

South Australia

Real Property (Fees) Regulations 2002

under the *Real Property Act 1886*

Contents

- 1 Short title
- 4 Interpretation
- 5 Fees payable to Registrar-General

Schedule—Fees

Legislative history

1—Short title

These regulations may be cited as the *Real Property (Fees) Regulations 2002*.

4—Interpretation

In these regulations, unless the contrary intention appears—

Act means the *Real Property Act 1886*;

check search of a certificate of title, is an inspection of the certificate of title to ascertain—

- (a) whether there are any documents lodged in respect of, but not registered on, the certificate of title; or
- (b) whether any documents have been registered on the certificate of title within the period of 90 days prior to the inspection;

Mount Lofty Catchment Area means the part of the State delineated in G.R.O. Plan No. 180 of 1992 and described in that plan as "Water Supply Protection Zone".

5—Fees payable to Registrar-General

- (1) The fees set out in the Schedule are payable to the Registrar-General.
- (2) If the amount of the registration fee payable in respect of a transfer is to be based on the value of the transfer assessed under the *Stamp Duties Act 1923*, the amount of the registration fee must be based on that value despite—
 - (a) a pending reassessment under section 10 of the *Taxation Administration Act 1996*; or
 - (b) a pending objection or appeal against the assessment under section 82 or 92 of the *Taxation Administration Act 1996*.

- (3) If the assessed value is reduced as a result of a reassessment by the Commissioner under section 10 of the *Taxation Administration Act 1996*, the Registrar-General must refund the difference between the registration fee paid and the registration fee that would have been payable in accordance with the reassessed value.
- (4) If the assessed value is reduced as a result of an objection under section 82 of the *Taxation Administration Act 1996* or an appeal under section 92 of that Act, the Registrar-General must refund the difference between the registration fee paid and the registration fee that would have been payable in accordance with the reassessed value, together with interest calculated on a daily basis from the date of lodgement of the transfer for registration until the date on which the difference is refunded at the market rate applying from time to time under Part 5 Division 1 of that Act.

Schedule—Fees

| | | |
|---|--|----------|
| 1 | For the registration or entry of each instrument (irrespective of the number of folios to be endorsed)—other than any registration or entry specifically provided for | \$101.00 |
| 2 | For registering a transfer— | |
| | (a) where the consideration, or the value as assessed under the <i>Stamp Duties Act 1923</i> — | |
| | (i) does not exceed \$5 000 | \$101.00 |
| | (ii) does not exceed \$20 000 | \$112.00 |
| | (iii) does not exceed \$40 000 | \$125.00 |
| | (iv) exceeds \$40 000 | \$179.00 |
| | plus \$56 for every \$10 000 (or part of \$10 000) above \$50 000 | |
| | (b) where the Commissioner of State Taxation has adjudged the transfer to be exempt from stamp duty or where no <i>ad valorem</i> stamp duty is payable (except for those transfers assessed pursuant to section 71C of the <i>Stamp Duties Act 1923</i>) | \$101.00 |
| | (c) that has been assessed pursuant to sections 71CA, 71CB, 71CBA or 71CC of the <i>Stamp Duties Act 1923</i> | \$101.00 |
| 3 | On lodgment of a caveat under sections 39, 80F or 223D of the Act | \$101.00 |
| 4 | For the deposit, or noting the revocation, of a duplicate or attested copy of a power of attorney | \$101.00 |
| 5 | For an application for the issue of a substituted lessee's copy of a Crown lease or duplicate certificate of title (exclusive of the cost of advertising in the Gazette) | \$101.00 |
| 6 | For the registration of an application to note a change of address | no fee |
| 7 | For entry of a foreclosure order (exclusive of the cost of advertising in the Gazette) | \$173.00 |
| 8 | For a certified copy of— | |
| | (a) an original certificate of title under section 51A of the Act | \$17.90 |
| | (b) a statement under section 51D of the Act | \$17.90 |
| 9 | Unless otherwise specified— | |

