

TRANSFER OF LAND ACT 1893**TRANSFER OF LAND AMENDMENT REGULATIONS 1990**

Made by the Commissioner of Titles and approved by His Excellency the Governor in Executive Council.

Citation

1. These regulations may be cited as the *Transfer of Land Amendment Regulations 1990*.

Commencement

2. These regulations shall come into operation on the 31st day after the day on which they are published in the *Gazette*.

Regulation 6 repealed and a regulation substituted

3. Regulation 6 of the *Transfer of Land Regulations 1972** is repealed and the following regulation is substituted—

- “ 6. The fees prescribed under the respective part headings in this regulation are payable to the Registrar in respect of the services and matters specified and these part headings are, notwithstanding section 32 (2) of the *Interpretation Act 1984*, deemed to be part of the written law.

Table of Fees

The fees are set out under the Part headings—

- Part 1—Registrations and Recordings
- Part 2—Lodgements
- Part 3—Withdrawals
- Part 4—Applications
- Part 5—Certificates
- Part 6—Searches and Copies of Documents
- Part 7—Posting
- Part 8—Assurance Fund
- Part 9—Miscellaneous
- Part 10—Exemptions
- Part 11—Microfiche and Digital Products

Part 1—Registrations and Recordings

- | | \$ |
|--|-------|
| 1. Of a transfer of a mortgage or charge— | |
| first mortgage or charge | 52.00 |
| subsequent mortgage or charge | 12.00 |
| 2. Of a transfer if a stamp duty assessed under item 6 of the Second Schedule to the <i>Stamp Act 1921</i> or exempted under section 75AA or 75AB of that Act before lodgement for registration or exempt under the Third Schedule to that Act | 52.00 |
| 3. Of a transfer of a lease, surrender, easement or restrictive covenant | 52.00 |
| 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 | 52.00 |
| exceeds \$85 000 but does not exceed \$120 000 | 59.00 |
| exceeds \$120 000 | 66.00 |
| plus for each whole or part \$50 000 above \$150 000 .. | 5.00 |

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 shall be

52.00

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 | 52.00 |
| 6. Of an extension of a mortgage or charge | 52.00 |
| 7. Of a Crown grant, a Crown lease or of a freehold lease or sub-lease or extension of a freehold lease | 52.00 |
| 8. Of a memorial under section 46 of the <i>Land Tax Assessment Act 1976</i> | 52.00 |
| 9. Of a certificate of trustees under section 33 of the <i>Friendly Societies Act 1894</i> | 46.00 |

10. Of an order of the Supreme Court, a warrant of a Local Court or a writ of <i>fiery facias</i>	\$ 52.00
11. Of revocation of a power of attorney	52.00

Part 2—Lodgements

	\$ 52.00
1. Of a caveat, a power of attorney or a declaration of a trust	
2. Of a plan or diagram—	
general fee	86.00
for each lot	35.00
3. 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	22.00
for each subsequent certificate of title or lease	5.50

Part 3—Withdrawals

	\$
1. Of a caveat, warrant of a Local Court, writ of <i>fiery facias</i> or a memorial under section 46 of the <i>Land Tax Assessment Act 1976</i>	52.00
2. Of a document from registration or recording	20.00

Part 4—Applications

	\$
1. For a new certificate of title in respect of undivided shares in land—	
for one certificate	52.00
for each additional certificate	5.50
2. For a new certificate of title in any other case	52.00
Note: No fees are payable in respect of the issue of any certificate of title by the Registrar under regulation 4 (2) or 5.	
3. To amend certificates of title of other owners affected by section 170—	
for each certificate of title affected	52.00
4. An application in respect of any matter not specifically provided for	52.00

Part 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)	52.00
2. For a search certificate	35.00
3. For a certificate of ownership issued under section 655 (1) (b) (ii) of the <i>Local Government Act 1960</i>	35.00
4. For certification by the Registrar of a certificate of title, Crown lease, plan, diagram or other document	35.00

Part 6—Searches and Copies of Documents

	\$
Searches	
1. Of names index—each name	3.50
2. Of a Crown lease or permit if number is known (including photocopy)	6.50
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	6.50
4. Of a plan, diagram or other document not specifically provided for	6.50
5. For the number of a certificate of title, Crown lease or permit	3.50
6. Of Office of Titles index plans where photocopy is requested	6.50
7. Check search	2.50

8. By enquiry from a privately owned 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 3.50
- for each additional screen of information 0.60
- search of the names index file by title number 1.10
- check search 2.50
- and in all cases the fee includes the taking of a hard copy print.

Copies of Documents

\$

9. For a photocopy supplied in connection with a search of a plan, diagram or other document not specifically provided for—no fee for up to 4 pages by electrostatic copier or 1 page by dyeline process but above those quantities—
- electrostatic copy—per page 0.60
- dyeline process copy—per page 5.00
10. The fee for a copy of a document by a process other than electrostatic or dyeline is the fee assessed in each case by the Registrar but which shall not exceed the cost.
11. For a copy of a certificate of title, plan, diagram or other document sent by facsimile transmission—
- up to 4 pages 3.50
- each additional page 0.50
12. For a copy of a check search of a certificate of title sent by facsimile transmission 2.00
- Note: The fees specified in items 11 and 12 are payable in addition to the fees payable for photocopying in respect of the services concerned.

