Western Australia

Transfer of Land Act 1893

Transfer of Land Regulations 2004

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Transfer of Land Regulations 2004

Part 1 — Preliminary

[Heading inserted: Gazette 22 May 2009 p. 1700.]

1. Citation

These regulations may be cited as the *Transfer of Land Regulations 2004*.

2. Commencement

These regulations come into operation on 6 September 2004.

Part 2 — General

[Heading inserted: Gazette 22 May 2009 p. 1701.]

3A. Documents in substantially same terms are counterparts (Act s. 4(1CB)(e))

For the purposes of section 4(1CB)(e) of the Act, the following are prescribed —

(a) any certification given in accordance with the participation rules;

(b) any certification or statement required under —

(i) these regulations; or

(ii) any requirement determined under section 182A of the Act;

(c) any certification or statement required by the Commissioner or the Registrar or an approved form;

(d) any data or information of an administrative nature and that —

(i) is required by an approved form; or

(ii) is required for the purposes of lodging a document electronically; or

(iii) is included in or on a document as part of the lodgment process, or in connection with processing, registering, noting, filing or recording the document or any other document;

(e) headings to a document or part of a document;

(f) any identifier allocated to a document, for example a form number or approval number;

(g) abbreviations of terms;

(h) the formatting of a document, including (without limitation) —

(i) the capitalisation of words;

(ii) the numbering of provisions;

(iii) page numbering;

(iv) the presence or absence of lines, boxes and other similar typographical devices;

(i) a logo or other similar material that identifies a document with a particular person or organisation;

(j) information or data that consists of instructions or notes to assist in the completion of a document.

[Regulation 3A inserted: Gazette 30 May 2014 p. 1684; amended: SL 2023/117 r. 4.]

3. Paper documents for lodgment, requirements for

(1) Each document presented in paper medium for lodgment with the Registrar or registration or entry in the Register —

(a) is to be prepared on paper of a type and quality approved by the Registrar; and

(b) is to be clearly and legibly handwritten in ink, printed, or typewritten; and

(c) is to have the signature of any party to the document, and that of any witness to such signature, written in ink; and

(d) consisting of more than one page is to be bound in a manner approved by the Registrar; and

(e) on an approved form is to show the Registrar's approval number for the form at the top of the first page.

[(2) deleted]

[Regulation 3 amended: Gazette 29 Dec 2006 p. 5915; 30 May 2014 p. 1685.]

4. Certificates of title for land in existing certificate

Where an application is made for a certificate of title for the whole or part of the land the subject of any existing certificate

or certificates of title the Registrar may, if the Registrar thinks fit, instead of creating the certificate of title so applied for, create and register a certificate of title for each lot or location or for any number of lots or locations included in that land.

5. New certificate of title if old one too full for further endorsement

If the Registrar is satisfied that a certificate of title in paper medium is too full for further endorsement then the Registrar may create and register a new certificate of title.

*[**5A.** Deleted: Gazette 22 Mar 2016 p. 835.]*

*[**6, 7.** Deleted: Gazette 22 May 2009 p. 1701.]*

8. Area prescribed (Act s. 129C(1a))

(1) In this regulation —

benefited lot means a lot that is benefited by —

(a) the single dwelling covenant the subject of the application; or

(b) any other single dwelling covenant;

circle means a notional circle that has its centre at the centre of the lot the subject of the application;

lot and ***single dwelling covenant*** have the same meanings as in section 129C of the Act.

(2) If there are 200 or more benefited lots inside a circle with a radius of 250 m, the prescribed area for the purposes of section 129C(1a)(a)(i) of the Act is the area within that circle.

(3) If there are —

(a) less than 200 benefited lots within a circle with a radius of 250 m; and

(b) no benefited lots in the area between that circle and a circle with a radius of 230 m,

the prescribed area for the purposes of section 129C(1a)(a)(i) of the Act is the area within the circle with a radius of 250 m.

(4) If subregulation (3) does not apply and there are 200 or more benefited lots inside a circle with a radius of 260 m, the prescribed area for the purposes of section 129C(1a)(a)(i) of the Act is the area within that circle.

(5) If there are —

(a) less than 200 benefited lots within a circle with a radius of 260 m; and

(b) no benefited lots in the area between that circle and a circle with a radius of 240 m,

the prescribed area for the purposes of section 129C(1a)(a)(i) of the Act is the area within a circle with a radius of 260 m.

(6) If none of subregulations (2), (3), (4) and (5) apply, the prescribed area for the purposes of section 129C(1a)(a)(i) of the Act is the area within a circle with a radius of 270 m.

(7) For the purposes of this regulation —

(a) the position of the centre and boundary of a circle is to be determined by a licensed surveyor (as defined in the *Licensed Surveyors Act 1909* section 3(1)) who holds a current practising certificate under that Act; and

(b) a lot is inside a circle if any part of the lot is inside the circle.

Part 3A — Provisions relating to *Electronic Conveyancing Act 2014*

[Heading inserted: Gazette 30 May 2014 p. 1685.]

Division 1 — Certain registry instruments must be lodged by means of an ELN

[Heading inserted: Gazette 24 Nov 2017 p. 5680.]

8A. Terms used

(1) In this Division —

ELN means an ELN provided and operated under the *Electronic Conveyancing Act 2014*.

