



New South Wales

Strata Schemes Development Amendment (LPI Authorised Transaction) Regulation 2017

under the

Strata Schemes Development Act 2015

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Strata Schemes Development Act 2015*.

VICTOR DOMINELLO, MP
Minister for Finance, Services and Property

Explanatory note

The object of this Regulation is to amend the *Strata Schemes Development Regulation 2016* as a consequence of the enactment of the *Land and Property Information NSW (Authorised Transaction) Act 2016*. The Regulation:

- (a) repeals provisions relating to matters to be dealt with under lodgment rules made under the *Real Property Act 1900*, and
- (b) provides for a mechanism for the adjustment for inflation of prescribed fees under the *Strata Schemes Development Act 2015*, and
- (c) reduces certain prescribed fees so that they are expressed exclusive of GST and sets out an amount per hour or part hour for a prescribed fee that previously was an amount determined by the Registrar-General.

This Regulation is made under the *Strata Schemes Development Act 2015*, including section 202 (the general regulation-making power).

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1 Name of Regulation

This Regulation is the *Strata Schemes Development Amendment (LPI Authorised Transaction) Regulation 2017*.

2 Commencement

- (1) This Regulation (subject to subclause (2)) commences on 19 May 2017 and is required to be published on the NSW legislation website.
- (2) Schedule 1 [7] to this Regulation commences on 1 July 2017.

Schedule 1 Amendment of Strata Schemes Development Regulation 2016

[1] Clause 3 Definitions

Insert in alphabetical order in clause 3 (1):

fee unit—see Part 2 of Schedule 7.

[2] Clause 4 Application of other instruments

Omit clause 4 (1) (a). Insert instead:

(a) clause 36 of the *Conveyancing (General) Regulation 2013* or the equivalent provision of any regulation that replaces that regulation, and

[3] Clause 4 (1) (c)

Insert at the end of clause 4 (1) (b):

, and

(c) the lodgment rules made under the *Real Property Act 1900*.

[4] Clauses 5, 6, 22 and 23

Omit the clauses.

[5] Part 7 Miscellaneous

Omit the Part.

[6] Schedules 1–5

Omit the Schedules.

[7] Schedule 7

Omit the Schedule. Insert instead:

Schedule 7 Fees

Note. Section 3B (2) of the *Real Property Act 1900* provides that a fee prescribed under that Act or any other Act for or in respect of the exercise of a titling and registry function is, when the function is exercised by the authorised operator, the maximum fee that is payable and the authorised operator can accept a lesser fee for or in respect of the exercise of the function.

Part 1 Fees payable during 2017/2018 financial year

1 The fees prescribed by this Part are exclusive of GST.

	Matter for which fee is payable	Fees (in fee units)
Plans and associated instruments		
1	On lodgment of a plan for registration:	
	(a) for lodgment of the plan, and	2.6570
	(b) for each lot shown on the plan (excluding the first lot), and	2.6570
	(c) for the preparation and supply of a certificate of title for common property in a strata scheme, and	2.6570

	Matter for which fee is payable	Fees (in fee units)
	(d) if the plan is accompanied by a copy of the proposed by-laws for the strata scheme, and	3.4254
	(e) if the plan is accompanied by a section 88B instrument—for each affecting interest to be created, irrespective of the number of lots burdened or benefited, and	1.2618
	(f) if the plan is accompanied by a section 88B instrument—for each easement to be released, irrespective of the number of lots burdened or benefited, and	1.2618
	(g) if the plan is a strata plan of consolidation—for each folio of the Register to be consolidated	1.2618
2	On lodgment of a strata management statement	3.4254
3	On lodgment for registration of a strata development contract	3.4254
4	On lodgment of a substituted plan or any sheet of such a plan	1.2618
5	On lodgment of an application to amend a plan:	
	(a) for lodgment of the application, and	1.2618
	(b) if the application involves the amendment of a certificate of title or folio of the Register:	
	(i) for the first certificate or folio, and	1.2618
	(ii) for each certificate or folio after the first	0.1296
6	For examining a plan before lodgment—for each lot shown on the plan	2.9227
Dealings, applications and requests		
7	On lodgment of a notification of change of by-laws	1.2655
8	On lodgment of a notice of conversion	1.2655
9	On lodgment of a notification of change of address for service of notices on an owners corporation	1.2655
10	On lodgment of an order varying a strata scheme	1.2655
11	On lodgment of an application for an order terminating a strata scheme	1.2655
12	On lodgment of an order terminating a strata scheme	1.2655
13	On lodgment of a certificate given by an owners corporation pursuant to clause 10 (1) (a) of this Regulation	1.2655
14	On lodgment for registration of an amendment to a strata development contract	1.2655
15	On lodgment of any document not otherwise referred to in this Schedule	1.2655

