



Real Property Amendment (Fees) Regulation 2013

under the

Real Property Act 1900

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

GREG PEARCE, MLC
Minister for Finance and Services

Explanatory note

The objects of this Regulation are:

- (a) to increase the fees payable to the Registrar-General under the *Real Property Act 1900*, and
- (b) to remove the GST component from certain fees relating to a public search of the Register, and
- (c) to introduce fees in respect of new electronic services to support electronic conveyancing under the *Electronic Conveyancing National Law (NSW)*.

The fee increases are generally in line with movements in the Consumer Price Index.

This Regulation is made under the *Real Property Act 1900*, including sections 115 (1), 116, 135D (1) (c) and 144 (the general regulation-making power).

2013 No 307

Clause 1 Real Property Amendment (Fees) Regulation 2013

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under the

Real Property Act 1900

1 Name of Regulation

This Regulation is the *Real Property Amendment (Fees) Regulation 2013*.

2 Commencement

This Regulation commences on 1 July 2013 and is required to be published on the NSW legislation website.

Schedule 1 Amendment of Real Property Regulation 2008

[1] Clause 4 Lodgment of dealings and caveats

Insert at the end of the clause:

- (2) Despite subclause (1) (b), if a dealing or caveat is to be lodged electronically, the relevant fee set out in Schedule 1 must be paid in accordance with the participation agreement (within the meaning of the *Electronic Conveyancing National Law (NSW)*) under which the lodgment is authorised.

[2] Schedule 1

Omit the Schedule. Insert instead:

Schedule 1 Fees

(Clauses 4, 10, 11 and 12)

Item	Matter for which fee payable	Fee
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	\$104.50
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 Land and Property Information Division, Department of Finance and Services	\$13.90
	(b) by electronic means to any agent licensed by the Land and Property Information Division, Department of Finance and Services	\$7.20
	(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

2013 No 307

Real Property Amendment (Fees) Regulation 2013

Schedule 1 Amendment of Real Property Regulation 2008

Item	Matter for which fee payable	Fee
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 Land and Property Information Division, Department of Finance and Services	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
Production of documents		
5	For each Crown grant, certificate of title or other document produced once for the purpose of the subsequent lodgment of any application, request, dealing or plan	\$40.00
6	For each Crown grant, certificate of title or other document produced once for the purpose of multiple subsequent lodgments (not exceeding 8) of any application, request, dealing or plan during a period not exceeding 3 months	\$80.00
Applications, requests and dealings		
7	On lodgment of a primary application to bring land under the Act pursuant to section 14 of the Act	\$1,354.00
8	On lodgment of a resumption application to bring land under the Act pursuant to section 31A of the Act	\$215.30
	In addition, for each quarter-hour or part of a quarter-hour in excess of the first hour occupied in examining the application	\$53.00
9	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	\$104.50
	In addition, for each quarter-hour or part of a quarter-hour occupied in examining the application	\$53.00

Item	Matter for which fee payable	Fee
10	On lodgment of a transfer by way of discharge of mortgage where a mortgagee has been recorded as registered proprietor pursuant to section 12B of the Act	\$104.50
11	On lodgment of a dealing for registration or recording of a unilateral severance of a joint tenancy pursuant to section 97 of the Act	\$104.50
12	On lodgment of a dealing to transfer an estate in land that changes the tenancy of co-tenants without altering their shares	\$104.50
13	On lodgment of a dealing to transfer the ownership of an estate in land pursuant to section 46 of the Act	\$209.00
14	On lodgment of an application (other than an application to dispose of Crown land arising from the closing of a public road under the <i>Roads Act 1993</i>), request or dealing that will result in more than one recording on a folio of the Register, for each additional recording	\$104.50
15	On lodgment of an application to dispose of Crown land arising from the closing of a public road under the <i>Roads Act 1993</i> , regardless of how many recordings will ensue	\$209.00
16	On lodgment of an application or request for amendment of a folio of the Register, Crown grant or certificate of title	\$104.50
17	On lodgment of an application to record in the Register an appurtenant easement created by a deed	\$104.50
	In addition, for each quarter-hour or part of a quarter-hour occupied in processing the application	\$53.00
18	On lodgment of an application under section 81A of the Act for the extinguishment of a restrictive covenant	\$104.50
	In addition:	
(a)	for each quarter-hour or part of a quarter-hour occupied in examining the application	\$53.00
(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

