

LA304

TRANSFER OF LAND ACT 1893

TRANSFER OF LAND AMENDMENT REGULATIONS 1991

Made by the Commissioner of Titles and approved by His Excellency the Governor in Executive Council.

Citation

1. These regulations may be cited as the *Transfer of Land Amendment Regulations 1991*.

Commencement

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

Principal regulations

3. In these regulations, the *Transfer of Land Regulations 1972** are referred to as the principal regulations.

[*Reprinted in the *Gazette* of 13 August 1981 at pp. 3291-98. For amendments to 4 July 1991 see 1990 *Index to Legislation of Western Australia*, p. 383.]

Regulation 6 repealed and a regulation substituted

4. Regulation 6 of the principal regulations is repealed and the following regulation is substituted—

Fees

- “ 6. (1) The fees prescribed in Schedule 1 are the fees payable to the Registrar in respect of the services and matters specified in Schedule 1.
- (2) Notwithstanding section 32 (2) of the *Interpretation Act 1984*, the part headings in Schedule 1 are to be taken as being part of these regulations. ”.

Schedule 1 added

5. After regulation 6 of the principal regulations the following schedule is added—

“

Schedule 1

[Reg. 6]

FEES PAYABLE TO THE REGISTRAR

Part 1—Registrations and Recordings

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1. Of a transfer of a mortgage or charge—
 - first mortgage or charge 60.00
 - subsequent mortgage or charge 13.00
2. Of a transfer if stamp duty is assessed under item 6 of the Second Schedule to the *Stamp Act 1921* or is exempted under section 75AA, 75AB or 166 of that Act before lodgment for registration, or is exempt under the Third Schedule to that Act 60.00
3. Of a transfer of a lease, surrender, easement or restrictive covenant 60.00
4. Of any other transfer where the value of the consideration or the value as assessed under the *Stamp Act 1921*, whichever is the greater—
 - does not exceed \$85 000 60.00
 - exceeds \$85 000 but does not exceed \$120 000 70.00
 - exceeds \$120 000 but does not exceed \$200 000 90.00
 - 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— 60.00

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.

5. Of a mortgage or charge or of a whole or partial discharge of a mortgage or charge—for each interest .. 60.00
6. Of an extension of a mortgage or charge—for each interest 60.00
7. Of a Crown grant, a Crown lease or of a freehold lease or sub-lease or extension of a freehold lease 60.00
8. Of a memorial under section 46 of the *Land Tax Assessment Act 1976* 60.00
9. Of a certificate of trustees under section 33 of the *Friendly Societies Act 1894* 60.00
10. Of an order of the Supreme Court, a warrant of a Local Court or a writ of *fiery facias* 60.00
11. Of revocation of a power of attorney 60.00

Part 2—Lodgments

1. Of a caveat, a power of attorney or a declaration of trust 60.00
2. Of a plan or diagram—
 - general fee 105.00
 - for each lot 42.00
3. Of a plan or diagram accepted under regulation 44 of the *Licensed Surveyors (Transfer of Land Act 1893) Regulations*—
 - general fee 105.00
 - for each lot or part lot incorporated into such a plan or diagram 42.00

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	30.00
for each subsequent certificate of title or lease	6.00

Part 3—Withdrawals

1. Of a caveat, warrant of a Local Court, writ of *fieri facias* or a memorial under section 46 of the *Land Tax Assessment Act 1976* 60.00
2. Of a document from registration or recording 30.00

Part 4—Applications

1. For a new certificate of title in respect of undivided shares in land—

for one certificate	60.00
for each additional certificate	6.00
 2. For a new certificate of title in any other case 60.00
- 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 60.00
 4. An application in respect of any matter not specifically provided for 60.00

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) 60.00
2. For a certificate of ownership issued under section 655 (1) (b) (ii) of the *Local Government Act 1960* 60.00
3. For certification by the Registrar of a certificate of title, Crown lease, plan, diagram or other document 40.00

Part 6—Searches and Copies of Documents

A. Searches

1. Of names index—each name 4.00
 2. Of a Crown lease or permit where number is known (including photocopy) 7.50
 3. Of a certificate of title where number is known (including photocopy)—

where required as a result of a check search	4.50
in other cases	7.50
 4. Of a plan or diagram 7.50
 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 7.50
 8. Check search 3.00
 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	0.65
search of the names index file by—	
title number	1.25
check search	3.00
- and in all cases the fee includes the taking of a hard copy print.

