

LA301

TRANSFER OF LAND ACT 1893
TRANSFER OF LAND AMENDMENT REGULATIONS 1992
 Made by the Commissioner of Titles and approved by His Excellency the
 Lieutenant-Governor and Administrator in Executive Council.

Citation

1. These regulations may be cited as the *Transfer of Land Amendment Regulations 1992*.

Commencement

2. These regulations shall come into operation on the 31st day after the day on which they are published in the *Gazette*.

Schedule 1 repealed and a Schedule substituted

3. Schedule 1 to the *Transfer of Land Regulations 1972** is repealed and the following Schedule is substituted —

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SCHEDULE 1		[Reg. 6]
FEES PAYABLE TO THE REGISTRAR		
PART 1 — REGISTRATIONS AND RECORDINGS		
		\$
1.	Of a transfer of a mortgage or charge —	
	first mortgage or charge	62.00
	subsequent mortgage or charge	13.00
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	62.00
3.	Of a transfer of a lease, surrender, easement or restrictive covenant	62.00
4.	Of any other transfer where the value of the consideration or the value as assessed under the <i>Stamp Act 1921</i> , whichever is the greater —	
	does not exceed \$85 000	62.00
	exceeds \$85 000 but does not exceed \$120 000	72.00
	exceeds \$120 000 but does not exceed \$200 000	93.00
	PLUS, for each whole or part \$100 000 above \$200 000	20.00

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 shall 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 — 62.00

NOTE: The fees specified in items 1 to 4 include the issue of a new certificate of title where such certificate is required by the Registrar.

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| 5. | Of a mortgage or charge or of a whole or partial discharge of a mortgage or charge — for each interest | 62.00 |
| 6. | Of an extension of a mortgage or charge — for each interest | 62.00 |
| 7. | Of a Crown grant, a Crown lease or of a freehold lease or sub-lease or extension of a freehold lease | 62.00 |
| 8. | Of a memorial under section 46 of the <i>Land Tax Assessment Act 1976</i> or any other Act or Commonwealth Act (unless exempted from payment under that Act) | 62.00 |
| 9. | Of a certificate of trustees under section 33 of the <i>Friendly Societies Act 1894</i> | 62.00 |
| 10. | Of an order of the Supreme Court, a warrant of a Local Court or a writ of <i>feri facias</i> | 62.00 |
| 11. | Of revocation of a power of attorney | 62.00 |

PART 2 — LODGMENTS \$

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|----|---|--------|
| 1. | Of a caveat, a power of attorney or a declaration of trust | 62.00 |
| 2. | Of a plan or diagram — | |
| | general fee | 110.00 |
| | for each lot | 45.00 |
| | (A lodgement fee is not payable where a lot vests in the Crown under section 20A of the <i>Town Planning and Development Act 1928</i>) | |
| 3. | Of a plan or diagram accepted under regulation 44 of the <i>Licensed Surveyors (Transfer of Land Act 1893) Regulations</i> — | |
| | general fee | 110.00 |
| | for each lot or part lot incorporated into such a plan or diagram | 45.00 |
| 4. | Of a duplicate certificate of title or lease for the registration or recording of a dealing lodged by a third party — | |
| | for the first certificate of title or lease | 31.00 |
| | for each subsequent certificate of title or lease | 6.00 |

PART 3 — WITHDRAWALS		\$
1.	Of a caveat, warrant of a Local Court, writ of <i>feri facias</i> or a memorial under section 46 of the <i>Land Tax Assessment Act 1976</i> or any other Act or Commonwealth Act (unless exempted from payment under that Act)	62.00
2.	Of a document from registration or recording	31.00
PART 4 — APPLICATIONS		\$
1.	For a new certificate of title in respect of undivided shares in land —	
	for one certificate	62.00
	for each additional certificate	6.00
2.	For a new certificate of title in any other case	62.00
NOTE:	No fees are payable in respect of the issue of any certificate of title by the Registrar under regulation 4 (2) or 5.	
3.	To amend certificates of title of other owners affected by section 170 — for each certificate of title affected	62.00
4.	An application in respect of any matter not specifically provided for	62.00
PART 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)	62.00
2.	For a certificate of ownership issued under section 655 (1) (b) (ii) of the <i>Local Government Act 1960</i>	62.00
3.	For certification by the Registrar of a certificate of title, Crown lease, plan, diagram or other document	62.00
PART 6 — SEARCHES AND COPIES OF DOCUMENTS		\$
1.	Of names index — each name	4.00
2.	Of a Crown lease or permit where number is known (including photocopy)	8.00
3.	Of a certificate of title where number is known (including photocopy) —	
	where required as a result of a check search	4.00
	in other cases	8.00
4.	Of a plan or diagram	8.00
5.	Of other documents not specifically provided for	8.00
6.	For the number of a certificate of title, Crown lease or permit	4.00
7.	Of Office of Titles index plans where a photocopy is requested	8.00

