

CUSTOMER INFORMATION



DOLA

BULLETIN

Department of LAND ADMINISTRATION

BULLETIN NO. 96

20th March 1998

In this issue:**NEW PRACTICES AND SERVICES UNDER THE
LAND ADMINISTRATION ACT 1997**

INTRODUCTION

The *Land Administration Act 1997* and the *Act Amendment (Land Administration) Act 1997* are to be proclaimed on 30 March 1998 introducing a new era in the administration of Crown land in Western Australia.

BENEFITS FOR CUSTOMERS

1. Single Registration System
 - 1.1 Crown Land Title
 - 1.2 Ability to register Interests on Crown land
 - 1.3 State Guaranteed Title
 - 1.4 Single Searching Procedure
2. Consolidation of Legislation dealing with land administration
 - 2.1 Streamline Practices
 - 2.2 Reduced turnaround time
3. Procedural efficiency gains
 - 3.1 Efficient Land Subdivision and Disposition
4. New Crown Settlement Process
 - 4.1 Involvement by private conveyancers
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 - 4.3 Prompt transfer of ownership
 - 4.4 Standardised documentation

Single Registration System

In addition to substantially amending the law on Crown land administration compared to the *Land Act 1933*, the Acts also set up a single registration system for all land in Western Australia. Consistent with the principles under the registration system for freehold land, all dealings in Crown land must be lodged and registered under the provisions of the *Transfer of Land Act 1893* (TLA) with the Registrar of Titles, in order to be effective and valid. Any documents setting out a transaction of Crown land that is not registered, will not "convey" that interest until it is registered or recorded. All interests and dealings in Crown land are to be registered on a Certificate of Crown Land Title (CLT) or a Qualified Certificate of Crown Land Title (QCLT).

CLTs will be created for each parcel of Crown land, except for roads and unallocated Crown land, and will be issued in the name of the State of Western Australia. However, unlike the freehold system, no duplicate CLTs will be issued, as all land the subject of a CLT is land ultimately held by the Crown, and is not "owned" by any other person, unlike the ownership of freehold land.

QCLTs will also be issued where all the interests on that title are either not yet known or where interests to that parcel of Crown land need to be reviewed before the interests can be guaranteed. After all interests in Crown land shown on QCLTs are reviewed they will be converted to guaranteed CLTs. There will be no priority or guarantee of any interests registered on QCLTs.

Registration on CLTs and QCLTs will provide a basis for searching transactions affecting Crown land on that title and will enable Crown land information to be maintained on DOLA's computerised land register system. Photocopies of these CLTs/QCLTs showing all dealings affecting a parcel of Crown land, like freehold certificates of title, will be readily available through the normal searching facilities at DOLA. This will enable easier searching facilities for all Crown land by the public.

Consolidation of Legislation Dealing with Crown Land

The new Land Administration Act 1997 will include those sections of the Local Government (Miscellaneous Provisions) Act 1960 dealing with the closure and dedication of streets. This will allow for the easy and efficient administration of procedures currently conducted between the separate Acts, particularly closure and disposal of roads.

Those parts of the Land Acquisition and Public Works Act 1902 (LAPWA) dealing with the acquisition of land for public works and associated compensation have also been included in the Land Administration Act. As DOLA has been primarily responsible for dealings under the LAPWA this will now be able to be conducted under the one legislation, producing new efficiencies.

Procedural Efficiency Gains

The Land Administration Act provides greater flexibility for the Minister for Lands in dealing in Crown land, particularly with respect to the disposition of Crown land. A greater number of options are available. New procedures developed as a result of the document registration requirements of the single registration system will also mean quicker time frames in providing the legal conveyancing of transactions on Crown land.

New Crown Settlement Process

DOLA will remain responsible for the sale of Crown land in Western Australia. Currently, DOLA has approximately 1100 lots available throughout the State. Sales over the past few years have been in the order of 500 per annum. Upon resolution of current Native Title Act issues which are restricting the ability to release Crown land, it is expected that sales will increase substantially.

Under the existing Land Act 1933, DOLA has conducted all conveyancing in respect to its sales through the issue of Licences to Occupy and Crown Grants. The LAA will provide for the sale of the freehold interest in Crown land by DOLA through normal conveyancing procedures with the use of a normal transfer form registered against a CLT. As part of the registration process a freehold duplicate certificate of title will issue. The settlement process will be simple with no rate and tax adjustments required. The two main requirements of the purchasers conveyancer will be

the preparation of the transfer form and the assessment and payment of stamp duty.

With the introduction of the new Land Administration Act on 30 March 1998, new procedures for the sale of Crown Land will be introduced:

- a) The purchaser will be required to pay a prescribed deposit and complete a Contract of Sale in duplicate at the time of purchase. The balance of purchase money will be payable at settlement, normally 60 days from the date of sale.
- b) The purchaser may nominate a conveyancer to act on their behalf on the Contract of Sale.
- c) The Contract of Sale will be signed by an authorised Officer of DOLA, the original being forwarded to the purchaser's conveyancer.
- d) The purchaser's conveyancer will be responsible for arranging assessment and payment of stamp duty, preparing of the Transfer document and delivery of the stamped Transfer document to DOLA's Sales Leasing and Securities Section, Midland no less than 10 working days prior to the settlement date to enable time for signing by the Minister for Lands (or the Minister's delegated officer) as agent for and on behalf of the State of Western Australia, the transferor.
- e) At settlement, which is to be conducted at DOLA's office in Midland, DOLA will hand over the executed Transfer document in exchange for the balance of purchase money (No duplicate CLT will be produced as CLTs are original only).
- f) It will be the responsibility of the purchaser's conveyancer to lodge the Transfer document with Customer Services, DOLA.
- g) At the completion of the registration process, a freehold duplicate Certificate of Title will issue.

