



Western Australia

# **Transfer of Land Regulations 1997**

**Reprinted as at 5 May 2000**



Western Australia

## Transfer of Land Regulations 1997

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Western Australia

Reprinted under the  
*Reprints Act 1984* as  
at 5 May 2000

Transfer of Land Act 1893

## **Transfer of Land Regulations 1997**

### **1. Citation**

These regulations may be cited as the *Transfer of Land Regulations 1997*<sup>1</sup>.

### **2. Commencement**

These regulations come into operation on 13 January 1997.

### **3. Requirements as to documents in paper medium**

- (1) Each document presented in paper medium for lodgment with the Department or registration or entry in the Register —
  - (a) is to be prepared on paper of a type and quality approved by the Registrar;
  - (b) is to be clearly and legibly handwritten in ink, printed, or typewritten;
  - (c) is to have the signature of any party to the document, and that of any witness to such signature, written in ink;
  - (d) consisting of more than one page is to be bound in a manner approved by the Registrar; and
  - (e) on an approved form is to show the Registrar's approval number for the form at the top of the first page.

- (2) The Registrar may reject for lodgment, registration or entry a document in paper medium that does not comply with the Act or subregulation (1).

**4. Certificates of title for lots included in existing certificates**

Where an application is made for a certificate of title for the whole or part of the land the subject of any existing certificate or certificates of title the Registrar may, if the Registrar thinks fit, instead of creating the certificate of title so applied for, create and register a certificate of title for each lot or location or for any number of lots or locations included in that land.

*[Regulation 4 amended in Gazette 27 March 1998 p.1766.]*

**5. New certificate of title if old one too full for further endorsement**

If the Registrar is satisfied that a certificate of title in paper medium is too full for further endorsement then the Registrar may create and register a new certificate of title.

**6. Fees**

- (1) The fees prescribed in Schedule 1 are the fees payable to the Registrar in respect of the services and matters specified in Schedule 1.
- (2) Despite section 32(2) of the *Interpretation Act 1984*, the headings of the divisions into which Schedule 1 is divided form part of these regulations.
- (3) Despite subregulation (1), fees are not payable to the Registrar in respect of the services and matters specified in Schedule 2.
- (4) If the Registrar is satisfied in a particular case that it is appropriate to do so, the Registrar may waive or refund a fee payable under —
- (a) item 2 of Division 2; or

(b) item 8 or 9 of Division 8,  
of Schedule 1.

[Regulation 6 amended in Gazette 27 March 1998 p.1766.]

**6A. Transitional period**

(1) The fees prescribed in Divisions 1 and 2 of Schedule 1 are not payable during the transitional period in respect of the lodgment, registration or recording of —

- (a) a dealing relating to Crown land executed before the appointed day; or
- (b) a caveat in respect of such a dealing (whether lodged before, on or after the appointed day).

(2) In this regulation —

“**appointed day**” means the day fixed under section 2(1) of the *Land Administration Act 1997* as the day on which that Act comes into operation<sup>2</sup>;

“**transitional period**” means the period of 5 years beginning on the appointed day.

[Regulation 6A inserted in Gazette 27 March 1998 p.1766.]

**7. Memorials and withdrawals of memorials — Crimes (Confiscation of Profits) Act 1988**

The forms set out in Schedule 3 are the forms prescribed for the lodgment of memorials and withdrawals of memorials for the purposes of sections 11(2), 25(6), 25(8), 26(3), 26(5), 50(5) and 50(7) of the *Crimes (Confiscation of Profits) Act 1988*.

**8. Times for inspection of the Register and related documents**

The inspection times prescribed for the purposes of section 239(1) of the Act are 8.00 a.m. to 5.00 p.m.

**8A. Modification, discharge or extinguishment of single dwelling covenants — determination of prescribed area**

(1) In this regulation —

**“benefited lot”** means a lot that is benefited by —

- (a) the single dwelling covenant the subject of the application; or
- (b) any other single dwelling covenant;

**“circle”** means a notional circle that has its centre at the centre of the lot the subject of the application;

**“lot”** and **“single dwelling covenant”** have the same meanings as in section 129C of the Act.

(2) If there are 200 or more benefited lots inside a circle with a radius of 250 m, the prescribed area for the purposes of section 129C(1a)(a)(i) of the Act is the area within that circle.

(3) If there are —

- (a) less than 200 benefited lots within a circle with a radius of 250 m; and
- (b) no benefited lots in the area between that circle and a circle with a radius of 230 m,

the prescribed area for the purposes of section 129C(1a)(a)(i) of the Act is the area within the circle with a radius of 250 m.

(4) If subregulation (3) does not apply and there are 200 or more benefited lots inside a circle with a radius of 260 m, the prescribed area for the purposes of section 129C(1a)(a)(i) of the Act is the area within that circle.

(5) If there are —

- (a) less than 200 benefited lots within a circle with a radius of 260 m; and



- (b) no benefited lots in the area between that circle and a circle with a radius of 240 m,

the prescribed area for the purposes of section 129C(1a)(a)(i) of the Act is the area within a circle with a radius of 260 m.

