

South Australia

## **Real Property Regulations 2009**

under the *Real Property Act 1886*

---

### **Contents**

#### **Part 1—Preliminary**

- 1 Short title
- 3 Interpretation

#### **Part 2—Land division**

- 4 Transactions excluded from unlawful division provisions
- 5 Certificate of licensed surveyor
- 6 Applications for which section 51 certificate not required
- 7 Consent to plans of division
- 8 Examination of plan
- 9 Notification on deposit of plan

#### **Part 3—Land amalgamation**

- 10 Examination of plan
- 11 Notification of amalgamation

#### **Part 3A—Client authorisations**

- 11A Prescribed circumstances
- 11B Prescribed period for retaining client authorisation

#### **Part 4—Certification of instruments**

- 12 Certification requirements

#### **Part 4A—Verification of identity requirements**

- 12A Verification of identity requirements

#### **Part 5—Miscellaneous**

- 13 Plans and maps to comply with guidelines
- 13A Prescribed period for retaining documents relating to mortgage
- 13B Prescribed period for retaining certain documents under section 173 of Act
- 13C Prescribed instruments (section 191(2)(b) of Act)
- 13D Prescribed period for retaining documents under section 273AA of Act
- 14 Persons on whom notice must be served under Schedule 1 of Act
- 15 Persons whose consents are required under Schedule 1 of Act
- 16 Fees payable to Registrar-General

#### **Part 6—Transitional provisions—*Real Property (Electronic Conveyancing) Amendment Act 2016***

- 17 Interpretation

18	Execution of instruments
19	Appropriate form
20	Fee for application for substituted certificate (section 79 of Act)
21	Transfers (section 96 of Act)
22	Mortgage taken to be on the same terms (section 128 of Act)
23	Instrument taken to be on the same terms (section 153A of Act)
24	Summons of person having possession of duplicate instrument (section 220(c) of Act)
25	Modification of certification requirements (section 273 of Act)

## Schedule 1—Fees payable to Registrar-General

## Legislative history

---

# Part 1—Preliminary

## 1—Short title

These regulations may be cited as the *Real Property Regulations 2009*.

## 3—Interpretation

In these regulations, unless the contrary intention appears—

*Act* means the *Real Property Act 1886*;

*capital value* means capital value as defined in the *Valuation of Land Act 1971*;

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

- (a) whether there are any instruments or documents lodged in respect of, but not registered or recorded on, the certificate of title; or
- (b) whether any instruments or documents have been registered or recorded 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";

*road* includes a street.

# Part 2—Land division

## 4—Transactions excluded from unlawful division provisions

The following classes of transactions are excluded from the provisions of section 223LB of the Act:

- (a) the granting of, and all dealings with, a lease of part of an allotment;
- (b) the granting of, and all dealings with, a licence in respect of part of an allotment;
- (c) the granting, selling, transferring, conveying, mortgaging or encumbering of an estate or interest in part of an allotment if the transaction—

- (i) is necessary to enable the deposit of a plan of division under Part 19AB of the Act to proceed; or
  - (ii) is 1 to which the Crown, whether in right of the State or the Commonwealth, is a party; or
  - (iii) involves or is incidental to the acquisition of land for the purposes of an authorised undertaking referred to in the *Land Acquisition Act 1969*; or
  - (iv) involves a lawfully existing lease or licence and where any subsequent transaction or dealing, including any transaction or dealing which has occurred at any time prior to the commencement of this regulation is in respect of the whole of the land comprised in that lawfully existing lease;
- (d) the granting, selling, transferring, conveying, mortgaging or encumbering of an estate or interest in land comprising part of an allotment if—
- (i) the land is to be used for widening or adding to an existing road, road reserve or drainage reserve; and
  - (ii) after becoming part of the road, road reserve or drainage reserve, the land will be vested in the Crown, a Minister of the Crown, an instrumentality or agency of the Crown or a council.