(2) If a term is given a meaning in the *Electronic Conveyancing Act 2014*, it has the same meaning in this Division unless the contrary intention appears in this Division.

[Regulation 8A inserted: Gazette 24 Nov 2017 p. 5680.]

8B. Registry instruments to which this Division applies

This Division applies to a registry instrument that may be lodged under the Act for the purpose of —

(a) mortgaging an estate or interest in land or discharging the mortgage of an estate or interest in land; or

(b) transferring an estate or interest in land; or

(c) getting a caveat noted or its noting withdrawn.

[Regulation 8B inserted: Gazette 24 Nov 2017 p. 5680.]

8C. Certain registry instruments must be lodged by means of an ELN

(1) If a registry instrument can be lodged by means of an ELN, it must not be lodged otherwise than by means of an ELN.

(2) For the purposes of subregulation (1), a registry instrument can be lodged by means of an ELN if —

(a) the instrument can be lodged electronically under the Act, the *Electronic Conveyancing Act 2014* and these regulations; and

(b) the ELN provides for the lodgment of that type of registry instrument.

(3) A failure to comply with subregulation (1) does not affect the validity of any registration, noting or withdrawal of noting under the Act.

(4) Subregulation (1) has effect subject to the rest of this Division.

[Regulation 8C inserted: Gazette 24 Nov 2017 p. 5680.]

8D. Where party to transaction is self-represented

(1) Subject to subregulation (3), regulation 8C(1) does not apply to a registry instrument if a person required to sign the instrument is self-represented and not a subscriber.

(2) A person is self-represented, in relation to a registry instrument, if the person has not engaged another person, on a commercial basis, to assist in the completion of the conveyancing transaction for the purposes of which the instrument may be lodged.

(3) If the purpose for which a registry instrument may be lodged is the mortgaging of an estate or interest in land or the discharging of the mortgage of an estate or interest in land, subregulation (1) has effect without reference to the mortgagor.

(4) A person cannot use the exception in subregulation (1) in relation to more than 10 registry instruments in a 12 month period.

(5) A person uses the exception in subregulation (1) if they lodge, or a person on their behalf lodges, a registry instrument, other than by means of an ELN, in reliance on subregulation (1).

[Regulation 8D inserted: Gazette 24 Nov 2017 p. 5680-1.]

8E. Where 2 or more registry instruments lodged simultaneously

Regulation 8C(1) does not apply to a registry instrument if —

(a) the instrument is 1 of 2 or more registry instruments that are lodged at the same time; and

(b) the Registrar is satisfied that the instruments are related; and

(c) either —

(i) there is no ELN by means of which all of the instruments may be lodged; or

(ii) regulation 8C(1) does not apply to at least 1 of the instruments because of another provision of this Division.

[Regulation 8E inserted: Gazette 24 Nov 2017 p. 5681.]

8F. Registrar's power to exempt

(1) The Registrar may exempt a person or a class of person from complying with regulation 8C(1) if satisfied that —

(a) it is in the public interest to do so; and

(b) not to do so would result in 1 or more persons suffering hardship, undue inconvenience or undue expense.

(2) The Registrar may grant an exemption by reference to a registry instrument or conveyancing transaction, a class of registry instrument or conveyancing transaction, all registry instruments or conveyancing transactions, or on some other basis.

[Regulation 8F inserted: Gazette 24 Nov 2017 p. 5681-2.]

8G. When r. 8C(1) commences to apply to lodging certain registry instruments

(1) Regulation 8C(1) does not apply —

(a) to lodging a registry instrument before the effective date for the instrument; or

(b) to lodging a registry instrument if the instrument is signed, by at least 1 of the persons required to sign it, before the effective date for the instrument.

(2) The effective date for a registry instrument is —

(a) for an instrument that may be lodged for the purpose of mortgaging an estate or interest in land or discharging the mortgage of an estate or interest in land — 1 December 2017;

(b) for an instrument that may be lodged for the purpose of transferring an estate or interest in land or getting a caveat noted or its noting withdrawn — 1 May 2018.

[Regulation 8G inserted: Gazette 24 Nov 2017 p. 5682.]

Division 2 — General requirements

[Heading inserted: Gazette 24 Nov 2017 p. 5682.]

9AA. Requirements relating to electronic lodgment of mortgages

An instrument for the registration of a mortgage over land can be lodged electronically under the *Electronic Conveyancing Act 2014* section 7(1) only if —

(a) the instrument —

(i) is a counterpart, in electronic form, of the instrument purporting to mortgage the land; and

(ii) purports to be digitally signed by or on behalf of the person who, on registration of the mortgage, will become the proprietor of the mortgage; and

(iii) does not purport to be signed by or on behalf of the proprietor of the land;

and

(b) the subscriber who digitally signs the instrument provides the specific certification required by the participation rules in relation to the lodging of an instrument for the registration of a mortgage over land; and

(c) the instrument to be lodged otherwise complies with —

(i) the requirements of the Act and these regulations; and

(ii) any requirements determined under section 182A of the Act; and

(iii) the requirements of the *Electronic Conveyancing Act 2014* and the participation rules;

and

(d) any requirement mentioned in paragraph (c)(i) to (iii) that relates to the lodging of the instrument is complied with.