- (6) If none of subregulations (2), (3), (4) and (5) apply, the prescribed area for the purposes of section 129C(1a)(a)(i) of the Act is the area within a circle with a radius of 270 m.
- (7) For the purposes of this regulation —
  - (a) the position of the centre and boundary of a circle is to be determined by a licensed surveyor (as defined in the *Licensed Surveyors Act 1909*) who holds a current practising certificate under that Act; and
  - (b) a lot is inside a circle if any part of the lot is inside the circle.

*[Regulation 8A inserted in Gazette 11 May 1999 pp.1906-7.]*

## **9. Repeal**

*[Omitted under the Reprints Act 1984 s.7(4)(f).]*

**Schedule 1 — Fees payable to the Registrar**

[Regulation 6(1)]

**Division 1 — Registrations and recordings**

		\$
1.	Of a transfer of a mortgage or charge —	
	first mortgage or charge .....	66.00
	subsequent mortgage or charge.....	13.00
2.	Of a transfer if stamp duty is assessed under item 6 of the Second Schedule to the <i>Stamp Act 1921</i> or is exempted under section 75AA, 75AB or 119 of that Act before lodgment for registration, or is exempt under the Third Schedule to that Act.....	66.00
3.	Of a transfer of a lease, surrender, easement or restrictive covenant.....	66.00
4.	Of any other transfer where the value of the consideration or the value as assessed under the <i>Stamp Act 1921</i> , whichever is the greater —	
	does not exceed \$85 000 .....	66.00
	exceeds \$85 000 but does not exceed \$120 000.....	76.00
	exceeds \$120 000 but does not exceed \$200 000...	96.00
	plus, for each whole or part \$100 000 above \$200 000.....	20.00
	Note:	
	Where —	
	(a) stamp duty is assessed on a parcel of land;	
	(b) transfers are lodged for parts of that parcel; and	
	(c) a separate value for each part is not allocated in the contract,	
	the fee for registering and recording the first of the transfers lodged for registration is to be assessed under item 4 on the value as assessed under the <i>Stamp Act 1921</i> of the parcel and, subject to proof of the payment of that fee, the fee for registering and recording each of the second and subsequent of the transfers is —	66.00
	Note: The fees specified in items 1 to 4 include the creation and registration of a new certificate of title where such certificate is required by the Registrar.	
5.	Of a mortgage or charge or of a whole or partial discharge of a mortgage or charge — for each interest .....	66.00
6.	Of an extension of a mortgage or charge — for each interest.....	66.00

**Fees payable to the Registrar      Schedule 1**

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		\$
7.	Of a Crown grant, a Crown lease or of a freehold lease or sub-lease or extension of a freehold lease .....	66.00
8.	Of a memorial under section 46 of the <i>Land Tax Assessment Act 1976</i> or any other Act or Commonwealth Act (unless exempted from payment under that Act) .....	66.00
9.	Of a certificate of trustees under section 33 of the <i>Friendly Societies Act 1984</i> <sup>3</sup> .....	66.00
10.	Of an order of the Supreme Court, a warrant of a Local Court or a writ of <i>feri facias</i> .....	66.00
11.	Of revocation of a power of attorney.....	66.00
12.	Of an instrument not specifically provided for in this Division .....	66.00

**Division 2 — Lodgments**

1.	Of a caveat, a power of attorney or a declaration of trust ..	66.00
2.	Of a plan or diagram —	
	general fee.....	110.00
	for each lot.....	45.00
	for each lot or location, part lot or location, or other parcel of land shown on the plan or diagram as included in a road or road widening (unless the sole or principal purpose of the plan or diagram is to show a subdivision of land into lots or locations).....	45.00
	for each lot or location, part lot or location, or other parcel of land shown on the plan or diagram as burdened by an easement.....	45.00
	for each easement burdening land on a plan or diagram showing the subdivision of land into lots or locations (if the sole or principal purpose of the plan or diagram is to show the subdivision and not one or more easements).....	45.00
	for each parcel of Crown land in a closed road shown on the plan or diagram for the purpose of sale and amalgamation with adjoining land.....	45.00
	for each parcel of Crown land shown on the plan or diagram as created for the purpose of sale and amalgamation with adjoining land.....	45.00

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**Schedule 1 Fees payable to the Registrar**

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		\$
3.	Of a plan or diagram accepted under regulation 44 of the <i>Licensed Surveyors (Transfer of Land Act 1893) Regulations</i> <sup>4</sup> —	
	general fee .....	110.00
	for each lot or part lot incorporated into such a plan or diagram.....	45.00
4.	Of a duplicate certificate of title or lease for the registration or recording of a dealing lodged by a third party —	
	for the first certificate of title or lease .....	33.00
	for each subsequent certificate of title or lease.....	6.00
5.	Of a memorandum within the meaning of section 54(1) of the Act — section 54(2) of the Act.....	66.00
6.	Of a notification of a factor affecting the use or enjoyment of land — section 70A(1) of the Act.....	66.00
7.	Of an instrument for a restrictive covenant created under section 129BA of the Act.....	66.00
8.	Of an instrument in relation to a plan on which is noted an easement created under Part IVA of the Act — section 136C(4) of the Act.....	66.00
9.	Of an instrument in relation to a plan on which is noted a restrictive covenant created under Part IVA of the Act — section 136D(3) of the Act.....	66.00

