



www.alc.org.au

fact sheet

NEW SOUTH WALES ABORIGINAL LAND COUNCIL

9

Certificates of Title

In New South Wales, ownership of land is recorded on the Torrens Land Title Register held at the Land and Property Information (**LPI**). Each parcel of land has a unique identifier and what is known as a 'folio' which sets out who the owner of the land is and any other interests in the land. An owner of land is issued with a Certificate of Title, which is a replica of that folio held in the Register. Without a certificate of title, an owner cannot do many things with their property, such as selling or mortgaging it.

Some Local Aboriginal Land Councils (**LALCs**) have not been able to finalise land dealings because they have not been able to locate their Certificates of Title (**CTs**).

NSWALC highly recommends that LALCs carry out an audit of their CTs by checking which CTs they have against a list of their land holdings.

LALCs can contact the Land and Property Unit of NSWALC (**LPU**) if they are unsure what they have is the CT or a copy. Also, to assist LALCs, **Attachment 1** to this Fact Sheet shows some recent versions of CTs issued by the LPI (identifying details have been removed from these copies). There are some older versions of CTs which are hand written with a plan of the land. LALCs will note that the latest 2 versions of CTs contain security features such as bar codes and the NSW Coat of Arms.

LALCs may find that some CTs are issued in their mis-spelt name, a former name or in a name that the LALC has been using but which has not been correctly constituted under the *Aboriginal Land Rights Act 1983* (**ALRA**). LALCs should contact the LPU for assistance with correcting these CTs.

Lost CTs

If LALCs cannot locate their CTs, NSWALC suggests that they carry out comprehensive checks:

- of their office records and documents;
- by contacting their solicitor and any former solicitors to see if the solicitors are holding the CTs in their safe custody;
- by contacting their bank and former banks to see if the CTs are held in a safe deposit box;
- by contacting any former Administrator of the LALC to see if the Administrator has the CTs or knows the location of the CTs;
- by contacting the Deeds Room (email: DeedsRoom@pmc.gov.au) of the Department of Prime Minister and Cabinet (**PMC**). This is because some LALCs purchased land or renovated their properties with funding provided by the former Aboriginal and Torres Strait Islander Commission (**ATSIC**) and the former ATSIC placed a caveat over the title to the affected property and or kept the LALCs CT as security for the funding. ATSIC was abolished in 2005 and all the CTs were transferred to the Deeds Room of the Department of PMC;
- by contacting NSWALC to see if NSWALC is holding the CT in our safe custody.

LALCs should make notes of all the steps they took to try to locate the CTs, including the above steps.

Applying for replacement CTs

Subject to resources, NSWALC can assist LALCs to apply for replacement CTs. The process is prescriptive (the person declaring the statutory declaration needs to provide several forms of identification) and the LALC is required to carry out mandatory searches (as stated above) and can be costly as the LPI charges \$219 per 20 replacement CTs. This fee increases in July every year. The process can take some months so it is important LALCs contact NSWALC as early as possible, especially where LALCs need the CT to complete a land dealing.

Keeping CTs safe

As LALCs change key personnel, CTs tend to get misplaced so in order to avoid having to apply for replacement CTs, good record keeping and safe custody procedures are required. It is therefore very important that LALCs keep their CTs in a safe fireproof place and document where it is kept and if it has been removed, then by whom and for what purpose.

NSWALC has been happy to keep LALC CTs in NSWALC's safe custody, free of charge. Some LALCs have kept their CTs in NSWALC's safe custody and when LALCs need the CT for a land dealing or for any other reason, LALCs need to write to NSWALC directing that NSWALC release the CT to them or their solicitor.

Please contact the LPU if you wish NSWALC to keep your CTs in NSWALC's safe.

Attachment 1

BOX 469S
(0642676)

NEW SOUTH WALES

CERTIFICATE OF TITLE
REAL PROPERTY ACT, 1900

TORRENS TITLE

| | |
|------------------------------------|---------------|
| REFERENCE TO FOLIO OF THE REGISTER | |
| IDENTIFIER | 743/7 |
| EDITION | DATE OF ISSUE |
| 1 | 2.11.1995 |



PERSONS ARE CAUTIONED AGAINST ALTERING OR ADDING TO THIS CERTIFICATE OR ANY NOTIFICATION HEREON

I certify that the person described in the First Schedule is the registered proprietor of an estate in fee simple (or such other estate or interest as is set forth in that Schedule) in the land within described subject to such exceptions, encumbrances, interests and entries as appear in the Second Schedule and to any additional entries in the Folio of the Register.