[Regulation 9AA inserted: Gazette 30 May 2014 p. 1685.]

*[**9AB.** Deleted: SL 2023/117 r. 5.]*

Part 3B — Provisions relating to service

[Heading inserted: SL 2023/117 r. 6.]

9AC. Service of notices

(1) For the purposes of section 240(1)(a) of the Act, if the manner of service of a notice on a person under the Act is not provided for in the Act, service of the notice must be effected —

(a) by delivering the notice to the person personally; or

(b) by leaving the notice at the person's address; or

(c) by sending the notice by letter (by pre-paid post) to the person's address; or

(d) if, whether by means of a document lodged with the Registrar or otherwise, an email address for the service of notices under the Act has been provided by the person or by a lodging party acting on behalf of the person — by sending the notice to that email address; or

(e) subject to subregulation (2), by sending an email to the email address referred to in paragraph (d) informing the person that the notice is published on a webpage that can be accessed from the hyperlink provided in the email; or

(f) if the person has specified in a caveat or an approved form lodged with the Registrar that notices under the Act may be served on the person by facsimile transmission to the number of the person's facsimile machine — subject to subregulation (3), by facsimile transmission to that number.

(2) Subregulation (1)(e) applies only to the service of notices by the Commissioner or Registrar.

(3) Subregulation (1)(f) applies only if the caveat or approved form referred to in that paragraph was lodged with the Registrar before the day on which the *Transfer of Land Amendment Act 2022* section 44 came into operation.

(4) For the purposes of a provision of the Act in the Table, an email address provided by a person for the purposes of the Act is prescribed.

Table

s. 30(5)(c)	s. 81W(9)(c)
s. 106(2)(d)	s. 121(2)(d)
s. 137(1D)(c)	s. 240A(1)(b)

[Regulation 9AC inserted: SL 2023/117 r. 6.]

9AD. Application of r. 9AC(1) to service of notices on Commissioner or Registrar

For the purposes of the application of regulation 9AC(1) to the manner of service of a notice on the Commissioner or Registrar under the Act —

(a) the address of the Commissioner or Registrar for regulation 9AC(1)(b) is 1 Midland Square, Midland WA 6056; and

(b) the address of the Commissioner or Registrar for regulation 9AC(1)(c) is —

(i) 1 Midland Square, Midland WA 6056; or

(ii) PO Box 2222 Midland WA 6936; or

(iii) any other postal address published by the Authority on its website for the purposes of that paragraph;

and

(c) regulation 9AC(1)(d) has effect as if it provided that the address for the service of notices by email on the Commissioner or Registrar is the email address specified for the purposes of that paragraph —

(i) by the Authority on its website; or

(ii) in a notice served under the Act by the Commissioner or Registrar.

[Regulation 9AD inserted: SL 2023/117 r. 6.]

9AE. Term used: address

(1) In this regulation —

address, except in relation to regulation 9AC(1)(b), includes an Australian post office box address.

(2) For the purposes of regulation 9AC(1)(b) and (c), ***address*** in relation to a person (other than the Commissioner or Registrar) means —

(a) the address specified by the person in a caveat or an approved form lodged with the Registrar as the address to which notices to that person may be sent; or

(b) if an address has not been specified under paragraph (a) — the address entered in the Register as the person's address; or

(c) in the case of an individual for whom an address has not been specified under paragraph (a) or entered in the Register — the individual's last known address; or

(d) in the case of a person other than an individual for which an address has not been specified under paragraph (a) or entered in the Register —

(i) the person's registered office (if any) as defined in the *Corporations Act 2001* (Commonwealth) section 9, or the person's principal place of business or principal office in the State; or

(ii) the address of the office of any administrator, manager, receiver or liquidator appointed under the *Corporations Act 2001* (Commonwealth) in relation to the person if that address is the most recent address lodged with the Australian

Securities and Investments Commission for the administrator, manager, receiver or liquidator.

[Regulation 9AE inserted: SL 2023/117 r. 6.]

9AF. Service of notices by means of email

(1) For the purposes of regulation 9AC(1)(d) and (4), a notice sent by a person (the ***sender***) to another person's email address is taken not to have been served on that person unless —

(a) the email specifies the sender's name and a telephone number for contacting the sender; and

(b) in the case of a notice that is sent as an attachment to the email —

(i) the email describes the purpose of the notice and specifies the person on whom it is being served; and

(ii) the attachment sets out clearly the terms of the notice;

and

(c) in the case of a notice that is not sent as an attachment to the email — the email describes the purpose of the notice, sets out clearly the terms of the notice and specifies the person on whom it is being served.

(2) For the purposes of regulation 9AC(1)(e), a notice that is published on a webpage that can be accessed from the hyperlink provided in an email sent by the Commissioner or Registrar (the ***sender***) to a person's email address is taken not to have been served on the person unless —

(a) the email specifies the sender's name and a telephone number for contacting the sender; and

(b) the email describes the purpose of the notice and specifies the person on whom it is being served; and

(c) the email provides a valid hyperlink to the webpage on which the notice is published; and

(d) the notice can be accessed by means of the hyperlink from the time the email is sent to the end of the period that is reasonable to allow the person to read or copy the notice; and

(e) the terms of the notice are set out clearly in the published notice.

