

# Transfer of Land (Fees) Regulations

## Exposure Draft

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**Victoria**

## **Transfer of Land (Fees) Regulations**

### **Exposure Draft**

#### **1 Objective**

The objective of these Regulations is to prescribe fees, charges, expenses and other amounts payable under the **Transfer of Land Act 1958**.

#### **2 Authorising provisions**

These Regulations are made under section 120 of the **Transfer of Land Act 1958**.

#### **3 Commencement**

These Regulations come into operation on 1 July 2016.

#### **4 Revocation**

The Transfer of Land (Fees) Interim Regulations 2015<sup>1</sup> are **revoked**.

## 5 Definitions

In these Regulations—

***final search statement*** means a statement of instruments lodged for registration or recording within 125 days prior to the date of the statement;

***folio history search statement*** means a statement of the record of dealings in respect of a folio of the Register;

***folio search statement*** means a statement which states—

- (a) the registered proprietor of the land; and
- (b) any administrative notices and encumbrances affecting the land; and
- (c) a description of the land by graphical and textual information;

***in person search*** means access to land registration information of the Office of Titles ordered from and supplied in person by Office of Titles' staff to a person who attends the Office of Titles;

***information broker search*** means access to land registration information of the Office of Titles ordered from and supplied online by an information broker granted a licence to access and make available land registration information to its customers;

***instrument search*** means a copy of an instrument;

***online search*** means access to land registration information of the Office of Titles ordered from and supplied online to a person other than by licence or agreement;

*plan search* means a copy of a document that provides a description of land by graphical and textual information;

*registry information supply* means access to land registration information of the Office of Titles supplied to a person for the purpose of creating an instrument for lodgment in an electronic lodgment network;

*regular online search* means access to land registration information of the Office of Titles ordered from and supplied online to a person by agreement;

*the Act* means **Transfer of Land Act 1958**.

#### **6 Prescribed fees—Schedule 1**

For the purposes of a section of the Act specified in Column 2 of Schedule 1, the prescribed fee is the amount specified in Column 4 of Schedule 1 opposite the description of that section specified in Column 3 of Schedule 1.

#### **7 Miscellaneous fees and amounts**

- (1) The prescribed fee for lodgment with the Registrar of an instrument or application for which a fee is not specified in these Regulations or in any other Act or Regulation is 6·65 fee units.
- (2) The prescribed fee for lodgment with the Registrar of an application under the **Religious and Successory Trusts Act 1958** is 6·65 fee units.

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Schedule 1—Prescribed fees

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**Schedule 1—Prescribed fees**

			Regulation 6
<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>
<i>Item</i>	<i>Section of Act</i>	<i>Description</i>	<i>Fees and amounts</i>
1	14(1)	Making of an application to the Registrar to bring land under the Act not based on survey	6·65 fee units
2	15(1)	Making of an application to the Registrar to bring land under the Act based on survey or any other document describing the land	6·65 fee units
3	15(2)(a)	Making of an application to the Registrar to accept documentation describing the land, other than a survey, for an application under item 2	6·65 fee units
4	22(1)	Lodgment with the Registrar of a specified dealing (excluding a transfer of the freehold)	6·65 fee units
5	22(1)	Lodgment with the Registrar of a specified dealing being a transfer of the freehold	The sum of 6·65 fee units plus \$2.34 per whole \$1000 of consideration (or if there is more than one consideration, the highest one), that sum being rounded up to the next higher whole dollar, the total fee not to exceed the sum of \$3510 plus 6·65 fee units

