

(Reprint No. 11)

South Australia

REAL PROPERTY (FEES) REGULATIONS 1991

*These regulations are reprinted pursuant to the Subordinate Legislation Act 1978 and incorporate all amendments in force as at **26 July 2001**.*

REGULATIONS UNDER THE REAL PROPERTY ACT 1886

REAL PROPERTY (FEES) REGULATIONS 1991

being

No. 121 of 1991: *Gaz.* 27 June 1991, p. 2219¹

as varied by

No. 88 of 1992: *Gaz.* 18 June 1992, p. 1792²

No. 134 of 1992: *Gaz.* 25 June 1992, p. 2004²

No. 163 of 1992: *Gaz.* 23 July 1992, p. 677³

No. 40 of 1993: *Gaz.* 18 March 1993, p. 937⁴

No. 53 of 1993: *Gaz.* 8 April 1993, p. 1288⁵

No. 50 of 1994: *Gaz.* 2 June 1994, p. 1576⁶

No. 95 of 1995: *Gaz.* 10 May 1995, p. 2093⁷

No. 134 of 1996: *Gaz.* 30 May 1996, p. 2803⁸

No. 147 of 1997: *Gaz.* 5 June 1997, p. 2934⁹

No. 65 of 1998: *Gaz.* 28 May 1998, p. 2315¹⁰

No. 76 of 1999: *Gaz.* 27 May 1999, p. 2847¹¹

No. 197 of 1999: *Gaz.* 30 September 1999, p. 1390¹²

No. 66 of 2000: *Gaz.* 25 May 2000, p. 2726¹³

No. 252 of 2000: *Gaz.* 19 October 2000, p. 2772¹⁴

No. 96 of 2001: *Gaz.* 31 May 2001, p. 2052¹⁵

No. 159 of 2001: *Gaz.* 28 June 2001, p. 2496¹⁶

No. 183 of 2001: *Gaz.* 26 July 2001, p. 2791¹⁷

¹ Came into operation 8 August 1991: reg. 2.

² Came into operation 30 July 1992: reg. 2.

³ Came into operation 30 July 1992: reg. 2.

⁴ Came into operation 8 April 1993: reg. 2.

⁵ Came into operation 12 July 1993: reg. 2.

⁶ Came into operation 1 July 1994: reg. 2.

⁷ Came into operation 1 July 1995: reg. 2.

⁸ Came into operation 8 July 1996: reg. 2.

⁹ Came into operation 1 July 1997: reg. 2.

¹⁰ Came into operation 1 July 1998: reg. 2.

¹¹ Came into operation 1 July 1999: reg. 2.

¹² Came into operation 30 September 1999: reg. 2.

¹³ Came into operation 1 July 2000: reg. 2.

¹⁴ Came into operation 23 October 2000: reg. 2.

¹⁵ Came into operation 1 July 2001: reg. 2.

¹⁶ Came into operation 1 July 2001: reg. 2.

¹⁷ **Came into operation 26 July 2001: reg. 2.**

N.B. The following regulations have been revoked:

No. 116 of 1997: *Gaz.* 13 May 1997, p. 1937 revoked by No. 147 of 1997: *Gaz.* 5 June 1997, p. 2934.

NOTE:

- Asterisks indicate repeal or deletion of text.
- Entries appearing in bold type indicate the amendments incorporated since the last reprint.
- For the legislative history of the regulations see Appendix.

SUMMARY OF PROVISIONS

1. Citation
2. Commencement
3. Revocation of Real Property Act (Fees) Regulations 1990
4. Interpretation
5. Fees payable to Registrar-General

SCHEDULE

Fees

APPENDIX

LEGISLATIVE HISTORY

Citation

1. These regulations may be cited as the *Real Property (Fees) Regulations 1991*.

Commencement

2. These regulations will come into operation on 8 August 1991.

Revocation of Real Property Act (Fees) Regulations 1990

3. The *Real Property Act (Fees) Regulations 1990* (see *Gazette* 31 May 1990 p. 1504) are revoked.

Interpretation

4. In these regulations, unless the contrary intention appears—

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

"**a 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;

"**the 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".

Fees payable to Registrar-General

5. (1) The fees set out in the schedule are payable to the Registrar-General.

* * * * *

(2) Where 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 that Act.

(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.