**Division 3 — Withdrawals**

1.	Of a caveat, warrant of a Local Court, writ of <i>feri facias</i> or a memorial under section 46 of the <i>Land Tax Assessment Act 1976</i> or any other Act or Commonwealth Act (unless exempted from payment under that Act) .....	66.00
2.	Of a document from registration or recording .....	33.00

**Division 4 — Applications**

1.	For a new certificate of title in respect of undivided shares in land —	
	for one certificate .....	66.00
	for each additional certificate.....	6.00
2.	For a new certificate of title in any other case.....	66.00

**Fees payable to the Registrar      Schedule 1**

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	\$
3. To amend certificates of title of other owners affected by section 170 of the Act — for each certificate of title affected.....	66.00
4. To serve a section 138A caveat with notice under section 138B of the Act.....	132.00
5. An application in respect of any matter not specifically provided for in this Division.....	66.00

**Division 5 — Certificates**

1. For the issue of a certificate of title, either on request or where necessary in connection with an application or process (except where this service is included in another fee).....	66.00
2. For a certificate of ownership issued under section 9.41 of the <i>Local Government Act 1995</i> .....	60.00
3. For certification by the Registrar of a certificate of title, Crown lease, plan, diagram or other document.....	60.00

**Division 6 — Inspection and/or copies of documents**

1. Search of names index — each name.....	4.00
2. Inspection of a Crown lease or permit where number is known.....	9.00
3. Copy of a Crown lease or permit where number is known	9.00
3A. Inspection of a Crown land lease where number is known	9.00
3B. Copy of a Crown land lease where number is known.....	9.00
4. Inspection of a certificate of title where number is known —	
where required as a result of a check search.....	4.00
in other cases.....	9.00
5. Copy of a certificate of title where number is known —	
where required as a result of a check search.....	4.00
in other cases.....	9.00
6. Inspection of a plan or diagram.....	9.00
7. Copy of a plan or diagram.....	9.00
7A. Inspection of a licensed surveyor’s field book.....	9.00
7B. Copy of a licensed surveyor’s field book.....	9.00

**Transfer of Land Regulations 1997**

**Schedule 1 Fees payable to the Registrar**

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	\$
7C. Copy of a plan or diagram or licensed surveyor's field book obtained by use of departmental self-service equipment.....	1.40
	for each page
8. Inspection of other documents not specifically provided for in this Division.....	9.00
9. Copy of other documents not specifically provided for in this Division.....	9.00
10. Search for the number of a certificate of title, Crown lease or permit.....	4.00
11. Inspection of a survey index plan.....	9.00
12. Copy of a survey index plan.....	9.00
13. Check search.....	4.00
13A. Search of Crown reserves database..... (including printout of hard copy)	9.00 for each reserve
14. In response to a request via a privately owned data terminal for the results of any of the following searches to be sent to that data terminal —	
search of the survey lot file, strata lot file or Crown allotment file for the number of a certificate of title, Crown lease or permit or search of the names index — for each name —	
up to 3 screens of information.....	1.00
for each additional screen of information.....	0.70
search of the names index file by —	
title number.....	1.30
check search.....	4.00
and in all cases the fee includes the taking of a hard copy screen print.	
15. In response to a request via a privately owned facsimile machine for the results of any search referred to in items 1 to 13 — for each request (in addition to the fees payable under items 1 to 13 in respect of the request).....	1.00
16. For arranging the postal delivery of any material for which a fee is payable under this Schedule —	
(a) if the material is sent within Australia and is not greater than 50 grams.....	9.00

**Fees payable to the Registrar      Schedule 1**

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	\$
(b) if the material is sent outside Australia or is greater than 50 grams .....	9.00
	plus any additional costs incurred, as assessed by the Registrar

*[Division 7 deleted.]*

**Division 8 — Miscellaneous**

1.	For production of permit.....	66.00
2.	For advertising — minimum fee (payable on lodgment of application) plus the actual cost above \$66.00 (payable when actual cost is known).	66.00
3.	The fee for — (a) a map or a colouring of a map on a copy of a certificate of title, Crown lease, plan, diagram or other document; or (b) the drafting of a plan, diagram or other document, is the fee assessed by the Registrar but which must not exceed the cost of providing the service.	
4.	For the coordination and delivery of a plan or diagram to the Ministry for Planning and collection of the same (including the cost of the preparation of prints).....	53.00
5.	For dispensing with the production of a duplicate of a certificate of title or other instrument.....	66.00
6.	Supply of statement of grounds.....	66.00
7.	Order for stay of registration under section 148 of the Act	66.00
8.	For requisitions raised on a document other than one to which item 9 applies.....	33.00
9.	For requisitions raised on a plan, diagram or other survey document.....	80.00