## 5—Certificate of licensed surveyor

- (1) The certificate of a licensed surveyor that must accompany an application for the division of land must be included on the plan of division that accompanies the application and must comply with regulation 20 of the *Survey Regulations 2007* made under the *Survey Act 1992*.
- (2) Subject to subregulation (4), a certificate of a licensed surveyor is not required under section 223LD(3)(b) of the Act if—
  - (a) the application is for the division of the land into no more than 2 allotments; and
  - (b) the land is not within, or partly within, an area declared to be a designated survey area under the *Survey Act 1992*; and
  - (c) party wall rights are not created by the division; and
  - (d) there is no new boundary created by the division that defines an existing line of occupation or is located by reference to a physical structure or feature located on or below the surface of the land; and
  - (e) the division does not involve the creation of a new road or the substantial widening of an existing road; and
  - (f) the land is not designated primarily for shopping, commercial, office or business use in the relevant Development Plan under the *Development Act 1993*, and is not used or intended to be used primarily for such purposes.
- (3) For the purposes of subregulation (2)(a), any widening of an existing road that is considered by the Registrar-General to be minor, will not be counted as a separate allotment in relation to a plan of division of land.

- (4) In a particular case the Registrar-General may require the certificate of a licensed surveyor to be provided in relation to a plan of division even though the requirement for the certificate is excluded by subregulation (2).

### **6—Applications for which section 51 certificate not required**

An application for the division of land where that division is excluded from the definition of development by Schedule 3 of the *Development Regulations 2008* is prescribed for the purposes of section 223LD(5a) of the Act.

### **7—Consent to plans of division**

A certificate of consent is not required under section 223LH of the Act in relation to a division of land that is required to give effect to an acquisition of land under the *Land Acquisition Act 1969*, unless the Registrar-General specifically requires such a certificate.

### **8—Examination of plan**

As part of the Registrar-General's obligation to administer the Act and the regulations, the Registrar-General must examine the plan of division accompanying an application for division and must not accept the plan for deposit unless he or she is satisfied with it.

### **9—Notification on deposit of plan**

- (1) After the Registrar-General deposits a plan of division in the Lands Titles Registration Office he or she must—
- (a) notify the applicant or the applicant's agent in writing of the deposit; and
  - (b) notify the council for the area in which the land is situated in writing of the deposit and send a copy of the deposited plan to the council.
- (2) A notification or other document required to be given under this regulation may be sent by electronic means.

## **Part 3—Land amalgamation**

### **10—Examination of plan**

As part of the Registrar-General's obligation to administer the Act and the regulations, the Registrar-General must examine a plan of amalgamation accompanying an application for amalgamation and must not accept the plan unless he or she is satisfied with it.

### **11—Notification of amalgamation**

- (1) After amalgamation of allotments under Part 19AB Division 3 of the Act the Registrar-General must notify the Minister for Infrastructure and the council for the area in which the land is situated in writing of the amalgamation and must send a copy of the plan (if any) that accompanied the application to the Minister and the council.
- (2) A notification or other document required to be given under this regulation may be sent by electronic means.

## Part 3A—Client authorisations

### 11A—Prescribed circumstances

For the purposes of section 240F(2)(c) of the Act, the following circumstances are prescribed:

- (a) a legal practitioner or registered conveyancer executing any of the following:
  - (i) an application for title by possession to land under section 80A of the Act;
  - (ii) a notice of withdrawal of a priority notice under section 154E of the Act otherwise than under a client authorisation;
  - (iii) an application to extend the duration of a priority notice under section 154G(6) of the Act otherwise than under a client authorisation;
  - (iv) a disclaimer under section 169 of the Act;
  - (vi) an instrument under the *Community Titles Act 1996*;
  - (vii) an instrument under the *Strata Titles Act 1988*;
- (b) a legal practitioner or registered conveyancer executing an instrument under an Act other than the *Electronic Conveyancing National Law (South Australia)* on behalf of the Crown under a delegation.

### 11B—Prescribed period for retaining client authorisation

For the purposes of section 240G of the Act, the prescribed period is 7 years from the date of the last action undertaken under the relevant client authorisation.