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Schedule 1—Prescribed fees

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>
<i>Item</i>	<i>Section of Act</i>	<i>Description</i>	<i>Fees and amounts</i>
6	23(1)	Making of an application to the Registrar to bring land under the Act by the creation of a provisional folio	6·65 fee units
7	26D(1)	Making of an application to the Registrar to give notice for the deletion of a warning as to subsisting interests from a provisional folio	13·30 fee units
8	26F(1)	Lodgment with the Registrar of a notice claiming an interest in land in an identified folio	3·32 fee units
9	26N(1)	Making of an application to the Registrar to give notice to a person claiming an interest recorded on an identified folio	13·30 fee units
10	26P(1)	Making of an application to the Registrar to remove a warning as to title dimensions from a provisional folio	41·88 fee units
11	26R(1)	Lodgment with the Registrar of a caveat against creation of a folio or removal of a warning, or withdrawal of a caveat	3·32 fee units
12	27C(3)	Making of an application to the Registrar for a folio history search statement	
		(a) information broker search	\$9.38
		(b) regular online search	1·10 fee units
		(c) online search	\$11.67
		(d) in person search	2·31 fee units
13	27D(1)	Making of an application to the Registrar to certify a folio search statement or a folio history search statement	\$10.00
14	27G(3)	Making of an application to the Registrar for a plan search	
		(a) information broker search	\$5.50

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<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>
<i>Item</i>	<i>Section of Act</i>	<i>Description</i>	<i>Fees and amounts</i>
		(b) regular online search	\$8.12
		(c) online search	\$6.50
		(d) in person search	1.22 fee units
15	27G(7)	Making of an application to the Registrar to certify a plan search	\$10.00
16	28(1)	Lodgment with the Registrar of a Crown grant or a Crown lease	6.65 fee units
17	31(1)	Making of an application to the Registrar to replace a certificate of title lost, destroyed or obliterated	13.30 fee units
18	32(1)	Making of an application to the Registrar to produce a new folio of the Register	6.65 fee units
19	45(1)	Lodgment with the Registrar of a transfer in which the consideration is monetary (excluding a creation or surrender of an easement and a transfer of mortgage)—	
		(a) lodged in paper	The sum of 6.65 fee units plus \$2.34 per whole \$1000 of consideration (or if there is more than one consideration, the highest one), that sum being rounded up to the next higher whole dollar, the total fee not to exceed the sum of \$3510, plus 6.65 fee units

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Schedule 1—Prescribed fees

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>
<i>Item</i>	<i>Section of Act</i>	<i>Description</i>	<i>Fees and amounts</i>
		(b) lodged electronically	The sum of 6.04 fee units plus \$2.34 per whole \$1000 of consideration (or if there is more than one consideration, the highest one), that sum being rounded up to the next higher whole dollar, the total fee not to exceed the sum of \$3510, plus 6.04 fee units
20	45(1)	Lodgment with the Registrar of a transfer in which the consideration is non-monetary (excluding a creation or surrender of an easement and a transfer of a mortgage)—	
		(a) lodged in paper	6.65 fee units
		(b) lodged electronically	6.04 fee units
21	45(1)	Lodgment with the Registrar of a creation or surrender of an easement in which the consideration is monetary	The sum of 41.88 fee units plus \$2.34 per whole \$1000 of consideration (or if there is more than one consideration, the highest one), that sum being rounded up to the next



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Schedule 1—Prescribed fees

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>
<i>Item</i>	<i>Section of Act</i>	<i>Description</i>	<i>Fees and amounts</i>
			higher whole dollar, the total fee not to exceed \$3510 plus 6.65 fee units
22	45(1)	Lodgment with the Registrar of the creation or surrender of an easement in which the consideration is non-monetary	41.88 fee units
23	45(1)	Lodgment with the Registrar of a transfer of a mortgage—	
		(a) lodged in paper	3.32 fee units
		(b) lodged electronically	2.71 fee units
24	47	Making of an application to the Registrar for a vesting order for a completed purchase	13.30 fee units
25	49(1)	Making of an application to the Registrar by legal personal representative to be registered as proprietor—	
		(a) lodged in paper	3.32 fee units
		(b) lodged electronically	2.71 fee units
26	50	Making of an application to the Registrar by surviving joint proprietor to be registered as proprietor—	
		(a) lodged in paper	3.32 fee units
		(b) lodged electronically	2.71 fee units
27	51(1)	Making of an application to the Registrar by trustee in bankruptcy to be registered as proprietor	3.32 fee units
28	52(2)	Making of an application to the Registrar to record a judgment, decree, order or process of execution of a court	13.30 fee units