CUSTOMER REMOTE SEARCH

CHANGES IN DOLA PRACTICE AND PROCEDURES FOR CUSTOMER REMOTE SEARCH (CRS)

The new Land Administration Act will mean changes to the way customers gain access to information pertaining to Crown land. These changes will affect the **Customer Remote Search (CRS)** system.

The CRS system will allow the display of details of the primary tenure holder for that Crown interest on a Crown Land Title together with information relating to tenure changes made by the Minister for Lands and the use and control of that Crown interest by management bodies.

The display of this information will be by the creation of **additional screens and functions** to the CRS system. Crown land interest holders and management bodies of that Crown interest can be searched in the same manner as the proprietors of a freehold Certificate of Title by name, Crown Land Title number, property street address or the registered document number.

A Crown Land Title will have a prefix of "LR" and will be displayed, for example, as Volume LR3610 Folio 001. Please also note that existing Crown Leases will still be live registers. However, it should be noted that there will be no new Crown Leases issued after the proclamation of the new Act. Instead, the Minister will issue leases of Crown land registered on a Crown Land Title.

More information on how to access this information and user manual updates will be available in the near future.

For further information on the extent of these changes contact the Customer Information Centre, Email cic@dola.wa.gov.au or Tel (08) 9273 7044 or Fax (08) 9273 7651.



GRAHAME SEARLE
DIRECTOR, SERVICE DELIVERY

CROWN LAND

CROWN LAND

NOT TO BE REMOVED FROM THE DEPARTMENT OF LAND ADMINISTRATION
NO DUPLICATE ISSUED

REGISTER VOL. 3610 FOL 001


Application G123456
Corr. 123/1998
Volume. Folio.
3501 101
3501 102



CERTIFICATE
OF
CROWN LAND TITLE

UNDER THE "TRANSFER OF LAND ACT 1893" AS AMENDED
AND "LAND ADMINISTRATION ACT 1997"

The undermentioned land shown on the sketch in the Third Schedule hereto is Crown land, in the name of the
STATE of WESTERN AUSTRALIA,
subject to the interests and status orders in the First Schedule which interests and status orders are subject to
interests, easements, encumbrances and notices shown in the Second Schedule hereto.



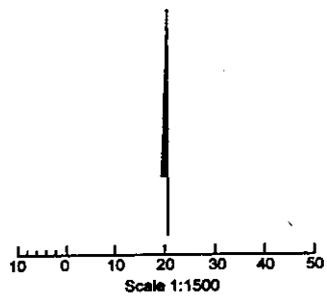
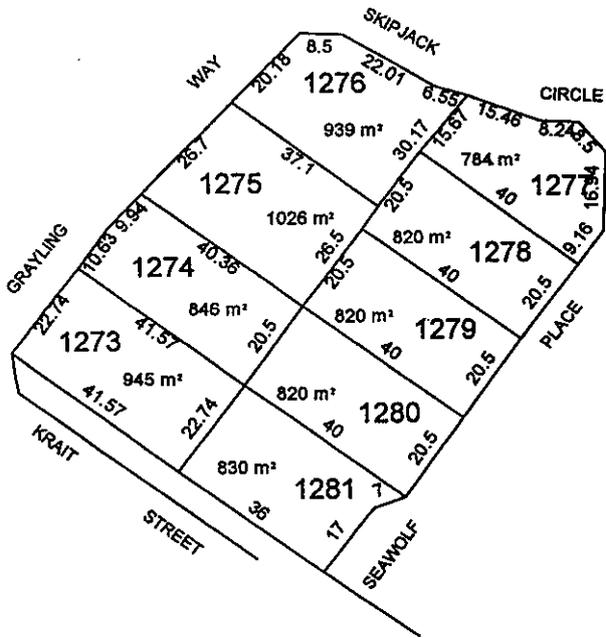
Dated 25 February 1998

LAND REFERRED TO

Exmouth Lot 1273 on Land Administration Plan 19688.

THIRD SCHEDULE

SAMPLE ONLY



CROWN LAND

CROWN LAND

WARNING: A CURRENT SEARCH SHOULD BE OBTAINED BEFORE DEALING ON THIS LAND

CERTIFICATE OF CROWN LAND TITLE

VOL. 3610 FOL. 001

FIRST SCHEDULE		NOTE: ENTRIES MAY BE AFFECTED BY SUBSEQUENT ENDORSEMENTS							
INSTRUMENT		PARTICULARS	REGISTERED	TIME	SEAL	CANCELLATION	NUMBER	REGISTERED OR LODGED	SEAL
NATURE	NUMBER								
Order	G123457	Reserve No. 49995 for the purpose of Community Services Care, Control and Management to Shire Exmouth with power to lease for any term not exceeding 21 years, subject to the consent of the Minister for Lands.	25.02.98	09.00					
Order	G123458		25.02.98	09.00					

SECOND SCHEDULE		NOTE: ENTRIES MAY BE AFFECTED BY SUBSEQUENT ENDORSEMENTS							
INSTRUMENT		PARTICULARS	REGISTERED	TIME	SEAL	CANCELLATION	NUMBER	REGISTERED OR LODGED	SEAL
NATURE	NUMBER								
Lease	G125100	Leased to Exmouth Womens Auxiliary of 10 Skipjack Circle Exmouth commencing 26.02.1998 for a term of 10 years.	26.02.98	10.05					