



WESTERN  
AUSTRALIAN  
GOVERNMENT

# Gazette

ISSN 1448-949X

PRINT POST APPROVED PP665002/00041

2959



PERTH, MONDAY, 25 JUNE 2007 No. 130

**SPECIAL**

PUBLISHED BY AUTHORITY JOHN A. STRIJK, GOVERNMENT PRINTER AT 3.30 PM

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STRATA TITLES ACT 1985

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## **STRATA TITLES GENERAL AMENDMENT REGULATIONS 2007**

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## **STRATA TITLES GENERAL AMENDMENT REGULATIONS (No. 2) 2007**

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REGISTRATION OF DEEDS ACT 1856

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## **REGISTRATION OF DEEDS AMENDMENT REGULATIONS 2007**

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TRANSFER OF LAND ACT 1893

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## **TRANSFER OF LAND AMENDMENT REGULATIONS 2007**



Strata Titles Act 1985

## **Strata Titles General Amendment Regulations 2007**

Made by the Governor in Executive Council.

**1. Citation**

These regulations are the *Strata Titles General Amendment Regulations 2007*.

**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 2 July 2007.

**3. The regulations amended**

The amendments in these regulations are to the *Strata Titles General Regulations 1996\**.

[\* *Reprint4 as at 21 April 2006.*

*For amendments to 17 May 2007 see Western Australian Legislation Information Tables for 2006, Table 4.]*

**Strata Titles General Amendment Regulations 2007****r. 4****4. Schedule 1 amended**

Schedule 1 item 1 is deleted and the following item is inserted instead —

“

1. The fees payable to the Registrar of Titles are —
- |  | \$     |
|--|--------|
| (a) on lodgment of any plan — general fee, including provision of copies of the plan to relevant rating authorities —  |        |
| (i) if approval of the Commission is required .....  | 191.00 |
| (ii) if approval of the Commission is not required .....   | 133.00 |
| plus, for each lot shown on the 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 .....   | 52.00  |
| (b) on lodgment of a replacement plan for a plan in respect of which a requisition has been raised .....   | 133.00 |
| (c) on the issuing, by the Registrar of Titles, of a requisition in respect of a lodged plan .....   | 86.00  |
| (d) on lodgment of any application for the registration of a plan .....  | 85.00  |
| plus, for each lot shown on the 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 or, in the case of a survey-strata plan, a proposed common property lot ..... | 6.00   |
| (e) on lodgment of any other application .....   | 85.00  |
| (f) on lodgment of any notification .....  | 85.00  |
| (g) for entering any notice or order .....   | 85.00  |

**Strata Titles General Amendment Regulations 2007**

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**r. 4**

- (h) for a procedure or function required or permitted to be done under the Act and not specified in this item but which is specified in the *Transfer of Land Regulations 2004* — the fee prescribed by those regulations
- (i) for a procedure or function required or permitted to be done under the Act and not specified in this item or in the *Transfer of Land Regulations 2004* — the fee, if any, assessed by the Registrar but which is not to exceed the cost of providing the service

”.

By Command of the Governor,

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

Strata Titles Act 1985

## **Strata Titles General Amendment Regulations (No. 2) 2007**

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

**1. Citation**

These regulations are the *Strata Titles General Amendment Regulations (No. 2) 2007*.

**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 2007.

**3. The regulations amended**

The amendments in these regulations are to the *Strata Titles General Regulations 1996\**.

[\* *Reprint 4 as at 21 April 2006*.

*For amendments to 8 June 2007 see Western Australian Legislation Information Tables for 2006, Table 4.]*

**Strata Titles General Amendment Regulations (No. 2) 2007****r. 4**

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**4. Schedule 1 amended**

Schedule 1 item 3 is deleted and the following item is inserted instead —

“

3. The fees payable to the Commission on an application under section 25(3) for a certificate of approval under section 25 are —
  - (a) for 1 to 5 lots — \$600 plus \$60 for each lot;
  - (b) for 6 to 99 lots — \$900 (being the fee payable for the first 5 lots under subitem (a)) plus \$40 for each other lot;
  - (c) for 100 or more lots — \$4 700.

”

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

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

Registration of Deeds Act 1856

## **Registration of Deeds Amendment Regulations 2007**

Made by the Governor in Executive Council.

**1. Citation**

These regulations are the *Registration of Deeds Amendment Regulations 2007*.

**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 2 July 2007.

**3. The regulations amended**

The amendments in these regulations are to the *Registration of Deeds Regulations 2004*\*.

