



# Real Property Amendment (Fees) Regulation 2004

under the

Real Property Act 1900

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Real Property Act 1900*.

ANTHONY BERNARD KELLY, M.L.C.,

Minister for Lands

## Explanatory note

The object of this Regulation is to increase certain fees payable to the Registrar-General under the *Real Property Act 1900* (*the Act*). The increases include charging a fee:

- (a) for examining an application by a person in possession of land to be recorded as proprietor of an estate or interest in that land based on a quarter-hour or part of a quarter-hour occupied in the examination of the application instead of on an hour or part of an hour, and
- (b) for examining an application for the extinguishment of a restrictive covenant or an application for the cancellation of an easement that has been abandoned based on a quarter-hour or part of a quarter-hour occupied in the examination of the application instead of on an hour or part of an hour, and
- (c) for searching or continuing an official search of the Register based on a quarter-hour or part of a quarter-hour occupied in the search after the first hour instead of on a half-hour or part of a half-hour after that first-hour period, and
- (d) for an initial search of the Register based on a quarter-hour or part of a quarter-hour occupied in the search after the first quarter-hour instead of on a half-hour or part of a half-hour after that first half-hour period.

This Regulation also:

- (a) introduces the following new fees:
  - (i) for each quarter-hour or part of a quarter-hour after the first 3 hours occupied in examining an application to bring land under the Act,

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Explanatory note

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- (ii) for each quarter-hour or part of a quarter-hour after the first quarter-hour occupied in the preparation of a certificate of ownership under section 700 (2) of the *Local Government Act 1993* or section 151 (2) of the *Environmental Planning and Assessment Act 1979*,
  - (iii) for the lodgment of an application, request or dealing that results in more than one recording on a folio of the Register kept under the Act, and
- (b) itemises fees for the supply of copies of documents in the custody of the Registrar-General (other than certified copies) according to the means of delivery of the copies, and
- (c) removes the fee for supplying details of lots on registration of a deposited plan or strata plan (these details will be supplied at no charge)

This Regulation is made under the *Real Property Act 1900*, including section 144 (the general regulation-making power) and, in particular, section 144 (1) (a).

## **Real Property Amendment (Fees) Regulation 2004**

under the

Real Property Act 1900

### **1 Name of Regulation**

This Regulation is the *Real Property Amendment (Fees) Regulation 2004*.

### **2 Commencement**

This Regulation commences on 1 July 2004.

### **3 Amendment of Real Property Regulation 2003**

The *Real Property Regulation 2003* is amended as set out in Schedule 1.

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Schedule 1 Amendment

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### Schedule 1 Amendment

(Clause 3)

#### Schedule 1

Omit the Schedule. Insert instead:

#### Schedule 1 Fees

(Clauses 4 (2), 11 (4), 12 (c) and 13)

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#### Copies

1	On lodgment of an application for a certified copy of a registered instrument or part of it affecting land under the provisions of the Act—for each copy	75.00
2	For supplying a copy of a document or part of a document in the custody of the Registrar-General:	
(a)	to any person attending an office of the Department of Lands	10.00
(b)	by electronic means to any agent licensed by the Department of Lands	4.50
(c)	to any person by some other means	Such reasonable fee (determined by the Registrar-General) as is warranted by the work involved in providing the service

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3	On lodgment of an application for a copy of a document in the custody of the Registrar-General, other than a certified copy or a copy available to any person attending an office of the Department of Lands	Such reasonable fee (determined by the Registrar-General) as is warranted by the work involved in preparing the copy
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#### Advertisements

4	On advertisement, pursuant to section 12 (1) (h1) of the Act, of the intended exercise or performance of any power, authority, duty or function conferred or imposed on the Registrar-General by the Act	Such reasonable fee (determined by the Registrar-General) as is warranted by the cost incurred in publishing the advertisement
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#### Production of documents

5	For each Crown grant, certificate of title or other document produced for the purpose of any application, request, dealing or plan to be subsequently lodged	35.00
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#### Applications, requests and dealings

6	On lodgment of an application to bring land under the Act	600.00
	In addition, for each quarter-hour or part of a quarter-hour in excess of the first three hours occupied in examining the application	50.00
7	On lodgment of an application under section 45D of the Act by a person in possession of land to be recorded as proprietor of an estate or interest in that land	75.00
	In addition, for each quarter-hour or part of a quarter-hour occupied in examining the application	50.00

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8	On lodgment of an application, request or dealing for which no fee is otherwise provided	75.00
9	On lodgment of an application or request for amendment of a folio of the Register, Crown grant or certificate of title	75.00
10	On lodgment of an application under section 81A of the Act for the extinguishment of a restrictive covenant	75.00
	In addition:	
(a)	for each quarter-hour or part of a quarter-hour occupied in examining the application	50.00
(b)	for the Registrar-General's costs of serving notice under section 81D of the Act by way of registered post	Such reasonable fee (determined by the Registrar-General) as is warranted by the cost incurred in posting the notice
11	On lodgment of an application under section 49 of the Act for the cancellation of an easement that has been abandoned	75.00
	In addition, for each quarter-hour or part of a quarter-hour occupied in examining the application	50.00
12	On lodgment of an application for the determination under Part 14A of the Act of the position of the common boundary of adjoining lands	75.00
13	On lodgment of a building management statement (within the meaning of the <i>Conveyancing Act 1919</i> )	150.00
14	For every plan, sketch or diagram accompanying a dealing, application, request or instrument	75.00