## Part 4—Certification of instruments

### 12—Certification requirements

- (1) For the purposes of section 273(1)(d) of the Act, a prescribed person must, in relation to an application made under section 173(1)(a) of the Act, provide certification in the appropriate form that the lessor is in possession of a statement signed by the Official Receiver or trustee certifying the refusal of the Official Receiver or trustee to accept the lease.
- (2) The following classes of instruments are prescribed under section 273(2) of the Act:
  - (a) applications for amalgamation of land (except where the benefit of an easement is extended to other land upon the amalgamation);
  - (b) applications for division of land where deposit of the plan of division in the Lands Titles Registration Office will not—
    - (i) vest an estate or interest in land in any person, except for the following:
      - (A) a street, road, thoroughfare, reserve or other similar open space that vests in a council or other authority or reverts to the Crown; or

- (B) an easement that vests in an authority or entity under section 223LG of the Act; or
  - (ii) discharge or extinguish an estate or interest;
- (c) applications for the issue of a summons by the Registrar-General;
- (d) applications for new certificates of title;
- (e) applications to withdraw an instrument from registration;
- (f) applications to withdraw plans of survey;
- (g) applications to withdraw a Registrar-General's caveat;
- (h) requests to the Registrar-General by the Minister responsible for the administration of the *Crown Land Management Act 2009*, under that Act or any other Act;
- (i) applications to register agreements under section 57 of the *Development Act 1993*;
- (j) applications to rectify certificates of title by consent pursuant to section 223J of the Act;
- (m) closed road title certificate issued pursuant to section 26 of the *Roads (Opening and Closing) Act 1991*;
- (n) informal documents issued pursuant to section 247 of the Act;
- (o) notices of acquisition under the *Land Acquisition Act 1969*;
- (p) notices of intention to acquire land under the *Land Acquisition Act 1969*;
- (q) notifications of declaration by councils of public roads under the *Local Government Act 1999*;
- (r) Registrar-General's caveats;
- (s) documents registered or recorded by the Registrar-General under section 55 of the Act;
- (t) an Aboriginal heritage agreement, or an agreement varying or terminating an Aboriginal heritage agreement, entered into under the *Aboriginal Heritage Act 1988*;
- (u) an instrument relating to an alteration to the South Australian Heritage Register under the *Heritage Places Act 1993*;
- (v) a heritage agreement, or an agreement varying or terminating a heritage agreement, under the *Heritage Places Act 1993* or the *Native Vegetation Act 1991*;
- (w) an access agreement, or an agreement for the variation of an access agreement, entered into under the *Recreational Greenways Act 2000*;
- (x) a management agreement, or an application relating to the rescission or amendment of a management agreement, entered into under the *River Murray Act 2003*.

## **Part 4A—Verification of identity requirements**

### **12A—Verification of identity requirements**

The *Verification of Identity Requirements* issued by the Registrar-General, as in force from time to time, are adopted as prescribed requirements for the purposes of section 273A(1) of the Act.

## **Part 5—Miscellaneous**

### **13—Plans and maps to comply with guidelines**

A plan or map lodged with the Registrar-General for the purposes of the Act must comply with any requirements specified in guidelines issued, from time to time, by the Registrar-General.

### **13A—Prescribed period for retaining documents relating to mortgage**

- (1) For the purposes of section 128A(2) of the Act, a mortgagee must retain any document used for the purpose of fulfilling the mortgagee's obligations under section 128A(1) of the Act until he or she ceases to be mortgagee in respect of the mortgage.
- (2) For the purposes of section 152A(2) of the Act, a transferee must retain any document used for the purpose of fulfilling the transferee's obligations under section 152A(1) of the Act until he or she ceases to be mortgagee in respect of the transferred mortgage.
- (3) For the purposes of section 153B(2) of the Act, a mortgagee must retain any document used for the purpose of fulfilling the mortgagee's obligations under section 153B(1) of the Act until he or she ceases to be mortgagee in respect of the mortgage.

### **13B—Prescribed period for retaining certain documents under section 173 of Act**

For the purposes of section 173(2) of the Act, a statement signed by the Official Receiver or by the trustee under a bankruptcy or assignment certifying his or her refusal to accept a lease under section 173(1)(a) of the Act must be retained by the lessor for a period of 7 years from the date of lodgement of the application under section 173(1)(a) of the Act.

