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STRATA TITLES ACT, 1966-1970.

Crown Law Department,
Perth, 6th October, 1972.

HIS Excellency the Governor in Executive Council, acting in pursuance of the provisions of section 28 of the Strata Titles Act, 1966-1970, has been pleased to make the regulations set out in the schedule hereunder to have effect on and after the 1st November, 1972.

W. J. ROBINSON,
Under Secretary for Law.

Schedule

Regulations.

Principal
regulations.

1. In these regulations the Strata Titles Act Regulations, 1967, published in the *Government Gazette* on the 29th September, 1967 and amended from time to time thereafter by notices so published, are referred to as the principal regulations.

Reg. 26
amended.

2. Regulation 26 of the principal regulations is amended—
(a) by adding after the word "Regulations" in line two of subregulation (1) the passage "1972"; and
(b) by revoking subregulation (4) and substituting the following subregulation—

(4) The following fees shall be paid to the Registrar of Titles in respect of the following matters—

	\$
(a) on lodgment for registration of a Strata Plan and in addition for each lot shown therein	20.00
(b) on lodgment of a notification of destruction of the building	10.00
(c) on lodgment of an office copy of an Order of the Court made pursuant to subsection (3) of s.19 of the Act	10.00
(d) on lodgment of a notification of change of by-laws	10.00
(e) on lodgment of an office copy of an Order appointing an administrator pursuant to s.23 of the Act	10.00
(f) for each sheet of plan paper supplied by the Registrar of Titles under regulation 5 of these regulations	0.20
(g) for entering notice of change of address on Strata Plan	10.00

TRANSFER OF LAND ACT, 1893-1972.

Crown Law Department,
Perth, 6th October, 1972.

HIS Excellency the Governor in Executive Council has been pleased to approve of the regulations made by the Commissioner of Titles under the provisions of section 181 of the Transfer of Land Act, 1893-1972, and set forth in the schedule hereunder to have effect on and after the 1st November, 1972.

W. J. ROBINSON,
Under Secretary for Law.

SCHEDULE.

TRANSFER OF LAND ACT REGULATIONS, 1972.

- Citation. 1. These regulations may be cited as the Transfer of Land Act Regulations, 1972.
- Revocation. 2. The Transfer of Land Act Regulations published in the *Government Gazette* on the 16th March, 1951, and amended from time to time thereafter by notices so published, are revoked.
- Requirements as to documents. 3. (1) Every document presented for registration or lodgment in the Office of Titles shall comply with the following requirements:—
 (a) it shall be prepared on good quality paper approved by the Registrar and having the dimensions 337 millimetres by 210 millimetres;
 (b) it shall be clearly and legibly handwritten in ink, printed, or typewritten;
 (c) all writing, printing, type, or other matter appearing on the document shall be of sufficient strength to bear photographic reproduction;
 (d) the signature of any party to the document, and that of any witness to such signature, shall be written in ink; and
 (e) where the document consists of more than one page, the pages shall be bound together.
 (2) The Registrar may reject for registration or lodgment a document that does not comply with this regulation.
- Issue of Certificates of Title for lots on plans or diagrams. 4. (1) The Registrar may refuse to issue a Certificate of Title for more than one lot on a plan or diagram of subdivision.
 (2) Where an application is made for a Certificate of Title for the land which is the subject of a plan or diagram of subdivision the Registrar may if he thinks fit, after issuing the Certificate of Title so applied for, issue a Certificate of Title for each lot or any number of lots on that plan or diagram and cancel the Certificate of Title so applied for and issued to such extent as is necessary.
- Issue of Certificates of Title for lots included in existing Certificates. 5. 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 he thinks fit, instead of issuing the Certificate of Title so applied for, issue a Certificate of Title for each lot or for any number of lots included in that land.
- Fees. See T.L.A. section 191. 6. The fees to be charged by the Registrar and the contributions payable to the Assurance Fund are set out in the following scale:—

SCALE OF FEES.

This scale is divided into Parts as follow—

- Part 1—TRANSFERS.
EASEMENTS.
SURRENDERS.
- Part 2—MORTGAGES.
CHARGES.
DISCHARGES OF MORTGAGES.
DISCHARGES OF CHARGES.
EXTENSIONS OF MORTGAGES AND CHARGES.

