

LA304

TRANSFER OF LAND ACT 1893

TRANSFER OF LAND AMENDMENT REGULATIONS 1996

Made by the Commissioner of Titles with the approval of His Excellency the Governor in Executive Council.

Citation

1. These regulations may be cited as the *Transfer of Land Amendment Regulations 1996*.

Commencement

2. These regulations come into operation on 1 July 1996.

Principal regulations

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

[* Reprinted as at 6 August 1981.

For amendments to 6 June 1996 see 1995 Index to Legislation of Western Australia, Table 4, p. 277.]

Regulation 6 amended

4. Regulation 6 (2) of the principal regulations is repealed and the following subregulations are substituted —

“

(2) Notwithstanding section 32 (2) of the *Interpretation Act 1984*, the headings of the divisions into which Schedule 1 is divided form part of these regulations.

(3) Notwithstanding subregulation (1), fees are not payable to the Registrar in respect of the services and matters specified in Schedule 1A.

”

Schedule 1 repealed and Schedules substituted

5. Schedule 1 to the principal regulations is repealed and the following Schedules are substituted —

“

SCHEDULE 1 — FEES PAYABLE TO THE REGISTRAR

[Regulation 6 (1)]

Division 1 — Registrations and recordings

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- | | | |
|----|---|-------|
| 1. | Of a transfer of a mortgage or charge — | |
| | first mortgage or charge | 60.00 |
| | subsequent mortgage or charge | 13.00 |
| 2. | Of a transfer if stamp duty is assessed under item 6 of the Second Schedule to the <i>Stamp Act 1921</i> or is exempted under section 75AA, 75AB or 119 of that Act before lodgment for registration, or is exempt under the Third Schedule to that Act | 60.00 |
| 3. | Of a transfer of a lease, surrender, easement or restrictive covenant | 60.00 |
| 4. | Of any other transfer where the value of the consideration or the value as assessed under the <i>Stamp Act 1921</i> , whichever is the greater — | |
| | does not exceed \$85 000 | 60.00 |
| | exceeds \$85 000 but does not exceed \$120 000 . . | 70.00 |
| | exceeds \$120 000 but does not exceed \$200 000 . | 90.00 |
| | plus, for each whole or part \$100 000 above \$200 000 | 20.00 |

NOTE:

Where —

- (a) stamp duty is assessed on a parcel of land;

- (b) transfers are lodged for parts of that parcel; and \$
- (c) a separate value for each part is not allocated in the contract,
the fee for registering and recording the first of the transfers lodged
for registration shall be assessed under item 4 on the value as
assessed under the *Stamp Act 1921* of the parcel and, subject to proof
of the payment of that fee, the fee for registering and recording each
of the second and subsequent of the transfers is — 60.00

NOTE: The fees specified in items 1 to 4 include the issue of a
new certificate of title where such certificate is
required by the Registrar.

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

Division 2 — Lodgments

\$

1. Of a caveat, a power of attorney or a declaration of
trust 60.00
2. Of a plan or diagram —
 - general fee 110.00
 - for each lot 45.00
3. Of a plan or diagram accepted under regulation 44 of
the *Licensed Surveyors (Transfer of Land Act 1893)
Regulations* —
 - general fee 110.00
 - for each lot or part lot incorporated into such a
plan or diagram 45.00
4. Of a duplicate certificate of title or lease for the
registration or recording of a dealing lodged by a third
party —
 - for the first certificate of title or lease 30.00
 - for each subsequent certificate of title or lease . 6.00

Division 3 — Withdrawals

\$

1. Of a caveat, warrant of a Local Court, writ of *fiery
facias* or a memorial under section 46 of the *Land Tax
Assessment Act 1976* or any other Act or
Commonwealth Act (unless exempted from payment
under that Act) 60.00
2. Of a document from registration or recording 30.00

Division 4 — Applications

\$

1. For a new certificate of title in respect of undivided shares in land —
 - for one certificate 60.00
 - for each additional certificate 6.00
2. For a new certificate of title in any other case 60.00
3. To amend certificates of title of other owners affected by section 170 — for each certificate of title affected .. 60.00
4. An application in respect of any matter not specifically provided for 60.00

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

Division 6 — Searches and copies of documents

\$

1. Of names index — each name 4.00
2. Of a Crown lease or permit where number is known (including photocopy) 8.00
3. Of a certificate of title where number is known (including photocopy) —
 - where required as a result of a check search ... 4.00
 - in other cases 8.00
4. Of a plan or diagram 8.00
5. Of other documents not specifically provided for 8.00
6. For the number of a certificate of title, Crown lease or permit 4.00
7. Of survey index plan where a photocopy is requested . 8.00
8. Check search 4.00
9. 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 —
 - search of the survey lot file, strata lot file or Crown allotment file for the number of a certificate of title, Crown lease or permit or search of the names index — for each name —
 - up to 3 screens of information 1.00
 - for each additional screen of information . 0.70

search of the names index file by —	\$
title number	1.30
check search	4.00

and in all cases the fee includes the taking of a hard copy screen print.

