

# Title Registration Services Customer Information Bulletin

Edition 90 May 2005

## New lodgement fees from 1 July 2005

In accordance with the *Monetary Units Act 2004*, Land Registry fees expressed in number of fee units will increase from 1 July 2005.

The increases are applicable to fees contained in the:

- Transfer of Land (Fees) Regulations 2004,
- Subdivision (Registrar's Fees) Regulations 2004,
- Instruments (Fees) Regulations 2004, and
- Property Law (Fees) Regulations 2004.

Lodgement fees expressed in number of fee units in other Regulations will also increase on that date.

The new fees are determined by multiplying the number of fee units contained in the Regulations by the value of the fee unit being \$10.49, which is the amount announced by the Treasurer in Government Gazette 15, 14 April 2005, and rounded to the nearest ten cents.

Other lodgement fees expressed as dollar amounts, such as the Safe Custody Fee and Correspondence Fee, will not change.

Search fees expressed in number of fee units will also increase on 1 July 2005. Search fees expressed in dollar amounts in the Regulations will not change.

The tables on the following pages list the new lodgement fees for the most common Land Registry transactions.

The fees are also available on the Land Channel at [www.land.vic.gov.au](http://www.land.vic.gov.au) then go to "Titles Plans and Certificates", then proceed to "Money Matters"

Any queries concerning the new lodging fees should be directed to the Title Registration Services Customer Enquiry Centre on 8636 2010.

Any queries relating to search fees should be directed to the Land Information Centre on 8636 2831.

## Caveats affecting multiple dwelling folios

There are a number of folios of the Register over which caveats are regularly lodged, claiming interests in land affecting only some part of the land. These interests include exclusive occupancies (typically in units in a Retirement Village), rights created under long term leases (in apartments in some of the multiple dwelling developments for older residents), caravan parks etc.

These caveats do not always describe the land affected or the interest claimed in the same way. Some use the phrase 'as to part' in the 'Land' panel; others describe a defined part of the property, eg lot, flat, apartment, site etc; some do both. These definitions are not known to title.

Past practice has often been to record such caveats 'as to part' and, usually, to include an additional entry referring to a description eg "LAND DESCRIPTION APARTMENT 602".

It has now been decided to cease this practice.

In future, when recording any caveat that refers to a description not known to title, whether it be included in the 'Land' panel or in the 'Grounds of Claim' panel, the description will be ignored. The Caveat will not be endorsed 'as to part' and no additional entry of the description will be made.

NB: This change does not apply to a caveat that describes the land 'as to part' and defines the part affected by reference to a fully dimensioned plan.

## Certification of company searches

When a certified copy of a company search is required to be lodged the certification should read as follows:

*I certify that I have obtained this company search certificate from ASIC or its authorised broker and that the content has not been altered in any way.*  
{Signature}

*Current Practitioner for {Transferor, Mortgagor, etc.}*  
(Strike out the words "Current Practitioner" if not applicable).

Name:

Address:

Land Registry has granted a transitional period of two months. Company search certificates containing the former certification will continue to be accepted until the end of the transitional period on 31 July 2005.

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## Lodgement Fees

Section of Act	Transfer of Land (Fees) Regulations	Fees
14	Application to bring land under the operation of the Act based on deeds (Application (Non-Survey) Conversion Scheme)	\$92.30
15	Application to bring land under the operation of the Act based on survey (Application (Survey) Conversion Scheme)	\$92.30
31	Replace a certificate of title lost or destroyed plus for each additional certificate of title	\$184.60 \$20.60
32	Application to produce a new folio of the Register plus for each additional folio of the Register	\$92.30 \$20.60
45	Transfer on sale	\$92.30 plus \$2.46 for every whole \$1000 of the consideration, rounded up to the next whole dollar, the total fee not to exceed \$1323. (If zero \$ consideration the fee is \$93)
49	Transmission application by personal representative - Executor/Administrator	\$61.60
50	Transmission application by joint proprietor - Survivorship	\$61.60
52(2) & 52(7)	Recording of a judgment, decree, order or process of execution of the High Court of Australia or of the Supreme Court or County Court	\$123.00
52(6)	Recording of satisfaction of any such judgment, decree, order or process of execution	\$92.30
60	Application for a vesting order by person claiming title by possession supported by a survey required by the Registrar under section 60 of the Act	\$820.30
	Application for vesting order by person claiming title by adverse possession for which a survey is not required by the Registrar	\$615.20
66	Lease	\$92.30
74	Mortgage or charge	\$46.20
75A	Variation of mortgage or charge	\$46.20
84(1)	Discharge of mortgage or charge wholly or partially	\$46.20
88(1)	Application to record, amend or delete a recording of a restrictive covenant	\$123.00
89	Caveat, or withdrawal of a caveat wholly or in part	\$46.20
89A	Application for service of a notice - for each caveat affected	\$123.00
99	Application to amend a folio of the Register whether a new certificate of title is issued or not	\$410.20
103(2)	Application to amend a folio of the Register as to description of land supported by a survey required by the Registrar under section 95(1) of the Act	\$410.20
	Application to amend a folio of the Register as to description of land for which a survey is not required by the Registrar	\$205.10
	Application to amend a folio of the Register otherwise than as to description of land - correct name on title (for example)	\$92.30
120 (2)	In addition to any specific fee, an additional fee will apply if more than five folios of the Register are affected For each additional folio affected	\$10.00
	On every application sent by post	\$5.00