### **13C—Prescribed instruments (section 191(2)(b) of Act)**

For the purposes of section 191(2)(b) of the Act, the following kinds of instruments are prescribed:

- (a) an application for the removal, extension or withdrawal of a caveat;
- (b) a statutory order or an instrument cancelling a statutory order;
- (c) a statutory authorisation or an instrument cancelling a statutory authorisation;
- (d) an order of a court or an instrument of discharge of an order of a court;
- (e) an instrument of withdrawal or satisfaction of a warrant of sale;
- (f) a transfer consequential on a statutory charge, order or authorisation, a warrant of sale or the exercise of a statutory power of sale by a statutory body or officer;

- (g) an instrument lodged by the Crown;
- (h) an instrument relating to an interest in land that, in the opinion of the Registrar-General, would not affect the interest to which the caveat, or instrument that has the effect of a caveat, relates;
- (i) a statutory charge or an instrument discharging, removing or cancelling a statutory charge;
- (j) a heritage agreement, or an agreement varying or terminating a heritage agreement, under the *Heritage Places Act 1993* or the *Native Vegetation Act 1991*;
- (k) an agreement, or an instrument relating to the rescission or amendment of an agreement, under Part 5 of the *Development Act 1993*;
- (l) an instrument relating to an alteration to the South Australian Heritage Register under the *Heritage Places Act 1993*;
- (m) an instrument relating to the cessation or withdrawal of a worker's lien under the *Worker's Liens Act 1893*;
- (n) a notice or acquisition under the *Land Acquisition Act 1969*;
- (o) an environment performance agreement, or certification of the termination of an environment performance agreement, under the *Environment Protection Act 1993*;
- (p) an Aboriginal heritage agreement, or an agreement varying or terminating an Aboriginal heritage agreement, entered into under the *Aboriginal Heritage Act 1988*;
- (q) an access agreement, or an agreement for the variation of an access agreement, entered into under the *Recreational Greenways Act 2000*;
- (r) a management agreement, or an application relating to the rescission or amendment of a management agreement, entered into under the *River Murray Act 2003*;
- (s) an instrument amending or rescinding, or otherwise dealing with, a statutory encumbrance (within the meaning of Part 19AB of the Act) not otherwise mentioned in this regulation;
- (t) an application under the Act by a person to whom land has been transmitted for registration as proprietor of the land.

### **13D—Prescribed period for retaining documents under section 273AA of Act**

For the purposes of section 273AA(2) of the Act, the prescribed period is 7 years from the date the instrument to be registered or recorded in the Register Book or the Register of Crown Leases is lodged in the Lands Titles Registration Office.

### **14—Persons on whom notice must be served under Schedule 1 of Act**

The Registrar-General must serve notice under clause 1(1)(b) of Schedule 1 of the Act on all persons who have, or claim, an estate or interest in the land of whom he or she knows or could reasonably be expected to know.



## 15—Persons whose consents are required under Schedule 1 of Act

The consents of all persons who have, or claim, an estate or interest in the land of whom the Registrar-General knows or could reasonably be expected to know are required under clause 1(2)(c) of Schedule 1 of the Act.

## 16—Fees payable to Registrar-General

- (1) The fees set out in Schedule 1 are payable to the Registrar-General.
- (2) If the Registrar-General determines, not more than 5 years after payment of a registration fee in respect of a transfer, that the capital value of the transferred land at the time of the transfer was higher than the purported capital value used as the basis for calculating the fee, the following amounts are recoverable as a debt by the Registrar-General:
  - (a) an amount equal to the difference between the registration fee paid and the registration fee that would have been payable if the fee had been determined on the basis of the capital value determined by the Registrar-General;
  - (b) interest on the amount underpaid calculated on a daily basis from the date of lodgment of the transfer until the date on which the payment is made at the market rate applying from time to time under Part 5 Division 1 of the *Taxation Administration Act 1996*.
- (3) If the Registrar-General determines, not more than 5 years after payment of a registration fee in respect of a transfer, that the capital value of the transferred land at the time of the transfer was lower than the purported capital value used as the basis for calculating the fee, the Registrar-General must—
  - (a) refund the difference between the registration fee paid and the registration fee that would have been payable if the fee had been determined on the basis of the capital value determined by the Registrar-General; and
  - (b) if the Registrar-General's determination is made as a result of an objection under section 82 of the *Taxation Administration Act 1996* or an appeal under section 92 of that Act—pay interest calculated on a daily basis from the date of lodgment 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.
- (4) The Registrar-General may, for the purposes of making a determination under this regulation, have regard to the capital value of land as determined by the Valuer-General or any other relevant information.

## Part 6—Transitional provisions—*Real Property (Electronic Conveyancing) Amendment Act 2016*

### 17—Interpretation

In this Part—

*amendment Act* means the *Real Property (Electronic Conveyancing) Amendment Act 2016*.

