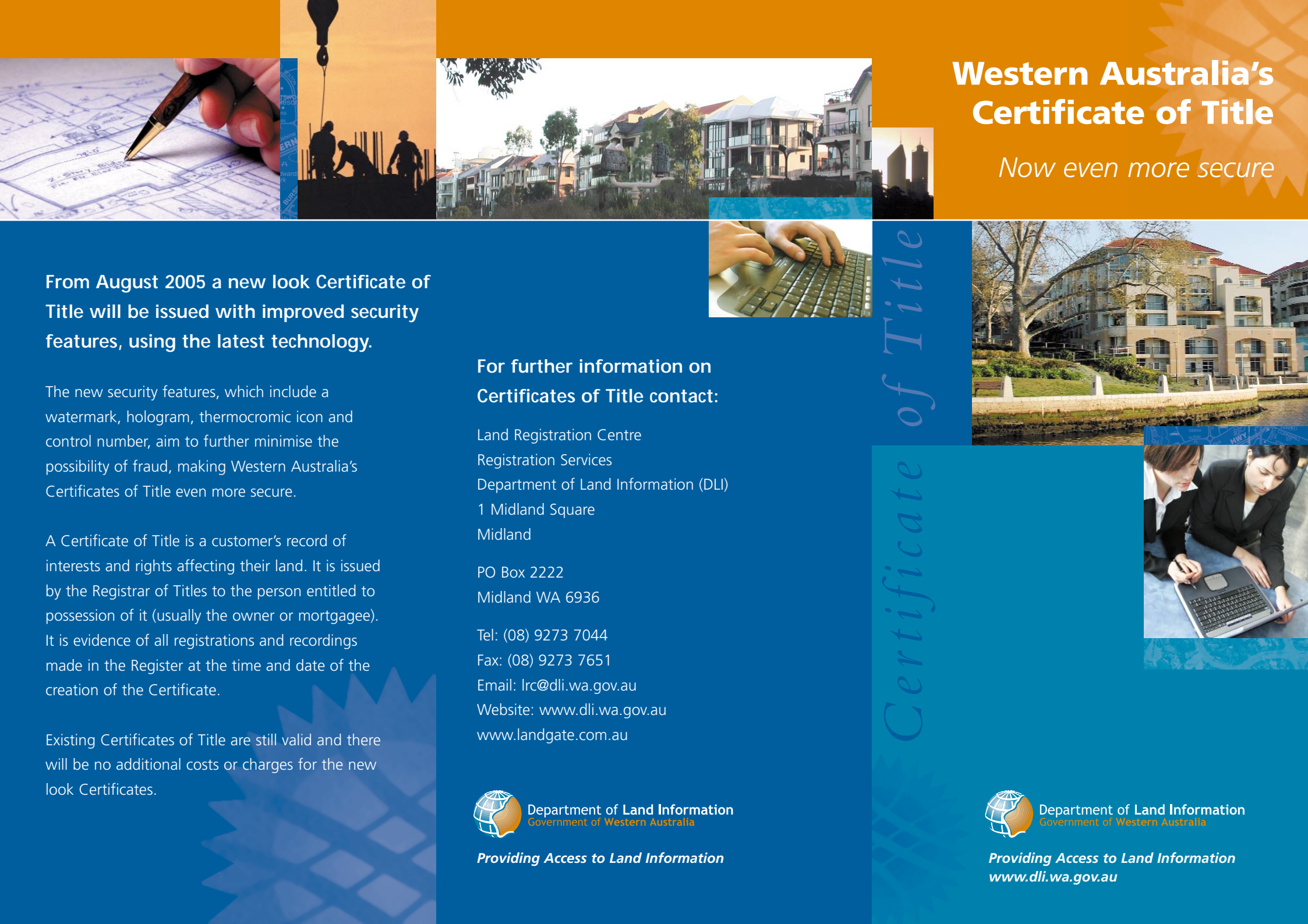
www.landgate.com.au



Providing Access to Land Information



Providing Access to Land Information
www.dli.wa.gov.au



Certificate of Title

What are the new security features?

Front

Back



Hologram

The hologram, which is a three dimensional image, will change colour slightly when you move the paper. It will reveal a map of Australia with a symbol in the middle.

Eagle Watermark

An authentic watermark with a series of eagles can be seen across the full length of the paper when you hold it up to the light.

Thermochromic icon

This blue seal is a thermochromic image. If you gently rub the icon it will momentarily disappear and then reappear, meaning you are holding an authentic Certificate.

Certificate of Title

On the reverse side of the paper the words "Certificate of Title" are printed vertically in blue on the left and right sides.

Control number

The inclusion of a unique control number will make it possible to track the Certificate if it is known to be lost or stolen. This number is in addition to the Volume/Folio number.

Warning band

On the reverse side of the paper a warning band describes the operation of the thermochromic icon.

