



New South Wales

# Conveyancing (General) Amendment (LPI Authorised Transaction) Regulation 2017

under the

Conveyancing Act 1919

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Conveyancing Act 1919*.

VICTOR DOMINELLO, MP  
Minister for Finance, Services and Property

## Explanatory note

The object of this Regulation is to amend the *Conveyancing (General) Regulation 2013* 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 *Conveyancing Act 1919*, and
- (c) reduces certain prescribed fees so that they are expressed exclusive of GST and sets out a per hour or part hour amount for certain prescribed fees that previously were amounts determined by the Registrar-General.

This Regulation is made under the *Conveyancing Act 1919*, including sections 66, 88G, 98, 196E, 198, 199 and 202 (the general regulation-making power).

## **Conveyancing (General) Amendment (LPI Authorised Transaction) Regulation 2017**

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### **1 Name of Regulation**

This Regulation is the *Conveyancing (General) 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 [13] to this Regulation commences on 1 July 2017.

## **Schedule 1      Amendment of Conveyancing (General) Regulation 2013**

**[1]    Clause 3 Definitions**

Insert in alphabetical order in clause 3 (1):

*fee unit*—see Part 2 of Schedule 1.

**[2]    Clause 4 Registration of instruments generally**

Omit the clause.

**[3]    Clauses 5 and 6**

Omit the clauses. Insert instead:

**5    Renewal of registration of writs, court orders or legal proceedings**

For the purposes of section 186 (2) of the Act, the prescribed manner in which registration of a writ, order or current legal proceedings in the General Register of Deeds is to be renewed is by means of an application in the approved form.

**6    Registration of notices of resumption**

A notice of resumption that is lodged for registration in the General Register of Deeds under section 196A (3) (a) of the Act must be in the form of Form 1 as set out in Schedule 2 (executed by the resuming authority or by an agent appointed by the resuming authority to execute the notice on its behalf).

**[4]    Clauses 7, 9, 10, 12, 17, 18, 22, 25–27, 34 and 35 and Part 4**

Omit the clauses and the Part.

**[5]    Clause 20 Electronic lodgment of documents—excluded documents**

Omit clause 20 (1)–(4).

**[6]    Clause 21 Lodgment of plans by hand**

Omit clause 21 (2).

**[7]    Clause 29 Indication of creation of easement, profit à prendre, restriction or positive covenant under section 88B**

Omit clause 29 (3). Insert instead:

(3)    The deposited plan must be accompanied by a section 88B instrument.

**[8]    Clause 30 Indication of release of easement or profit à prendre under section 88B**

Omit clause 30 (b) and (c). Insert instead:

(b)    the deposited plan must be accompanied by a section 88B instrument,  
and

(c)    sufficient information must be included in the section 88B instrument,  
or shown on the deposited plan, to indicate the extent of the release.

**[9]    Clause 33 Form of section 88B instruments**

Omit clause 33 (2)–(9).

**[10] Clause 39 Alteration of boundaries of strata title common property**

Omit paragraph (a) of the definition of *common property* in clause 39 (3). Insert instead:

(a) created under the *Strata Schemes Development Act 2015*, and

**[11] Clause 42**

Omit the clause. Insert instead:

**42 Prescribed fees**

Schedule 1 sets out the prescribed fees for the matters or things to be done listed in that Schedule.

**[12] Clause 45 Vacation of registrations**

Omit the note.

**[13] Schedule 1**

Omit the Schedule. Insert instead:

**Schedule 1 Fees**

(Clause 42)

**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**

The fees prescribed by this Part are exclusive of GST.

<b>Item</b>	<b>Matter for which fee payable</b>	<b>Fees (in fee units)</b>
<b>Registration in the General Register of Deeds</b>		
1	For recording or registering any instrument in the General Register of Deeds	1.2618
2	On request for preparation of a registration copy of an instrument or part of an instrument	0.1296 for up to 4 pages, and then 0.1296 for each additional 4 pages or part of that number
<b>Digital images</b>		
3	For supplying a digital image of a document or part of a document (other than a certified copy) in the custody of the Registrar-General:	
	(a) to any person attending an office	0.1296
	(b) by electronic means	0.0867
4	In addition to item 3—for copyright purposes in relation to supplying an image of a registered plan or part of a registered plan	See clause 3 of this Schedule
5	On lodgment of an application for a certified copy of a document in the custody of the Registrar-General	1.2618