(3) Subregulation (2)(d) applies whether or not the notice is accessed by means of the hyperlink within the period referred to in that paragraph.

[Regulation 9AF inserted: SL 2023/117 r. 6.]

9AG. When service is taken to be effected

(1) In this regulation —

electronic communication has the meaning given in the *Electronic Transactions Act 2011* section 5(1);

working day means a day other than a Saturday, a Sunday or a public holiday.

(2) For the purposes of regulation 9AC(1) and (4), service of a notice on a person is taken to be effected —

(a) in the case of service under regulation 9AC(1)(a) — at the time the notice is delivered to the person; or

(b) in the case of service under regulation 9AC(1)(b) — at the time the notice is left at the person's address; or

(c) in the case of service under regulation 9AC(1)(c) to an address in Australia — at the time the notice would have been delivered in the ordinary course of post; or

(d) in the case of service under regulation 9AC(1)(c) to an address outside Australia — on the 20th working day after the day on which the notice was posted; or

(e) in the case of service by means of an electronic communication under regulation 9AC(1)(d), (e) or (f) or (4) — at the time of receipt of the electronic communication in accordance with the *Electronic Transactions Act 2011* section 14.

(3) Subregulation (2)(c) and (d) apply unless the contrary is proved.

[Regulation 9AG inserted: SL 2023/117 r. 6.]

Part 3 — Fees

[Heading inserted: Gazette 22 May 2009 p. 1701; amended: SL 2021/151 r. 12.]

9A. Fees (Sch. 1)

(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 an 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 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 or 2 is the fee specified in that item;

(b) from registration or recording is the fee specified in Schedule 1 Division 3 item 3.

(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 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 6 if the matter relates to an application to bring land under the Act; 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.

(10) Regulation 9B contains further supplementary provisions relating to fees.

[Regulation 9A inserted: Gazette 22 May 2009 p. 1701-2; amended: Gazette 22 Jun 2012 p. 2782; 23 Jun 2017 p. 3182; 21 May 2019 p. 1475; SL 2021/88 r. 8; SL 2023/117 r. 7; SL 2025/178 r. 8.]

9B. Supplementary provisions relating to fees

(1) If a single approved form is used for 2 or more surrenders, Schedule 1 Division 1 item 3 applies separately in respect of each surrender.

(2) The fee payable in respect of a caveat under Schedule 1 Division 2 item 1 remains payable (and therefore does not have to be refunded) even if the caveat becomes null and void under section 137(1C) of the Act.

(3) If a single approved form is used to apply for the removal of 2 or more encumbrances from 1 or more certificates of title, Schedule 1 Division 4 item 7 applies separately in respect of each encumbrance.

[(4), (5) deleted]

[Regulation 9A inserted: SL 2021/88 r. 9; amended: SL 2023/117 r. 8.]

*[**9.** Deleted: Gazette 19 Jun 2009 p. 2236.]*

Part 4 — Inspection of Register

[Heading inserted: Gazette 22 May 2009 p. 1702.]

Division 1 — Times for inspection of Register and related documents

[Heading inserted: Gazette 22 May 2009 p. 1702.]

10. Times for inspection prescribed (Act s. 239(1))

(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) 8.30 am to 4.30 pm.

(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.

[Regulation 10 inserted: Gazette 22 May 2009 p. 1702-3; amended: Gazette 19 Jun 2009 p. 2236; 21 May 2019 p. 1475; SL 2022/62 r. 10.]

Division 2 — Names index

[Heading inserted: Gazette 22 May 2009 p. 1703.]

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(1A) 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);

relevant entity means —

(a) a body established by the *Electricity Corporations Act 2005* section 4(1); or

(b) a port authority established by the *Port Authorities Act 1999* section 4(1); or

(c) a body established by or under the *Water Corporations Act 1995* section 4; or

(d) the Police Force of Western Australia provided for by the *Police Act 1892*; or

(e) the Western Australian Land Authority established by the *Western Australian Land Authority Act 1992* section 5(1);

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

[Regulation 11 inserted: Gazette 22 May 2009 p. 1703; amended: SL 2023/117 r. 9.]

12. Names index prescribed (Act s. 239(1)(k))

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

[Regulation 12 inserted: Gazette 22 May 2009 p. 1703.]

13. Application for information in names index to be excluded from inspections

(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.

(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 index 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.

[Regulation 13 inserted: Gazette 22 May 2009 p. 1703-4; amended: Gazette 23 Jun 2017 p. 3182; SL 2023/117 r. 10.]

14. Provision of suppressed information to government organisations

(1) The Registrar may provide suppressed information to a department, organisation, local government, regional local government, regional subsidiary or relevant entity by arrangement with —

(a) its chief executive officer or chief employee; or

(b) in relation to a regional subsidiary to which paragraph (a) does not apply — the presiding member of the regional subsidiary's governing body or as otherwise provided for in the regional subsidiary's charter prepared under the *Local Government Act 1995* section 3.70; or

(c) in relation to the relevant entity that is the Police Force of Western Australia — the person holding or acting in the office of Commissioner of Police under the *Police Act 1892*.

(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, organisation, local government, regional local government, regional subsidiary or relevant entity.

