

South Australia

## **Real Property (Fees) Variation Regulations 2009**

under the *Real Property Act 1886*

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### **Contents**

#### **Part 1—Preliminary**

- 1 Short title
- 2 Commencement
- 3 Variation provisions

#### **Part 2—Variation of *Real Property Regulations 2009***

- 4 Substitution of Schedule 1
- Schedule 1—Fees payable to Registrar-General
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### **Part 1—Preliminary**

#### **1—Short title**

These regulations may be cited as the *Real Property (Fees) Variation Regulations 2009*.

#### **2—Commencement**

These regulations will come into operation on 1 July 2009.

#### **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 Regulations 2009***

#### **4—Substitution of Schedule 1**

Schedule 1—delete the Schedule and substitute:

#### **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 \$117.00
- 2 For registering a transfer—
  - (a) where the consideration, or the value as assessed under the *Stamp Duties Act 1923*—

**Real Property (Fees) Variation Regulations 2009**  
 Part 2—Variation of *Real Property Regulations 2009*

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	(i) does not exceed \$5 000	\$117.00
	(ii) does not exceed \$20 000	\$131.00
	(iii) does not exceed \$40 000	\$146.00
	(iv) exceeds \$40 000	\$209.00
	plus \$65 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> )	\$117.00
	(c) that has been assessed pursuant to sections 71CA, 71CB, 71CBA or 71CC of the <i>Stamp Duties Act 1923</i>	\$117.00
3	On lodgment of a caveat under sections 39, 80F or 223D of the Act	\$117.00
4	For the deposit, or noting the revocation, of a duplicate or attested copy of a power of attorney	\$117.00
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)	\$117.00
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)	\$202.00
8	For a certified copy of—	
	(a) an original certificate of title under section 51A of the Act	\$20.90
	(b) a statement under section 51D of the Act	\$20.90
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	\$69.00
	(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 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 <i>Real Property Act 1886</i> ) in any person	\$117.00
	(b) in all other cases	\$309.00

**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.

13	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
	(a) for any other amalgamation of allotments	\$117.00

**Note—**

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.

14	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	\$117.00
15	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 \$380, 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.)	\$763.00
	(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)	\$380.00

**Real Property (Fees) Variation Regulations 2009**  
 Part 2—Variation of *Real Property Regulations 2009*

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	(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	\$154.00
16		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
17		Unless otherwise specified, for the deposit or acceptance for filing of any plan (for freehold or Crown land)	\$117.00
18		For the deposit or acceptance for filing of a plan prepared by the Registrar-General or under the Registrar-General's authorisation	no fee
19		For the withdrawal of any instrument, application or plan submitted for registration, deposit or acceptance for filing	\$50.00
20		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	\$103.00
21		For an application under section 146 of the Act (exclusive of the cost of registration of the instrument of discharge)	\$169.00
22		For an application to the Registrar-General to issue a summons under section 220(c) of the Act	\$169.00
23		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	\$18.00
	(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)	\$18.00
24		For a copy—	
	(a)	of a registered instrument	\$7.80
	(b)	of a plan deposited or accepted for filing by the Registrar-General	\$7.80
	(c)	of a cancelled original certificate of title	\$7.80

	(d) of any instrument, entry, document or record not otherwise specifically provided for	\$7.80
25	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	\$6.45
	(c) a search of the numbers assigned to documents associated with a specified instrument	\$6.45
	(d) the location of a specified document or plan	no fee
	(e) the details of a specified plan	\$6.45
	(f) a list of the numbers assigned to plans lodged in respect of a specified Section of land in a Hundred	\$6.45
	(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	\$6.45
26	For requesting a search under the Torrens Automated Title System ( <i>TATS</i> )	no fee
27	For the return of a cancelled duplicate certificate of title	\$27.00
28	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
29	For reporting to a local government authority—	
	(a) a change of ownership of land (for each change of ownership reported)	\$1.75
	(b) a converted certificate of title (for each converted certificate of title reported)	\$1.75
	(c) on the subdivision of land—details of—	\$1.75

	(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)	
30	For reporting to the South Australian Water Corporation—	
	(a) a change of ownership of land (for each change of ownership reported)	\$1.75
	(b) on the subdivision of land—details of—	\$1.75
	(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)	
31	For providing miscellaneous reports of changes of ownership of land to government agencies (other than the South Australian Water Corporation)	no fee
32	For providing reports of Heritage Agreements to the Department for Environment and Heritage	no fee
33	For reporting to ETSA Utilities a change of ownership of land (plus an additional fee of \$3.80 for each change of ownership reported)	\$27.00
34	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>	\$7.80
	(b) a registered Bill of Sale or a discharge, extension or renewal of a Bill of Sale	\$7.80
	(c) any other document	\$7.80
35	For a copy of a plan under the <i>Strata Titles Act 1988</i> (including provision of the unit entitlement sheet)	\$7.80
36	For a copy of a plan under the <i>Community Titles Act 1996</i> (including provision of the lot entitlement sheet)	\$7.80

**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 4 June 2009

No 168 of 2009

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