B. Copies of documents

10. The fee for a copy of a document by a process other than by electrostatic copier is the fee assessed in each case by the Registrar but which shall not exceed the cost of providing the service.
11. For facsimile transmission of each photocopy of a certificate of title, plan, diagram or other document \$ 3.50
12. For facsimile transmission of each copy of a check search of a certificate of title 2.00

NOTE: The fees specified in items 11 and 12 are payable in addition to the fees payable for photocopying in respect of the services concerned.

PART 7—POSTING

1. For posting by request search information 6.00
2. For posting material weighing over 50 grams or material overseas—\$6.00 plus such additional costs as are assessed in each case by the Registrar.
3. For posting microfiche index sets or microfiche valuation map sets (per annum)—
 - first set 42.00
 - each additional set 25.00
4. For posting microfiche sets of sales evidence (per annum)—
 - weekly service—one copy 66.00
 - weekly service—each additional copy 25.00
 - monthly service—one copy 25.00
 - monthly service—each additional copy 10.00
 - 6 monthly service—one copy 10.00
 - 6 monthly service—each additional copy 5.50

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 60.00
 2. For advertising—
 - minimum fee (payable on lodgment of application) 60.00
 - PLUS actual cost above \$60.00 (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) 50.00
 5. Annual subscription fee for the authorized electronic transfer of data held by the Office of Titles (additional to fees for each access) 72.00
- NOTE: The first annual subscription fee includes one inquiry and user manual per terminal and training for up to 3 staff members.
- For additional training—per session 110.00
6. For dispensing with the production of a duplicate of a certificate of title or other instrument 60.00

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7. Supply of statement of grounds	60.00
8. Order for stay of registration under section 148 of the Act	60.00
9. Sale of practice manual	60.00
10. Where charged by the Registrar—for a document on which requisitions are raised	30.00
11. Where charged by the Registrar—for a plan, diagram or other survey document on which requisitions are raised	60.00
12. For sending 14 days notice on a caveat—each caveat	60.00
13. Cancellation of a plan or diagram	60.00
14. Excision or addition of lots, easements etc. from/to a plan or diagram	40.00

PART 10—EXEMPTIONS

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

1. Lodgment or withdrawal of a memorial under section 297A, 412A or 584 of the *Local Government Act 1960* or section 124A of the *Metropolitan Water Supply Sewerage and Drainage Act 1909*.
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.

Part 11—Microfiche and Digital Products

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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 830.00
 - (b) Names index in certificate of title order to obtain survey lot reference and owner name 830.00
 - (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 420.00
 - (e) Crown allotment index for all non- subdivided land 332.00
 - (f) Ex-owners index for land disposals since September 1981 332.00
 - (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 830.00
 - (i) Land parcel identifier to mapsheet in land parcel identifier order to obtain valuation map, Office of Titles index plan and public plan references 586.00
2. Valuation map microfiche—rental fee per annum—
 - full set (5973 as at January 1991)—per map 0.72
 - part sets—
 - up to 100 maps—per map 5.86
 - 100 maps 586.00
 - PLUS per map over 100 up to 1000 1.25
 - 1000 maps 1711.00
 - PLUS per map over 1000 0.72

3. Sales evidence sets—rental fee per annum—

(a) Full set—	\$
weekly	2389.00
monthly	1913.00
6 monthly	962.00
(b) Metro (non strata) set—	
weekly	1615.00
monthly	1250.00
6 monthly	630.00
(c) Country (non strata) set—	
weekly	962.00
monthly	774.00
6 monthly	387.00
(d) Strata (State-wide) set—	
weekly	387.00
monthly	321.00
6 monthly	149.00

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	553.00
daily updates per set per annum	1991.00

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	3c	12c
(b) Polygon (boundary points)—per polygon	n/a	12c
(c) Polygon (centroids)—per polygon	1.2c	2.5c
(d) Text items (e.g. parcel identifier, certificate of title etc.)—per item	3c	6c
		\$

(e) Updates at monthly, quarterly or 6 monthly intervals from the date of supply of the data obtained under (a), (b), (c) or (d)—at 5% of the rates in (a), (b), (c) or (d).

Updates in excess of 6 months from the date of supply of the data obtained under (a), (b), (c) or (d)—at 15% of the rates in (a), (b), (c) or (d).

Updates 12 months or later from the date of supply of the data obtained under (a), (b), (c) or (d)—at the same rates as in (a), (b), (c) or (d).

(f) Minimum charge (not applicable for monthly updates) 88.00

NOTE: Products include computer generated plots and reports.

6. For access to data in the Land Information Access System—

per terminal per month	1272.00
PLUS, where access is via a controller port—	
per month for 24 months	608.00
per month after 24 months	nil

D. L. MULCAHY, Commissioner of Titles.

Approved by His Excellency the Governor in Executive Council.

L. M. AULD, Clerk of the Council.