



Western Australia

Transfer of Land Act 1893

Transfer of Land Regulations 2004

Reprint 3: The regulations as at 2 March 2012

Guide for using this reprint

What the reprint includes



Endnotes, Compilation table, and Table of provisions that have not come into operation

1. Details about the original regulations and legislation that has amended its text are shown in the Compilation table in endnote 1, at the back of the reprint. The table also shows any previous reprint.
2. Transitional, savings, modifying or other provisions identified in the Compilation table may be important. The table may refer to another endnote setting out the text of these provisions in full.
3. A table of provisions that have not come into operation, to be found in endnote 1a if it is needed, lists any provisions of the regulations being reprinted that have not come into operation and any amendments that have not come into operation. The full text is set out in another endnote that is referred to in the table.

Notes amongst text (italicised and within square brackets)

1. If the reprint includes a regulation that was inserted, or has been amended, since the regulations being reprinted were made, editorial notes at the foot of the regulation give some history of how the regulation came to be as it is. If the regulation replaced an earlier regulation, no history of the earlier regulation is given (the full history of the regulations is in the Compilation table).

Notes of this kind may also be at the foot of Schedules or headings.

2. The other kind of editorial note shows something has been —
 - removed (because it was repealed or deleted from the law); or
 - omitted under the *Reprints Act 1984* s. 7(4) (because, although still technically part of the text, it no longer has any effect).

The text of anything removed or omitted can be found in an earlier reprint (if there is one) or one of the written laws identified in the Compilation table.

Reprint numbering and date

1. The reprint number (in the footer of each page of the document) shows how many times the regulations have been reprinted. For example, numbering a reprint as “Reprint 3” would mean that the reprint was the 3rd reprint since the regulations were published. Reprint numbering was implemented as from 1 January 2003.
2. The information in the reprint is current on the date shown as the date as at which the regulations are reprinted. That date is not the date when the reprint was published by the State Law Publisher and it is probably not the date when the most recent amendment had effect.

Western Australia

Transfer of Land Regulations 2004

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Defined Terms



Reprinted under the
Reprints Act 1984 as
at 2 March 2012

Western Australia

Transfer of Land Act 1893

Transfer of Land Regulations 2004

Part 1 — Preliminary

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

1. Citation

These regulations may be cited as the *Transfer of Land Regulations 2004*¹.

2. Commencement

These regulations come into operation on 6 September 2004.

Part 2 — General

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

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) The Registrar may reject for lodgment, registration or entry a document in paper medium that does not comply with the Act or subregulation (1).

[Regulation 3 amended in Gazette 29 Dec 2006 p. 5915.]

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. Priority processing of certain documents

- (1) If the person lodging a transfer, mortgage, discharge of mortgage, withdrawal of caveat, survivorship application, or enduring power of attorney, pays the fee in Schedule 1 Division 7 for priority processing, the document will be given priority for attention by the Registrar over other documents that do not relate to the land to which the document relates, subject to this regulation.
- (2) A person cannot request priority processing for a document referred to in subregulation (1) if —
 - (a) more than 4 of such documents are lodged simultaneously; or
 - (b) the document is connected to any land in relation to which there is a document lodged previously on which processing has not been completed; or
 - (c) the document and any other lodged document connected with it relate to more than 5 lots; or
 - (d) the document is lodged simultaneously with a document that is not referred to in subregulation (1); or
 - (e) the document is lodged simultaneously with an enduring power of attorney.
- (3) If the fee for priority processing is paid in respect of a document referred to in subregulation (1) and a requisition is raised on the document, the document ceases to have priority for attention unless a further fee for priority processing is paid in respect of it.

[Regulation 5A inserted in Gazette 24 Jun 2005 p. 2761-2.]

[6, 7. Deleted in 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 3 — Fees and forms

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

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 a duplicate certificate of title, 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 duplicate certificate of title, 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 is the fee specified in that item;
 - (b) from registration or recording is the fee specified in Schedule 1 Division 3 item 2.
- (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 (including arranging postal delivery of material) 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 4 item 7A; 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.

[Regulation 9A inserted in Gazette 22 May 2009 p. 1701-2.]

[9. Deleted in Gazette 19 Jun 2009 p. 2236.]

Part 4 — Inspection of Register

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

Division 1 — Times for inspection of Register and related documents

[Heading inserted in 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) 8.00 a.m. to 4.30 p.m.
- (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 in Gazette 22 May 2009 p. 1702-3; amended in Gazette 19 Jun 2009 p. 2236.]

