

LA303\*

Transfer of Land Act 1893

## **Transfer of Land Amendment Regulations 2008**

Made by the Lieutenant-Governor and deputy of the Governor in Executive Council.

### **1. Citation**

These regulations are the *Transfer of Land Amendment Regulations 2008*.

**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 1 July 2008.

**3. The regulations amended**

The amendments in these regulations are to the *Transfer of Land Regulations 2004*.

**4. Regulation 6 amended**

Regulation 6(4) is amended by inserting after paragraph (a) —

“

- (ba) Schedule 1 Division 4 item 6 if the matter relates to an application to bring land under the Act; or
- (bb) Schedule 1 Division 7 item 1 if the matter relates to an application to bring land under the Act; or

”.

**5. Schedule 1 replaced**

Schedule 1 is repealed and the following Schedule is inserted instead —

“

**Schedule 1 — Fees**

[r. 6(1), (1a), (1b), (1c), (2), (2a), (2b)]

**Division 1 — Registrations and recordings**

- |    |   |       |
|----|---|-------|
| 1. | Of a transfer of a mortgage or charge —   |       |
|    | first mortgage or charge .....  | \$88  |
|    | subsequent mortgage or charge .....   | \$13  |
| 2. | Of a transfer if stamp duty is assessed under the <i>Stamp Act 1921</i> Second Schedule item 6 or is exempted under section 75AB or 119 of that Act before lodgment for registration, or is exempt under the Third Schedule to that Act ..... | \$88  |
| 3. | Of a transfer of a lease, surrender, easement or restrictive covenant .....   | \$88  |
| 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 <i>Stamp Act 1921</i> , whichever is the greater —   |       |
|    | does not exceed \$85 000 .....  | \$88  |
|    | exceeds \$85 000 but does not exceed \$120 000 .....  | \$98  |
|    | exceeds \$120 000 but does not exceed \$200 000 .....   | \$118 |
|    | plus, for each whole or part \$100 000 above \$200 000 .....  | \$20  |

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* 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 .....

\$88

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 ..... \$88
- 6. Of an extension of a mortgage or charge — for each interest ..... \$88
- 7. Of a Crown lease or of a freehold lease or sub-lease or extension of a freehold lease ..... \$88
- 8. Of a memorial or notification under any State or Commonwealth Act (unless exempted from payment under that Act) ..... \$88
- 9. Of an order of the Supreme Court, the District Court or the Magistrates Court ..... \$88
- 10. Of revocation of a power of attorney ..... \$88
- 11. Of an instrument not specifically provided for in this Division ..... \$88

### Division 2 — Lodgments

- 1. Of a caveat, a power of attorney or a declaration of trust ..... \$88
- 2. Of a deposited plan —
  - (a) general fee —
    - (i) if approval of Western Australian Planning Commission is required ..... \$197
    - (ii) if approval of Western Australian Planning Commission is not required ..... \$137
  - (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 ..... \$54
- 3. Of a replacement deposited plan for a certified correct deposited plan —
  - (a) if approval of Western Australian Planning Commission is required ..... \$197
  - (b) if approval of Western Australian Planning Commission is not required ..... \$137
- 4. Of a replacement deposited plan for a deposited plan in respect of which a requisition has been raised prior to preparation of Western Australian Planning Commission's prints ..... \$137

|     |   |      |
|-----|---|------|
| 5.  | Of a duplicate certificate of title or lease for the registration or recording of a dealing lodged by a third party —     |      |
|     | (a) for the first certificate of title or lease .....   | \$44 |
|     | (b) for each subsequent certificate of title or lease .....   | \$6  |
| 6.  | Of a memorandum within the meaning of section 54(1) of the Act — section 54(2) of the Act .....                           | \$88 |
| 7.  | Of a form for the notification of a factor affecting the use or enjoyment of land — section 70A(1) of the Act .....       | \$88 |
| 8.  | Of an instrument for a restrictive covenant created under section 129BA of the Act — section 129BA(2)(b) of the Act ..... | \$88 |
| 9.  | Of an instrument for an easement created under Part IVA of the Act — section 136C(4) of the Act .....                     | \$88 |
| 10. | Of an instrument for a restrictive covenant created under Part IVA of the Act — section 136D(3) of the Act .....          | \$88 |