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Schedule 1—Prescribed fees

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>
<i>Item</i>	<i>Section of Act</i>	<i>Description</i>	<i>Fees and amounts</i>
29	52(6)	Making of an application to the Registrar to record the satisfaction of any judgment, decree, order or process of execution	6·65 fee units
30	54	Making of an application by an acquiring authority for creation of a folio of the Register	6·65 fee units
31	57(1)	Making of an application to the Registrar to record notice of intention to acquire land compulsorily, or withdrawal of such notice	3·32 fee units
32	58(1)	Making of an application to the Registrar by a trustee or beneficiary for a vesting order or to record a vesting order	13·30 fee units
33	59(2)	Making of an application to the Registrar to record a disposition	13·30 fee units
34	59A(1)	Making of an application to the Registrar to register a successor in law	13·30 fee units
35	60(1)	Making of an application to the Registrar for a vesting order based on title by possession to land	41·88 fee units
36	60(1)	Making of an application to the Registrar to accept documentation describing the land other than a survey for an application under item 35	6·65 fee units
37	61(1)	Lodgment with the Registrar of a caveat forbidding making of a vesting order under section 60, or withdrawal of such caveat	3·32 fee units
38	66(1)	Lodgment with the Registrar of a lease	6·65 fee units
39	67A(1)	Lodgment with the Registrar of a variation of lease	6·65 fee units
40	68(1)	Making of an application to the Registrar to record a disclaimer of lease by the trustee in bankruptcy	6·65 fee units

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Schedule 1—Prescribed fees

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>
<i>Item</i>	<i>Section of Act</i>	<i>Description</i>	<i>Fees and amounts</i>
41	69(1)	Lodgment with the Registrar of a surrender of lease	3·32 fee units
42	70	Making of an application to the Registrar to record a determination of lease	13·30 fee units
43	71(1)	Lodgment with the Registrar of a sub-lease	3·32 fee units
44	72(2)	Making of an application to the Registrar to record an easement	41·88 fee units
45	73(1)	Making of an application to the Registrar to delete an easement	41·88 fee units
46	73(4)	Lodgment with the Registrar of a caveat forbidding the deletion of an easement, or withdrawal of such caveat	3·32 fee units
47	74(1)	Lodgment with the Registrar of a mortgage or annuity—	
		(a) lodged in paper	8·08 fee units
		(b) lodged electronically	7·48 fee units
48	75A(1)	Lodgment with the Registrar of a variation of mortgage or annuity—	
		(a) lodged in paper	3·32 fee units
		(b) lodged electronically	2·71 fee units
49	75B(1)	Lodgment with the Registrar of a variation of priority of mortgage or annuity—	
		(a) lodged in paper	6·65 fee units
		(b) lodged electronically	6·04 fee units
50	79(1)	Making of an application to the Registrar for order for foreclosure	13·30 fee units

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<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>
<i>Item</i>	<i>Section of Act</i>	<i>Description</i>	<i>Fees and amounts</i>
51	84(1)	Lodgment with the Registrar of a discharge of mortgage or annuity—  (a) lodged in paper  (b) lodged electronically	  8·08 fee units  7·48 fee units
52	84(2)	Making of an application to the Registrar to record a discharge of mortgage on proof of payment	13·30 fee units
53	84(3)	Making of an application to the Registrar to record a satisfaction of annuity	13·30 fee units
54	85(1)	Making of an application to the Registrar to record a discharge of mortgage on production of a receipt of the Treasurer	3·32 fee units
55	88(1)	Making of an application to the Registrar to record a creation, variation or removal of a restrictive covenant	13·30 fee units
56	88(2)	Making of an application to the Registrar to record an acquisition of an easement	41·88 fee units
57	88(2)	Making of an application to the Registrar to record an acquisition of a charge or right	6·65 fee units
58	88A(1)	Making of an application to the Registrar to remove a lease, remove a variation of a lease or reinstate a lease	3·32 fee units
59	88B(1)	Making of an application to the Registrar to remove an easement or restrictive covenant, or remove a variation of an easement or restrictive covenant	13·30 fee units
60	89(1)	Lodgment with the Registrar of a caveat forbidding dealings with land, or withdrawal of such caveat—  (a) lodged in paper  (b) lodged electronically	  3·32 fee units  2·71 fee units