[Regulation 14 inserted: Gazette 22 May 2009 p. 1704; amended: SL 2023/117 r. 11.]

15. Suppressed information, provision of 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.

[Regulation 15 inserted: Gazette 22 May 2009 p. 1704-5.]

Schedule 1 — Fees

[r. 9A, 9B]

[Heading inserted: Gazette 21 May 2019 p. 1476.]

Division 1 — Registrations and recordings

[Heading inserted: Gazette 21 May 2019 p. 1476.]

1.	Of a transfer of a mortgage or charge —	
	first mortgage or charge	$225.10
	subsequent mortgage or charge	$17.60
2.	Of a transfer —	
	(a) that is exempt from duty under the *Stamp Act 1921* or the *Duties Act 2008*; or	
	(b) on which nominal duty is chargeable under the *Duties Act 2008*; or	
	(c) on which duty is chargeable under the *Stamp Act 1921* Second Schedule item 6 ...	$225.10
3.	Of a transfer of a lease, surrender, easement or restrictive covenant	$225.10
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 *Stamp Act 1921* or the *Duties Act 2008*, whichever is the greater —	
	does not exceed $85 000	$225.10
	exceeds $85 000 but does not exceed $120 000 ..	$235.10
	exceeds $120 000 but does not exceed $200 000.	$255.10
	plus, for each whole or part of $100 000 above $200 000	$20.00

Note: Where —

(a) 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* or the *Duties Act 2008* 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	$225.10

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	$225.10
6.	Of an extension of a mortgage or charge — for each interest	$225.10
7.	Of a Crown lease or of a freehold lease or sub-lease or extension of a freehold lease	$225.10
8.	Of a memorial or notification under any State or Commonwealth Act (unless exempted from payment under that Act)	$225.10
9.	Of an order of the Supreme Court, the District Court or a Magistrates Court	$225.10
10.	Of revocation of a power of attorney	$225.10
11.	Of an instrument not specifically provided for in this Division	$225.10

[Division 1 inserted: Gazette 21 May 2019 p. 1476-7; amended: SL 2020/76 r. 8; SL 2021/88 r. 10(4); SL 2022/62 r. 11; SL 2023/44 r. 10; SL 2024/83 r. 10; SL 2025/85 r. 10; SL 2026/64 r. 10.]

Division 2 — Lodgments

[Heading inserted: Gazette 21 May 2019 p. 1477.]

1.	Of a caveat, a power of attorney or a declaration of trust	$225.10

2.	Of a deposited plan of Crown land that is not a subdivision —		
	(a)	general fee	$364.00
	(b)	for each lot	$97.00
	(c)	for each sheet in addition to the first sheet .	$364.00
3.	Of any other deposited plan —		
	(a)	general fee	$364.00
	(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	$97.00
4.	Of a replacement plan		$364.00
5.	Of a duplicate lease for the registration or recording of a dealing lodged by a third party —		
	(a)	for the first lease	$112.55
	(b)	for each subsequent lease	$8.20
6.	Of a memorandum within the meaning of section 54(1) of the Act — section 54(2) of the Act .		$225.10
7.	Of a form for the notification of a factor affecting the use or enjoyment of land — section 70A(1) of the Act		$225.10
8.	Of an instrument for a restrictive covenant created under section 129BA of the Act — section 129BA(2)(b) of the Act.....		$225.10
9.	Of an instrument for an easement created under Part IVA of the Act — section 136C(4) of the Act ...		$225.10

10. Of an instrument for a restrictive covenant created under Part IVA of the Act — section 136D(3) of the Act $225.10

[Division 2 inserted: Gazette 21 May 2019 p. 1477; amended: SL 2020/76 r. 8; SL 2021/88 r. 10(4); SL 2022/62 r. 11; SL 2023/44 r. 10; SL 2023/117 r. 12(1); SL 2024/83 r. 10; SL 2025/85 r. 10; SL 2026/64 r. 10.]

Division 3 — Withdrawals

[Heading inserted: Gazette 21 May 2019 p. 1478.]

1. Of a caveat, order of the Supreme Court, the District Court or a Magistrates Court, a memorial under the *Taxation Administration Act 2003* Part 6 Division 2 or a memorial under the *Land Tax Assessment Act 1976* section 46 that was registered before that Act was repealed [1], or any other Act or Commonwealth Act (unless exempted from payment under that Act) $225.10

2. Of a memorial or notification under the *Water Services Act 2012* $225.10

3. Of a document from registration or recording $112.55

[Division 3 inserted: Gazette 21 May 2019 p. 1478; amended: SL 2020/76 r. 8; SL 2021/88 r. 10(4); SL 2022/62 r. 11; SL 2023/44 r. 10; SL 2024/83 r. 10; SL 2025/85 r. 10; SL 2026/64 r. 10.]

Division 4 — Applications

[Heading inserted: Gazette 21 May 2019 p. 1478.]