Division 2 — Names index

[Heading inserted in 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(1) 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);

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

[Regulation 11 inserted in Gazette 22 May 2009 p. 1703.]

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 in 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; and
 - (c) the fee payable under regulation 9A(4).

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Part 4 Inspection of Register

Division 2 Names index

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- (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 register 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 in Gazette 22 May 2009 p. 1703-4.]

14. Suppressed information, provision of to government organisations

- (1) The Registrar may provide suppressed information to a department or organisation by arrangement with its chief executive officer or chief employee.
- (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 or organisation.

[Regulation 14 inserted in Gazette 22 May 2009 p. 1704.]

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 in Gazette 22 May 2009 p. 1704-5.]

Schedule 1 — Fees

[r. 9A(1), (2), (3), (4), (5), (6), (7)]

[Heading inserted in Gazette 9 Jan 2009 p. 30; amended in Gazette 22 May 2009 p. 1705.]

Division 1 — Registrations and recordings

[Heading inserted in Gazette 9 Jan 2009 p. 30.]

1. Of a transfer of a mortgage or charge —
 - first mortgage or charge \$160.00
 - subsequent mortgage or charge \$13.00
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 ... \$160.00
3. Of a transfer of a lease, surrender, easement or restrictive covenant \$160.00
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 \$160.00
 - exceeds \$85 000 but does not exceed \$120 000 .. \$170.00
 - exceeds \$120 000 but does not exceed \$200 000 \$190.00plus, for each whole or part of \$100 000 above \$200 000 \$20.00

Note: Where —

- (a) stamp 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 \$160.00

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 \$160.00
- 6. Of an extension of a mortgage or charge — for each interest \$160.00
- 7. Of a Crown lease or of a freehold lease or sub-lease or extension of a freehold lease \$160.00
- 8. Of a memorial or notification under any State or Commonwealth Act (unless exempted from payment under that Act) \$160.00
- 9. Of an order of the Supreme Court, the District Court or the Magistrates Court \$160.00
- 10. Of revocation of a power of attorney \$160.00
- 11. Of an instrument not specifically provided for in this Division \$160.00

[Division 1 inserted in Gazette 9 Jan 2009 p. 30-1; amended in Gazette 19 Jun 2009 p. 2236-7 and 2238-9; 18 Jun 2010 p. 2679-80; 14 Jun 2011 p. 2133-4.]

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Schedule 1 Fees

Division 2 Lodgments

Division 2 — Lodgments

[Heading inserted in Gazette 9 Jan 2009 p. 31.]

| | | |
|----|---|----------|
| 1. | Of a caveat, a power of attorney or a declaration of trust | \$160.00 |
| 2. | Of a deposited plan of Crown land that is not a subdivision — | |
| | (a) general fee | \$227.00 |
| | (b) for each lot | \$62.00 |
| | (c) for each sheet in addition to the first sheet . | \$227.00 |
| 3. | Of any other deposited plan — | |
| | (a) general fee | \$227.00 |
| | (b) for each lot (including any lot shown on an inset on the plan) other than a lot vesting in the Crown under the <i>Planning and Development Act 2005</i> section 152 | \$62.00 |
| 4. | Of a replacement plan | \$227.00 |
| 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 | \$80.00 |
| | (b) for each subsequent certificate of title or lease | \$6.00 |
| 6. | Of a memorandum within the meaning of section 54(1) of the Act — section 54(2) of the Act . | \$160.00 |
| 7. | Of a form for the notification of a factor affecting the use or enjoyment of land — section 70A(1) of the Act | \$160.00 |
| 8. | Of an instrument for a restrictive covenant created under section 129BA of the Act — section 129BA(2)(b) of the Act | \$160.00 |
| 9. | Of an instrument for an easement created under Part IVA of the Act — section 136C(4) of the Act ... | \$160.00 |

10. Of an instrument for a restrictive covenant created under Part IVA of the Act — section 136D(3) of the Act \$160.00

[Division 2 inserted in Gazette 9 Jan 2009 p. 31; amended in Gazette 19 Jun 2009 p. 2237-8 and 2239; 18 Jun 2010 p. 2680; 14 Jun 2011 p. 2134.]

Division 3 — Withdrawals

[Heading inserted in Gazette 9 Jan 2009 p. 31.]

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 ², or any other Act or Commonwealth Act (unless exempted from payment under that Act) \$160.00
2. Of a document from registration or recording \$80.00

[Division 3 inserted in Gazette 9 Jan 2009 p. 31-2; amended in Gazette 19 Jun 2009 p. 2239; 18 Jun 2010 p. 2680; 14 Jun 2011 p. 2134.]