Part 7—Posting

\$

1. For posting by request search information 5.50
2. For posting material weighing over 50 grams or material overseas—\$5.50 plus such additional costs as are assessed in each case by the Registrar.
3. Posting of microfiche index sets or microfiche valuation map sets (per annum)—
- first set 38.00
- each additional set 22.00
4. Posting of sales evidence microfiche sets (per annum)—
- weekly service—one copy 60.00
- weekly service—each additional copy 22.00
- monthly service—one copy 22.00
- monthly service—each additional copy 9.00
- 6 monthly service—one copy 9.00
- 6 monthly service—each additional copy 5.00

Part 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

Part 9—Miscellaneous

\$

1. For production of permit 52.00
2. For advertising—
- minimum fee (payable on lodgement of application) ... 61.00
- plus actual cost above \$61.00 (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 production, colouring and delivery of copies of a plan or diagram to the Department of Planning and Urban Development	35.00
5. For authorized electronic transfer of data held by the Office of Titles (in addition to fees for each access)—an annual subscription fee	65.00
Note: The first annual subscription fee includes one enquiry and user manual per terminal and training for up to 3 staff members. For additional training—per session	100.00
6. For dispensing with the production of a duplicate of a certificate of title or other instrument	52.00
7. Supply of statement of grounds	52.00
8. Order for stay of registration under section 148 of the Act	52.00
9. Sale of practice manual	52.00
10. Where charged by the Registrar, for a plan, diagram or other document on which requisitions are raised	20.00
11. For sending 14 days notice on a caveat—	
each caveat	52.00
12. Cancellation of a plan or diagram	40.00
13. Excision of lots etc. from a plan or diagram	20.00

Part 10—Exemptions

An exemption is granted from the payment of prescribed fees in respect of the following matters—

1. Lodgement or withdrawal of a memorial under section 412A or 584 of the *Local Government Act 1960* or section 124A of the *Metropolitan Water Supply, Sewerage and Drainage Act 1909*.
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 of the discharge of a mortgage, photocopy of a certificate of title, search of a plan, diagram or other document and photocopying and 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 two items above.

Part 11—Microfiche and Digital Products

\$

Microfiche

1. Index sets—per annum rental fee—

(a) Names index in owner name order to obtain certificate of title	750.00
(b) Names index in certificate of title order to obtain survey lot reference and owner name	750.00
(c) Survey lot index in plan/diagram order to obtain lot and certificate of title reference	150.00
(d) Strata indexes in strata plan order to obtain building name and in building name order to obtain strata plan	380.00
(e) Crown allotment index for all non-subdivided land	300.00
(f) Ex-owners' index for land disposals since September 1981	300.00
(g) Street address index in street name order to obtain parcel identifier	300.00
(h) Crown reserves in numerical order	750.00
(i) Land identifier to mapsheet	530.00

2. Valuation map microfiche—per annum rental fee—	\$
full set (6319 as at November 1989)—per card	0.65
part sets—	
up to 100 cards—per card	5.30
100 cards	530.00
plus per card over 100 up to 1 000	1.10
1 000 cards	1 520.00
plus per card over 1 000	0.65
3. Sales evidence sets—per annum rental fee—	
(a) Full set—	
weekly	2 160.00
monthly	1 730.00
6 monthly	870.00
(b) Metro (non strata) set—	
weekly	1 460.00
monthly	1 130.00
6 monthly	570.00
(c) Country (non strata) set—	
weekly	870.00
monthly	700.00
6 monthly	350.00
(d) Strata (State wide) set—	
weekly	350.00
monthly	290.00
6 monthly	135.00
Note 1: The weekly service includes the monthly and 6 monthly updates.	
A full set includes all the sets.	
Note 2: Additional sets of the same set are 20% of the cost of the first set.	
4. Index plan microfiche—	
per set to purchase	500.00
daily updates per set—per annum	1 800.00

Digital Products

5. For obtaining data from a computerized data base (if not prescribed elsewhere in this regulation)—		
	Hardcopy	Digital
(a) Primary constructs (lines, arcs, strings, string points)—per polygon	2.7c	11c
(b) Polygon (boundary points)—per polygon	N/A	10c
(c) Polygon (centroids)—per polygon	1.1c	2.2c
(d) Text items (E.g. - PI, CT etc.)—per item ..	2.7c	5.5c
(e) Updates of (a), (b), (c) or (d)—at the same rates as in (a), (b), (c) or (d).		
(f) Minimum charge	—	\$80.00
Note: Products include computer generated plots and reports.		
6. For access to data in the Land Information Access System—	\$	
per terminal per month	1 150.00	
plus, where access is via a controller port—		
per month for 24 months	550.00	
per month after 24 months	nil	

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Dated 19 July 1990.

D. L. MULCAHY, Commissioner of Titles.

Approved by His Excellency the Governor in Executive Council.

G. PEARCE, Clerk of the Council.