- Part 3—APPLICATIONS.
- Part 4—CAVEATS.
WITHDRAWALS OF CAVEAT.
WRITS OF *FIERI FACIAS*.
WARRANTS.
ORDERS.
- Part 5—POWERS OF ATTORNEY.
DECLARATIONS OF TRUST.
- Part 6—LEASES.
PERMITS.
CROWN GRANTS.
- Part 7—ASSURANCE FUND.
ADVERTISING.
- Part 8—SEARCHES.
COPIES OF DOCUMENTS.
- Part 9—PLANS.
DIAGRAMS.
- Part 10—MISCELLANEOUS ITEMS—
UNDER ALPHABETICAL SUB-HEADINGS.

PART 1.

Section of T.L.A.		\$
82 <i>et. seq.</i>	1. Registration of a Transfer, Surrender or Easement	12.00
	(This fee includes the issue of new Certificates of Title if required by the Registrar.)	
	For each new Certificate of Title requested when not actually required by the Registrar as above an additional fee of	10.00

PART 2.

105	1. Registration of a Mortgage, Charge, Discharge of Mortgage or Discharge of Charge (Includes partial discharge of Mortgage or Charge)—for each interest mortgaged or charged	10.00
123		
105	2. Registration of an Extension of Mortgage or Charge	10.00

PART 3.

	1. An Application of any other kind than those specified below	10.00
	2. An Application for a new Certificate of Title whether new, balance, separate or consolidated	10.00
	<i>Note:</i> No further fees in addition to those set out above are payable on an application of this kind by reason only of the issue by the Registrar, under the provisions of regulation 4(2) or 5 of these regulations, of—	
	(a) one or more Certificates of Title in addition to the Certificate applied for ; or	
	(b) two or more Certificates of Title instead of the Certificate applied for.	
20, 81B	3. An Application to bring land under the operation of the Act whether freehold or Crown Leasehold	10.00
	In addition :—	
	In the case of leasehold land fees may be required for advertising.	
	In the case of freehold land further fees will be required to cover the cost of :—	
	Each new Certificate of Title	10.00
40, 41	Advertising	
	Assurance fund	
222	4. An Application to be registered as the proprietor of land already under the Act pursuant to a claim by adverse possession....	20.00
	Additional fees will be required to cover the cost of :—	
	Each new Certificate of Title	10.00
224	Advertising.	
	Assurance fund.	
225	Extra Fee 1% of value.	

Section of T.L.A.		\$
121	5. An Application for an Order for foreclosure....	20.00
	Additional fees will be required for :—	
	Certificate of Title if necessary	10.00
	Advertising.	
182, 183	6. An Application for a Vesting Order	20.00
	For each new Certificate of Title necessary	10.00
170	7. An Application to amend the boundaries area or position of land shown in a Certificate of Title....	20.00
171	8. An Application to amend Certificates of Title of other owners affected by Section 170—for each Certificate affected	10.00
75	9. An Application for a new Certificate of Title to replace a duplicate Certificate of Title or Crown Lease lost or destroyed	20.00
	In addition fees will be required to cover the cost of :—	
	A new Certificate of Title	10.00
	Advertising.	
PART 4.		
137	1. For Lodging a Caveat	10.00
	2. Withdrawal of Caveat	5.00
138	3. For sending 14 days notice on a Caveat	10.00
90, 133	4. For recording any Writ of <i>feri facias</i> , Warrant of a Local Court or any Order of the Supreme Court or the Commissioner of Titles	10.00
	(Withdrawals of Writs and Warrants are included in Part 3 item 1.)	
PART 5.		
143	1. For deposit of a Power of Attorney	10.00
	2. For noting revocation of a Power of Attorney	5.00
55	3. For depositing a Declaration of Trust	10.00
PART 6.		
81A	1. Registration of a Crown Lease	1.00
91, 99	2. Registration of a Freehold Lease, Sub-Lease or Extension of a Lease	10.00
105	(For Surrenders of Leases see Part 1.)	
73	3. For production of a Permit	1.00
18	4. Registration of a Crown Grant	2.00
	For each Mortgage or encumbrance to be brought forward from a Lease or Permit	0.50
	In addition a contribution to the Assurance Fund.	
PART 7.		
18, 40, 43, 44, 45	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 payable on registration of claimant under Statute of Limitations against a registered proprietor.	
224	In the dollar value of the land	5/24 of a cent
45	An additional assurance as assessed by the Commissioner.	
	2. As the amount required to meet the cost of advertising fluctuates according to the space required an approximate amount is collected at the time of lodging document and an adjustment is required later when actual cost is known.	
PART 8.		
239	1. Search of Certificate of Title, Crown Lease or Permit including Caveats and documents creating restrictive covenants as endorsed thereon	0.50
	Where Volume and Folio, Crown Lease number or other particulars are not known by searchers—extra	0.30
	(This fee includes a search for one such number in Nominal Index.)	