## **18—Execution of instruments**

If an instrument or document is executed, signed, witnessed or attested for the purposes of the Act in a manner that satisfies the requirements for execution, signing, witnessing or attestation under the Act as in force immediately before the commencement of Part 2 of the amendment Act, the instrument or document will, until 4 November 2016, be taken to satisfy any requirement of the Act relating to the execution, signing, witnessing or attestation of the document or instrument.

## **19—Appropriate form**

- (1) An instrument or document (other than a mortgage or a discharge of mortgage) in a form that accords with the appropriate form under an approval by the Registrar-General in respect of that instrument or document in force immediately before the commencement of Part 2 of the amendment Act will, until 4 November 2016, be taken to satisfy any requirement under the Act for the instrument or document to be in the appropriate form.
- (2) A mortgage or discharge of mortgage in a form that accords with the appropriate form under an approval by the Registrar-General in respect of that mortgage or discharge of mortgage in force immediately before the commencement of Part 2 of the amendment Act will, until 31 December 2017, be taken to satisfy any requirement under the Act for the mortgage or discharge of mortgage to be in the appropriate form.

## **20—Fee for application for substituted certificate (section 79 of Act)**

Any fee paid for an application under section 79(1) of the Act that has not been determined before the repeal of that section by the amendment Act is to be refunded to the applicant.

## **21—Transfers (section 96 of Act)**

A transfer executed and certified as being correct before 4 November 2016 in accordance with the requirements of the Act as in force immediately before the commencement of Part 2 of the amendment Act will be taken to have satisfied the requirements of sections 96 and 273 of the Act as in force after that commencement.

## **22—Mortgage taken to be on the same terms (section 128 of Act)**

For the purposes of section 128(5)(a) of the Act, a mortgage executed before 31 December 2017 that complies with the requirements of Part 12 of the Act as in force immediately before the commencement of Part 2 of the amendment Act will, if it has the same effect as a mortgage lodged for registration in the Lands Titles Registration Office, be taken by the Registrar-General to be on the same terms as the lodged mortgage.

## **23—Instrument taken to be on the same terms (section 153A of Act)**

For the purposes of section 153A(3) of the Act, an instrument executed before 31 December 2017 that complies with the requirements of Part 13 of the Act as in force immediately before the commencement of Part 2 of the amendment Act will, if it has the same effect as an instrument lodged for registration in the Lands Titles Registration Office, be taken by the Registrar-General to be on the same terms as the lodged instrument.

## 24—Summons of person having possession of duplicate instrument (section 220(c) of Act)

A summons issued by the Registrar-General under paragraph (c) of section 220 of the Act before the repeal of that paragraph by Schedule 2 of the amendment Act is void and of no effect.

## 25—Modification of certification requirements (section 273 of Act)

- (1) Despite the certification requirements of section 273(1) of the Act (as substituted by section 85 of the amendment Act), the Registrar-General may, until 4 November 2016—
  - (a) register or record an instrument purporting to deal with or affect land if a prescribed person within the meaning of section 273(4) of the Act has provided a certificate to the Registrar-General, in the appropriate form and signed by the person, certifying that the instrument is correct for the purposes of the Act; and
  - (b) register a mortgage if the mortgagee has provided certification in the appropriate form that the instrument is correct for the purposes of the Act; and
  - (c) register a transfer of a mortgage if the transferee has provided certification in the appropriate form that the instrument is correct for the purposes of the Act; and
  - (d) register a renewal or extension of a mortgage if the mortgagee has provided certification in the appropriate form that the instrument is correct for the purposes of the Act.
- (2) Certification under this regulation must be provided by a natural person who is reasonably satisfied as to the matters to which he or she is certifying.
- (3) If the mortgagee or transferee referred to in subregulation (1) is a body corporate that is a mortgagee or transferee, the certification may be given by an employee of the body corporate who is reasonably satisfied as to the matters to which he or she is certifying.