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<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>
<i>Item</i>	<i>Section of Act</i>	<i>Description</i>	<i>Fees and amounts</i>
61	89A(1)	Making of an application to the Registrar for service of a notice (for each caveat affected)—  (a) lodged in paper  (b) lodged electronically	   13·30 fee units  12·69 fee units
62	91A(1)	Lodgment with the Registrar of a memorandum of common provisions	6·65 fee units
63	91D(1)	Lodgment with the Registrar of a priority notice	2·05 fee units
64	91G(2)	Lodgment with the Registrar of a withdrawal of a priority notice	2·05 fee units
65	98A(2)	Making of an application to the Registrar to include shares or other like interests in a stratum estate	3·32 fee units
66	98C(1)	Lodgment with the Registrar of a service agreement for a stratum estate	3·32 fee units
67	98C(2)	Lodgment with the Registrar of a cancelation or variation of a service agreement for a stratum estate	3·32 fee units
68	98CA(1)	Making of an application to the Registrar to cancel a plan of building subdivision and register a new plan of subdivision  For each parcel created	6·65 fee units  per parcel 12·95 fee units
69	99(1)	Making of an application to the Registrar to amend boundaries, area or position of land in a folio of the Register	41·88 fee units
70	100	Lodgment with the Registrar of a caveat forbidding granting of an application under section 99 of the Act, or withdrawal of such caveat	3·32 fee units
71	103(1)	Making of an application to the Registrar to amend a folio of the Register pursuant to an order of a court	6·65 fee units

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<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>
<i>Item</i>	<i>Section of Act</i>	<i>Description</i>	<i>Fees and amounts</i>
72	103(1AA)	Making of an application to the Registrar to amend a folio of the Register pursuant to an order of VCAT	6.65 fee units
73	103(2)	Making of an application to the Registrar to correct a folio of the Register as to description of the land	41.88 fee units
74	103(2)	Making of an application to the Registrar to correct a folio of the Register (other than as to description of the land)	6.65 fee units
75	103(2)	Making of an application to the Registrar to correct a plan of subdivision	6.65 fee units
76	106(1)(c)	Making of an application to the Registrar to remove an encumbrance	6.65 fee units
77	113(5)	Making of an application to the Registrar to amend the address for service of notice of a registered proprietor	2.05 fee units
78	113(6)	Making of an application to the Registrar to amend the address for service of notice of a caveator	2.05 fee units
79	113(6A)	Making of an application to the Registrar to amend the address for service of notice of a person who lodged a notice under section 26F(1) of the Act	2.05 fee units
80	114(1)	Making of an application to the Registrar for a folio search statement—	
		(a) information broker search	\$5.56
		(b) regular online search	\$8.18
		(c) online search	\$6.84
		(d) in person search	1.22 fee units

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<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>
<i>Item</i>	<i>Section of Act</i>	<i>Description</i>	<i>Fees and amounts</i>
81	114(1)	Making of an application to the Registrar for a registry information supply	\$5.56
82	114(1)	Making of an application to the Registrar for an instrument search—	
		(a) information broker search	\$3.82
		(b) regular online search	\$6.44
		(c) online search	\$4.82
		(d) in person search	1.09 fee units
83	114(1)	Making of an application to the Registrar for a final search statement—	
		(a) information broker	\$2.74
		(b) regular online search	\$5.36
		(c) online search	\$3.74
		(d) in person search	1.01 fee units
84	114(2)	Making of an application to the Registrar to certify a folio search statement	\$10.00
85	114(2)	Making of an application to the Registrar to certify an instrument search	\$10.00
86	116(1)	Making of an application to the Registrar for a statement of grounds for a Registrar's refusal of an application	13.30 fee units
87	121(2)(c)	Making of an application to the Registrar for a licence to print and sell an approved form	6.65 fee units
88	121(4)	Making of an application to the Registrar for the approval of a form and a licence to print and sell the approved form	6.65 fee units

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Schedule 1—Prescribed fees

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<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>
<i>Item</i>	<i>Section of Act</i>	<i>Description</i>	<i>Fees and amounts</i>
89	121(7)	Making of an application to the Registrar for approval of a form for use by that person	6·65 fee units
90	121(10)	Making of an application to the Registrar to use an instrument not in an approved form	3·32 fee units

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## **Endnotes**

<sup>1</sup> Reg. 4: S.R. No. 104/2015.