

Transfer of Land Act 1893

Transfer of Land Amendment Regulations 2003

Made by the Commissioner of Titles with the approval of the Governor in Executive Council.

1. Citation

These regulations may be cited as the *Transfer of Land Amendment Regulations 2003*.

2. Commencement

These regulations come into operation on the later of 7 July 2003 and the day on which they are published in the *Gazette*.

3. The regulations amended

The amendments in these regulations are to the *Transfer of Land Regulations 1997**.

[* Reprinted as at 7 September 2001.]

4. Regulation 6 amended

Regulation 6(4)(b) is deleted and the following paragraph is inserted instead —

“

(b) item 6 of Division 7,

”.

5. Schedule 1 replaced

Schedule 1 is repealed and the following Schedule is inserted instead —

“

Schedule 1 — Fees payable to the Registrar

[r. 6(1)]

Division 1 — Registrations and recordings

- | | | |
|----|---|------|
| 1. | Of a transfer of a mortgage or charge — | |
| | first mortgage or charge | \$77 |
| | subsequent mortgage or charge | \$13 |
| 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 | \$77 |

3.	Of a transfer of a lease, surrender, easement or restrictive covenant	\$77
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	\$77
	exceeds \$85 000 but does not exceed \$120 000	\$87
	exceeds \$120 000 but does not exceed \$200 000	\$107
	plus, for each whole or part \$100 000 above \$200 000	\$20
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	\$77
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	\$77
6.	Of an extension of a mortgage or charge — for each interest	\$77
7.	Of a Crown grant, a Crown lease or of a freehold lease or sub-lease or extension of a freehold lease	\$77
8.	Of a memorial or notification under any State or Commonwealth Act (unless exempted from payment under that Act)	\$77
9.	Of an order of the Supreme Court, a warrant of a Local Court or a writ of fieri facias	\$77
10.	Of revocation of a power of attorney	\$77
11.	Of an instrument not specifically provided for in this Division	\$77

Division 2 — Lodgments

1.	Of a caveat, a power of attorney or a declaration of trust	\$77
2.	Of a deposited plan —	
	(a) general fee —	
	(includes coordination and preparation of prints)	
	(i) including deposition with Western Australia Planning Commission	\$180
	(includes delivery of deposited plan to, and collection of deposited plan from, WAPC)	
	(ii) if deposition with Western Australia Planning Commission is not required	\$127
	(b) for each lot other than a lot vesting in the Crown under section 20A of the <i>Town Planning and Development Act 1928</i>	\$50
3.	Of a replacement deposited plan for a certified correct deposited plan —	
	(includes coordination and preparation of prints)	
	(a) including deposition with Western Australia Planning Commission	\$180
	(includes delivery of deposited plan to, and collection of deposited plan from, WAPC)	
	(b) if deposition with Western Australia Planning Commission is not required	\$127
4.	Of a replacement deposited plan for a deposited plan in respect of which requisitions have been raised	\$127
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	\$38.50
	(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	\$77
7.	Of a notification of a factor affecting the use or enjoyment of land — section 70A(1) of the Act	\$77

8.	Of an instrument for a restrictive covenant created under section 129BA of the Act	\$77
9.	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	\$77
10.	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	\$77
11.	Of instrument or application involving more than 10 certificates or leases — for each certificate or lease in excess of 10	\$6

Division 3 — Withdrawals

1.	Of a caveat, warrant of a Local Court, writ of fieri facias or a memorial under section 46 of the <i>Land Tax Assessment Act 1976</i> , Part 6 Division 2 of the <i>Taxation Administration Act 2003</i> or any other Act or Commonwealth Act (unless exempted from payment under that Act)	\$77
2.	Of a document from registration or recording	\$38.50

Division 4 — Applications

1.	For a new certificate of title in respect of undivided shares in land —	
	(a) for one certificate	\$77
	(b) for each additional certificate	\$6
2.	For a new certificate of title the subject of a deposited plan	\$77
	plus, for each lot shown on the deposited plan	\$6
3.	For a new certificate of title in any other case	\$77
4.	To amend certificates of title of other owners affected by section 170 of the Act — for each certificate of title affected	\$77
5.	To serve a section 138A caveator with notice under section 138B of the Act	\$154
6.	An application in respect of any matter not specifically provided for in this Division	\$77

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)	\$77
2.	For a certificate of ownership issued under section 9.41 of the <i>Local Government Act 1995</i>	\$60
3.	For certification by the Registrar of a certificate of title, Crown lease, plan, diagram or other document	\$60

