

Customer Information

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1. Strata Titles Manual (1999)

In a major initiative, DOLA recently launched its Strata Titles Manual.

The publication is the culmination of a two-year program aimed at providing a first-class business reference for industry professionals, such as surveyors, conveyancers, the real estate industry, strata managers and relevant government agencies.

The manual provides industry professionals with a comprehensive reference guide to prepare and register schemes.

As each scheme can have different requirements, this manual will assist professionals in developing methods of foreseeing and overcoming problems that may evolve as a project progresses.

DOLA recognises external contributions from the surveying, real estate professions and the strata titles referee.

As this guide is the first of its type, it is intended that changes in practices or improvements will make it a "living" document. I encourage purchasers to make positive suggestions so that the manual will continue to evolve.

The new manual is available in hard copy from the Cashier, Customer Services Hall, DOLA, Midland. The purchase price is \$120.00. Mail orders are also accepted by completing the attached form and submitting fees of \$130.00 (additional \$10.00 postage and handling).

Updates and procedural changes will be sent to all purchasers who complete and return the blue registration sheet inside the manual on a similar basis as the Registration Practice Manual.

Minor updates will be provided through Customer Information Bulletins.



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2. Registration Forms - Changes

When the first stage of Smart Register is introduced around March 2000, one of the impacts will be minor changes to some Registration Forms.

This is a preliminary notice advising you of impending changes to ensure you do not over order stocks of forms.

Specific details about changes to forms will be advised in later editions of Customer Information Bulletins.

3. Contact Reference of Lodging Party

It is important for officers of DOLA to be able to contact the lodging party quickly in the event of minor discrepancies in documents. If there is a minor error on a document, DOLA's practice is to contact the lodging party, obtain the correct information, then register the document.

If we are unable to communicate with you, the examiner will have no option but to send the document to the Stopped Documents section.

Requisition fees and time can be saved by ensuring reference details and direct phone numbers are shown on documents. Please help us to help you.

4. Issuing Boxes

Customers are reminded that the purpose of issuing boxes is for DOLA to return documentation to issuing parties.

An ongoing problem is that boxes are constantly being used for purposes other than returning documents. Advertising material and notices being placed in issuing boxes impact delivery of documents to our customers.

DOLA requests that customers refrain from using issuing boxes for any other purpose than to collect documents.

5. Customer Remote Searching (CRS)/Early Advice of Sale (EAS) Users

CRS/EAS users may have difficulty when searching or sending information relating to Jurien lots. This is because the Jurien District/Township has been renamed Jurien Bay.

When accessing Crown Allotment Enquiries and completing EAS lodgements remember to use the new name of Jurien Bay.

6. Transfers that do not Effect a Change of Legal Ownership on the Register

The lodgement of transfers where the transferor and the transferee are one and the same are becoming more common. Usually this is an attempt to give effect to a change in the beneficial ownership of land. Section 44 of the Property Law Act 1969 as amended ("the PLA") appears to provide for this. It states:

"A person may convey property to himself or to himself and another person."

Section 44 of the PLA is inconsistent with section 84 of the Transfer of Land Act 1893 as amended ("the TLA"). Section 84 states that it shall be lawful for a proprietor to make a transfer directly to himself and another person or jointly with any other person to himself alone. This means that a person cannot register a transfer from himself solely to himself solely.

When there is inconsistency between the PLA and the TLA, section 6 of the PLA states that PLA does not apply. Therefore section 84 of the TLA takes precedence over section 44 of the PLA.

Transfers with the same transferor and transferee do not have a material effect upon the legal ownership of an interest in land. They are usually lodged merely to reflect changes in the beneficial ownership of an interest in land. This is usually accomplished by trust deeds and/or deeds of variation to those trust deeds.

Transfers lodged to change the beneficial ownership of interests in land where there is no change in the legal ownership cannot be registered as they are in breach of section 84 of the TLA.

In cases where a registered proprietor holds land as trustee and a Registrar's Caveat is endorsed against the land as notice of the existence of the trust, evidence to support the change of beneficial ownership can be provided to remove the caveat. There is no need to transfer the land from the proprietor to himself.



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