**Schedule 1 Fees payable to the Registrar**

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	\$
10. For amendments made to a plan, diagram or other survey document in respect of which requisitions have been raised.....	the cost of providing the service
11. For serving a caveator with notice under section 138 or 141A of the Act — each caveat.....	66.00
12. Cancellation of a plan or diagram.....	63.00
13. Excision or addition of lots or part lots, locations or part locations, easements etc. from/to a plan or diagram.....	42.00
if a plan or diagram has been certified correct, an additional fee of.....	53.00
14. Search of an historic tenure.....	the cost of providing the service
15. Providing a replica of a certificate of title, plan or document registered in the State — for all sizes.....	the cost of providing the service

**Division 9 — Information derived from records and dealings in relation to land under the operation of the Act**

A. Microfiche

1. Index sets — rental fee per annum —	
(a) Names index in owner name order to obtain certificate of title and survey lot references.....	890.00
(b) Names index in certificate of title order to obtain survey lot reference and owner name.....	890.00
(c) Survey lot index in plan/diagram order to obtain lot and certificate of title reference.....	170.00
(d) Strata indexes in strata plan order to obtain building name and in building name order to obtain strata plan reference.....	370.00
(e) Crown allotment index.....	370.00
(f) Ex-owners index for land disposals since September 1981.....	370.00



**Fees payable to the Registrar      Schedule 1**

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	\$
(g) Street address index in street name order to obtain land parcel identifier and certificate of title reference.....	340.00
(h) Crown reserves in numerical order.....	890.00
(i) Land identifier to map sheet in land parcel identifier order to obtain valuation map, survey index plan and public plan references.....	370.00
2. Valuation map microfiche — rental fee per annum —	
full set (as at 31 January 1996) — per map.....	0.76
part sets —	
up to 100 maps — per map.....	6.10
100 maps.....	610.00
plus per map over 100 up to 1 000.....	1.32
1 000 maps.....	1 798.00
plus per map over 1 000.....	0.76
3. Sales evidence microfiche sets — purchase fee per annum —	
(a) Full set —	
weekly.....	2 540.00
monthly.....	2 032.00
6 monthly.....	1 016.00
(b) Metro (non strata) set —	
weekly.....	1 905.00
monthly.....	1 524.00
6 monthly.....	762.00
(c) Country (non strata) set —	
weekly.....	508.00
monthly.....	406.40
6 monthly.....	203.20

**Schedule 1 Fees payable to the Registrar**

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		\$	
(d)	Strata (State-wide) set —		
	weekly.....	381.00	
	monthly.....	304.80	
	6 monthly.....	152.40	
Note 1:	A full set includes all the sets.		
Note 2:	The weekly service includes the monthly and 6 monthly updates.		
Note 3:	Additional sets of the same set are 20% of the cost of the first set.		
4.	Index plan microfiche —		
	per set to purchase.....	583.00	
	daily updates per set per annum.....	2 098.00	
	<b>B. Digital products</b>		
5.	For obtaining data from a computerised data base (if not prescribed elsewhere in this Schedule) —		
(a)	Points reports (control and temporary cadastral control data) — per point.....	3.1c	
(b)	Control data (geodetic mark information) — per record.....	6.2c	
(c)	The fee is to be determined by the Registrar, but is not to exceed the amount that would otherwise be payable under this item, where —		
	(i) the data is obtained by an approved government agency and the Registrar is satisfied that the data is obtained for the purpose of performing its functions and is not to be used for commercial gain;		
	(ii) the data is obtained by an individual and the Registrar is satisfied that it is to be used for educational purposes.		
	Service fee — per data extract job.....	30.00	
(d)	Temporary cadastral control information — per line.....	3.0c	
		Hard	Digital
		copy	
(e)	Cadastral data (per line).....	0.7c	3.0c
(f)	Polygon (centroids) — per polygon.....	1.2c	2.6c

Fees payable to the Registrar Schedule 1

		\$
(g)	Text Items (e.g. parcel identifier, certificate of title etc.) — per item.....	3.1c 6.2c
Note 1:	Products include computer generated plots and reports.	
Note 2:	In subitem (c)(i) “ <b>approved</b> ” means from time to time approved by the Minister.	
6.	For access to graphics data in the Land Information Access System —	
	for concurrent access per month.....	100.00
	plus, where access is via a controller port —	
	per month for 24 months .....	625.00
	per month after 24 months .....	nil
7.	An annual subscription for monthly digital copies, on computer tape of the Crown reserves database.....	2 050.00
8.	For compiling report on an entry in Crown reserves database —	
(a)	if no special computer programming is needed.....	37.50
(b)	if special computer programming is needed.....	37.50
		plus \$75.00 per hour or part hour for computer programming
9.	For printout of report referred to in item 8 .....	2.30
		for each page
10.	For compiling report on all entries in Crown reserves database (including printout of hard copy or a digital copy).....	90.00