Section of T.L.A.		\$
	2. General Search in Nominal Index, for each name (This fee includes search of one Certificate of Title or Crown Lease.)	0.80
	3. Nominal Index search where no Certificate of Title or Crown Lease can be supplied therefrom	0.80
	4. Search of one Plan or Diagram	0.50
	5. Search of any registered or filed documents (Except as in item 1 of this Part)	0.50
239	6. For copy of or extract from any document, plan, diagram or Field Book— if by typing—at per folio if by electrostatic copying machine on 229 mm x 356 mm copy sheets— at per copy sheet if by electrostatic copying machine on copy sheets larger than 229 mm x 356 mm or if by photographic or other copying process—to be assessed by the Registrar. Copy charges do not include a search of the actual document which, if required, attracts a separate fee. For Certificates of Title, Crown Leases and Permits, copy charges include a search of Caveats and documents creating restrictive covenants as endorsed thereon. Where Volume and Folio, Crown Lease number or other particulars are not known for copies—extra	0.20 0.20 0.30
	7. For every map or colouring of map on copies of documents, Certificates of Title, Crown Leases, Plans or Diagrams—to be assessed by the Registrar.	.
	8. For certification under hand of Registrar— for each document, Crown Lease or Certificate of Title	1.00
	9. For every Certificate of Ownership issued under Local Government Act, 1960, Section 655 (1) (b) (ii)	0.40
146	10. For every Search Certificate	5.00
PART 9.		
	1. For every Plan deposited And in addition for each lot therein	20.00 1.00
	2. For every Diagram deposited And in addition for each lot therein	10.00 1.00
	3. For tracing and drawing Plans and Diagrams made in office—fee to be fixed by Registrar (Corr. 89/1893).	
PART 10.		
	1. Certificate of Trustees : For registering (Friendly Societies Act, 1894, section 33)	0.40
	2. Dispensing with Productions : For dispensing with the production of a duplicate Certificate	2.00
	3. Exemptions from fees : (a) A discharge of Mortgage for the purpose of enabling a Mortgage to the Rural and Industries Bank to be registered in priority and the re- registration of such discharged Mortgage after the registration of the Mortgage to the Rural and Industries Bank. (b) Caveats lodged by Commissioner of Taxation with respect to a charge for Land Tax. Payment of the fee will be deferred until tax has been paid or caveat wholly or partially withdrawn.	
	4. Post fees : Additional fee for every document registered through the post Additional fee for every document lodged personally where a request is made to return issues through the post For overseas issues or large numbers of documents—to be assessed by the Registrar.	1.00 0.50
203	5. Statement of Grounds : For Statement of Grounds	2.00
148	6. Stay Orders : For every Order for Stay of Registration	2.00
14	7. Sworn Valuers : On appointment Renewal fees as from 1st January, payable on or before 1st March	10.00 2.00
	8. Withdrawals from Registration : For withdrawing each document from registration	2.00

LOCAL COURTS ACT, 1904-1970.

Crown Law Department,
Perth, 6th October, 1972.

HIS Excellency the Governor in Executive Council, acting pursuant to the provisions of the Local Courts Act, 1904-1970, has been pleased to make the Rules of Court set out in the Schedule hereunder, to have and take effect at the expiration of one month from the publication thereof in the *Government Gazette*.

W. J. ROBINSON,
Under Secretary for Law.

Schedule.

RULES OF COURT.

Principal
rules.

1. In these rules the Local Court Rules, 1961, published in the *Government Gazette* on the 6th June, 1961, and amended from time to time thereafter by notices so published, are referred to as the principal rules.

Appendix
amended by
subs. Table
of Court Fees
in Part II.

2. The Appendix to the principal rules is amended by substituting for the Table of Court Fees in Part II, the following Table:—

TABLE OF COURT FEES.