		\$
8.	Check search	4.00
9.	By inquiry from a privately owned data terminal —	
	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 or search of the names index — for each name —	
	up to 3 screens of information	4.00
	for each additional screen of information	0.70
	search of the names index file by —	
	title number	1.30
	check search	4.00
	and in all cases the fee includes the taking of a hard copy print.	

PART 7 — POSTING

		\$
1.	For posting by request search information	6.50
2.	For posting material weighing over 50 grams or material overseas — \$6.50 plus such additional costs as are assessed in each case by the Registrar.	

PART 8 — ASSURANCE FUND

1. An Assurance Fund contribution is payable on first bringing freehold land under the operation of the Act, whether by application or Crown grant, and on the issue of a certificate of title to a proprietor by possession.

For each dollar of the value of the land — 0.2 of a cent.

PART 9 — MISCELLANEOUS

		\$
1.	For production of permit	62.00
2.	For advertising —	
	minimum fee (payable on lodgment of application)	62.00
	PLUS actual cost above \$62.00 (payable when actual cost is known).	
3.	The fee 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) the drafting of a plan, diagram or other document	
	is the fee assessed by the Registrar but which shall not exceed the cost of providing the service.	
4.	For the co-ordination and delivery of a plan or diagram to the Department of Planning and Urban Development and collection of the same (including the cost of the preparation of prints)	53.00

	\$
5. Annual subscription fee for the authorized electronic access to data held by the Office of Titles (additional to fees for each access)	75.00
NOTE: The first annual subscription fee includes one inquiry and user manual per subscription and training for up to 3 staff members.	
For additional training — per session	115.00
6. For dispensing with the production of a duplicate of a certificate of title or other instrument	62.00
7. Supply of statement of grounds	62.00
8. Order for stay of registration under section 148 of the Act	62.00
9. Sale of practice manual	62.00
10. Where charged by the Registrar — for a document on which requisitions are raised	31.00
11. Where charged by the Registrar — for a plan, diagram or other survey document on which requisitions are raised	63.00
12. For sending 14 days notice on a caveat — each caveat	62.00
13. Cancellation of a plan or diagram	63.00
14. Excision or addition of lots, easements etc. from/to a plan or diagram	42.00
if a plan or diagram has been certified correct, an additional fee of	53.00

PART 10 — EXEMPTIONS

The following matters are exempt from the payment of prescribed fees —

1. Lodgment or withdrawal of a memorial under —
 - (a) section 297A, 412A or 584 of the *Local Government Act 1960*;
 - (b) section 124A of the *Metropolitan Water Supply Sewerage and Drainage Act 1909*;
 - (c) sections 12BA, 12BB and 12EA of the *Country Areas Water Supply Act 1947*; or
 - (d) section 66 of the *Environmental Protection Act 1986*.
2. In respect of the transfer of loans for housing to financial institutions participating in the Home Buyers Guarantee Scheme of the State from other financial institutions, fees for the registration of a mortgage or the discharge of a mortgage, photocopy of a certificate of title, search of a plan, diagram or other document and photocopying or check search.

- 3 . In respect of the lodging by a person of or the use by a third party of a duplicate certificate of title or lease for a purpose referred to in either of the 2 items above.
4. To amend the address of the registered proprietor on the certificate of title.
5. An application for the issue of a crown land record for crown land and an endorsement on the record of details of —
 - (a) the creation of a reserve under sections 8, 10 and 13 of the *Conservation and Land Management Act 1984*;
 - (b) notices under sections 9 and 10 of the *Marine and Harbours Act 1981*;
 - (c) proclamations or notices under the *Mining Act 1978*;
 - (d) a vesting in a relevant Port Authority under the —
 - (i) *Albany Port Authority Act 1926*;
 - (ii) *Bunbury Port Authority Act 1909*;
 - (iii) *Dampier Port Authority Act 1985*;
 - (iv) *Esperance Port Authority Act 1968*;
 - (v) *Fremantle Port Authority Act 1902*;
 - (vi) *Geraldton Port Authority Act 1968*; or
 - (vii) *Port Hedland Port Authority Act 1970*;
 - (e) the declaration of a water reserve or catchment area under section 13 of the *Metropolitan Water Supply, Sewerage and Drainage Act 1909*;
 - (f) a soil conservation reserve under section 22 or 26 of the *Soil Conservation Act 1945*.