| | | | |
|----|-----|--|----------|
| | (a) | (except where paragraph (b) applies) for the issue of a new certificate of title or a substituted lessee's copy of a Crown lease or duplicate certificate of title | \$59.00 |
| | (b) | for the issue of a new certificate of title on the amalgamation of allotments wholly within the Mount Lofty Catchment Area | no fee |
| 10 | | For the issue of a certificate of title— | |
| | (a) | (limited or ordinary) on the land first being brought under the Act | no fee |
| | (b) | to a corporation or district council for a road, street or reserve | no fee |
| | (c) | to effect correction or amendment of title or for the convenience of the Lands Titles Registration Office in effecting registration or redesignation | no fee |
| | (d) | under Part 5 Division 2 of the Act (but only if the volume and folio numbers remain the same and the title is not issued to replace one that has been lost or destroyed) | no fee |
| 11 | | For a new certificate of title issued as a result of the existing title being full of endorsements | no fee |
| 12 | | For the deposit or acceptance for filing by the Registrar-General— | |
| | (a) | of a plan of amalgamation of allotments wholly within the Mount Lofty Catchment Area | no fee |
| | (b) | of any other plan | \$101.00 |
| 13 | | Unless otherwise specified, for the examination— | |
| | (a) | of a plan of survey certified correct by a licensed surveyor and lodged with or submitted to the Registrar-General (for freehold or Crown land)— plus a further \$327, payable by the surveyor, if the plan is relodged or resubmitted following rejection by the Registrar-General (However, the Registrar-General may waive or reduce the further fee if he or she considers that appropriate in a particular case having regard to the work involved in examining the relodged or resubmitted plan.) | \$654.00 |
| | (b) | of an uncertified data plan (except a plan of a kind referred to in paragraph (c)) lodged with or submitted to the Registrar-General (for freehold or Crown land) | \$327.00 |
| | (c) | of an uncertified data plan lodged with or submitted to the Registrar-General for the amalgamation of allotments wholly within the Mount Lofty Catchment Area | no fee |
| | (d) | of a plan lodged with or submitted to the Registrar-General for the purposes of a lease of part of an allotment | \$132.00 |
| 14 | | For the examination— | |
| | (a) | of a plan of survey certified correct by a licensed surveyor and lodged with the Registrar-General for information purposes only | no fee |
| | (b) | of an uncertified data plan lodged with the Registrar-General for information purposes only | no fee |
| | (c) | of a plan of survey certified by a licensed surveyor and lodged with the Registrar-General by the Surveyor-General | no fee |
| | (d) | of plans submitted under the <i>Roads (Opening and Closing) Act 1991</i> | no fee |

Real Property (Fees) Regulations 2002—1.7.2005 to 30.6.2006
 Schedule—Fees

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| 15 | Unless otherwise specified, for the deposit or acceptance for filing of any plan (for freehold or Crown land) | \$101.00 |
| 16 | For the deposit or acceptance for filing of a plan prepared by the Registrar-General or under the Registrar-General's authorisation | no fee |
| 17 | For the withdrawal of any instrument, application or plan submitted for registration, deposit or acceptance for filing | \$42.70 |
| 18 | For the withdrawal of any plan of survey certified correct by a licensed surveyor and lodged with or submitted to the Registrar-General for examination | \$88.00 |
| 19 | For an application to the Registrar-General to issue a summons under section 220(3) of the Act | \$145.00 |
| 20 | For an application under section 146 of the Act (exclusive of the cost of registration of the instrument of discharge) | \$145.00 |
| 21 | For searching the Register Book— | |
| | (a) comprising a search statement from the Registrar-General's unregistered document system, a copy of the original certificate of title and a check search | \$15.50 |
| | (b) comprising a search of the electronic records of the original certificate of title, the Registrar-General's unregistered document system and a check search (including the transmission fee) | \$15.50 |
| 22 | For a copy— | |
| | (a) of a registered instrument | \$6.70 |
| | (b) of a plan deposited or accepted for filing by the Registrar-General | \$6.70 |
| | (c) of a cancelled original certificate of title | \$6.70 |
| | (d) of any instrument, entry, document or record not otherwise specifically provided for | \$6.70 |
| 23 | For requesting any of the following under the Automated Registration Indexing and Enquiry System (<i>ARIES</i>): | |
| | (a) a check search of a specified certificate of title | no fee |
| | (b) the details of a specified document | \$5.50 |
| | (c) a search of the numbers assigned to documents associated with a specified instrument | \$5.50 |
| | (d) the location of a specified document or plan | no fee |
| | (e) the details of a specified plan | \$5.50 |
| | (f) a list of the numbers assigned to plans lodged in respect of a specified Section of land in a Hundred | \$5.50 |
| | (g) the details of the delivery of a specified item | no fee |
| | (h) the details of the delivery of documents relating to— | |
| | (i) a specified agent code | no fee |
| | (ii) a specified delivery slip | no fee |
| | (i) the details of a specified agent code | no fee |
| | (j) in respect of a specified document—a search of— | |
| | (i) the series in which the document was lodged; and | no fee |