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

   (a) for one certificate $225.10

   (b) for each additional certificate $8.20

2.	For a new certificate of title the subject of a deposited plan	$225.10
	plus, for each lot shown on the deposited plan, other than a lot that is proposed to be vested in the Crown under the *Planning and Development Act 2005* section 152	$8.20
3.	For a new certificate of title in any other case	$225.10
4.	To amend certificates of title of other owners affected by section 170 of the Act — for each certificate of title affected	$225.10
5.	To serve a section 138A caveator with notice under section 138B of the Act	$421.10
[6.	*deleted]*	
7.	An application in respect of any matter not specifically provided for in this Division	$225.10

[Division 4 inserted: Gazette 21 May 2019 p. 1478; amended: SL 2020/76 r. 8; SL 2021/88 r. 10(4); SL 2022/62 r. 11; SL 2023/44 r. 10; SL 2023/117 r. 12(2); SL 2024/83 r. 10; SL 2025/85 r. 10; SL 2026/64 r. 10.]

Division 5 — Certificates

[Heading inserted: Gazette 21 May 2019 p. 1478.]

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)	$225.10
2.	For a certificate of ownership issued under the *Local Government Act 1995* section 9.41	$80.00
3.	For certification by the Registrar of a certificate of title, Crown lease, deposited plan, plan, diagram or other document	$80.00

4.	For the issue of a certified and sealed document for the purposes of section 239B(1)(b) of the Act	fee as assessed by the Registrar, not exceeding actual cost

[Division 5 inserted: Gazette 21 May 2019 p. 1478-9; amended: SL 2020/76 r. 8; SL 2021/88 r. 10(4); SL 2022/62 r. 11; SL 2023/44 r. 10; SL 2024/83 r. 10; SL 2025/85 r. 10; SL 2026/64 r. 10.]

Division 6 — Inspection and/or copies of documents

[Heading inserted: Gazette 21 May 2019 p. 1479.]

1.	Inspection of a Crown lease, Crown title, permit or licence	$33.90
2.	Copy of a Crown lease, Crown title, permit or licence	$33.90
3.	Inspection of a Crown land lease	$33.90
4.	Copy of a Crown land lease	$33.90
5.	Inspection of a certificate of title —	
	(a) where required as a result of a check search	$16.95
	(b) in other cases	$33.90
6.	Copy of a certificate of title —	
	(a) where required as a result of a check search	$16.95
	(b) in other cases	$33.90
7.	Inspection of a plan, diagram or deposited plan	$33.90
8.	Copy of a plan, diagram or deposited plan	$33.90
9.	Inspection of a licensed surveyor's field record	$33.90
10.	Copy of a licensed surveyor's field record	$33.90

11.	Copy of a plan, diagram, deposited plan, survey index plan or licensed surveyor's field record obtained by use of the online facility known as the "Survey Channel" of "MyLandgate" or by use of any other online facility that is maintained by, or on behalf of, the Registrar as a service specially for the use of surveyors, cartographers and planning professionals	fee as assessed by the Registrar, not exceeding actual 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	$16.95
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	$33.90 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	$33.90 per document
15.	Copy of a survey index plan	$33.90
16.	Check search	$16.95
17.	In response to a request via a privately owned data terminal for a check search to be sent to that data terminal	$16.95
	Note: The fee specified in item 17 includes taking a hard copy of screen print.	
18.	Inspection of a power of attorney document where the number is known	$33.90

19.	Copy of a power of attorney document where the number is known	$33.90

[Division 6 inserted: Gazette 21 May 2019 p. 1479-80; amended: SL 2020/76 r. 8; SL 2021/88 r. 10(2) and (4); SL 2022/62 r. 11; SL 2023/44 r. 10; SL 2024/83 r. 10; SL 2025/85 r. 10; SL 2026/64 r. 10.]

Division 7 — Miscellaneous

[Heading inserted: Gazette 21 May 2019 p. 1479.]

1.	For advertising (minimum fee payable on lodgment of application, additional actual cost payable when actual cost is known)	$225.10 plus actual cost above $225.10
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 an instrument	$196.00
4.	Supply of statement of grounds	$196.00
5.	Order for stay of registration under section 148 of the Act	$196.00

6.	For requisitions raised on —	
	(a) a deposited plan or other survey document	$146.60
	(b) any other document	$112.55
7.	For amendments made to a deposited plan or other survey document on 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	$196.00
9.	Cancellation of a deposited plan or any other plan.....	$279.00
10.	Search of a historical tenure	fee as assessed by the Registrar, not exceeding actual cost
11.	Providing a replica of a certificate of title, plan or document registered in the State	actual cost
12.	For rejection of a document under section 192(1) of the Act	100% of the registration, recording, lodgment or application fee paid or payable on the document

13. For registrations and recordings under Division 1, lodgments under Division 2 and applications under Division 4 — involving more than 20 certificates or leases — each certificate or lease in excess of 20 ..... $8.20

[Division 7 inserted: Gazette 21 May 2019 p. 1480-81; amended: SL 2020/76 r. 8; SL 2021/88 r. 10(3) and (4); SL 2022/62 r. 11; SL 2023/44 r. 10; SL 2023/117 r. 12(3); SL 2024/83 r. 10; SL 2025/85 r. 10; SL 2026/64 r. 10.]

Schedule 2 — Services and matters for which fees cannot be charged

[r. 9A(8)]

[Heading amended: Gazette 27 May 2005 p. 2295; 22 May 2009 p. 1705.]

1. Lodgment or withdrawal of a memorial under —

   (a) the *Local Government Act 1995* Schedule 6.3 clause 2; or

   [(b) deleted]

   (c) the *Country Areas Water Supply Act 1947* section 12BA, 12BB or 12EA.