*[Schedule 1 amended in Gazette 4 July 1997 pp.3484-5; 27 March 1998 pp.1766-8; 26 June 1998 pp.3382-3; 18 June 1999 pp.2633-5.]*

**Schedule 2 — Services and matters for which fees are not payable**

[Regulation 6(3)]

1. Lodgment or withdrawal of a memorial under —
  - (a) section 297A or 412A of the *Local Government (Miscellaneous Provisions) Act 1960* or Schedule 6.3 clause 2 of the *Local Government Act 1995*;
  - (b) section 124A of the *Metropolitan Water Supply, Sewerage, and Drainage Act 1909*;
  - (c) section 12BA, 12BB or 12EA of the *Country Areas Water Supply Act 1947*; or
  - (d) section 66 of the *Environmental Protection Act 1986*.
2. In respect of the transfer of loans for housing to financial institutions participating in the Home Buyers Guarantee Scheme of the State from other financial institutions, fees for the registration of a mortgage or the discharge of a mortgage, photocopy of a certificate of title, search of a plan, diagram or other document and photocopying or check search.
3. In respect of the lodging by a person of or the use by a third party of a duplicate certificate of title or lease for a purpose referred to in item 1 or 2.
4. To amend the address of the registered proprietor on the certificate of title.
5. An application for the issue of a Crown land record for Crown land and an endorsement on the record of details of —
  - (a) the creation of a reserve under section 8, 10 or 13 of the *Conservation and Land Management Act 1984*;
  - (b) matters to which section 9 or 10 of the *Marine and Harbours Act 1981* applies;
  - (c) proclamations or notices under the *Mining Act 1978*;
  - (d) a vesting in a relevant Port Authority under the —
    - (i) *Albany Port Authority Act 1926*<sup>5</sup>;
    - (ii) *Bunbury Port Authority Act 1909*<sup>5</sup>;

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**Services and matters for which fees are not payable**      **Schedule 2**

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- (iii) *Dampier Port Authority Act 1985*<sup>5</sup>;
  - (iv) *Esperance Port Authority Act 1968*<sup>5</sup>;
  - (v) *Fremantle Port Authority Act 1902*<sup>5</sup>;
  - (vi) *Geraldton Port Authority Act 1968*<sup>5</sup>; or
  - (vii) *Port Hedland Port Authority Act 1970*<sup>5</sup>;
  - (e) the declaration of a water reserve or catchment area under section 13 of the *Metropolitan Water Supply, Sewerage, and Drainage Act 1909*;
  - (f) a soil conservation reserve under section 22 or 26 of the *Soil and Land Conservation Act 1945*.
6. Lodgment of a plan or diagram where a lot vests in the Crown under section 20A of the *Town Planning and Development Act 1928*.
  7. Creation and registration of a certificate of title by the Registrar under regulation 4 (if different from the applicant's request) or regulation 5.
  8. Lodgments by or on behalf of the Registrar.
  9. Lodgment of a dealing or plan, diagram or other document by or on behalf of the Minister for Lands (other than such a lodgment by the Minister on behalf of another person).

*[Schedule 2 amended in Gazette 27 March 1998 p.1768.]*

Schedule 3 Forms for the purposes of the Crimes (Confiscation of Profits) Act 1988

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**Schedule 3 — Forms for the purposes of the  
Crimes (Confiscation of Profits) Act 1988**

[Regulation 7]

**FORM 1**

LODGING PARTY

FILE No.

TO REGISTRAR OF TITLES  
TRANSFER OF LAND ACT 1893

**MEMORIAL**

*CRIMES (CONFISCATION OF PROFITS) ACT 1988*

SECTION 11(2)

**MEMORIAL OF FORFEITURE ORDER**

DESCRIPTION OF LAND	EXTENT	VOLUME	FOLIO

REGISTERED PROPRIETOR OF LAND

--

I CERTIFY THAT A Forfeiture Order has been made under section 10(1) of the *Crimes (Confiscation of Profits) Act 1988*

Dated this \_\_\_\_\_ of \_\_\_\_\_ 19\_\_\_\_\_

.....  
Director/Deputy Director of Public Prosecutions

.....  
Witness

Forms for the purposes of the Crimes (Confiscation of Profits) Act 1988 Schedule 3

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(Reverse of Form 1)

OFFICE USE ONLY

**MEMORIAL**

LODGED BY  
ADDRESS  
PHONE No.  
FAX No.  
REFERENCE No.

PREPARED BY  
ADDRESS  
PHONE No.                      FAX No.

INSTRUCT IF ANY DOCUMENTS ARE TO  
ISSUE TO OTHER THAN LODGING  
PARTY

TITLES, LEASES, DECLARATIONS ETC.  
LODGED HEREWITH

- |          |                 |
|----------|-----------------|
| 1. _____ | Received items  |
| 2. _____ |                 |
| 3. _____ | Nos.            |
| 4. _____ |                 |
| 5. _____ |                 |
| 6. _____ | Receiving Clerk |

ENDORSING INSTRUCTION

EXAMINED

Registered under the *Transfer of Land Act 1893* on the day and time shown above and particulars entered in the Register.

