

Simple Transfer of Land

A guide to preparing the documents



Preparing a simple Transfer of Land document

This step-by-step guide is designed to show you how to prepare and lodge a **simple Transfer of Land document.**

If you are completing the forms yourself, we advise you to exercise care as the documents involved are legally binding. A competent professional, such as a solicitor or settlement agent, should always be considered when preparing any land transfer document.

It is important to read through the whole of this information guide. Being familiar with the information provided in this guide 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 a Certificate of Title

Certificates of Title are created by Landgate. Original titles are always kept at Landgate.

Some limitations or encumbrances 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 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 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.

What do I need for my Land Transfer?

- Verification of Identity (VOI) the identity of the person(s) signing as transferors and transferees must be verified
- Title Search (recommended) used to complete the Transfer of Land form
- Forms Transfer of Land (T1 or T2)
- If the property is subject to a mortgage, ensure you have obtained a signed letter of consent from the financier
- 'Certificate of Duty' or document stamped Obtained from Revenue WA (OSR) for the assessment of (stamp) duty
- Registration fees payable to Landgate

Verification of Identity (VOI) – Identifying the transferors and transferees

Both the transferors and transferees are required to have their identity verified by an independent party in line with <u>Landgate's VOI practice</u>.

When opting for professional representation they will complete the Verification of Identity on your behalf and will lodge the land transaction/s. If the land transactions are returned to you to self-lodge, you will be considered as self-represented and will not be able to use the VOI Statement provided by the industry profession. Lodgement may also be refused.

If opting for self-representation, you are required to download the Verification of Identity Form – Self-Represented Party (Western Australia) from policy and procedure guide VOI-02 Western Australian Registrar and Commissioner of Titles Joint Practice: Verification of Identity and Authority. Paper Based Transactions – How to Complete a Verification of Identity. The form is not available at Australia Post outlets.

Once you have attended a participating outlet and you have your receipt, you can complete the VOI Statutory declaration that will accompany the Transfer of Land.

• Persons residing overseas cannot be self-represented party and must seek professional representation.

Verification of Identity in a Foreign Country

For further information on the verification of identity procedures in a foreign country for both electronic or paper-based transactions please refer to: <u>VOI-03 Western Australian Registrar and Commissioner of Titles Joint Practice: Verification of Identity and Authority.</u> Paper Based Transactions – Foreign Countries.

Note: A self-represented party cannot have their identity verified overseas.

Further information on the verification process is available on the Landgate website via the following link: <u>Landgate – Verification of Identity</u>.

Title Search – A copy of the current 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 obtain a copy of a Certificate of Title.

A Transfer of Land Form (T1 or T2)

A <u>Form T1</u> is a one-page form used when there are not more than two transferors and/or two transferees named in the document.

A <u>Form T2</u> is a two-page form that has larger information panels and can be used when there are more than two transferors and two transferees, or if more information is required in any panel on the transfer document.

Freehold land registration forms are available from a Landgate office or online from the Landgate website.

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.

Revenue WA (OSR) – For the assessment of (stamp) duty

When the transfer form has been completed and signed, the original signed transfer form must be presented to State Revenue at the Department of Finance for (stamp) duty assessment.

NOTE: All transfers must be present to Revenue WA for duty notation before the transfer can be lodged with Landgate.

Contact details for Revenue WA are listed on the back page.

Registration Fees

View the current <u>Registration and Search Fees</u> 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.

Further Reading

For further information on this transaction type and further document requirements, please see the following links:

- Land Title Registration Policy and Procedure Guides
- A Guide to basic requirements for the preparation of paper documents "<u>Getting it Right</u>
 Reference Guide"
- Land Transaction Toolkit

Steps to lodging a transfer

- 1. Complete the transfer form by using the title search. Type or print legibly in dark ink (preferable black) to complete the panels in the transfer form, using examples in this guide to assist you.
- 2. Ensure the transfer has been assessed for duty by Revenue WA and is duty noted on the original transfer form or in the form of a Certificate of Duty.
- 3. If the property is subject to a mortgage, ensure you have obtained an original signed letter of consent from the financier.
- 4. Ensure there are original verification of identity receipts issued by Australia Post provided for each of the natural persons signing the transfer document.
- 5. Registration fees will need to be paid when the document is presented for lodgement, documents cannot be accepted without fee payment. Payments over the counter are available by cheque/money order, credit card or cash. If posting document/s to Landgate it is important to include any registration fee payable. Please feel free to use our Postal Lodgement Coversheet which enables you to review and select one of the payment options available.
- Lodge the original signed transfer form (together with any other evidence that may be required) with Landgate, ensuring the registration fee payment is enclosed if lodging by post.
 - a. In person at one of Landgate's lodgement offices. Note: any person can lodge the transfer document with Landgate; the lodging party does not need to be one of the persons name in the transfer document.
 - b. By post to: Landgate Document Lodgement Section PO Box 2222 MIDLAND WA 6936