2A. Registration or revocation of an environmental protection notice under the *Environmental Protection Act 1986* section 66.

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 deposited plan, 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 lease for a purpose referred to in item 1 or 2.

4. To change the address of the registered proprietor on the certificate of title.

4A. To make an application to the Registrar under section 240A(2) of the Act.

5. An application for the issue of a Crown land title or qualified Crown land title for Crown land and an endorsement on that title of details of —

   (a) the creation of a reserve under the *Conservation and Land Management Act 1984* section 8, 10 or 13;

   (b) matters to which the *Marine and Harbours Act 1981* section 9 or 10 applies;

   (c) proclamations or notices under the *Mining Act 1978*;

(d) a vesting in a port authority established under the *Port Authorities Act 1999*;

(e) the declaration of a water reserve or catchment area under the *Metropolitan Water Supply, Sewerage, and Drainage Act 1909* section 13;

(f) a soil conservation reserve under the *Soil and Land Conservation Act 1945* section 22 or 26.

6. Creation and registration of a certificate of title by the Registrar under regulation 4 (if different from the applicant's request) or regulation 5.

7. Lodgments by or on behalf of the Registrar.

8. Lodgment of a dealing, deposited plan or other document by or on behalf of the Minister for Lands (other than such a lodgment by the Minister on behalf of another person).

[9. deleted]

10. An application for information not to be inspected as part of the names index.

11. An application to bring land under the Act.

12. Lodgment of a plan that relates to an application to bring land under the Act.

13. Withdrawal of a document that relates to an application to bring land under the Act from registration or recording.

14. An application to the Commissioner under section 184 of the Act to remove an expired lease of Crown land.

[Schedule 2 amended: Gazette 25 Jun 2007 p. 2978; 20 Jun 2008 p. 2717; 13 Apr 2012 p. 1659; 26 Jul 2013 p. 3349; 23 Jun 2017 p. 3185; SL 2023/117 r. 13; SL 2024/83 r. 11; SL 2025/178 r. 9; SL 2026/64 r. 11.]

[Schedule 3 deleted: Gazette 19 Jun 2009 p. 2241.]

Notes

This is a compilation of the *Transfer of Land Regulations 2004* and includes amendments made by other written laws. For provisions that have come into operation, and for information about any reprints, see the compilation table.

Compilation table

Citation	Published	Commencement
Transfer of Land Regulations 2004	2 Sep 2004 p. 3829-46	6 Sep 2004 (see r. 2)
Transfer of Land Amendment Regulations 2005	27 May 2005 p. 2293-5	27 May 2005
Transfer of Land Amendment Regulations (No. 3) 2005	24 Jun 2005 p. 2761-4	4 Jul 2005 (see r. 2)
Transfer of Land Amendment Regulations (No. 2) 2005	15 Jul 2005 p. 3283-302	15 Jul 2005
Transfer of Land Amendment Regulations 2006	7 Jul 2006 p. 2502-11	10 Jul 2006 (see r. 2)
Reprint 1: The *Transfer of Land Regulations 2004* as at 3 Nov 2006 (includes amendments listed above)		
Transfer of Land Amendment Regulations (No. 2) 2006	29 Dec 2006 p. 5915	1 Jan 2007 (see r. 2 and *Gazette* 8 Dec 2006 p. 5369)
Transfer of Land Amendment Regulations 2007	25 Jun 2007 p. 2968-78	r. 1 and 2: 25 Jun 2007 (see r. 2(a)); Regulations other than r. 1 and 2: 2 Jul 2007 (see r. 2(b))
Transfer of Land Amendment Regulations 2008	20 Jun 2008 p. 2710-17	r. 1 and 2: 20 Jun 2008 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2008 (see r. 2(b))
Transfer of Land Amendment Regulations (No. 2) 2008	9 Jan 2009 p. 29-36	r. 1 and 2: 9 Jan 2009 (see r. 2(a)); Regulations other than r. 1 and 2: 19 Jan 2009 (see r. 2(b))
Reprint 2: The *Transfer of Land Regulations 2004* as at 6 Feb 2009 (includes amendments listed above)		
Transfer of Land Amendment Regulations 2009	22 May 2009 p. 1700-5	r. 1 and 2: 22 May 2009 (see r. 2(a)); Regulations other than r. 1 and 2: 23 May 2009 (see r. 2(b))