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15 On lodgment of an application, request or dealing that will result in more than one recording on a folio of the Register, for each additional recording	75.00
<b>Caveats</b>	
16 On lodgment or recording of a caveat	75.00
17 On withdrawal or partial withdrawal of a caveat pursuant to section 74M (1) of the Act	75.00
18 On lodgment of a request for withdrawal or partial withdrawal of a Registrar-General's caveat (no fee is payable for withdrawal or partial withdrawal of a Registrar-General's caveat consequent on lodgment and registration of a dealing)	75.00
19 On lodgment of a request for the Registrar-General to direct the manner of service of a notice on a caveator pursuant to section 74N (1) (e) of the Act	75.00
20 On lodgment of an application for preparation of a notice for service on a caveator pursuant to section 74C (3), 74I (1) or (2), 74J (1) or 74JA (2) of the Act	75.00
21 On lodgment of a notice of a change of name of a caveator or of the address for service of a notice on a caveator	75.00
<b>Authentication of forms</b>	
22 For examination and authentication of any dealing, application, request or caveat that is required by any Act to be in an approved form which contains departures from the approved form and which is not a form licensed by the Registrar-General, an additional	75.00

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#### Official searches

23    On requisition for an official search of a folio of the Register (whether or not requiring the continuation of a search from the date of a previous search of that folio or the date of a prior certificate of result of a search)      200.00

In addition, for each quarter-hour or part of a quarter-hour occupied in the search after the first hour      50.00

#### Computer folios

24    On the lodgment of a requisition for a computer folio certificate or search of a historical record in the custody of the Registrar-General:

(a)    in person at an office of the Department of Lands      10.00

(b)    to be delivered electronically to any agent licensed by the Department of Lands      4.50

(c)    to be delivered to any person by some other means      Such reasonable fee (determined by the Registrar-General) as is warranted by the work involved in providing the service

#### Public searches

25    On the lodgment of a requisition requiring dispatch of information by post, facsimile or other approved means:

(a)    for an initial search of a folio of the Register, including investigation as to title reference, a copy of the relevant folio and the transmission fee      55.00



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In addition, for each quarter-hour or part of a quarter-hour occupied in the search after the first quarter-hour	55.00
In addition, for inclusion in the initial search of any additional document forming part of the Register (per document)	10.00
(b) for providing copies of a folio or dealing if no investigation as to title reference is required, including a copy of the folio or dealing and the transmission fee	22.00
In addition, for inclusion of each additional document required	10.00
(c) for a historical search of a folio of the Register, including a copy of the search and the transmission fee	22.00
(d) for providing copies of an instrument or a plan only, including a copy of the document and the transmission fee	22.00
In addition, for inclusion of each additional document required	10.00

### Searches generally

26	In the case of a requisition for an official search of a manual folio, a computer folio certificate or a search of a historical record that, in the opinion of the Registrar-General, is a search for which the above schedule of fees is not appropriate	Such reasonable fee (determined by the Registrar-General in negotiation with the requesting party) as is warranted by the cost incurred in carrying out the search
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<b>Certificates of title</b>		
27	For the issue of a certificate of title on any request or application	150.00
<b>Miscellaneous</b>		
28	On depositing an instrument declaratory of trusts or other instrument not specified	75.00
29	On lodgment of an application for a statement of reasons under section 121 of the Act	75.00
30	On lodgment of a request for the issue of a summons under section 12 of the Act	75.00
31	On lodgment of a request for the issue of a notice under section 136 of the Act	75.00
32	For recording of any memorial or notification not otherwise provided for	75.00
33	On lodgment of a request for delivery of a document or documents pursuant to section 23A (3) (c) of the Act (no fee is payable if the request is made during the currency of the primary application)	15.00
34	For furnishing a certificate of ownership ( <i>Local Government Act 1993</i> —section 700 (2) or <i>Environmental Planning and Assessment Act 1979</i> —section 151 (2)) and incorporating in it any information as to subsisting encumbrances or interests	50.00
	In addition, for each quarter-hour or part of a quarter-hour occupied in preparing the certificate of ownership after the first quarter-hour	50.00
	In addition, for supplying each additional document forming part of the Register	10.00

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35	<p>For supplying information in response to a written inquiry as to the manner in which a proposed dealing or plan should be drawn, or as to whether a proposed dealing or plan is entitled to registration, or in response to a written inquiry that necessitates any searching or investigation</p>	<p>Such reasonable fee (determined by the Registrar-General) as is warranted by the cost incurred in supplying the information, searching or investigating</p>
36	<p>For production of documents at the Office of State Revenue</p>	<p>20.00</p>
37	<p>In addition, for any dealing, application, request or caveat that refers to more than 20 folios of the Register</p>	<p>75.00 for each group of 20 folio references or part of that number</p>

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