### Division 3 — Withdrawals

|    |  |      |
|----|--|------|
| 1. | Of a caveat, order of the Supreme Court, the District Court or the Magistrates Court, a memorial under the <i>Taxation Administration Act 2003</i> Part 6 Division 2 or a memorial under the <i>Land Tax Assessment Act 1976</i> section 46 that was registered before that Act was repealed, or any other Act or Commonwealth Act (unless exempted from payment under that Act) ..... | \$88 |
| 2. | Of a document from registration or recording .....   | \$44 |

### Division 4 — Applications

|    |  |       |
|----|--|-------|
| 1. | For a new certificate of title in respect of undivided shares in land —  |       |
|    | (a) for one certificate .....  | \$88  |
|    | (b) for each additional certificate .....  | \$6   |
| 2. | For a new certificate of title the subject of a deposited plan .....   | \$88  |
|    | plus, for each lot shown on the deposited plan, other than a lot that is proposed to be vested in the Crown under the <i>Planning and Development Act 2005</i> section 152 ..... | \$6   |
| 3. | For a new certificate of title in any other case .....   | \$88  |
| 4. | To amend certificates of title of other owners affected by section 170 of the Act — for each certificate of title affected .....   | \$88  |
| 5. | To serve a section 138A caveator with notice under section 138B of the Act .....   | \$176 |
| 6. | For each replacement edition of a duplicate certificate of title where a duplicate certificate of title was issued on the registration of the certificate of title .....         | \$88  |
| 7. | An application in respect of any matter not specifically provided for in this Division .....   | \$88  |

**Division 5 — Certificates**

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|----|---|--|
| 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) ..... | \$88   |
| 2. | For a certificate of ownership issued under the <i>Local Government Act 1995</i> section 9.41.....  | \$60   |
| 3. | For certification by the Registrar of a certificate of title, Crown lease, deposited plan, plan, diagram or other document .....  | \$60   |
| 4. | For the issue of a certified and sealed document for the purposes of section 239B(1)(b) of the Act .....  | fee as<br>assessed<br>by the<br>Registrar,<br>not<br>exceeding<br>actual<br>cost |

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

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|-----|---|--|
| 1.  | Inspection of a Crown lease, Crown title, permit or licence .....   | \$15   |
| 2.  | Copy of a Crown lease, Crown title, permit or licence .....   | \$15   |
| 3.  | Inspection of a Crown land lease .....  | \$15   |
| 4.  | Copy of a Crown land lease .....  | \$15   |
| 5.  | Inspection of a certificate of title —  |  |
|     | (a) where required as a result of a check search ....   | \$8  |
|     | (b) in other cases .....  | \$15   |
| 6.  | Copy of a certificate of title —  |  |
|     | (a) where required as a result of a check search ....   | \$8  |
|     | (b) in other cases .....  | \$15   |
| 7.  | Inspection of a plan, diagram or deposited plan .....   | \$15   |
| 8.  | Copy of a plan, diagram or deposited plan .....   | \$15   |
| 9.  | Inspection of a licensed surveyor's field book .....  | \$15   |
| 10. | Copy of a licensed surveyor's field book .....  | \$15   |
| 11. | Copy of a plan, diagram, deposited plan, survey index plan or licensed surveyor's field book obtained by use of departmental self-service equipment .....   | fee as<br>assessed<br>by the<br>Registrar,<br>not<br>exceeding<br>actual<br>cost |
| 12. | Inspection of the record of dealings and matters referred to in section 48A(2) or 81P of the Act, as is relevant to the case, that were endorsed on previous digital versions of a digital title, but are not endorsed on the current version of that digital title ..... | \$7  |