Item No.	Service	Fee	Notes
1.	Entry of plaint or entry of filing or any other originating proceeding and summons thereon	\$ 2.00	
2.	Hearing fee or assessment of damages or value of goods (when not made at trial), including entry of judgment	3.00	Hearing fee is payable before an action is called on in Court. Once paid a hearing fee shall not be refunded, notwithstanding that the action is not heard. No hearing fee is payable on a judgment summons. When hearing fee is paid, there is no fee on entry of judgment. In garnishee proceedings a hearing fee is payable provided the action comes to trial.
3.	Hearing fee under section 47A, subsection 7	3.00	Hearing fee is payable provided the Magistrate tries the action with the consent of all parties.
4.	Hearing fee (set-off or counterclaim) including entry of judgment	3.00	Payable by defendant. No fee is payable unless the defendant's set-off or counterclaim is greater than the plaintiff's claim.
5.	Entry of judgment in default of appearance of plaintiff or where notice of defence not given and no confession filed	2.00	If plaintiff does not appear at trial and defendant obtains judgment, he may enter the judgment upon payment of the fees. When notice of defence is not given by defendant, the plaintiff may enter judgment and pay the fees. When defendant admits the debt and files a confession, no entry of judgment fee is payable.

TABLE OF COURT FEES—continued

Item No.	Service	Fee	Notes
6.	Entry of judgment under section 47A (except where hearing fee is payable under item 3 of this table of fees)	\$ 2.00	
7.	On summons to witness	1.00	
8.	Filing affidavits, notices, and other documents required to be filed (except notices of defence to summonses, confessions of claim, praecipes, affidavits of service, notices of discontinuance, or special defence, or applications by judgment debtors to vary order for payment)	1.00	No fees are payable on :— Notices of defence to summonses. Confessions of claim. Praecipes. Affidavits of Service. Notices of discontinuance. Special defence. Applications by judgment debtors to vary orders for payment.
9.	Application for new trial	2.00	
10.	Hearing fee, new trial	3.00	
11.	Warrant of any kind	1.00	
12.	Judgment summons	1.00	No hearing fee is payable on a judgment summons. When defendant (judgment debtor) is summoned as a witness the fees for a witness summons (item 7) must be paid together with conduct money.
13.	Summons not otherwise specified	1.00	
14.	Plaint and summons for recovery of possession of land.	2.00	
15.	Hearing fee, including entry of judgment, in action for recovery of possession of land.	3.00	
16.	Search	1.00	
17.	Certificate of judgment (issuing)	1.00	
18.	Certificate of judgment (registering)	1.00	
19.	Certificate of judgment of other States (registering)	1.00	
20.	Taking bond of any kind	1.00	
21.	Appointment to tax costs	1.00	
22.	Service of summons authorised by post, inclusive of cost of postage	1.00	
23.	Interpleader summons	1.00	Issued on application of the Bailiff.
24.	Interpleader—Hearing fee on	3.00	Hearing fee shall be prepaid by claimant and the Magistrate at the hearing shall direct by whom such fee shall ultimately be borne.
25.	Garnishee summons	2.00	

TABLE OF COURT FEES—continued

Item No.	Service	Fee	Notes
26.	Garnishee summons—Hearing fee	\$ 3.00	Hearing fee is payable provided the action comes to trial.
27.	For issuing any duplicate warrant, summons, order, or other document under Order 38. Rule 21 or 22—The same fee as is prescribed for the issue of the original thereof		
28.	Examination of witnesses <i>de bene esse</i> before Clerk—For the first hour or part thereof, \$2.00, and for every subsequent hour or part thereof, \$1.00.		
29.	Copies of documents, \$0.10 per folio with a minimum of \$1.00. Photo-copies \$0.30 per foolscap size page.		
30.	Taxing costs, \$0.05 in each amount of \$1.00 on amount of filed bill, any less amount than \$1.00 to be disregarded.		
31.	Postage on any process issued for service or execution by bailiff of foreign court, \$0.50.		
32.	Fees payable in proceedings under the Metropolitan Water Supply, Sewerage, and Drainage Act, 1909, Part VIII (6) (iii) :—		\$
	(1) On filing certificate of rates unpaid—Each parcel of land		1.00
	(2) Advertising in <i>Government Gazette</i> —Each parcel of land		1.00
	(3) On issuing and signing notice and service thereof by registered post—Each parcel of land		1.00
	(4) On issuing and signing any other notice		1.00
	(5) On filing any affidavit		1.00
	(6) On warrant of execution—Each parcel of land		2.00
33.	The following fees shall be payable in connection with an appeal, motion, application or proceeding under any statute now or hereafter in force, where the matter is not otherwise specifically provided for in the Act or these Rules :—		
	(1) On lodging notice of appeal, notice of motion, application or other document initiating proceedings		1.00
	(2) Hearing fee		3.00
	(3) Summons to witness		1.00
	(4) Filing affidavit, notice or other document required to be filed		1.00
	(5) Order		1.00
	(6) Stating case for Supreme Court		2.00