Initials of  
signing  
officer

REGISTRAR OF TITLES

**Schedule 3 Forms for the purposes of the Crimes (Confiscation of Profits) Act 1988**

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**FORM 2**

LODGING PARTY

FILE No.

TO REGISTRAR OF TITLES  
*TRANSFER OF LAND ACT 1893*

**MEMORIAL**

*CRIMES (CONFISCATION OF PROFITS) ACT 1988*

SECTION 25(6)

**MEMORIAL OF CHARGE**

DESCRIPTION OF LAND	EXTENT	VOLUME	FOLIO

REGISTERED PROPRIETOR OF LAND

--

I CERTIFY THAT —

- (a) a Restraining Order in respect of the above land was made on the ..... day of ..... 19 ..... by the Supreme Court of Western Australia in action ..... under section 20 of the *Crimes (Confiscation of Profits) Act 1988*;
- (b) a Pecuniary Penalty Order against the registered proprietor specified above was made on the ..... day of ..... 19 ..... by the ..... Court of Western Australia in action .....; and
- (c) a charge has been created on the above land by section 25(1) of the *Crimes (Confiscation of Profits) Act 1988*.

Dated this	of	19
------------	----	----

..... Director/Deputy Director of Public Prosecutions, Commissioner of Police, Police Officer or Public Trustee	..... Witness
--	------------------



Forms for the purposes of the Crimes (Confiscation of Profits) Act 1988 Schedule 3

---

(Reverse of Form 2)

OFFICE USE ONLY

**MEMORIAL**

LODGED BY  
ADDRESS  
PHONE No.  
FAX No.  
REFERENCE No.

PREPARED BY  
ADDRESS  
PHONE No.                      FAX No.

INSTRUCT IF ANY DOCUMENTS ARE TO  
ISSUE TO OTHER THAN LODGING  
PARTY

TITLES, LEASES, DECLARATIONS ETC.  
LODGED HEREWITH

- |          |                 |
|----------|-----------------|
| 1. _____ | Received items  |
| 2. _____ |                 |
| 3. _____ | Nos.            |
| 4. _____ |                 |
| 5. _____ |                 |
| 6. _____ | Receiving Clerk |

ENDORSING INSTRUCTION

EXAMINED

Registered under the *Transfer of Land Act 1893* on the day and time shown above and particulars entered in the Register.

Initials of  
signing  
officer

REGISTRAR OF TITLES

**Schedule 3 Forms for the purposes of the Crimes (Confiscation of Profits) Act 1988**

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**FORM 3**

LODGING PARTY

FILE No.

TO REGISTRAR OF TITLES  
*TRANSFER OF LAND ACT 1893*

**WITHDRAWAL OF MEMORIAL**

*CRIMES (CONFISCATION OF PROFITS) ACT 1988*

SECTION 25(8)

**WITHDRAWAL OF MEMORIAL OF CHARGE**

MEMORIAL NUMBER	DESCRIPTION OF LAND	EXTENT	VOLUME	FOLIO
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REGISTERED PROPRIETOR OF LAND

--

I CERTIFY THAT —

- (a) under section 25(2) of the *Crimes (Confiscation of Profits) Act 1988* the charge on the above land has ceased to have effect; and
- (b) the above described Memorial(s) is/are hereby withdrawn from that land.

Dated this

of

19

.....  
Director/Deputy Director of Public Prosecutions,  
Commissioner of Police, Police Officer or  
Public Trustee

.....  
Witness

Forms for the purposes of the Crimes (Confiscation of Profits) Act 1988 Schedule 3

---

(Reverse of Form 3)

OFFICE USE ONLY

**WITHDRAWAL OF MEMORIAL**

LODGED BY  
ADDRESS  
PHONE No.  
FAX No.  
REFERENCE No.  
ISSUING BOX No.

PREPARED BY  
ADDRESS  
PHONE No.                      FAX No.

INSTRUCT IF ANY DOCUMENTS ARE TO  
ISSUE TO OTHER THAN LODGING  
PARTY

TITLES, LEASES, DECLARATIONS ETC.  
LODGED HEREWITH

ENDORSING INSTRUCTION

1. \_\_\_\_\_ Received items
2. \_\_\_\_\_ Nos.
3. \_\_\_\_\_ Receiving Clerk

EXAMINED

Registered under the *Transfer of Land Act 1893* on the day and time shown above and particulars entered in the Register.

Initials of  
signing  
officer

REGISTRAR OF TITLES

**Schedule 3 Forms for the purposes of the Crimes (Confiscation of Profits) Act 1988**

---

**FORM 4**

LODGING PARTY

FILE No.

TO REGISTRAR OF TITLES  
TRANSFER OF LAND ACT 1893

**MEMORIAL**

*CRIMES (CONFISCATION OF PROFITS) ACT 1988*

SECTION 26(3)

**MEMORIAL OF RESTRAINING ORDER**

DESCRIPTION OF LAND	EXTENT	VOLUME	FOLIO

REGISTERED PROPRIETOR OF LAND

--

I CERTIFY THAT a Restraining Order in respect of the above land was made pursuant to section 20 of the *Crimes (Confiscation of Profits) Act 1988* on the ..... day of ..... 19 ..... by the Supreme Court of Western Australia in action ..... of .....19 .....