## Schedule 1—Fees payable to Registrar-General

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	\$163.00
1A	For the registration of an instrument registering a mortgage and changing name of mortgagor(s)	\$311.00
2	For registering a transfer—	
	(a) where the consideration, or the capital value of the land, (whichever is the greater)—	
	(i) does not exceed \$5 000	\$163.00
	(ii) does not exceed \$20 000	\$182.00
	(iii) does not exceed \$40 000	\$199.00

**Real Property Regulations 2009—31.1.2019 to 30.6.2019****Schedule 1—Fees payable to Registrar-General**

---

	(iv) exceeds \$40 000	\$280.00
	plus \$82.50 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 (other than in respect of land that is qualifying land under section 105A of the <i>Stamp Duties Act 1923</i> )	\$163.00
	(c) that has been assessed pursuant to section 71CA, 71CB, 71CBA or 71CC of the <i>Stamp Duties Act 1923</i>	\$163.00
3	On lodgment of a caveat under sections 39, 80F or 223D of the Act	\$163.00
4	On lodgment of a priority notice under section 154A of the Act	\$21.30
5	On lodgment of an application to extend the duration of a priority notice under section 154G of the Act	\$10.60
6	On lodgment of notice of withdrawal of a priority notice under section 154E of the Act	no fee
7	For a search of the details of a priority notice	no fee
8	For the deposit, or noting the revocation, of a duplicate or attested copy of a power of attorney	\$163.00
9	For the registration of an application to note a change of address	no fee
10	For entry of a foreclosure order (exclusive of the cost of advertising in the Gazette)	\$271.00
11	For a certified copy of—	
	(a) a certificate of title under section 51A of the Act	\$32.25
	(b) a statement under section 51D of the Act	\$32.25
12	Unless otherwise specified—	
	(a) (except where paragraph (b) applies) for the issue of a new certificate of title	\$87.50
	(b) for the issue of a new certificate of title on the amalgamation of allotments wholly within the Mount Lofty Catchment Area	no fee
13	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
14	For an application for the division of land—	
	(a) where deposit of the plan of division will not vest an estate or interest in land (except a street, road, thoroughfare, reserve or other similar open space that vests in a council or other authority or reverts to the Crown or an easement that will vest in an authority or entity in accordance with section 223LG of the Act) in any person	\$163.00
	(b) in all other cases	\$403.00

**Note—**

Fees for the examination of the plan of division, deposit or acceptance for filing of the plan and for the issue of new certificates of title are payable under this Schedule in addition to this amount.

15	For an application for the amalgamation of allotments—	
	(a) for the amalgamation of allotments that are wholly within the Mount Lofty Catchment Area	no fee
	(b) for any other amalgamation of allotments	\$163.00
<b>Note—</b>		
Fees for the examination of the plan of amalgamation, deposit or acceptance for filing of the plan and for the issue of new certificates of title are payable under this Schedule in addition to this amount.		
16	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	\$148.00
17	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 \$482, 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 the Registrar-General considers that appropriate in a particular case having regard to the work involved in examining the relodged or resubmitted plan.)	\$963.00
	(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)	\$482.00
	(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	\$194.00
18	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
19	Unless otherwise specified, for the deposit or acceptance for filing of any plan (for freehold or Crown land)	\$148.00
20	For the deposit or acceptance for filing of a plan prepared by the Registrar-General or under the Registrar-General's authorisation	no fee
21	For the withdrawal of any instrument, application or plan submitted for registration, deposit or acceptance for filing	\$63.50