Citation	Published	Commencement
Transfer of Land Amendment Regulations (No. 2) 2009	19 Jun 2009 p. 2236-41	r. 1 and 2: 19 Jun 2009 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2009 (see r. 2(b)(i))
Transfer of Land Amendment Regulations 2010	18 Jun 2010 p. 2679-82	r. 1 and 2: 18 Jun 2010 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2010 (see r. 2(b))
Transfer of Land Amendment Regulations 2011	14 Jun 2011 p. 2133-6	r. 1 and 2: 14 Jun 2011 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2011 (see r. 2(b))
Reprint 3: The *Transfer of Land Regulations 2004* as at 2 Mar 2012 (includes amendments listed above)		
Transfer of Land Amendment Regulations 2012	13 Apr 2012 p. 1658-9	r. 1 and 2: 13 Apr 2012 (see r. 2(a)); Regulations other than r. 1 and 2: 14 Apr 2012 (see r. 2(b)(ii))
Transfer of Land Amendment Regulations (No. 2) 2012	22 Jun 2012 p. 2782-3	r. 1 and 2: 22 Jun 2012 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2012 (see r. 2(b))
Transfer of Land Amendment Regulations 2013	26 Jul 2013 p. 3348-9	r. 1 and 2: 26 Jul 2013 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Aug 2013 (see r. 2(b))
Transfer of Land Amendment Regulations (No. 2) 2013	14 Nov 2013 p. 5079	r. 1 and 2: 14 Nov 2013 (see r. 2(a)); Regulations other than r. 1 and 2: 18 Nov 2013 (see r. 2(b) and *Gazette* 14 Nov 2013 p. 5027)
Transfer of Land Amendment Regulations 2014	30 May 2014 p. 1683-6	r. 1 and 2: 30 May 2014 (see r. 2(a)); Regulations other than r. 1 and 2: 3 Jun 2014 (see r. 2(b))
Reprint 4: The *Transfer of Land Regulations 2004* as at 5 Dec 2014 (includes amendments listed above)		
Transfer of Land Amendment Regulations 2015	19 Jun 2015 p. 2136-9	r. 1 and 2: 19 Jun 2015 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2015 (see r. 2(b))

Citation	Published	Commencement
Transfer of Land Amendment Regulations 2016	22 Mar 2016 p. 835-6	r. 1 and 2: 22 Mar 2016 (see r. 2(a)); Regulations other than r. 1 and 2: 23 Mar 2016 (see r. 2(b))
Lands Regulations Amendment (Fees and Charges) Regulations 2016 Pt 4	24 Jun 2016 p. 2320-5	1 Jul 2016 (see r. 2(b))
Lands Regulations Amendment (Fees and Charges) Regulations 2017 Pt. 4	23 Jun 2017 p. 3181-6	3 Jul 2017 (see r. 2(b))
Transfer of Land Amendment Regulations 2017	24 Nov 2017 p. 5679-82	r. 1 and 2: 24 Nov 2017 (see r. 2(a)); Regulations other than r. 1 and 2: 25 Nov 2017 (see r. 2(b))
Reprint 5: The *Transfer of Land Regulations 2004* as at 19 Jan 2018 (includes amendments listed above)		
Lands Regulations Amendment (Fees and Charges) Regulations 2018 Pt. 4	15 Jun 2018 p. 1923-8	1 Jul 2018 (see r. 2(b))
Lands Regulations Amendment (Fees and Charges) Regulations 2019 Pt. 4	21 May 2019 p. 1474-81	1 Jul 2019 (see r. 2(b))
Lands Regulations Amendment (Fees and Charges) Regulations 2020 Pt. 4	SL 2020/76 9 Jun 2020	1 Jul 2020 (see r. 2(b))
Lands Regulations Amendment (Fees and Charges) Regulations 2021 Pt. 4	SL 2021/88 18 Jun 2021	1 Jul 2021 (see r. 2(b))
Lands Regulations Amendment (Surveys) Regulations 2021 Pt. 4	SL 2021/151 31 Aug 2021	1 Sep 2021 (see r. 2(b))
Lands Regulations Amendment (Fees and Charges) Regulations 2022 Pt. 5	SL 2022/62 3 Jun 2022	1 Jul 2022 (see r. 2(b))
Lands Regulations Amendment (Fees and Charges) Regulations 2023 Pt. 5	SL 2023/44 19 May 2023	1 Jul 2023 (see r. 2(b))
Transfer of Land Amendment Regulations 2023	SL 2023/117 26 Jul 2023	r. 1 and 2: 26 Jul 2023 (see r. 2(a)); r. 3 and 9-11: 27 Jul 2023 (see r. 2(b)); Regulations other than r. 1-3 and 9-11: 7 Aug 2023 (see r. 2(c))
Lands Regulations Amendment (Fees and Charges) Regulations 2024 Pt. 5	SL 2024/83 29 May 2024	1 Jul 2024 (see r. 2(b))
Lands Regulations Amendment (Fees and Charges) Regulations 2025 Pt. 5	SL 2025/85 11 Jun 2025	1 Jul 2025 (see r. 2(b))

Citation	Published	Commencement
Planning and Lands Regulations Amendment Regulations 2025 Pt. 3	SL 2025/178 15 Oct 2025	16 Oct 2025 (see r. 2(b))
Lands Regulations Amendment (Fees and Charges) Regulations 2026 Pt. 5	SL 2026/64 13 May 2026	1 Jul 2026 (see r. 2(b))

Other notes

[1] Repealed by the *Taxation Administration (Consequential Provisions) Act 2002*.

Defined terms

[This is a list of terms defined and the provisions where they are defined. The list is not part of the law.]

Defined term	Provision(s)
address	9AE(1), (2)
benefited lot	8(1)
circle	8(1)
department	11
electronic communication	9AG(1)
ELN	8(1)
lot	8(1)
names index	11
organisation	11
relevant entity	11
sender	9AF(1), (2)
single dwelling covenant	8(1)
suppressed information	10(2)
working day	9AG(1)

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