K. Melle

REGISTRAR GENERAL



LAND

LOT 743 IN DEPOSITED PLAN
(FORMERLY KNOWN AS ALLOTMENT 743)
AT
LOCAL GOVERNMENT AREA:
PARISH OF NAROOMA COUNTY OF DAMPIER
TITLE DIAGRAM: SEE CROWN PLAN

FIRST SCHEDULE

LOCAL ABORIGINAL LAND COUNCIL (AP)

SECOND SCHEDULE

- 0642676 SUBJECT TO CONDITIONS IN MEMORANDUM Y757000.
RESTRICTIONS ON DEALINGS - SEE SECTION 40 AND 40AA
ABORIGINAL LAND RIGHTS ACT 1983

WARNING: BEFORE DEALING WITH THIS LAND SEARCH THE CURRENT FOLIO OF THE REGISTER

BOX 469S
(7730662)

NEW SOUTH WALES

CERTIFICATE OF TITLE

REAL PROPERTY ACT, 1900



| TORRENS TITLE | |
|------------------------------------|-----------------|
| REFERENCE TO FOLIO OF THE REGISTER | |
| IDENTIFIER | 277/ [REDACTED] |
| EDITION | 1 |
| DATE OF ISSUE | 2/7/2001 |

PERSONS ARE CAUTIONED AGAINST ALTERING OR ADDING TO THIS CERTIFICATE, OR ANY NOTIFICATION HEREON

I certify that the person described in the First Schedule is the registered proprietor of an estate in fee simple (or such other estate or interest as is set forth in that Schedule) in the land within described subject to such exceptions, encumbrances, interests and entries as appear in the Second Schedule and to any additional entries in the Folio of the Register.

David Mulesky
REGISTRAR GENERAL



LAND

LOT 277 IN DEPOSITED PLAN [REDACTED]
AT MITCHELL'S ISLAND
LOCAL GOVERNMENT AREA: [REDACTED]
PARISH OF OXLEY COUNTY OF MACQUARIE
TITLE DIAGRAM: [REDACTED]

FIRST SCHEDULE

[REDACTED] LOCAL ABORIGINAL LAND COUNCIL (R [REDACTED])

SECOND SCHEDULE

1. SUBJECT TO CONDITIONS IN MEMORANDUM Y757000. RESTRICTIONS ON DEALINGS - SEE SECTION 40 ABORIGINAL LAND RIGHTS ACT 1983 (THIS IS NOT AFFECTED BY SECTION 40AA).
2. DP [REDACTED] EASEMENT FOR TRANSMISSION OF ELECTRICITY 20 WIDE AFFECTING THE PART(S) SHOWN SO BURDENED IN THE TITLE DIAGRAM
3. [REDACTED] GOVERNMENT GAZETTE 28/8/1987 FOLIO 4944 EASEMENT FOR ACCESS AFFECTING THE PART SHOWN AS "EASEMENT FOR ACCESS 5 WIDE - DP733946 GAZ. 28/8/1987" IN THE TITLE DIAGRAM
4. [REDACTED] GOVERNMENT GAZETTE 28/8/1987 FOLIO 4945 EASEMENT FOR WATER SUPPLY & PIPELINE AFFECTING THE PART SHOWN AS "EASEMENT FOR WATER SUPPLY PIPELINE 5 WIDE & VAR. - DP733946 GAZ. 28/8/1987" IN THE TITLE DIAGRAM
5. [REDACTED] GOVERNMENT GAZETTE 28/8/1987 FOLIO 4945 EASEMENT FOR DRAINAGE AFFECTING THE PART SHOWN AS "EASEMENT FOR DRAINAGE 5 WIDE - DP733946 GAZ. 28/8/1987" IN THE TITLE DIAGRAM

WARNING: BEFORE DEALING WITH THIS LAND SEARCH THE CURRENT FOLIO OF THE REGISTER

BOX 546B
(AF171773)



| | |
|---------------------------------|---------------|
| TOKINS TITLE REFERENCE | |
| [REDACTED] | |
| EDITION | DATE OF ISSUE |
| 1 | 7/12/2009 |
| CERTIFICATE AUTHENTICATION CODE | |
| QPQ9-[REDACTED] | |



NEW SOUTH WALES
CERTIFICATE OF TITLE
REAL PROPERTY ACT, 1900

I certify that the person described in the First Schedule is the registered proprietor of an estate in fee simple (or such other estate or interest as is set forth in that Schedule) in the land within described subject to such exceptions, encumbrances, interests and entries as appear in the Second Schedule and to any additional entries in the Folio of the Register.