[\* *Published 2 September 2004, p. 3822-3.*

*For amendments to 17 May 2007 see Western Australian Legislation Information Tables for 2006, Table 4.]*

**4. Schedule 1 amended**

Schedule 1 is amended as follows:

- (a) in Division 1 item 1 by deleting “\$82” and inserting instead —  
“ \$85 ”;

**Registration of Deeds Amendment Regulations 2007****r. 4**

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- (b) in Division 1 item 2 by deleting “\$82” and inserting instead —  
“ \$85 ”;
- (c) in Division 2 item 1 by deleting “\$13” and inserting instead —  
“ \$13.50 ”;
- (d) in Division 3 item 2 by deleting “\$82” and inserting instead —  
“ \$85 ”.

By Command of the Governor,

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

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Transfer of Land Act 1893

## **Transfer of Land Amendment Regulations 2007**

Made by the Governor in Executive Council.

### **1. Citation**

These regulations are the *Transfer of Land Amendment Regulations 2007*.

### **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 2 July 2007.

### **3. The regulations amended**

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

[\* *Reprint 1 as at 13 November 2006.*

*For amendments to 17 May 2007 see Western Australian Legislation Information Tables for 2006, Table 4.]*

**Transfer of Land Amendment Regulations 2007**

r. 4

**4. 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 .....  | \$85  |
|    | 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 ..... | \$85  |
| 3. | Of a transfer of a lease, surrender, easement or restrictive covenant .....   | \$85  |
| 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 .....  | \$85  |
|    | exceeds \$85 000 but does not exceed \$120 000 .....  | \$95  |
|    | exceeds \$120 000 but does not exceed \$200 000 .....   | \$115 |
|    | 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

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(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 ..... \$85

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 .....          | \$85 |
| 6.  | Of an extension of a mortgage or charge — for each interest .....   | \$85 |
| 7.  | Of a Crown lease or of a freehold lease or sub-lease or extension of a freehold lease .....                           | \$85 |
| 8.  | Of a memorial or notification under any State or Commonwealth Act (unless exempted from payment under that Act) ..... | \$85 |
| 9.  | Of an order of the Supreme Court, the District Court or the Magistrates Court .....                                   | \$85 |
| 10. | Of revocation of a power of attorney .....  | \$85 |
| 11. | Of an instrument not specifically provided for in this Division .....   | \$85 |

**Division 2 — Lodgments**

- |    |  |       |
|----|--|-------|
| 1. | Of a caveat, a power of attorney or a declaration of trust .....                 | \$85  |
| 2. | Of a deposited plan —  |       |
|    | (a) general fee —  |       |
|    | (i) if approval of Western Australian Planning Commission is required .....      | \$191 |
|    | (ii) if approval of Western Australian Planning Commission is not required ..... | \$133 |

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	(b) for each lot (including any lot shown on an inset on the plan) other than a lot vesting in the Crown under the <i>Planning and Development Act 2005</i> section 152 .....	\$52
3.	Of a replacement deposited plan for a certified correct deposited plan —	
	(a) if approval of Western Australian Planning Commission is required .....	\$191
	(b) if approval of Western Australian Planning Commission is not required .....	\$133
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 .....	\$133
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 .....	\$42.50
	(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 .....	\$85
7.	Of a form for the notification of a factor affecting the use or enjoyment of land — section 70A(1) of the Act .....	\$85
8.	Of an instrument for a restrictive covenant created under section 129BA of the Act — section 129BA(2)(b) of the Act .....	\$85
9.	Of an instrument for an easement created under Part IVA of the Act — section 136C(4) of the Act .....	\$85
10.	Of an instrument for a restrictive covenant created under Part IVA of the Act — section 136D(3) of the Act .....	\$85

**Transfer of Land Amendment Regulations 2007****r. 4****Division 3 — Withdrawals**

1. Of a caveat, order of the Supreme Court, the District Court or the 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, or any other Act or Commonwealth Act (unless exempted from payment under that Act) ..... \$85
2. Of a document from registration or recording ..... \$42.50

**Division 4 — Applications**

1. For a new certificate of title in respect of undivided shares in land —
  - (a) for one certificate ..... \$85
  - (b) for each additional certificate ..... \$6
2. For a new certificate of title the subject of a deposited plan ..... \$85  
 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 ..... \$6
3. For a new certificate of title in any other case ..... \$85
4. To amend certificates of title of other owners affected by section 170 of the Act — for each certificate of title affected ..... \$85
5. To serve a section 138A caveator with notice under section 138B of the Act ..... \$170
6. An application in respect of any matter not specifically provided for in this Division ..... \$85