Division 4 — Applications

[Heading inserted in Gazette 9 Jan 2009 p. 32.]

1. For a new certificate of title in respect of undivided shares in land —
- (a) for one certificate \$160.00
- (b) for each additional certificate \$6.00
2. For a new certificate of title the subject of a deposited plan \$160.00
- 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 \$6.00

Transfer of Land Regulations 2004

Schedule 1 Fees

Division 5 Certificates

- 3. For a new certificate of title in any other case \$160.00
- 4. To amend certificates of title of other owners affected by section 170 of the Act — for each certificate of title affected \$160.00
- 5. To serve a section 138A caveator with notice under section 138B of the Act \$300.00
- 6. For each replacement edition of a duplicate certificate of title where a duplicate certificate of title was issued on the registration of the certificate of title \$160.00
- 7A. For information not to be inspected as part of the names index \$160.00
- 7. An application in respect of any matter not specifically provided for in this Division \$160.00

[Division 4 inserted in Gazette 9 Jan 2009 p. 32; amended in Gazette 22 May 2009 p. 1705; 19 Jun 2009 p. 2239; 18 Jun 2010 p. 2680-1; 14 Jun 2011 p. 2134-5.]

Division 5 — Certificates

[Heading inserted in Gazette 9 Jan 2009 p. 32.]

- 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) \$160.00
- 2. For a certificate of ownership issued under the *Local Government Act 1995* section 9.41 \$60.00
- 3. For certification by the Registrar of a certificate of title, Crown lease, deposited plan, plan, diagram or other document \$60.00

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 in Gazette 9 Jan 2009 p. 32; amended in Gazette 19 Jun 2009 p. 2239; 18 Jun 2010 p. 2681; 14 Jun 2011 p. 2135.]

Division 6 — Inspection and/or copies of documents

[Heading inserted in Gazette 9 Jan 2009 p. 32.]

- | | | |
|-----|---|---------|
| 1. | Inspection of a Crown lease, Crown title, permit or licence | \$24.00 |
| 2. | Copy of a Crown lease, Crown title, permit or licence | \$24.00 |
| 3. | Inspection of a Crown land lease | \$24.00 |
| 4. | Copy of a Crown land lease | \$24.00 |
| 5. | Inspection of a certificate of title — | |
| | (a) where required as a result of a check search | \$12.00 |
| | (b) in other cases | \$24.00 |
| 6. | Copy of a certificate of title — | |
| | (a) where required as a result of a check search | \$12.00 |
| | (b) in other cases | \$24.00 |
| 7. | Inspection of a plan, diagram or deposited plan | \$24.00 |
| 8. | Copy of a plan, diagram or deposited plan | \$24.00 |
| 9. | Inspection of a licensed surveyor’s field book | \$24.00 |
| 10. | Copy of a licensed surveyor’s field book | \$24.00 |

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Schedule 1 Fees

Division 6 Inspection and/or copies of documents

- | | | |
|-----|---|---|
| 11. | 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 |
| 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 | \$12.00 |
| 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 | \$24.00 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 | \$24.00 per document |
| 15. | Inspection of a survey index plan | \$24.00 |
| 16. | Copy of a survey index plan | \$24.00 |
| 17. | Check search | \$12.00 |
| 18. | 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) check search | \$12.00 |
| | (b) 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 | \$1.00 |

Note: The fees specified in item 18 include the taking a hard copy of screen print.

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| 19. | In response to a request via a privately owned facsimile machine or via email for the results of any search referred to in items 1 to 17 — for each request (in addition to the fees payable under items 1 to 17) . | \$5.20 |
| 20. | 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 g | \$9.00 |
| | (b) if the material is sent outside Australia or is greater than 50 g | \$9.00 plus any additional costs incurred, as assessed by the Registrar |
| 21. | Search of the power of attorney file for the number of a power of attorney document (unless item 18(b) applies) | \$12.00 |
| 22. | Inspection of a power of attorney document where the number is known | \$24.00 |
| 23. | Copy of a power of attorney document where the number is known | \$24.00 |

[Division 6 inserted in Gazette 9 Jan 2009 p. 32-4; amended in Gazette 19 Jun 2009 p. 2238 and 2239-40; 18 Jun 2010 p. 2681-2; 14 Jun 2011 p. 2135.]

Division 7 — Miscellaneous

[Heading inserted in Gazette 9 Jan 2009 p. 34.]