10. In response to a request via a privately owned facsimile machine for the results of any search referred to in items 1-8 — for each search — 1.00

Division 7 — Posting

\$

1. For posting by request search information 9.00
2. For posting material weighing over 50 grams or material overseas — \$9.00 plus such additional costs as are assessed in each case by the Registrar.

Division 8 — Assurance fund

1. An assurance fund contribution is payable on first bringing freehold land under the operation of the Act, whether by application or Crown grant, and on the issue of a certificate of title to a proprietor by possession.

For each dollar of the value of the land — 0.2 of a cent.

Division 9 — Miscellaneous

\$

1. For production of permit 60.00
2. For advertising —

minimum fee (payable on lodgment of application)	60.00
plus actual cost above \$60.00 (payable when actual cost is known).	
3. The fee for —
 - (a) a map or a colouring of a map on a copy of a certificate of title, Crown lease, plan, diagram or other document; or
 - (b) the drafting of a plan, diagram or other document,

is the fee assessed by the Registrar but which shall not exceed the cost of providing the service.
4. For the co-ordination and delivery of a plan or diagram to the Department of Planning and Urban Development and collection of the same (including the cost of the preparation of prints) 53.00
5. For dispensing with the production of a duplicate of a certificate of title or other instrument 60.00
6. Supply of statement of grounds 60.00
7. Order for stay of registration under section 148 of the Act 60.00

8.	For requisitions raised on a document other than one to which item 9 applies	\$ 30.00
9.	For requisitions raised on a plan, diagram or other survey document	80.00
10.	For amendments made to a plan, diagram or other survey document in respect of which requisitions have been raised	the cost of providing the service
11.	For sending 14 days notice on a caveat — each caveat	60.00
12.	Cancellation of a plan or diagram	63.00
13.	Excision or addition of lots, easements etc. from/to a plan or diagram	42.00
	if a plan or diagram has been certified correct, an additional fee of	53.00
14.	Search of an historic tenure	50.00 per hour
15.	Providing a replica of a certificate of title, plan or document registered in the State	
	A4 size (297 x 420mm)	55.00
	A3 size (420 x 594mm)	85.00
	A2 size (594 x 840mm)	145.00
	A1 or A0 size	actual cost

Division 10 — Microfiche and digital products \$

A. Microfiche

1.	Index sets — rental fee per annum —	
(a)	Names index in owner name order to obtain certificate of title and survey lot references	890.00
(b)	Names index in certificate of title order to obtain survey lot reference and owner name	890.00
(c)	Survey lot index in plan/diagram order to obtain lot and certificate of title reference	170.00
(d)	Strata indexes in strata plan order to obtain building name and in building name order to obtain strata plan reference	370.00
(e)	Crown allotment index	370.00
(f)	Ex-owners index for land disposals since September 1981	370.00
(g)	Street address index in street name order to obtain land parcel identifier and certificate of title reference	340.00
(h)	Crown reserves in numerical order	890.00
(i)	Land identifier to map sheet in land parcel identifier order to obtain valuation map, survey index plan and public plan references	370.00
2.	Valuation map microfiche — rental fee per annum —	
	full set (as at 31 January 1996) — per map	0.76
	part sets —	
	up to 100 maps — per map	6.10

		\$
	100 maps	610.00
	plus per map over 100 up to 1 000	1.32
	1 000 maps	1 808.00
	plus per map over 1 000	0.76
3.	Sales evidence microfiche sets — purchase fee per annum —	
(a)	Full set —	
	weekly	2 540.00
	monthly	2 032.00
	6 monthly	1 016.00
(b)	Metro (non strata) set —	
	weekly	1 905.00
	monthly	1 524.00
	6 monthly	762.00
(c)	Country (non strata) set —	
	weekly	508.00
	monthly	406.40
	6 monthly	203.20
(d)	Strata (State-wide) set —	
	weekly	381.00
	monthly	304.80
	6 monthly	152.40
NOTE 1:	A full set includes all the sets.	
NOTE 2:	The weekly service includes the monthly and 6 monthly updates.	
NOTE 3:	Additional sets of the same set are 20% of the cost of the first set.	
4.	Index plan microfiche —	
	per set to purchase	583.00
	daily updates per set per annum	2 098.00