|       |  |  |
|-------|--|--|
| 13.   | Inspection of other documents and related information not specifically provided for in this Division, including documents listed as subject to dealing and status reports .....                            | \$15 per document  |
| 14.   | Copy of other documents and related information not specifically provided for in this Division, including documents listed as subject to dealing and status reports .....                                  | \$15 per document  |
| 15.   | Inspection of a survey index plan .....  | \$15   |
| 16.   | Copy of a survey index plan .....  | \$15   |
| 17.   | Check search .....   | \$7  |
| 18.   | 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 —   |  |
|       | (a) check search .....   | \$7  |
|       | (b) search of the power of attorney file for the number of a power of attorney document if the number is given with confirmation of the document's existence .....   | \$1  |
| Note: | The fees specified in item 18 include the taking a hard copy of screen print.  |  |
| 19.   | In response to a request via a privately owned facsimile machine for the results of any search referred to in items 1 to 17 — for each request (in addition to the fees payable under items 1 to 17) ..... | \$2.40   |
| 20.   | 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  |
|       | (b) if the material is sent outside Australia or is greater than 50 grams .....  | \$9 plus any additional costs incurred, as assessed by the Registrar |
| 21.   | Search of the power of attorney file for the number of a power of attorney document (unless item 18(b) applies) .....  | \$7  |
| 22.   | Inspection of a power of attorney document where the number is known .....   | \$15   |
| 23.   | Copy of a power of attorney document where the number is known .....   | \$15   |

**Division 7 — Miscellaneous**

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|-----|--|---|
| 1.  | For advertising (minimum fee payable on lodgment of application, additional actual cost payable when actual cost is known) .....                             | \$88 plus actual cost above \$88                            |
| 2.  | For —  |   |
|     | (a) a map or a colouring of a map on a copy of a certificate of title, Crown lease, deposited plan or other document; or                                     |   |
|     | (b) drafting of a deposited plan or other document; or   |   |
|     | (c) the provision of consultancy services relating to project planning and project conveyancing  | fee as assessed by the Registrar, not exceeding actual cost |
| 3.  | For dispensing with the production of a duplicate of a certificate of title or other instrument .....  | \$88  |
| 4.  | Supply of statement of grounds .....   | \$88  |
| 5.  | Order for stay of registration under section 148 of the Act .....  | \$88  |
| 6.  | For requisitions raised on —   |   |
|     | (a) a deposited plan or other survey document ...  | \$89  |
|     | (b) any other document —   |   |
|     | (i) if the requisition is complied with and this fee is paid before 5.00 p.m. on the business day following the day on which the requisition is issued ..... | \$44  |
|     | (ii) otherwise .....   | \$66  |
| 7.  | For amendments made to a deposited plan or other survey document in respect of which requisitions have been raised .....                                     | fee as assessed by the Registrar, not exceeding actual cost |
| 8.  | For serving a caveator with notice under section 138 or 141A of the Act — each caveat .....  | \$88  |
| 9.  | Cancellation of a plan or diagram .....  | \$65  |
| 10. | Search of an historic tenure .....   | fee as assessed by the Registrar, not exceeding actual cost |

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|-----|---|---|
| 11. | Providing a replica of a certificate of title, plan or document registered in the State .....   | actual cost   |
| 12. | Amendment to a deposited plan resulting in a new version including excisions, addition or amendment of lots, easements, and interests and notifications table and lodged layer updates .....  | \$43.50   |
|     | if a deposited plan, plan or diagram has been certified correct and is to be forwarded to Western Australian Planning Commission, an additional fee of .....  | \$60  |
| 13. | For rejection of a document under section 192(1) of the Act .....   | 75% of the registration, recording, lodgment or application fee paid or payable on the document (rounded down to the nearest multiple of \$1) |
| 14. | For registrations and recordings under Division 1, lodgments under Division 2 and applications under Division 4 — involving more than 10 certificates or leases — each certificate or lease in excess of 10 .....   | \$6   |
| 15. | For the priority processing of a transfer, mortgage, discharge of mortgage, withdrawal of caveat, or survivorship application, or not more than 4 of such documents if lodged together, or of an enduring power of attorney, subject to regulation 5A ..... | \$32  |

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**6. Schedule 2 amended**

Schedule 2 is amended by inserting after item 8 the following item —

“

9. An application for the issue of a duplicate certificate of title where a duplicate certificate of title was not issued on the registration of the certificate of title.

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By Command of the Lieutenant-Governor and  
deputy of the Governor,

G. M. PIKE, Clerk of the Executive Council.