* * * * *

Real Property (Fees) Regulations 1991**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 87
2. For registering a transfer—
 - (a) where the consideration, or the value as assessed under the *Stamp Duties Act 1923*—
 - (i) does not exceed \$5 000 87
 - (ii) does not exceed \$20 000 97
 - (iii) does not exceed \$40 000 108
 - (iv) exceeds \$40 000 155
plus \$48 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 *ad valorem* stamp duty is payable (except for those transfers assessed pursuant to s. 71C of the *Stamp Duties Act 1923*) 87
 - (c) that has been assessed pursuant to s. 71CA, 71CB or 71CC of the *Stamp Duties Act 1923* 87
3. On lodgment of a caveat under s. 39, 80F or 223D of the Act 87
4. For the deposit, or noting the revocation, of a duplicate or attested copy of a power of attorney 87
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*) 87
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*) 150
8. For a certified copy of—
 - (a) an original certificate of title under s. 51A of the Act 15.50
 - (b) a statement under s. 51D of the Act 15.50
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 51
 - (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) upon 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

Real Property (Fees) Regulations 1991

(d) under Division 2 of Part 5 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	87
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)—	566
plus a further \$282, 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.)	
(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)	282
(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	114
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)	87
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	37
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	76
19. For an application to the Registrar-General to issue a summons pursuant to s. 220(3) of the Act	125

Real Property (Fees) Regulations 1991

20. For an application pursuant to s. 146 of the Act (exclusive of the cost of registration of the instrument of discharge)	125
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	13.40
(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)	13.40
22. For a copy—	
(a) of a registered instrument	5.80
(b) of a plan deposited or accepted for filing by the Registrar-General	5.80
(c) of a cancelled original certificate of title	5.80
(d) of any instrument, entry, document or record not otherwise specifically provided for	5.80
23. For requesting any of the following under the Automated Registration Indexing and Enquiry System (ARIES):	
(a) a check search of a specified certificate of title	no fee
(b) the details of a specified document	4.80
(c) a search of the numbers assigned to documents associated with a specified instrument	4.80
(d) the location of a specified document or plan	no fee
(e) the details of a specified plan	4.80
(f) a list of the numbers assigned to plans lodged in respect of a specified Section of land in a Hundred	4.80
(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
(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

Real Property (Fees) Regulations 1991

(m) a record of all documents lodged or registered under a specified name	4.80
24. For requesting a search under the Torrens Automated Title System (TATS)	no fee
25. For the return of a cancelled duplicate certificate of title	20
26. For advertising in the <i>Gazette</i> —	
(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)	1.30
(b) a converted certificate of title (for each converted certificate of title reported)	1.30
(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)	1.30
28. For reporting to the South Australian Water Corporation—	
(a) a change of ownership of land (for each change of ownership reported)	1.30
(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)	1.30
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 \$2.80 for each change of ownership reported)	20
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	5.80
(b) any other document	5.80
33. For a copy of a plan under the <i>Strata Titles Act 1988</i>	5.80
34. For a copy of a plan under the <i>Community Titles Act 1996</i>	5.80

Real Property (Fees) Regulations 1991**APPENDIX****LEGISLATIVE HISTORY***(entries in bold type indicate amendments incorporated since the last reprint)*

Regulation 4:	definition of "a check search" inserted by 252, 2000, reg. 3 definition of "the Mount Lofty Catchment Area" inserted by 197, 1999, reg. 3
Regulation 5:	redesignated as reg. 5(1) by 88, 1992, reg. 4
Regulation 5(1a) and (1b):	inserted by 134, 1992, reg. 3; revoked by 40, 1993 reg. 3
Regulation 5(2):	inserted by 88, 1992, reg. 4; varied by 53, 1993, reg. 3(a); substituted by 183, 2001, reg. 3
Regulation 5(3):	inserted by 88, 1992, reg. 4; varied by 53, 1993, reg. 3(b); substituted by 183, 2001, reg. 3
Regulation 5(4):	inserted by 53, 1993, reg. 3(c); substituted by 183, 2001, reg. 3
Regulation 5(5):	inserted by 53, 1993, reg. 3(c); revoked by 183, 2001, reg. 3
Schedule:	substituted by 88, 1992, reg. 5; varied by 163, 1992, reg. 3; 40, 1993, reg. 4; substituted by 53, 1993, reg. 4; 50, 1994, reg. 3; 95, 1995, reg. 3; 134, 1996, reg. 3; 147, 1997, reg. 4; 65, 1998, reg. 3; 76, 1999, reg. 3; varied by 197, 1999, reg. 4; substituted by 66, 2000, reg. 3
Clause 1:	substituted by 96, 2001, reg. 3(a)
Clause 2:	varied by 96, 2001, reg. 3(b); 159, 2001, reg. 3
Clauses 3 - 7:	substituted by 96, 2001, reg. 3(c)
Clause 8:	substituted by 252, 2000, reg. 4(a); 96, 2001, reg. 3(c)
Clauses 9 - 20:	substituted by 96, 2001, reg. 3(c)
Clauses 21 - 34:	inserted by 252, 2000, reg. 4(b); substituted by 96, 2001, reg. 3(c)