<b>Item</b>	<b>Matter for which fee payable</b>	<b>Fees (in fee units)</b>
<b>Official searches</b>		
6	On request under section 197 of the Act:	
	(a) for an official search (including an office copy of the certificate of the result of the search)	3.4254
	(b) for the continuation of an official search from the date of the prior certificate of the result of the search (including an office copy of the certificate of the result of the continuation of the search)	3.4254
7	On request for an office copy of the certificate of the result of an official search or continuation of an official search	1.2618
<b>Name search of the General Register of Deeds</b>		
8	For a search against each name:	
	(a) to any person attending an office	0.1296
	(b) by electronic means	0.0867
<b>Plans</b>		
9	On lodgment for registration or recording of:	
	(a) a plan for the acquisition of land and easements under the <i>Pipelines Act 1967</i>	9.4893
	(b) a plan under the <i>Community Land Development Act 1989</i>	5.6936
	(c) any other plan (other than a plan prepared solely for the purpose of placing survey information on public record)	2.6570
10	In addition to item 9, where more than one lot is shown:	
	(a) in a plan under the <i>Community Land Development Act 1989</i> —for each additional lot shown in the plan	5.6936
	(b) in any other plan (other than a plan prepared solely for the purpose of placing survey information on public record)—for each additional lot shown in the plan	2.6570
11	In addition to item 9:	
	(a) for the management statement accompanying a community, precinct or neighbourhood plan, including any associated plans or sketches	3.4254
	(b) for any development contract accompanying a community, precinct or neighbourhood plan	3.4254
12	In addition to item 9, if the plan is accompanied by a section 88B instrument—for each easement, restriction on the use of land, positive covenant or profit à prendre to be created, irrespective of the number of lots burdened or benefited	1.2618
13	In addition to item 9, if the plan is accompanied by a section 88B instrument—for each easement or profit à prendre to be released, irrespective of the number of lots burdened or benefited	1.2618
14	In addition to item 9, if the plan is accompanied by a building management statement	3.4254

<b>Item</b>	<b>Matter for which fee payable</b>	<b>Fees (in fee units)</b>
15	In addition to item 9, if the plan is lodged for the purpose of consolidating 2 or more folios of the Register kept under the <i>Real Property Act 1900</i> —for each folio of the Register to be consolidated	1.2618
16	In addition to item 9, if a plan lodged in connection with an application to bring land under the <i>Real Property Act 1900</i> includes land already under that Act and a consolidated folio of the Register kept under that Act is to be created—for each folio to be consolidated	1.2618
17	On lodgment of an additional or replacement sheet in conjunction with an application to amend a registered plan under the <i>Community Land Development Act 1989</i>	1.2618
18	For recording a plan prepared solely for the purpose of placing survey information on public record	1.2618
19	For examining a plan if survey information has been added to an original compiled plan (within the meaning of regulations made under the <i>Surveying and Spatial Information Act 2002</i> ) as a result of a requisition	1.2618
20	For pre-examination of:	
	(a) a plan under the <i>Community Land Development Act 1989</i> —for each lot shown in the plan	6.2629
	(b) for any other plan—for each lot shown in the plan	2.9227
21	For preparation and supply of a plan	9.3893
22	On lodgment of an application for revival of a plan previously rejected or withdrawn	Such fee as would be appropriate to the plan as a new lodgment
23	On lodgment of a substituted plan or any sheet of such a plan or an additional sheet of a plan	1.2618
24	On lodgment of a section 88B instrument in substitution for another such instrument or part of such instrument	Such fee as would be appropriate to the instrument as an original lodgment
25	On lodgment of an application to amend a plan	1.2618
26	In addition to item 25, if the application involves the amendment of a Crown grant, a certificate of title or a folio of the Register kept under the <i>Real Property Act 1900</i> :	
	(a) for the first grant, certificate or folio	1.2618
	(b) for each subsequent grant, certificate or folio	0.1296
27	On lodgment of an application for an order terminating a neighbourhood scheme under section 72 of the <i>Community Land Development Act 1989</i>	1.2618
28	On lodgment of a building management statement (other than a building management statement lodged with a plan under item 9)	3.4254

Item	Matter for which fee payable	Fees (in fee units)
<b>Requisitions sent by Registrar-General</b>		
29	For a requisition sent by the Registrar-General requiring correction, re-execution or the supply of additional information in support of a plan or associated instrument lodged for registration or recording)	0.9258
<b>Miscellaneous</b>		
30	For furnishing a certificate of ownership (section 700 (2) of the <i>Local Government Act 1993</i> or section 151 (2) of the <i>Environmental Planning and Assessment Act 1979</i> )	1.2618
31	On depositing a document or documents pursuant to section 64 of the Act	0.3444
32	In addition to item 31—for each document in excess of 4	0.0866
33	On application for return of a document or documents deposited pursuant to section 64 of the Act	0.3444
34	In addition to item 33—for each document in excess of 4	0.0866
35	For inspection of a packet containing a document or documents deposited pursuant to section 64 of the Act	0.3444
36	For production of documents at the Office of State Revenue	0.3129
37	On request for entry of a marginal note evidencing a discrepancy between an original instrument and a registered copy of the instrument	1.2618

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## Part 2 Adjustment of fees for inflation

### 1 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.

### 2 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.

### **3 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 item 4 of Part 1 is:
  - (a) for a supply under item 3 (a)—\$0.94, and
  - (b) for a supply under item 3 (b)—\$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).

### **4 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 3 (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.

#### **[14] Schedules 3–8**

Omit the Schedules.