Dated this	of	19
------------	----	----

..... Director/Deputy Director of Public Prosecutions, Commissioner of Police, Police Officer or Public Trustee	..... Witness
--	------------------

Forms for the purposes of the Crimes (Confiscation of Profits) Act 1988 Schedule 3

---

(Reverse of Form 4)

OFFICE USE ONLY

**MEMORIAL**

LODGED BY  
ADDRESS  
PHONE No.  
FAX No.  
REFERENCE No.

PREPARED BY  
ADDRESS  
PHONE No.                      FAX No.

INSTRUCT IF ANY DOCUMENTS ARE TO  
ISSUE TO OTHER THAN LODGING  
PARTY

TITLES, LEASES, DECLARATIONS ETC.  
LODGED HEREWITH

- |          |                 |
|----------|-----------------|
| 1. _____ | Received items  |
| 2. _____ |                 |
| 3. _____ | Nos.            |
| 4. _____ |                 |
| 5. _____ |                 |
| 6. _____ | Receiving Clerk |

ENDORSING INSTRUCTION

EXAMINED

Registered under the *Transfer of Land Act 1893* on the day and time shown above and particulars entered in the Register.

Initials of  
signing  
officer

REGISTRAR OF TITLES

**Schedule 3 Forms for the purposes of the Crimes (Confiscation of Profits) Act 1988**

---

**FORM 5**

LODGING PARTY

FILE No.

TO REGISTRAR OF TITLES  
*TRANSFER OF LAND ACT 1893*

**WITHDRAWAL OF MEMORIAL**

*CRIMES (CONFISCATION OF PROFITS) ACT 1988*

SECTION 26(5)

**WITHDRAWAL OF MEMORIAL OF RESTRAINING ORDER**

MEMORIAL NUMBER	DESCRIPTION OF LAND	EXTENT	VOLUME	FOLIO
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REGISTERED PROPRIETOR OF LAND

--

The above described Memorial(s) is/are hereby withdrawn from the land above described.

Dated this	of	19
------------	----	----

.....  
Director/Deputy Director of Public Prosecutions,  
Commissioner of Police, Police Officer or  
Public Trustee

.....  
Witness

Forms for the purposes of the Crimes (Confiscation of Profits) Act 1988 Schedule 3

---

(Reverse of Form 5)

OFFICE USE ONLY

**WITHDRAWAL OF MEMORIAL**

LODGED BY  
ADDRESS  
PHONE No.  
FAX No.  
REFERENCE No.  
ISSUING BOX No.

PREPARED BY  
ADDRESS  
PHONE No.                      FAX No.

INSTRUCT IF ANY DOCUMENTS ARE TO  
ISSUE TO OTHER THAN LODGING  
PARTY

TITLES, LEASES, DECLARATIONS ETC.  
LODGED HEREWITH

ENDORSING INSTRUCTION

1. \_\_\_\_\_ Received items
2. \_\_\_\_\_ Nos.
3. \_\_\_\_\_ Receiving Clerk

EXAMINED

Registered under the *Transfer of Land Act 1893* on the day and time shown above and particulars entered in the Register.

Initials of  
signing  
officer

REGISTRAR OF TITLES

**Schedule 3 Forms for the purposes of the Crimes (Confiscation of Profits) Act 1988**

---

**FORM 6**

LODGING PARTY

FILE No.

TO REGISTRAR OF TITLES  
TRANSFER OF LAND ACT 1893

**MEMORIAL**

*CRIMES (CONFISCATION OF PROFITS) ACT 1988*

SECTION 50(5)

**MEMORIAL OF CHARGE**

DESCRIPTION OF LAND	EXTENT	VOLUME	FOLIO

REGISTERED PROPRIETOR OF LAND

I CERTIFY THAT —

- (a) an Interstate Restraining Order in respect of the above land made on the ..... day of ..... 19 ..... by the ..... Court of ..... in action ..... was registered under section 44 of the *Crimes (Confiscation of Profits) Act 1988*;
- (b) an Interstate Pecuniary Penalty Order against the registered proprietor specified above made on the ..... day of ..... 19 ..... by the ..... Court of ..... in action ..... was registered in the ..... Court of Western Australia under the *Service and Execution of Process Act 1992* of the Commonwealth; and
- (c) a charge has been created by section 50(1) of the *Crimes (Confiscation of Profits) Act 1988*.

Dated this	of	19
------------	----	----

..... Public Trustee or Attorney General	..... Witness
---	------------------



Forms for the purposes of the Crimes (Confiscation of Profits) Act 1988 Schedule 3

---

(Reverse of Form 6)

OFFICE USE ONLY

**MEMORIAL**

LODGED BY  
ADDRESS  
PHONE No.  
FAX No.  
REFERENCE No.