2013 No 307

Real Property Amendment (Fees) Regulation 2013

Schedule 1 Amendment of Real Property Regulation 2008

Item	Matter for which fee payable	Fee
19	On lodgment of an application under section 49 of the Act for the cancellation of an easement that has been abandoned or extinguished	\$104.50
	In addition, for each quarter-hour or part of a quarter-hour occupied in examining the application	\$53.00
20	On lodgment of an application for the determination under Part 14A of the Act of the position of the common boundary of adjoining lands	\$104.50
21	For every plan, sketch or diagram accompanying an application, request or dealing	\$104.50
22	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	\$104.50
23	On lodgment of an application, request or dealing for which no fee is otherwise provided	\$104.50
Caveats		
24	On lodgment or recording of a caveat	\$104.50
25	On withdrawal or partial withdrawal of a caveat pursuant to section 74M (1) of the Act	\$104.50
26	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)	\$104.50
27	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	\$104.50
28	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	\$104.50
29	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	\$104.50

Item	Matter for which fee payable	Fee
Authentication of forms		
30	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	\$104.50
Official searches		
31	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)	\$212.00
	In addition, for each quarter-hour or part of a quarter-hour occupied in the search after the first hour	\$53.00
Public searches		
32	On the lodgment of a requisition requiring dispatch of information by post, facsimile or other approved means—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	\$53.00
	In addition, for each quarter-hour or part of a quarter-hour occupied in the search after the first quarter-hour	\$53.00
	In addition, for inclusion in the initial search of any additional document forming part of the Register (per document)	\$13.90
Searches generally		
33	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		
34	On lodgment of an application for a new certificate of title under section 111 of the Act	\$209.00

2013 No 307

Real Property Amendment (Fees) Regulation 2013

Schedule 1 Amendment of Real Property Regulation 2008

Item	Matter for which fee payable	Fee
Reports		
35	For supplying a Lease Folio Data Extract Report:	
	(a) to any person attending an office of the Land and Property Information Division, Department of Finance and Services	\$41.70
	(b) by electronic means to any agent licensed by the Land and Property Information Division, Department of Finance and Services	\$28.80
	(c) by electronic means to any person via the website of the Land and Property Information Division, Department of Finance and Services	\$33.75
36	For supplying a Lease Folio Caveats, Writs and Other Dealings Report:	
	(a) to any person attending an office of the Land and Property Information Division, Department of Finance and Services	\$27.80
	(b) by electronic means to any agent licensed by the Land and Property Information Division, Department of Finance and Services	\$14.40
	(c) by electronic means to any person via the website of the Land and Property Information Division, Department of Finance and Services	\$19.35
Lodgment support services (LSS) for electronic conveyancing		
37	For supplying to an Electronic Lodgment Network (<i>Electronic Conveyancing National Law (NSW)</i> —section 13) the following electronic services:	
	(a) the suite of lodgment support services (known as “LSS 1”) comprising initial supply of title data, verifications that documents are in an appropriate form for electronic lodgment and automated checks for changes in title data initially supplied	\$10.80
	(b) the suite of lodgment support services (known as “LSS 2”) comprising initial supply of title data and verifications that documents are in an appropriate form for electronic lodgment	\$7.20

Item	Matter for which fee payable	Fee
	(c) the lodgment support service (known as “LSS 3”) comprising supply of updated title data following changes in title data initially supplied	\$3.60
Miscellaneous		
38	On depositing an instrument declaratory of trusts	\$104.50
39	On depositing any other instrument not specified	\$104.50
40	On lodgment of an application for a statement of reasons under section 121 of the Act	\$104.50
41	For recording of any memorial or notification not otherwise provided for	\$104.50
42	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)	\$25.20
43	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	\$53.00
	In addition, for each quarter-hour or part of a quarter-hour occupied in preparing the certificate of ownership after the first quarter-hour	\$53.00
	In addition, for supplying each additional document forming part of the Register	\$13.90
44	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
45	In addition, for any dealing, application, request or caveat that refers to more than 20 folios of the Register	\$104.50 for each group of 20 folio references or part of that number