

South Australia

## **Real Property (Fees) Variation Regulations 2004**

under the *Real Property Act 1886*

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### **Part 1—Preliminary**

#### **1—Short title**

These regulations may be cited as the *Real Property (Fees) Variation Regulations 2004*.

#### **2—Commencement**

These regulations will come into operation on 1 July 2004.

#### **3—Variation provisions**

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

### **Part 2—Variation of *Real Property (Fees) Regulations 2002***

#### **4—Substitution of Schedule**

Schedule—delete the Schedule and substitute:

#### **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 \$98
- 2 For registering a transfer—
  - (a) where the consideration, or the value as assessed under the *Stamp Duties Act 1923*—

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 Part 2—Variation of *Real Property (Fees) Regulations 2002*

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|    | (i) does not exceed \$5 000  | \$98    |
|    | (ii) does not exceed \$20 000  | \$109   |
|    | (iii) does not exceed \$40 000   | \$121   |
|    | (iv) exceeds \$40 000  | \$174   |
|    | plus \$54 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 s 71C of the <i>Stamp Duties Act 1923</i> ) | \$98    |
|    | (c) that has been assessed pursuant to s 71CA, 71CB or 71CC of the <i>Stamp Duties Act 1923</i>  | \$98    |
| 3  | On lodgment of a caveat under s 39, 80F or 223D of the Act   | \$98    |
| 4  | For the deposit, or noting the revocation, of a duplicate or attested copy of a power of attorney  | \$98    |
| 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)   | \$98    |
| 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)   | \$169   |
| 8  | For a certified copy of—   |         |
|    | (a) an original certificate of title under s 51A of the Act  | \$17.40 |
|    | (b) a statement under s 51D of the Act   | \$17.40 |
| 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   | \$57.50 |
|    | (b) for the issue of a new certificate of title on the amalgamation of allotments wholly within the Mount Lofty Catchment Area   | no fee  |
| 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  |

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| 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  | \$98    |
| 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)—<br><br>plus a further \$317, 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.) | \$636   |
|    | (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)  | \$317   |
|    | (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  | \$129   |
| 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  |
| 15 | Unless otherwise specified, for the deposit or acceptance for filing of any plan (for freehold or Crown land)  | \$98    |
| 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   | \$41.50 |

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| 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  | \$85.50 |
| 19 | For an application to the Registrar-General to issue a summons under s 220(3) of the Act   | \$140   |
| 20 | For an application under s. 146 of the Act (exclusive of the cost of registration of the instrument of discharge)  | \$140   |
| 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                                      | \$15.10 |
|    | (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) | \$15.10 |
| 22 | For a copy—  |         |
|    | (a) of a registered instrument   | \$6.45  |
|    | (b) of a plan deposited or accepted for filing by the Registrar-General  | \$6.45  |
|    | (c) of a cancelled original certificate of title   | \$6.45  |
|    | (d) of any instrument, entry, document or record not otherwise specifically provided for   | \$6.45  |
| 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  | \$5.40  |
|    | (c) a search of the numbers assigned to documents associated with a specified instrument   | \$5.40  |
|    | (d) the location of a specified document or plan   | no fee  |
|    | (e) the details of a specified plan  | \$5.40  |
|    | (f) a list of the numbers assigned to plans lodged in respect of a specified Section of land in a Hundred  | \$5.40  |
|    | (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   |         |
|    | (ii) any other series into which the document may, subsequently, have been moved, prior to registration of the document  | no fee  |

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|    | (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  | \$5.40  |
| 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   | \$22.50 |
| 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)  | \$1.45  |
|    | (b)   | a converted certificate of title (for each converted certificate of title reported)  | \$1.45  |
|    | (c)   | on the subdivision of land—details of—   |         |
|    | (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)   | \$1.45  |
| 28 |       | For reporting to the South Australian Water Corporation—   |         |
|    | (a)   | a change of ownership of land (for each change of ownership reported)  | \$1.45  |
|    | (b)   | on the subdivision of land—details of—   |         |
|    | (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)   | \$1.45  |
| 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 \$3.15 for each change of ownership reported)         | \$22.50 |

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| 32 | For a copy of any of the following documents under the <i>Bills of Sale Act 1886</i> : |        |
|    | (a) a registered Bill of Sale or a discharge, extension or renewal of a Bill of Sale   | \$6.45 |
|    | (b) any other document   | \$6.45 |
| 33 | For a copy of a plan under the <i>Strata Titles Act 1988</i>                           | \$6.45 |
| 34 | For a copy of a plan under the <i>Community Titles Act 1996</i>                        | \$6.45 |

**Note—**

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

**Made by the Governor**

with the advice and consent of the Executive Council  
on 27 May 2004

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