



New South Wales

Real Property Amendment (Fees) Regulation 2005

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*). All but one of the fee increases are in line with movements in the Consumer Price Index.

This Regulation also:

- (a) applies a different fee for an application to bring land under the Act:
 - (i) pursuant to section 14 of the Act, and
 - (ii) pursuant to section 31A of the Act (resumption or acquisition of land by government authorities), and
- (b) applies a different fee in relation to certificates of title:
 - (i) for the creation of new certificates of title on any request or application (other than an application under section 111 of the Act), and
 - (ii) for lodging an application for a new certificate of title under section 111 of the Act, where certificates of title have been mislaid, destroyed or stolen, and
- (c) introduces fees for the following items:
 - (i) lodging an application to record in the Register an appurtenant easement created by a deed and processing the application,
 - (ii) registered mail postage where an application, request or dealing includes a direction for the documents to be delivered to a street address following registration,

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- (iii) providing a copy of a document in the custody of the Registrar-General if no initial search is required, including a copy of the document and the transmission fee, and
- (d) removes the following fees:
 - (i) for the lodgment of a requisition for a computer folio certificate or the search of a historical record in the custody of the Registrar-General,
 - (ii) for a historical search of a folio of the Register, including a copy of the search and transmission fee,
 - (iii) for providing copies of an instrument or a plan only, including a copy of the document and the transmission fee,
 - (iv) for the lodgment of a request for the issue of a summons,
 - (v) for the lodgment of a request for the issue of a notice.

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).

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under the

Real Property Act 1900

1 Name of Regulation

This Regulation is the *Real Property Amendment (Fees) Regulation 2005*.

2 Commencement

This Regulation commences on 1 July 2005.

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

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	77.25
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	10.30
	(b) by electronic means to any agent licensed by the Department of Lands	4.65
	(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
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

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	36.00
Applications, requests and dealings	
6 On lodgment of a primary application to bring land under the Act pursuant to section 14 of the Act	618.00
In addition, for each quarter-hour or part of a quarter-hour in excess of the first three hours occupied in examining the application	51.50
7 On lodgment of a resumption application to bring land under the Act pursuant to section 31A of the Act	206.00
In addition, for each quarter-hour or part of a quarter-hour in excess of the first hour occupied in examining the application	51.50
8 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	77.25
In addition, for each quarter-hour or part of a quarter-hour occupied in examining the application	51.50
9 On lodgment of an application, request or dealing for which no fee is otherwise provided	77.25
10 On lodgment of an application or request for amendment of a folio of the Register, Crown grant or certificate of title	77.25
11 On lodgment of an application to record in the Register an appurtenant easement created by a deed	77.25
In addition, for each quarter-hour or part of a quarter-hour occupied in processing the application	51.50
12 On lodgment of an application under section 81A of the Act for the extinguishment of a restrictive covenant	77.25
In addition:	
(a) for each quarter-hour or part of a quarter-hour occupied in examining the application	51.50

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(b) for the Registrar-General's costs of giving 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
13 On lodgment of an application under section 49 of the Act for the cancellation of an easement that has been abandoned or extinguished	77.25
In addition, for each quarter-hour or part of a quarter-hour occupied in examining the application	51.50
14 On lodgment of an application for the determination under Part 14A of the Act of the position of the common boundary of adjoining lands	77.25
15 On lodgment of a building management statement (within the meaning of the <i>Conveyancing Act 1919</i>)	154.50
16 For every plan, sketch or diagram accompanying an application, request or dealing	77.25
17 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	77.25
18 For an application, request or dealing that includes a direction for documents to be delivered to a street address following registration, for postage by registered mail, an additional	5.00
19 For the creation of a certificate of title on any application, request or dealing (other than pursuant to section 111 of the Act), for each certificate, an additional	77.25
Caveats	
20 On lodgment or recording of a caveat	77.25
21 On withdrawal or partial withdrawal of a caveat pursuant to section 74M (1) of the Act	77.25
22 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)	77.25

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23 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	77.25
24 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	77.25
25 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	77.25

Authentication of forms

26 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	77.25
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Official searches

27 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)	206.00
In addition, for each quarter-hour or part of a quarter-hour occupied in the search after the first hour	51.50

Public searches

28 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	56.65
In addition, for each quarter-hour or part of a quarter-hour occupied in the search after the first quarter-hour	56.65
In addition, for inclusion in the initial search of any additional document forming part of the Register (per document)	10.30

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(b) for providing a copy of a document in the custody of the Registrar-General if no initial search is required, including a copy of the document and the transmission fee	22.65
In addition, for inclusion of each additional document required	10.30
Searches generally	
29 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
Certificates of title	
30 On lodgment of an application for a new certificate of title under section 111 of the Act	154.50
Miscellaneous	
31 On depositing an instrument declaratory of trusts or other instrument not specified	77.25
32 On lodgment of an application for a statement of reasons under section 121 of the Act	77.25
33 For recording of any memorial or notification not otherwise provided for	77.25
34 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)	22.65
35 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	51.50
In addition, for each quarter-hour or part of a quarter-hour occupied in preparing the certificate of ownership after the first quarter-hour	51.50
In addition, for supplying each additional document forming part of the Register	10.30

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36	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	Such reasonable fee (determined by the Registrar-General) as is warranted by the cost incurred in supplying the information, searching or investigating
37	For production of documents at the Office of State Revenue	20.60
38	In addition, for any dealing, application, request or caveat that refers to more than 20 folios of the Register	77.25 for each group of 20 folio references or part of that number