Division 6 — Inspection and/or copies of documents

1.	Search of names index — each name	\$6
2.	Inspection of a Crown lease, Crown title, permit or licence, where number is known	\$12
3.	Copy of a Crown lease, Crown title, permit or licence, where number is known	\$12
4.	Inspection of a Crown land lease where number is known	\$12
5.	Copy of a Crown land lease where number is known	\$12
6.	Inspection of a certificate of title where number is known —	
	(a) where required as a result of a check search	\$6
	(b) in other cases	\$12
7.	Copy of a certificate of title where number is known —	
	(a) where required as a result of a check search	\$6
	(b) in other cases	\$12
8.	Inspection of a plan, diagram or deposited plan	\$12
9.	Copy of a plan, diagram or deposited plan	\$12
10.	Inspection of a licensed surveyor's field book	\$12
11.	Copy of a licensed surveyor's field book	\$12

- | | | |
|-----|---|--|
| 12. | Copy of a plan, diagram, deposited plan, survey index plan or licensed surveyor's field book obtained by use of departmental self-service equipment | \$1.40
per page |
| 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 | \$12 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 | \$12 per
document |
| 15. | Search for the number of a certificate of title, Crown lease, Crown title, permit or licence | \$6 |
| 16. | Inspection of a survey index plan | \$12 |
| 17. | Copy of a survey index plan | \$12 |
| 18. | Check search | \$6 |
| 19. | Search of Crown reserves database — for each reserve | \$12
(including printout of hard copy) |
| 20. | 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) 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 | \$1 |
| | (b) search of the names index file by — | |
| | (i) name — | |
| | (I) for up to 3 screens of information | \$1 |
| | (II) for each additional screen of information | \$0.70 |
| | (ii) title number | \$1.30 |
| | (iii) check search | \$6 |
| | Note: The fees specified in item 20 include the taking a hard copy of screen print. | |
| 21. | In response to a request via a privately owned facsimile machine for the results of any search referred to in items 1 to 19 — for each request | \$1.40
(in addition to the fees payable under items 1 to 19) |
| 22. | 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 |

Division 7 — Miscellaneous

- | | | |
|----|---|--|
| 1. | For advertising | \$77 plus
actual cost
above \$77
(minimum fee payable on lodgment of application, additional actual cost payable when actual cost is known) |
| 2. | 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) drafting of a plan, diagram or other document | 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 | \$77 |
| 4. | Supply of statement of grounds | \$77 |
| 5. | Order for stay of registration under section 148 of the Act | \$77 |
| 6. | For requisitions raised on — | |
| | (a) a plan, diagram or other survey document | \$83 |
| | (b) any other document | \$50 |

7.	For amendments made to a plan, diagram or other survey document in respect of which requisitions have been raised	actual cost
8.	For serving a caveator with notice under section 138 or 141A of the Act — each caveat	\$77
9.	Cancellation of a plan or diagram	\$63
10.	Search of an historic tenure	actual cost
11.	Providing a replica of a certificate of title, plan or document registered in the State	actual cost

**Division 8 — Information derived from records and dealings
in relation to land under the operation of the Act
Microfiche**

1.	Index sets — rental fee per annum —	
	(a) Names index in owner name order to obtain certificate of title and survey lot references	\$979
	(b) Names index in certificate of title order to obtain survey lot reference and owner name	\$979
	(c) Survey lot index in plan/diagram order to obtain lot and certificate of title reference	\$187
	(d) Strata index in strata plan order to obtain building name and in building name order to obtain strata plan reference	\$407
	(e) Crown allotment index	\$407
	(f) Ex-owners index for land disposals since September 1981 ..	\$407
	(g) Street address index in street name order to obtain land parcel identifier and certificate of title reference	\$374
	(h) Crown reserves in numerical order	\$979
	(i) Land identifier to map sheet in land parcel identifier order to obtain valuation map, survey index plan and public plan references	\$407
2.	Sales evidence microfiche sets — purchase fee per annum —	
	(a) Full set —	
	(i) weekly	\$2 794
	(ii) monthly	\$2 235.20
	(iii) 6 monthly	\$1 117.60
	(b) Metro (non strata) set —	
	(i) weekly	\$2 095.50
	(ii) monthly	\$1 676.40
	(iii) 6 monthly	\$838.20
	(c) Country (non strata) set —	
	(i) weekly	\$558.80
	(ii) monthly	\$447.04
	(iii) 6 monthly	\$223.52
	(d) Strata (State-wide) set —	
	(i) weekly	\$419.10
	(ii) monthly	\$335.28
	(iii) 6 monthly	\$167.64

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.

”

6. Schedule 2 amended

Schedule 2 is amended as follows:

- (a) by deleting item 6; and

- (b) in item 9 by deleting “or plan, diagram” and inserting instead —
“ , deposited plan ”.

J. GLADSTONE, Commissioner of Titles.

Approved by the Governor,

M. C. WAUCHOPE, Clerk of the Executive Council.