B. Digital products

5. For obtaining data from a computerised data base (if not prescribed elsewhere in this Schedule) —
- | | | |
|-----|--|------|
| (a) | Points reports (control and temporary cadastral control data) — per point | 3.1c |
| (b) | Control data (geodetic mark information) — per record | 6.2c |
| (c) | The fee is to be determined by the Registrar, but is not to exceed the amount that would otherwise be payable under this item, where — | |

- (i) the data is obtained by an approved government agency and the Registrar is satisfied that the data is obtained for the purpose of performing its functions and is not to be used for commercial gain; \$
- (ii) the data is obtained by an individual and the Registrar is satisfied that it is to be used for educational purposes.

Service fee — per data extract job 30.00

(d) Temporary cadastral control information — per line 3c

Hard Digital
copy

(e) Cadastral data (per line) 0.7c 3.0c

(f) Polygon (centroids) — per polygon 1.2c 2.6c

(g) Text items (e.g. parcel identifier, certificate of title etc.) — per item 3.1c 6.2c

NOTE 1: Products include computer generated plots and reports.

NOTE 2: In subitem (c) (i) "approved" means from time to time approved by the Minister.

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

for concurrent access per month 100.00

plus, where access is via a controller port —

per month for 24 months 625.00

per month after 24 months nil

7. An annual subscription for monthly digital copies, on computer tape of the crown reserves register database 2 050.00

SCHEDULE 1A — SERVICES AND MATTERS FOR WHICH FEES ARE NOT PAYABLE

[Regulation 6 (3)]

1. Lodgment or withdrawal of a memorial under —

(a) section 297A or 412A of the *Local Government (Miscellaneous Provisions) Act 1960* or Schedule 6.3 clause 2 of the *Local Government Act 1995*;

(b) section 124A of the *Metropolitan Water Supply Sewerage and Drainage Act 1909*;

(c) sections 12BA, 12BB and 12EA of the *Country Areas Water Supply Act 1947*; or

(d) section 66 of the *Environmental Protection Act 1986*.

2. In respect of the transfer of loans for housing to financial institutions participating in the Home Buyers Guarantee Scheme of the State from other financial institutions, fees for the registration of a mortgage or the discharge of a mortgage, photocopy of a certificate of title, search of a plan, diagram or other document and photocopying or check search.

3. In respect of the lodging by a person of or the use by a third party of a duplicate certificate of title or lease for a purpose referred to in either of the 2 items above.
4. To amend the address of the registered proprietor on the certificate of title.
5. An application for the issue of a crown land record for crown land and an endorsement on the record of details of —
 - (a) the creation of a reserve under sections 8, 10 and 13 of the *Conservation and Land Management Act 1984*;
 - (b) notices under sections 9 and 10 of the *Marine and Harbours Act 1981*;
 - (c) proclamations or notices under the *Mining Act 1978*;
 - (d) a vesting in a relevant Port Authority under the —
 - (i) *Albany Port Authority Act 1926*;
 - (ii) *Bunbury Port Authority Act 1909*;
 - (iii) *Dampier Port Authority Act 1985*;
 - (iv) *Esperance Port Authority Act 1968*;
 - (v) *Fremantle Port Authority Act 1902*;
 - (vi) *Geraldton Port Authority Act 1968*; or
 - (vii) *Port Hedland Port Authority Act 1970*;
 - (e) the declaration of a water reserve or catchment area under section 13 of the *Metropolitan Water Supply, Sewerage and Drainage Act 1909*;
 - (f) a soil conservation reserve under section 22 or 26 of the *Soil and Land Conservation Act 1945*.
6. Lodgment of a plan or diagram where a lot vests in the Crown under section 20A of the *Town Planning and Development Act 1928*.
7. An application for the issue of any certificate of title by the Registrar under regulation 4 (2) or 5.
8. Lodgments by or on behalf of the Registrar.

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Schedule 2 amended

6. (1) Schedule 2 to the principal regulations is amended in Forms 1, 2, 3, 4 and 5 by deleting “CROWN PROSECUTOR” in each place where it occurs and substituting in each case the following —

“ DIRECTOR OF PUBLIC PROSECUTIONS ”.

(2) Schedule 2 to the principal regulations is amended in Form 6 by deleting “service and execution of the *Process Act 1901*” and substituting the following —

“ *Service and Execution of Process Act 1992* ”.

DAVID MULCAHY, Commissioner of Titles.

Approved by His Excellency the Governor in Executive Council,

J. PRITCHARD, Clerk of the Council.