**Real Property Regulations 2009—31.1.2019 to 30.6.2019**Schedule 1—Fees payable to Registrar-General

---

22	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	\$130.00
23	For an application under section 146 of the Act (exclusive of the cost of registration of the instrument of discharge)	\$213.00
24	For searching the Register Book—	
	(a) comprising a search statement from the Registrar-General's unregistered document system, a copy of the certificate of title and a check search	\$28.75
	(b) comprising a search of the electronic records of the certificate of title, the Registrar-General's unregistered document system and a check search, including access to the relevant plan image and all registered instruments and dealings recorded on that certificate of title	\$34.50
25	For a copy—	
	(a) of a registered instrument	\$10.60
	(b) of a plan deposited or accepted for filing by the Registrar-General	\$11.40
	(c) of a cancelled certificate of title	no fee
	(d) of any instrument, entry, document or record not otherwise specifically provided for	\$10.60
26	For requesting any of the following under the South Australian Integrated Land Information System ( <i>SAILIS</i> ):	
	(a) a check search of a specified certificate of title	no fee
	(b) the details of a specified document	no fee
	(c) the location of a specified document or plan	no fee
	(d) the details of a specified plan	no fee
	(e) a list of the numbers assigned to plans lodged in respect of a specified Section of land in a Hundred	no fee
	(f) the details of the delivery of a specified item	no fee
	(g) the details of the delivery of documents relating to—	
	(i) a specified agent code	no fee
	(ii) a specified delivery slip	no fee
	(h) the details of a specified agent code	no fee
	(i) 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
	(j) a search of the location of, and the numbers assigned to, documents lodged in a specified series	no fee
	(k) a record of all documents lodged or registered under a specified name	no fee
27	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
28	For reporting to a local government authority—	
	(a) a change of ownership of land (for each change of ownership reported)	\$2.25
	(b) a converted certificate of title (for each converted certificate of title reported)	\$2.25
	(c) on the subdivision of land—details of—	\$2.25
	(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)	
29	For reporting to the South Australian Water Corporation—	
	(a) a change of ownership of land (for each change of ownership reported)	\$2.25
	(b) on the subdivision of land—details of—	\$2.25
	(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)	
30	For providing miscellaneous reports of changes of ownership of land to government agencies (other than the South Australian Water Corporation)	no fee
31	For providing reports of Heritage Agreements to the administrative unit of the Public Service that is, under a Minister, responsible for the administration of the <i>Heritage Places Act 1993</i>	no fee
32	For reporting to SA Power Networks a change of ownership of land (plus an additional fee of \$4.80 for each change of ownership reported)	\$34.25
33	For a copy of any of the following documents under the <i>Bills of Sale Act 1886</i> :	
	(a) a document filed under section 11A of the <i>Bills of Sale Act 1886</i>	\$10.60
	(b) a registered bill of sale or a discharge, extension or renewal of a bill of sale	\$10.60
	(c) any other document	\$10.60
34	For a copy of a plan under the <i>Strata Titles Act 1988</i> (including provision of the unit entitlement sheet)	\$11.40
35	For a copy of a plan under the <i>Community Titles Act 1996</i> (including provision of the lot entitlement sheet)	\$11.40
36	For providing a lodgement support service suite in respect of electronic lodgement (known as LSS 1) consisting of—	\$14.60
	(a) supply of title data for completion of electronic document forms	
	(b) unlimited title activity checks	

**Real Property Regulations 2009—31.1.2019 to 30.6.2019**  
Schedule 1—Fees payable to Registrar-General

---

	(c) unlimited lodgement verifications for lodgements which reference title	
37	For providing a lodgement support service suite in respect of electronic lodgement (known as LSS 2) consisting of—	\$11.40
	(a) supply of title data for completion of electronic document forms	
	(b) unlimited lodgement verifications, for lodgements which reference title	
38	For providing a lodgement support service suite in respect of electronic lodgement (known as LSS3) consisting of the resupply of title data for electronic documents forms if original data for the title has already been supplied	no fee



## 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 or [www.legislation.sa.gov.au](http://www.legislation.sa.gov.au).

### Legislation revoked by principal regulations

The *Real Property Regulations 2009* revoked the following:

*Real Property (Certification of Instruments) Regulations 1995*

*Real Property (Fees) Regulations 2002*

*Real Property (Land Division) Regulations 1995*

### Principal regulations and variations

New entries appear in bold.