**PART 11 — MICROFICHE AND
DIGITAL PRODUCTS**

\$

A. Microfiche

1. Index sets — rental fee per annum —
 - (a) Names index in owner name order to obtain certificate of title and survey lot references 880.00
 - (b) Names index in certificate of title order to obtain survey lot reference and owner name 880.00
 - (c) Survey lot index in plan/diagram order to obtain lot and certificate of title reference 166.00
 - (d) Strata indexes in strata plan order to obtain building name and in building name order to obtain strata plan reference 360.00

	\$
(e) Crown allotment index for all non-subdivided land	360.00
(f) Ex-owners index for land disposals since September 1981	360.00
(g) Street address index in street name order to obtain land parcel identifier and certificate of title reference	332.00
(h) Crown reserves in numerical order	880.00
(i) Land parcel identifier to mapsheet in land parcel identifier order to obtain valuation map, Office of Titles index plan and public plan references	360.00
2. Valuation map microfiche — rental fee per annum —	
full set (5973 as at January 1991) — per map	0.75
part sets —	
up to 100 maps — per map	6.00
100 maps	600.00
PLUS per map over 100 up to 1000	1.30
1000 maps	1 770.00
PLUS per map over 1000	0.75
3. Sales evidence microfiche sets — purchase fee per annum —	
(a) Full set —	
weekly	2 480.00
monthly	1 984.00
6 monthly	992.00
(b) Metro (non strata) set —	
weekly	1 615.00
monthly	1 250.00
6 monthly	630.00
(c) Country (non strata) set —	
weekly	496.00
monthly	396.80
6 monthly	198.40
(d) Strata (State-wide) set —	
weekly	372.00
monthly	297.60
6 monthly	148.80

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.

4. Index plan microfiche —
- | | |
|---------------------------------|----------|
| per set to purchase | 569.00 |
| daily updates per set per annum | 2 047.00 |

B. Digital products

5. For obtaining data from a computerised data base (if not prescribed elsewhere in this Schedule) —
- | | Hard copy | Digital |
|---|-----------|---------|
| (a) Primary constructs (lines, arcs, strings, string points) — per polygon | 3.1¢ | 12.3¢ |
| (b) Polygon (boundary points) — per polygon | n/a | 12.3¢ |
| (c) Polygon (centroids) — per polygon | 1.2¢ | 2.6¢ |
| (d) Text items (e.g. parcel identifier, certificate of title etc.) — per item | 3.1¢ | 6.2¢ |
| (e) The fee is to be determined by the Registrar, but is not to exceed the amount that would otherwise be payable under this item, where — | | |
| (i) the data is obtained by an approved government agency and the Registrar is satisfied that the data is obtained for the purpose of performing its functions and is not to be used for commercial gain; | | |
| (ii) the data is obtained by an individual and the Registrar is satisfied that it is to be used for educational purposes. | | |
| Service fee — per data extract job | | 30.00 |
- NOTE 1: Products include computer generated plots and reports.
- NOTE 2: In subitem (e) (i) “approved” means from time to time approved by the Minister.
6. For access to data in the Land Information Access System —
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|--|----------|
| per terminal per month (plus, where access is via a controller port) | 1 308.00 |
| per month for 24 months | 625.00 |
| per month after 24 months | nil |
7. An annual subscription for monthly digital copies, on computer tape of the crown reserves register database
- | | | |
|--|----------|----|
| | 2 000.00 | ”. |
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[* Reprinted in the Gazette of 13 August 1981 at pp. 3291-98.
For amendments to 15 June 1992 see 1991 Index to Legislation of Western Australia, pp. 514-515.]

Dated 30th June 1992.

J. L. GLADSTONE, Acting Commissioner of Titles.

Approved by His Excellency the Lieutenant-Governor and Administrator in Executive Council.

M. C. WAUCHOPE, Clerk of the Council.