

LA301*

Transfer of Land Act 1893

Transfer of Land Amendment Regulations 2009

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Transfer of Land Amendment Regulations 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 — on the day after that day.

3. Regulations amended

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

4. Part 1 heading inserted

Before regulation 1 insert:

Part 1 — Preliminary

5. Part 2 heading inserted

After regulation 2 insert:

Part 2 — General

6. Regulations 6 and 7 deleted

Delete regulations 6 and 7.

7. Part 3 heading inserted

After regulation 8 insert:

Part 3 — Fees and forms

8. Regulation 9A inserted

Before regulation 9 insert:

9A. Fees

- (1) The fee for the registration or recording of an instrument, order or other document of a kind mentioned in an item of Schedule 1 Division 1 is the fee specified in that item in relation to that instrument, order or other document.
- (2) The fee for the lodgment of a duplicate certificate of title, instrument, plan or other document of a kind mentioned in an item of Schedule 1 Division 2 is the fee specified in that item in relation to that duplicate certificate of title, instrument, plan or other document.
- (3) The fee for the withdrawal of a document —
 - (a) of a kind mentioned in Schedule 1 Division 3 item 1 is the fee specified in that item;
 - (b) from registration or recording is the fee specified in Schedule 1 Division 3 item 2.
- (4) The fee for an application of a kind mentioned in an item of Schedule 1 Division 4 is the fee specified in that item in relation to that application.
- (5) The fee for —
 - (a) the issue of a certificate of title under Schedule 1 Division 5 item 1 is the fee specified in that item;
 - (b) a certificate of a kind mentioned in Schedule 1 Division 5 item 2 is the fee specified in that item;

- (c) a certification under Schedule 1 Division 5 item 3 is the fee specified in that item;
 - (d) the issue of a certified and sealed document under Schedule 1 Division 5 item 4 is the fee specified in that item.
- (6) The fee for providing a service relating to a search, an inspection or the provision of a copy mentioned in an item of Schedule 1 Division 6 (including arranging postal delivery of material) is the fee specified in that item in relation to that search, inspection or provision.
- (7) The fee for providing a service or performing a function mentioned in an item of Schedule 1 Division 7 is the fee specified in that item.
- (8) Despite subregulations (1) to (7), fees are not to be charged for the provision of a service, performance of a function or other matter specified in Schedule 2.
- (9) 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) Schedule 1 Division 2 item 2; or
 - (b) Schedule 1 Division 4 item 7 if the matter relates to an application to bring land under the Act; or
 - (c) Schedule 1 Division 4 item 7A; or
 - (d) Schedule 1 Division 7 item 1 if the matter relates to an application to bring land under the Act; or
 - (e) Schedule 1 Division 7 item 6.

9. Part 4 inserted

After regulation 9 insert:

Part 4 — Inspection of Register

Division 1 — Times for inspection of Register and related documents

10. Times for inspection of the Register and related documents

- (1) The inspection times prescribed for the purposes of section 239(1) of the Act are Mondays to Fridays (other than bank holidays or public service holidays) 8.00 a.m. to 5.00 p.m.

- (2) Subregulation (1) does not prevent any of the information referred to in section 239(1) of the Act that can be inspected by means of a computer from outside the business premises of the Registrar from being inspected by those means at any time.

Division 2 — Names index

11. Terms used

In this Division —

department has the meaning given in the *Public Sector Management Act 1994* section 3(1);

names index means information derived from —

- (a) the Register as to —
- (i) the name of each person who is a proprietor; and
 - (ii) each interest that a proprietor has;
- and
- (b) the book referred to in section 143(1) of the Act as to —
- (i) the name of each person who is a proprietor; and
 - (ii) each interest a proprietor has; and
 - (iii) the name and address of each person appointed to act for a proprietor,

but does not include suppressed information;

organisation has the meaning given in the *Public Sector Management Act 1994* section 3(1);

suppressed information means information that is not to be inspected as part of the names index by operation of regulation 13.

12. Inspection of information derived from Register

The names index is prescribed for the purposes of section 239(1)(k) of the Act.

13. Application for information not to be included in names index

- (1) A person may apply, in an approved form, for information not to be inspected as part of the names index.
- (2) An application is to be accompanied by —
- (a) particulars of the information in respect of which the application is made; and

- (b) evidence, in a statutory declaration or other manner approved by the Registrar, to the effect that inspection of the information is likely to place at risk the personal safety of a proprietor or a member of the family of a proprietor; and
 - (c) the fee payable under regulation 9A(4).
- (3) From the time when the Registrar receives an application made under subregulation (1), the information in respect of which the application is made is not to be inspected as part of the names index.
- (4) The Registrar may direct that all or part of the information in respect of which an application under subregulation (1) is made may be inspected as part of the names register if the Registrar is not satisfied that inspection of the information is likely to place at risk the personal safety of a proprietor or a member of the family of a proprietor.
- (5) The Registrar is to notify the applicant of a decision to make a direction under subregulation (4).
- (6) A person who is not satisfied with a decision of the Registrar may apply to the State Administrative Tribunal for a review of the decision.
- (7) The Registrar is to direct that all or part of the information in respect of which an application under subregulation (1) is made may be inspected as part of the names index —
 - (a) on the written request of a person to whom the information relates; and
 - (b) immediately or at such later time as requested by the person.

14. Provision of suppressed information to government organisations

- (1) The Registrar may provide suppressed information to a department or organisation by arrangement with its chief executive officer or chief employee.
- (2) A person who is provided with suppressed information under subregulation (1) must not use or disclose the information except for a purpose relevant to the functions of the department or organisation.

15. Provision of suppressed information to others

- (1) The Registrar may, on the request of a person, provide suppressed information to the person for a purpose approved by the Registrar.

- (2) The Registrar is not to provide suppressed information to a person unless —
- (a) the Registrar is satisfied that the provision of the information is not likely to place at risk the personal safety of a proprietor or a member of the family of a proprietor; and
 - (b) the person gives an undertaking that the person —
 - (i) will use the information only for the purpose approved by the Registrar; and
 - (ii) will not copy the information or give it to any other person; and
 - (iii) will return the information to the Registrar or destroy the information after using it for the approved purpose.

10. Schedule 1 amended

- (1) In Schedule 1 delete “[r. 6(1), (1a), (1b), (1c), (2), (2a), (2b)]” and insert:

[r. 9A(1), (2), (3), (4), (5), (6), (7)]

- (2) In Schedule 1 Division 4 after item 6 insert:

7A.	For information not to be inspected as part of the names index	\$105.00
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11. Schedule 2 amended

In Schedule 2 delete “[r. 6(3)]” and insert:

[r. 9A(8)]

By Command of the Governor,

PETER CONRAN, Clerk of the Executive Council.