Matter for which fee is payable		Fees (in fee units)
Digital images		
16	For supplying a digital image (other than a certified copy) of a document or part of a document in the custody of the Registrar-General to any person attending an office:	
	(a) for supplying the document, and	0.1296
	(b) if the document is a copy of a registered plan or part of a registered plan—for copyright purposes	See clause 6
17	For supplying a digital image (other than a certified copy) of a document or part of a document in the custody of the Registrar-General by electronic means:	
	(a) for supplying the document, and	0.0867
	(b) if the document is a copy of a registered plan or part of a registered plan—for copyright purposes	See clause 6
Requisition sent by Registrar-General		
18	For a requisition sent (on or after 1 January 2017) by the Registrar-General requiring correction, re-execution or the supply of additional information in support of:	
	(a) a plan or associated instrument lodged for registration or recording, or	0.9258
	(b) a dealing, application or request lodged for registration or recording	0.4629

2 Lodgment of a section 88B instrument in substitution for other instrument

The fee on lodgment of a section 88B instrument in substitution for another such instrument or part of such instrument is the fee that would be appropriate to the instrument as an original lodgment fee.

3 Time for payment of fee

A fee is payable before the service to which the fee relates is provided or at such time, and in accordance with such conditions, as the Registrar-General may agree with the person paying the fee.

Part 2 Adjustment of fees for inflation

4 Definitions

In this Part:

CPI number means the Consumer Price Index (All Groups Index) for Sydney published by the Australian Bureau of Statistics in the latest published series of that index.

financial year means a period of 12 months commencing on 1 July.

5 Calculation of fee unit for purposes of Regulation

- (1) For the purposes of this Regulation, a ***fee unit*** is:
- (a) in the financial year 2017/2018—\$100, and

- (b) in each subsequent financial year—the amount calculated as follows:

$$\$100 \times \frac{A}{B}$$

where:

A is the CPI number for the March quarter in the financial year immediately preceding the financial year for which the amount is calculated.

B is the CPI number for the March quarter of 2017.

- (2) The amount of a fee unit and the amount of a fee calculated by reference to a fee unit is to be rounded to the nearest cent (and an amount of 0.5 cent is to be rounded down).
- (3) However, if the amount of a fee unit calculated for any financial year is less than the amount that applied for the previous financial year, then the amount for that previous financial year applies instead.

6 Adjustment of fees relating to copyright

- (1) The fee amount that is to apply for the 2017/2018 financial year in relation to the fee described in:
- (a) item 16 (b) of Part 1 is \$0.94, and
- (b) item 17 (b) of Part 1 is \$1.14.
- (2) The fee amount for those fees that is to apply for a financial year subsequent to the 2017/2018 financial year is the amount calculated in accordance with the formulae set out in Schedule A to the Order made by the Copyright Tribunal of Australia on 28 October 2013 in the matter of *Copyright Agency Limited v State of New South Wales* (a copy of which is published on the website of the Office of the Registrar General).

7 Notice of indexed fees

- (1) As soon as practicable after the CPI number for the March quarter is first published by the Australian Statistician, the Registrar-General is required to publish on the NSW legislation website a notice of the amount of the fee unit for the next financial year. That notice may be published by the addition of an editorial note relating to the amount of the fee unit in the in force version of this Regulation published on the NSW legislation website.
- (2) The Registrar-General is also required to give public notice on an appropriate government website of the actual amounts of the fees applying in each financial year resulting from the application of the amount of fee unit calculated or the operation of clause 6 (2) under this Part.
- (3) This Part operates to change an amount of a fee that is calculated by reference to a fee unit and that change is not dependent on the publication of a notice by the Registrar-General under this clause.