
LANDS

LA301*

Transfer of Land Act 1893

**Transfer of Land Amendment Regulations
(No. 2) 2009**

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Transfer of Land Amendment Regulations (No. 2) 2009*.

2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations —
 - (i) on 1 July 2009; or
 - (ii) if the day on which the *Transfer of Land Amendment Regulations 2009* regulation 3 comes into operation is later than 1 July 2009 — immediately after that regulation comes into operation.

3. Regulations amended

These regulations amend the *Transfer of Land Regulations 2004*.

4. Regulation 9 deleted

Delete regulation 9.

5. Regulation 10 amended

In regulation 10 delete “5.00 p.m.” and insert:

4.30 p.m.

6. Schedule 1 amended

- (1) This regulation amends Schedule 1.

(2) Delete Division 1 item 2 and insert:

2. Of a transfer —

- (a) that is exempt from duty under the *Stamp Act 1921* or the *Duties Act 2008*; or
- (b) on which nominal duty is chargeable under the *Duties Act 2008*; or
- (c) on which duty is chargeable under the *Stamp Act 1921* Second Schedule item 6 \$110.00

(3) Delete Division 1 item 4 and insert:

4. Of any other transfer where the value of the consideration in respect of the land or the value of the land as assessed under the *Stamp Act 1921* or the *Duties Act 2008*, whichever is the greater —

does not exceed \$85 000	\$110.00
exceeds \$85 000 but does not exceed \$120 000	\$120.00
exceeds \$120 000 but does not exceed \$200 000	\$140.00
plus, for each whole or part of \$100 000 above \$200 000	\$20.00

Note: Where —

- (a) stamp duty is assessed on a parcel of land; and
- (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 *Stamp Act 1921* or the *Duties Act 2008* 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 \$110.00

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.

(4) Delete Division 2 items 2, 3 and 4 and insert:

2. Of a deposited plan of Crown land that is not a subdivision —

- (a) general fee \$204.00
- (b) for each lot \$56.00
- (c) for each sheet in addition to the first sheet \$204.00

3. Of any other deposited plan —

- (a) general fee \$204.00

- (b) for each lot (including any lot shown on an inset on the plan) other than a lot vesting in the Crown under the *Planning and Development Act 2005* section 152 \$56.00
- 4. Of a replacement plan \$204.00

[Note my changes in line with our discussions today.]

- (5) In Division 6 item 19 after “facsimile machine” insert:

or via email
- (6) In Division 7 item 3 delete “of a certificate” and insert:

certificate
- (7) In Division 7 item 7 delete “in respect of” and insert:

on
- (8) Delete Division 7 item 9 and insert:
- 9. Cancellation of a deposited plan \$178.00
- (9) Delete Division 7 item 12.
- (10) Amend the provisions listed in the Table as set out in the Table.

Table

Provision	Delete	Insert
Division 1 item 1	\$105.00	\$110.00
Division 1 item 3	\$105.00	\$110.00
Division 1 item 5	\$105.00	\$110.00
Division 1 item 6	\$105.00	\$110.00
Division 1 item 7	\$105.00	\$110.00
Division 1 item 8	\$105.00	\$110.00
Division 1 item 9	\$105.00	\$110.00

Provision	Delete	Insert
Division 1 item 10	\$105.00	\$110.00
Division 1 item 11	\$105.00	\$110.00
Division 2 item 1	\$105.00	\$110.00
Division 2 item 5	\$52.50	\$55.00
Division 2 item 6	\$105.00	\$110.00
Division 2 item 7	\$105.00	\$110.00
Division 2 item 8	\$105.00	\$110.00
Division 2 item 9	\$105.00	\$110.00
Division 2 item 10	\$105.00	\$110.00
Division 3 item 1	\$105.00	\$110.00
Division 3 item 2	\$52.50	\$55.00
Division 4 item 1(a)	\$105.00	\$110.00
Division 4 item 2	\$105.00	\$110.00
Division 4 item 3	\$105.00	\$110.00
Division 4 item 4	\$105.00	\$110.00
Division 4 item 5	\$210.00	\$220.00
Division 4 item 6	\$105.00	\$110.00
Division 4 item 7A	\$105.00	\$110.00
Division 4 item 7	\$105.00	\$110.00
Division 5 item 1	\$105.00	\$110.00
Division 6 item 1	\$17.50	\$18.00
Division 6 item 2	\$17.50	\$18.00

Provision	Delete	Insert
Division 6 item 3	\$17.50	\$18.00
Division 6 item 4	\$17.50	\$18.00
Division 6 item 5(a)	\$8.75	\$9.00
Division 6 item 5(b)	\$17.50	\$18.00
Division 6 item 6(a)	\$8.75	\$9.00
Division 6 item 6(b)	\$17.50	\$18.00
Division 6 item 7	\$17.50	\$18.00
Division 6 item 8	\$17.50	\$18.00
Division 6 item 9	\$17.50	\$18.00
Division 6 item 10	\$17.50	\$18.00
Division 6 item 12	\$8.75	\$9.00
Division 6 item 13	\$17.50	\$18.00
Division 6 item 14	\$17.50	\$18.00
Division 6 item 15	\$17.50	\$18.00
Division 6 item 16	\$17.50	\$18.00
Division 6 item 17	\$8.75	\$9.00
Division 6 item 18(a)	\$8.75	\$9.00
Division 6 item 19	\$2.40	\$2.50
Division 6 item 21	\$8.75	\$9.00
Division 6 item 22	\$17.50	\$18.00
Division 6 item 23	\$17.50	\$18.00
Division 7 item 1	\$105.00 (each occurrence)	\$110.00

Provision	Delete	Insert
Division 7 item 3	\$105.00	\$110.00
Division 7 item 4	\$105.00	\$110.00
Division 7 item 5	\$105.00	\$110.00
Division 7 item 6(a)	\$89.00	\$92.00
Division 7 item 6(b)(i)	\$50.00	\$52.00
Division 7 item 6(b)(ii)	\$75.00	\$78.00
Division 7 item 8	\$105.00	\$110.00
Division 7 item 15	\$34.00	\$35.00

7. Schedule 3 deleted

Delete Schedule 3.

By Command of the Governor,

R. KENNEDY, Clerk of the Executive Council.