**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) ..... \$85
2. For a certificate of ownership issued under the *Local Government Act 1995* section 9.41 ..... \$60

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- |    |  |   |
|----|--|---|
| 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 assessed by the Registrar, not exceeding actual cost |

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

- |     |  |         |
|-----|--|---------|
| 1.  | Search of names index — each name .....  | \$6.75  |
| 2.  | Inspection of a Crown lease, Crown title, permit or licence, where number is known ..... | \$13.50 |
| 3.  | Copy of a Crown lease, Crown title, permit or licence, where number is known .....       | \$13.50 |
| 4.  | Inspection of a Crown land lease where number is known .....                             | \$13.50 |
| 5.  | Copy of a Crown land lease where number is known .....                                   | \$13.50 |
| 6.  | Inspection of a certificate of title where number is known —                             |         |
|     | (a) where required as a result of a check search ....                                    | \$6.75  |
|     | (b) in other cases .....   | \$13.50 |
| 7.  | Copy of a certificate of title where number is known —                                   |         |
|     | (a) where required as a result of a check search ....                                    | \$6.75  |
|     | (b) in other cases .....   | \$13.50 |
| 8.  | Inspection of a plan, diagram or deposited plan .....                                    | \$13.50 |
| 9.  | Copy of a plan, diagram or deposited plan .....  | \$13.50 |
| 10. | Inspection of a licensed surveyor's field book .....                                     | \$13.50 |
| 11. | Copy of a licensed surveyor's field book .....   | \$13.50 |

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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 .....	fee as assessed by the Registrar, not exceeding actual cost
13.	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 .....	\$6.75
14.	Inspection of other documents and related information not specifically provided for in this Division, including documents listed as subject to dealing and status reports .....	\$13.50 per document
15.	Copy of other documents and related information not specifically provided for in this Division, including documents listed as subject to dealing and status reports .....	\$13.50 per document
16.	Search for the number of a certificate of title, Crown lease, Crown title, permit or licence .....	\$6.75
17.	Inspection of a survey index plan .....	\$13.50
18.	Copy of a survey index plan .....	\$13.50
19.	Check search .....	\$6.75
20.	Search of Crown reserves database — for each reserve (including printout of hard copy) .....	\$13.50

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21. 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 ..... \$6.75
  - (c) 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 21 include the taking a hard copy of screen print.
22. In response to a request via a privately owned facsimile machine for the results of any search referred to in items 1 to 20 — for each request (in addition to the fees payable under items 1 to 20) ..... \$2.30
23. 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

**Transfer of Land Amendment Regulations 2007****r. 4**

- |     |  |         |
|-----|--|---------|
| 24. | Search of the power of attorney file for the number of a power of attorney document (unless item 21(c) applies)..... | \$6.75  |
| 25. | Inspection of a power of attorney document where the number is known .....   | \$13.50 |
| 26. | Copy of a power of attorney document where the number is known .....   | \$13.50 |

**Division 7 — Miscellaneous**

- |    |  |   |
|----|--|---|
| 1. | For advertising (minimum fee payable on lodgment of application, additional actual cost payable when actual cost is known) ..... | \$85 plus<br>actual cost<br>above \$85  |
| 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<br>assessed by<br>the<br>Registrar,<br>not<br>exceeding<br>actual cost |
| 3. | For dispensing with the production of a duplicate of a certificate of title or other instrument .....                            | \$85  |
| 4. | Supply of statement of grounds .....   | \$85  |
| 5. | Order for stay of registration under section 148 of the Act .....  | \$85  |
| 6. | For requisitions raised on —   |   |
|    | (a) a deposited plan or other survey document ...  | \$86  |

**Transfer of Land Amendment Regulations 2007****r. 4**

	(b) on 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 .....	\$42.50
	(ii) otherwise .....	\$64
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 .....	\$85
9.	Cancellation of a plan or diagram .....	\$63
10.	Search of an historic 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.	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 .....	\$42
	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 .....	\$58

**Transfer of Land Amendment Regulations 2007****r. 5**

- |     |   |   |
|-----|---|---|
| 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 ..... | \$31  |

”.

**5. Schedule 2 amended**

Schedule 2 item 1 is amended as follows:

- (a) paragraph (b) is deleted;
- (b) after paragraph (a) by inserting “or”.

By Command of the Governor,

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