David White
REGISTRAR GENERAL



ANY ATTEMPT TO ALTER THIS CERTIFICATE COULD RESULT IN HEAVY FINES OR IMPRISONMENT (S.141 REAL PROPERTY ACT)

LAND

LOT 243 IN DEPOSITED PLAN [REDACTED]
AT
LOCAL GOVERNMENT AREA: [REDACTED]
PARISH OF STEWART COUNTY OF MACQUARIE
(FORMERLY KNOWN AS PORTION 243)
TITLE DIAGRAM: CROWN PLAN

FIRST SCHEDULE

[REDACTED] LOCAL ABORIGINAL LAND COUNCIL (R AF [REDACTED])

SECOND SCHEDULE

-
1. SUBJECT TO CONDITIONS IN MEMORANDUM Y757000. RESTRICTIONS ON DEALINGS - SEE SECTION 40 ABORIGINAL LAND RIGHTS ACT 1983 (THIS IS NOT AFFECTED BY SECTION 40AA).
 2. LIMITED TITLE. LIMITATION PURSUANT TO SECTION 28T(4) OF THE REAL PROPERTY ACT, 1900. THE BOUNDARIES OF THE LAND COMPRISED HEREIN HAVE NOT BEEN INVESTIGATED BY THE REGISTRAR GENERAL.

**** END OF CERTIFICATE ****

BOX 546B
(AH33765)



NEW SOUTH WALES
CERTIFICATE OF TITLE
REAL PROPERTY ACT, 1900



| | |
|---------------------------------|---------------|
| TOKENS TITLE REFERENCE | |
| 7301/ | |
| EDITION | DATE OF ISSUE |
| 1 | 7/6/2012 |
| CERTIFICATE AUTHENTICATION CODE | |
| 7PC2- | |

ANY ATTEMPT TO ALTER THIS CERTIFICATE COULD RESULT IN HEAVY FINES OR IMPRISONMENT IS (41) REAL PROPERTY ACT.

I certify that the person described in the First Schedule is the registered proprietor of an estate in fee simple (or such other estate or interest as is set forth in that Schedule) in the land within described subject to such exceptions, encumbrances, interests and entries as appear in the Second Schedule and to any additional entries in the Folio of the Register.

REGISTRAR GENERAL



LAND

LOT 7301 IN DEPOSITED PLAN
AT
LOCAL GOVERNMENT AREA:
PARISH OF WINGHAM COUNTY OF MACQUARIE
TITLE DIAGRAM: DP

FIRST SCHEDULE

LOCAL ABORIGINAL LAND COUNCIL (R AH)

SECOND SCHEDULE

1. AH33765 SUBJECT TO CONDITIONS IN MEMORANDUM AF395175. RESTRICTIONS ON DEALINGS AND PLANS - SEE PART 2, DIVISION 4 AND SECTION 42 ABORIGINAL LAND RIGHTS ACT 1983. APPROVED DETERMINATION OF NATIVE TITLE IS REQUIRED. ANY DEALING OR PLAN MUST ALSO BE ACCOMPANIED BY A REGISTRATION APPROVAL CERTIFICATE OR A STATEMENT OF NON REQUIREMENT.
2. LIMITED TITLE. LIMITATION PURSUANT TO SECTION 28T(4) OF THE REAL PROPERTY ACT, 1900. THE BOUNDARIES OF THE LAND COMPRISED HEREIN HAVE NOT BEEN INVESTIGATED BY THE REGISTRAR GENERAL.

**** END OF CERTIFICATE ****

WARNING: BEFORE DEALING WITH THIS LAND, SEARCH THE CURRENT FOLIO OF THE REGISTER

4 9