Year	No	Reference	Commencement
2009	68	<i>Gazette 28.5.2009 p1861</i>	1.6.2009: r 2
2009	168	<i>Gazette 4.6.2009 p2690</i>	1.7.2009: r 2
2010	124	<i>Gazette 10.6.2010 p2935</i>	1.7.2010: r 2
2011	135	<i>Gazette 9.6.2011 p2318</i>	1.7.2011: r 2
2012	136	<i>Gazette 31.5.2012 p2500</i>	1.7.2012: r 2
2013	108	<i>Gazette 6.6.2013 p2244</i>	1.7.2013: r 2
2014	164	<i>Gazette 19.6.2014 p2721</i>	1.7.2014: r 2
2015	38	<i>Gazette 16.4.2015 p1540</i>	27.4.2015: r 2
2015	41	<i>Gazette 23.4.2015 p1600</i>	27.4.2015: r 2
2015	139	<i>Gazette 18.6.2015 p2754</i>	1.7.2015: r 2
2016	166	<i>Gazette 23.6.2016 p2469</i>	1.7.2016: r 2
2016	173	<i>Gazette 30.6.2016 p2793</i>	4.7.2016: r 2
2017	61	<i>Gazette 23.5.2017 p1736</i>	1.7.2017: r 2
2017	187	<i>Gazette 22.6.2017 p2526</i>	22.6.2017: r 2
2018	60	<i>Gazette 31.5.2018 p2071</i>	1.7.2018: r 2
2018	217	<i>Gazette 11.10.2018 p3788</i>	11.10.2018: r 2
<b>2019</b>	<b>7</b>	<b><i>Gazette 31.1.2019 p373</i></b>	<b>31.1.2019: r 2</b>
2019	40	<i>Gazette 23.5.2019 p1355</i>	1.7.2019: 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
Pt 1		
<i>r 2</i>	<i>omitted under Legislation Revision and Publication Act 2002</i>	<i>1.7.2009</i>
r 3		
<b>capital value</b>	<b>inserted by 7/2019 r 4</b>	<b>31.1.2019</b>
check search	varied by 173/2016 r 4(1), (2)	4.7.2016
Pt 3A	inserted by 173/2016 r 5	4.7.2016
r 11A	(a)(v) deleted by 187/2017 r 4	22.6.2017
Pt 4		
r 12		
r 12(1)	inserted by 173/2016 r 6(2)	4.7.2016
r 12(2)	r 12 varied and redesignated as r 12(2) by 173/2016 r 6(1), (2)	4.7.2016
	varied by 187/2017 r 5(1), (2) & (4)	22.6.2017
	(k) and (l) deleted by 187/2017 r 5(3)	22.6.2017
Pt 4A	inserted by 38/2015 r 4	27.4.2015
Pt 5		
rr 13A—13D	inserted by 173/2016 r 7	4.7.2016
r 16		
<b>r 16(2)</b>	<b>substituted by 7/2019 r 5</b>	<b>31.1.2019</b>
<i>r 16(2a)</i>	<i>inserted by 173/2016 r 8</i>	<i>4.7.2016</i>
	<i>deleted by 7/2019 r 5</i>	<i>31.1.2019</i>
<b>r 16(3) and (4)</b>	<b>substituted by 7/2019 r 5</b>	<b>31.1.2019</b>
Pt 6	inserted by 173/2016 r 9	4.7.2016
r 19		
r 19(2)	varied by 187/2017 r 6	22.6.2017
r 22	varied by 187/2017 r 7	22.6.2017
r 23	varied by 187/2017 r 8	22.6.2017
Sch 1	substituted by 168/2009 r 4	1.7.2009
	substituted by 124/2010 r 4	1.7.2010
	substituted by 135/2011 r 4	1.7.2011
	substituted by 136/2012 r 4	1.7.2012
	substituted by 108/2013 r 4	1.7.2013
	substituted by 164/2014 r 4	1.7.2014
	varied by 38/2015 r 5	27.4.2015
	varied by 41/2015 r 4(1), (2)	27.4.2015
	substituted by 139/2015 r 4	1.7.2015
	substituted by 166/2016 r 4	1.7.2016

	varied by 173/2016 r 10(1)—(7)	4.7.2016
	substituted by 61/2017 r 4	1.7.2017
	substituted by 60/2018 r 4	1.7.2018
	varied by 217/2018 r 4	11.10.2018
	<b>varied by 7/2019 r 6</b>	<b>31.1.2019</b>
<i>Sch 2</i>	<i>omitted under Legislation Revision and Publication Act 2002</i>	<i>1.7.2009</i>

## Transitional etc provisions associated with regulations or variations

### *Real Property (Calculation of Transfer Fees) Variation Regulations 2019 (No 7 of 2019), Sch 1*

#### 1—Transitional provision

Regulation 16(2), (2a), (3) and (4) of the *Real Property Regulations 2009*, as in force immediately before the commencement of these regulations, continue to apply in relation to a registration fee paid in respect of a transfer where the fee was paid before the commencement of these regulations.

#### Historical versions

1.7.2009  
 1.7.2010  
 1.7.2011  
 1.7.2012  
 1.7.2013  
 1.7.2014  
 27.4.2015  
 1.7.2015  
 1.7.2016 (electronic only)  
 4.7.2016  
 22.6.2017 (electronic only)  
 1.7.2017  
 1.7.2018  
 11.10.2018