



LIT Alert—land registry update

Amendment to Land Title Practice Manual

Deposit of supporting documentation

Clause 60-1030 of the Land Title Practice Manual (reproduced in full below), replacing the clause published in Update 10 (June 2008), will:

- override any other practice relating to this topic mentioned elsewhere in the manual
- relate to supporting documentation deposited with a land registry form (e.g. birth certificate, death certificate, deed of trust or grant of representation)
- not relate to an original will, a power of attorney or a revocation of a power of attorney deposited with a land registry form.

The new practice has two parts:

1. In addition to the current practice—of providing a photocopy along with the original documentation for sighting and immediate return to the lodger by departmental staff—it will also be acceptable for a properly certified photocopy of supporting documentation to be deposited.
2. Original documentation, if deposited, will not be returned to the lodger after registration of the dealing.

The new practice—relating to depositing a properly certified photocopy of supporting documentation that has been properly certified is effective from 1 July 2008, while the practice of not returning original supporting documentation—will apply to all dealings lodged on and after 4 August 2008.

Extract from Land Title Practice Manual

Deposit of Supporting Documentation

[60-1030]

Options for Deposit

In many instances it is necessary to deposit supporting documentary evidence to obtain registration of an instrument, eg.:

- an office copy certificate of death with a Form 4 – Request to Record Death;
- an original trust deed with a Form 1 – Transfer to Trustees; or
- a grant of representation with a Form 5 or 6 – Transmission Application.

The following options for depositing the documentation, **other than an original will, a power of attorney, or a revocation of a power of attorney**, are available:

1. a good quality photocopy of the original office copy or other original documentation may be submitted with the original documentation for comparison with the copy by a land registry officer. The original documentation will be returned immediately to the lodger; or
2. a good quality photocopy of the original office copy or other original documentation that has been properly certified as a true copy of the original; or

Note: Only options one and two are available for a document creating or amending a trust (eg. deed of trust).

3. the original office copy or other original documentation is deposited. **Note: The original evidence will not be returned.**

A good quality photocopy produced from the original, must meet the following criteria:

- it must be sufficiently dense to allow for subsequent reproduction or imaging;
- it must be on only one side of A4 paper; and
- it must not have black marks along the top, bottom or sides as a result of the photocopying process, etc.

For registration, each instrument must be complete regarding its supporting documentation. The following options are available to meet this requirement:

- documentary evidence may be produced in accordance with the above options in conjunction with **each** lodgement; or
- by providing a reference to the dealing number of a prior lodged instrument which includes the relevant evidence.

Certification by Qualified Witness

For a copy mentioned in item (2) above to be properly certified, a qualified witness mentioned in Schedule 1 of the Land Title Act 1994, who is not a party to the lodged document, must sign a certification clause to the effect that the document is an identical copy of the original, which has been sighted by them. The clause must contain information necessary to clearly identify the signatory; for example, a Justice of the Peace (Qualified) must legibly print their full name or registration number while a solicitor must legibly print their full name. The completed clause must be on the face of the copy and comply with regulatory requirements that provide for forms to be able to be reproduced by photocopy.

The following certifications are published as a guide.

Endorsement on a copy of single-page document is as follows:

This is to certify that this is a true copy of the original, which I have sighted.

Date

Signed

Full name (or registration number, if applicable)

Title/Qualification

Endorsement on a copy of a multi-page document is as follows:

If the original document has more than one page the witness must either; (a) certify each page or (b) sign or initial each page, number the page as 1 of 40, 2 of 40 and so on and amend the certification on the last page to read:

This is to certify that this [number of pages]-page document (each page of which I have numbered and signed) is a true copy of the original [number of pages]-page document that I have sighted.

Date

Signed

Full name (or registration number, if applicable)

Title/Qualification

Privacy

Lodgers must consider privacy issues when depositing supporting documentation in the land registry as all documentation becomes searchable public information. Where personal information (for example financial information) is disclosed in supporting documentation the Registrar will requisition for these details to be removed. However, all involved parties may consent by way of letter for such information to be kept in the land register.

Further information

Contact Titles Registration at <brisbane.titling.operations@nrw.qld.gov.au> or on (07) 3405 6900 if you require any further information on the above topic.

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