PREPARED BY  
ADDRESS  
PHONE No.                      FAX No.

INSTRUCT IF ANY DOCUMENTS ARE TO  
ISSUE TO OTHER THAN LODGING  
PARTY

TITLES, LEASES, DECLARATIONS ETC.  
LODGED HEREWITH

- |          |                 |
|----------|-----------------|
| 1. _____ | Received items  |
| 2. _____ |                 |
| 3. _____ | Nos.            |
| 4. _____ |                 |
| 5. _____ |                 |
| 6. _____ | Receiving Clerk |

ENDORSING INSTRUCTION

EXAMINED

Registered under the *Transfer of Land Act 1893* on the day and time shown above and particulars entered in the Register.

Initials of  
signing  
officer

REGISTRAR OF TITLES

**Schedule 3 Forms for the purposes of the Crimes (Confiscation of Profits) Act 1988**

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**FORM 7**

LODGING PARTY

FILE No.

TO REGISTRAR OF TITLES  
*TRANSFER OF LAND ACT 1893*

**WITHDRAWAL OF MEMORIAL**

*CRIMES (CONFISCATION OF PROFITS) ACT 1988*

SECTION 50(7)

**WITHDRAWAL OF MEMORIAL OF CHARGE**

MEMORIAL NUMBER	DESCRIPTION OF LAND	EXTENT	VOLUME	FOLIO
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REGISTERED PROPRIETOR OF LAND

--

I CERTIFY THAT —

- (a) under section 50(2) of the *Crimes (Confiscation of Profits) Act 1988* the charge on the above land has ceased to have effect; and
- (b) the above described Memorial(s) is/are hereby withdrawn from that land.

Dated this

of

19

.....  
Public Trustee or Attorney General

.....  
Witness

Forms for the purposes of the Crimes (Confiscation of Profits) Act 1988 Schedule 3

---

(Reverse of Form 7)

OFFICE USE ONLY

**WITHDRAWAL OF MEMORIAL**

LODGED BY  
ADDRESS  
PHONE No.  
FAX No.  
REFERENCE No.  
ISSUING BOX No.

PREPARED BY  
ADDRESS  
PHONE No.                      FAX No.

INSTRUCT IF ANY DOCUMENTS ARE TO  
ISSUE TO OTHER THAN LODGING  
PARTY

TITLES, LEASES, DECLARATIONS ETC.  
LODGED HEREWITH

ENDORSING INSTRUCTION

1. \_\_\_\_\_ Received items
2. \_\_\_\_\_ Nos.
3. \_\_\_\_\_ Receiving Clerk

EXAMINED

Registered under the *Transfer of Land Act 1893* on the day and time shown above and particulars entered in the Register.

Initials of  
signing  
officer

REGISTRAR OF TITLES

**Notes**

<sup>1</sup> This reprint is a compilation as at 5 May 2000 of the *Transfer of Land Regulations 1997* and includes the amendments referred to in the following Table.

**Table of Regulations**

<b>Citation</b>	<b>Gazettal</b>	<b>Commencement</b>	<b>Miscellaneous</b>
<i>Transfer of Land Regulations 1997</i>	9 January 1997 pp.67-97	13 January 1997 (see regulation 2)	
<i>Transfer of Land Amendment Regulations 1997</i>	4 July 1997 pp.3483-5	4 August 1997 (see regulation 2)	
<i>Transfer of Land Amendment Regulations 1998</i>	27 March 1998 pp.1766-8	30 March 1998 (see regulation 2 and <i>Gazette</i> 27 March 1998 p.1765)	
<i>Transfer of Land Amendment Regulations (No. 2) 1998</i>	26 June 1998 pp.3382-3	1 July 1998 (see regulation 2)	
<i>Transfer of Land Amendment Regulations 1999</i>	11 May 1999 pp.1906-7	1 June 1999 (see regulation 2 and <i>Gazette</i> 11 May 1999 p.1905)	
<i>Transfer of Land Amendment Regulations (No. 2) 1999</i>	18 June 1999 pp.2633-5	1 July 1999 (see regulation 2)	

<sup>2</sup> The appointed day is 30 March 1998.

<sup>3</sup> Repealed by the *Friendly Societies (Western Australia) Act 1999* (No. 2 of 1999) which was repealed by the *Acts Amendment and Repeal (Financial Sector and Reform) Act 1999* (No. 26 of 1999).

<sup>4</sup> Now see *Licensed Surveyors (Transfer of Land Act 1893) Regulations 1961*.

<sup>5</sup> Repealed by the *Port Authorities (Consequential Provisions) Act 1999* (No. 5 of 1999).

## Defined Terms

*[This is a list of terms defined and the provisions where they are defined.*

*The list is not part of the law.]*

Defined Term	Provision(s)
appointed day .....	6A(2)
approved.....	Sch. 1, Div 9
benefited lot .....	8A(1)
circle.....	8A(1)
lot .....	8A(1)
single dwelling covenant.....	8A(1)
transitional period .....	6A(2)