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|----|--|--|
| 1. | For advertising (minimum fee payable on lodgment of application, additional actual cost payable when actual cost is known) | \$160.00 plus actual cost above \$160.00 |
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Schedule 1 Fees

Division 7 Miscellaneous

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| 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 a duplicate certificate of title or other instrument | \$140.00 |
| 4. | Supply of statement of grounds | \$140.00 |
| 5. | Order for stay of registration under section 148 of the Act | \$140.00 |
| 6. | For requisitions raised on — | |
| | (a) | a deposited plan or other survey document \$100.00 |
| | (b) | 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 \$52.00 |
| | (ii) | otherwise |
| | | \$80.00 |
| 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 |

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Fees **Schedule 1**
Miscellaneous **Division 7**

| | | |
|------|---|---|
| 8. | For serving a caveator with notice under section 138 or 141A of the Act — each caveat | \$140.00 |
| 9. | Cancellation of a deposited plan | \$191.00 |
| 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. | <i>deleted</i>] | |
| 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 | \$6.00 |
| 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 | \$39.00 |

[Division 7 inserted in Gazette 9 Jan 2009 p. 34-6; amended in Gazette 19 Jun 2009 p. 2238 and 2240-1; 18 Jun 2010 p. 2682; 14 Jun 2011 p. 2136.]

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

[r. 9A(8)]

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

1. Lodgment or withdrawal of a memorial under —
 - (a) the *Local Government (Miscellaneous Provisions) Act 1960* section 412A or 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; or
 - (d) 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 certificate of title or lease for a purpose referred to in item 1 or 2.
4. To amend the address of the registered proprietor on the certificate of title.
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. An application for the issue of a duplicate certificate of title where a duplicate certificate of title was not issued on the registration of the certificate of title.

[Schedule 2 amended in Gazette 25 Jun 2007 p. 2978; 20 Jun 2008 p. 2717.]

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

Notes

¹ This reprint is a compilation as at 2 March 2012 of the *Transfer of Land Regulations 2004* and includes the amendments made by the other written laws referred to in the following table. The table also contains information about any reprint.

Compilation table

| Citation | Gazettal | Commencement |
|--|----------------------------|--|
| <i>Transfer of Land Regulations 2004</i> | 2 Sep 2004 p. 3829-46 | 6 Sep 2004 (see r. 2) |
| <i>Transfer of Land Amendment Regulations 2005</i> | 27 May 2005 p. 2293-5 | 27 May 2005 |
| <i>Transfer of Land Amendment Regulations (No. 3) 2005</i> | 24 Jun 2005 p. 2761-4 | 4 Jul 2005 (see r. 2) |
| <i>Transfer of Land Amendment Regulations (No. 2) 2005</i> | 15 Jul 2005 p. 3283-302 | 15 Jul 2005 |
| <i>Transfer of Land Amendment Regulations 2006</i> | 7 Jul 2006 p. 2502-11 | 10 Jul 2006 (see r. 2) |
| Reprint 1: The <i>Transfer of Land Regulations 2004</i> as at 3 Nov 2006 (includes amendments listed above) | | |
| <i>Transfer of Land Amendment Regulations (No. 2) 2006</i> | 29 Dec 2006 p. 5915 | 1 Jan 2007 (see r. 2 and <i>Gazette</i> 8 Dec 2006 p. 5369) |
| <i>Transfer of Land Amendment Regulations 2007</i> | 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)) |
| <i>Transfer of Land Amendment Regulations 2008</i> | 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)) |
| <i>Transfer of Land Amendment Regulations (No. 2) 2008</i> | 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 <i>Transfer of Land Regulations 2004</i> as at 6 Feb 2009 (includes amendments listed above) | | |
| <i>Transfer of Land Amendment Regulations 2009</i> | 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 | Gazettal | Commencement |
|---|---------------------------|--|
| <i>Transfer of Land Amendment Regulations (No. 2) 2009</i> | 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)) |
| <i>Transfer of Land Amendment Regulations 2010</i> | 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)) |
| <i>Transfer of Land Amendment Regulations 2011</i> | 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) | | |

² Repealed by the *Taxation Administration (Consequential Provisions) Act 2002*.

Defined Terms

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) |
|-------------------------------|---------------------|
| benefited lot | 8(1) |
| circle | 8(1) |
| department | 11 |
| lot..... | 8(1) |
| names index | 11 |
| organisation..... | 11 |
| single dwelling covenant..... | 8(1) |
| suppressed information | 11 |