| | | |
|----|--|---------|
| | (ii) any other series into which the document may, subsequently, have been moved, prior to registration of the document | no fee |
| | (k) a search of the location of, and the numbers assigned to, documents lodged in a specified series | no fee |
| | (l) a search to ascertain the name of the registered proprietor of specified land prior to ordering a search of the Register Book | no fee |
| | (m) a record of all documents lodged or registered under a specified name | \$5.50 |
| 24 | For requesting a search under the Torrens Automated Title System (<i>TATS</i>) | no fee |
| 25 | For the return of a cancelled duplicate certificate of title | \$23.00 |
| 26 | For advertising in the Gazette— | |
| | (a) an application for a foreclosure | no fee |
| | (b) an application under Part 4 of the Act | no fee |
| | (c) an application under Part 7A of the Act | no fee |
| 27 | For reporting to a local government authority— | |
| | (a) a change of ownership of land (for each change of ownership reported) | \$1.50 |
| | (b) a converted certificate of title (for each converted certificate of title reported) | \$1.50 |
| | (c) on the subdivision of land—details of— | \$1.50 |
| | (i) cancelled certificates of title; and | |
| | (ii) newly created parcels of land and new certificates of title issued in respect of those parcels; and | |
| | (iii) the valuation assessment for each new certificate of title issued, (for each valuation assessment reported) | |
| 28 | For reporting to the South Australian Water Corporation— | |
| | (a) a change of ownership of land (for each change of ownership reported) | \$1.50 |
| | (b) on the subdivision of land—details of— | \$1.50 |
| | (i) cancelled certificates of title; and | |
| | (ii) newly created parcels and new certificates of title issued in respect of those parcels, (for each new certificate of title reported) | |
| 29 | For providing miscellaneous reports of changes of ownership of land to government agencies (other than the South Australian Water Corporation) | no fee |
| 30 | For providing reports of Heritage Agreements to the Department for Environment and Heritage | no fee |
| 31 | For reporting to ETSA Utilities a change of ownership of land (plus an additional fee of \$3.25 for each change of ownership reported) | \$23.00 |
| 32 | For a copy of any of the following documents under the <i>Bills of Sale Act 1886</i> : | |

Real Property (Fees) Regulations 2002—1.7.2005 to 30.6.2006
Schedule—Fees

| | | |
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| | (a) a registered Bill of Sale or a discharge, extension or renewal of a Bill of Sale | \$6.70 |
| | (b) any other document | \$6.70 |
| 33 | For a copy of a plan under the <i>Strata Titles Act 1988</i> | \$6.70 |
| 34 | For a copy of a plan under the <i>Community Titles Act 1996</i> | \$6.70 |

Legislative history

Notes

- Variations of this version that are uncommenced are not incorporated into the text.
- Please note—References in the legislation to other legislation or instruments or to titles of bodies or offices are not automatically updated as part of the program for the revision and publication of legislation and therefore may be obsolete.
- Earlier versions of these regulations (historical versions) are listed at the end of the legislative history.
- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes.

Legislation revoked by principal regulations

The *Real Property (Fees) Regulations 2002* revoked the following:

Real Property (Fees) Regulations 1991

Principal regulations and variations

New entries appear in bold.

| Year | No | Reference | Commencement |
|-------------|------------|---------------------------------------|----------------------|
| 2002 | 88 | <i>Gazette 20.6.2002 p2586</i> | 1.7.2002: r 2 |
| 2003 | 69 | <i>Gazette 29.5.2003 p2184</i> | 1.7.2003: r 2 |
| 2004 | 44 | <i>Gazette 27.5.2004 p1427</i> | 1.7.2004: r 2 |
| 2005 | 119 | <i>Gazette 26.5.2005 p1588</i> | 1.7.2005: r 2 |
| 2006 | 116 | <i>Gazette 15.6.2006 p1791</i> | 1.7.2006: r 2 |

Provisions varied

New entries appear in bold.

Entries that relate to provisions that have been deleted appear in italics.

| Provision | How varied | Commencement |
|---|--|-----------------|
| <i>rr 2 and 3</i> | <i>omitted under Legislation Revision and Publication Regulations 2002</i> | <i>1.7.2004</i> |
| <i>Sch before substitution by 44/2004</i> | <i>varied by 69/2003 r 4</i> | <i>1.7.2003</i> |
| Sch | substituted by 44/2004 r 4 | 1.7.2004 |
| | substituted by 119/2005 r 4 | 1.7.2005 |

Historical versions

Reprint No 1—1.7.2003

1.7.2004