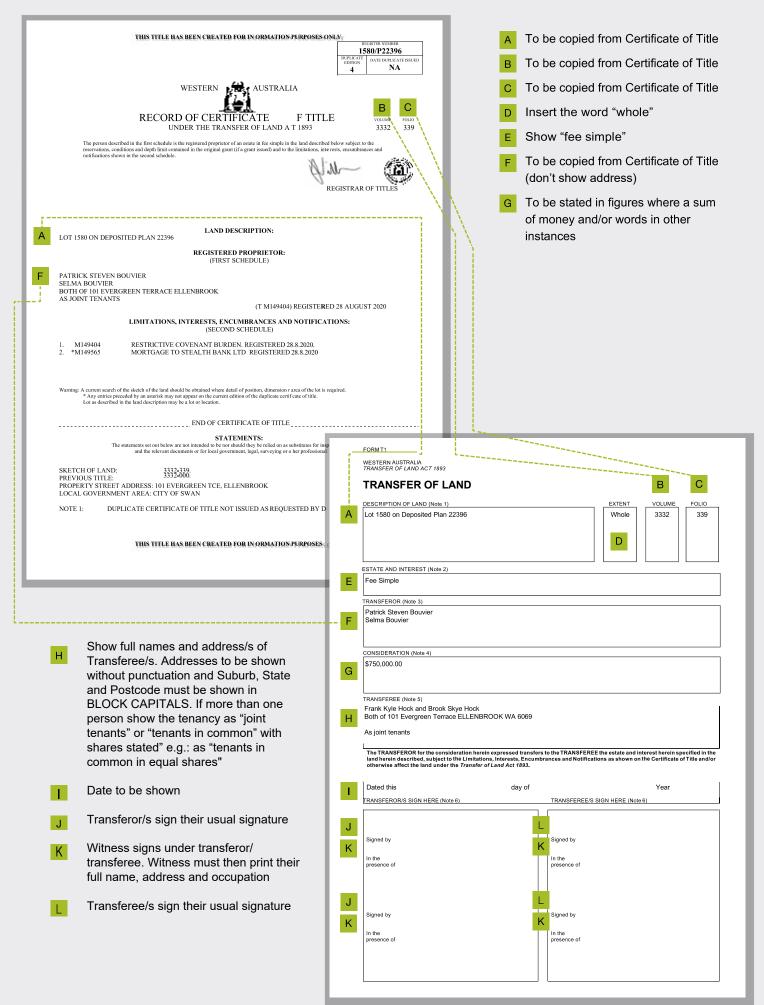
NOTE:Original evidence being returned by post will be posted in the normal mail. If you wish to have the original evidence returned by registered post, you will need to provide a self-addressed, pre-paid registered post envelope to Landgate with the transfer document.

Terms of Use Disclaimer of Liability

The information contained in this document is a guide or information source only. Various factors beyond the control of Landgate can affect the quality or accuracy of the information and products. While every effort has been made to ensure accuracy and completeness, no guarantee is given, nor responsibility taken by Landgate for errors or omissions in this document. Landgate is not liable for any loss or damage incurred as a result of the use of, or reliance upon the information provided in this document or incorporated into it by reference.

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.



Contact List

Landgate Contacts

Landgate Office Hours 8.30am to 4.30pm (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

200 St Georges Terrace PERTH WA 6000

Other Useful Contacts

Department of Finance Revenue WA

3rd Floor, 200 St George Terrace

PERTH WA 6000

Tel: +61 (0)8 9262 1100 Website: www.wa.gov.au

Department of Planning

140 William Street PERTH WA 6000

Tel: +61 (0)8 6551 9000

Website: www.planning.wa.gov.au

Family Court

150 Terrace Road PERTH WA 6000

Tel: +61 (0)8 9224 8222

Website: www.familycourt.wa.gov.au

Probate Office

11th Floor, 28 Barrack Street

PERTH WA 6000

Tel: +61 (0)8 9421 5152

Website: www.supremecourt.wa.gov.au

Registry of Births, Deaths and Marriages

141 St Georges Terrace PERTH WA 6000

Tel: +61 1300 305 021

Website: www.bdm.dotag.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