## Lodgement Fees

Section of Act	Subdivision (Registrar's Fees) Regulations	Fees
22	For lodgement of a plan of subdivision plus for each lot in excess of two plus for each body corporate in excess of one plus for every plan supported by a survey pursuant to section 95 of the TLA 1958	\$410.20 \$87.20 \$102.60 \$205.10
	For lodgement of a plan of consolidation other than under section 32(1)(j) plus for every plan supported by a survey pursuant to section 95 of the TLA 1958	\$410.20 \$205.10
22(1B)	Application for service of a notice - for each mortgage, charge, lease, sublease, annuity or caveat in respect of which application under section 22(1B) of the Act is made	\$46.20
23	Plan of creation, variation or removal of an easement or condition in the nature of an easement in a Crown grant other than under section 32(1)(i) plus for each lot in excess of two over which the easement or condition is to be created, varied or removed	\$461.50 \$87.20
	Plan for the creation, variation or removal of restriction other than under section 32(1)(i) plus for each lot in excess of two over which the restriction is to be created, varied or removed	\$92.30 \$87.20
24A	Plan to vest land referred to in column 2 of the Table in section 24A of the Act plus for each reserve in excess of two vested	\$184.60 \$51.30
	Plan to remove or vest and remove a reservation under section 24A of the Act plus for each reserve in excess of two affected plus for every plan supported by a survey pursuant to section 95 of the TLA 1958	\$410.20 \$87.20 \$205.10
	Application for approval of a Boundary Plan	\$287.10
27(2C)	For any additional rules or amendment or revocation of the additional rules including recording additional rules which accompany a plan creating a body corporate or merging bodies corporate	\$46.20
32(1)(d)	Plan to increase or reduce the number of lots affected by the body corporate	\$92.30
32(1)(e)	Plan to create new lots or new common property plus for each lot in excess of two plus for each body corporate in excess of one plus for every plan supported by a survey pursuant to section 95 of the TLA 1958	\$410.20 \$87.20 \$102.60 \$205.10
	Plan to create a body corporate plus for each body corporate in excess of one created by the plan	\$102.60 \$102.60
	Plan dissolving a body corporate plus for each body corporate in excess of one comprised in the plan	\$46.20 \$46.20
	Plan to merge with another body corporate	\$46.20
32(1)(i)	Plan of creation, variation or removal of an easement or condition plus for each lot in excess of two over which the easement or condition is to be created, varied or removed	\$461.50 \$87.20
	Plan for the creation, variation or removal of restriction plus for each lot in excess of two over which the restriction is to be created, varied or removed	\$92.30 \$87.20
32(1)(j)	Plan of consolidation plus for every plan which the Registrar of Titles considers should be supported by a survey pursuant to section 95 of the TLA 1958	\$410.20 \$205.10
32(1)(k)	Plan of creation, alteration or extinguishment of lot entitlement or lot liability	\$92.30
33	Application to amend or alter a schedule or lot entitlement or lot liability	\$92.30
34(2)	Application to change the address for service of notices on a body corporate	\$46.20
44(5A)	Application to cancel or alter a scheme of development accompanying a cluster subdivision	\$92.30
	Plan number to be used on plans submitted to Councils and Referral Authorities	\$10.00
	On every application sent by post	\$5.00

## Guidelines for the preparation of agreements under Section 173 of the Planning and Environment Act 1987

Increasingly, applications to record Section 173 agreements are being presented to Land Registry with agreements containing unnecessary and voluminous attachments. Land Registry has now adopted some basic guidelines that practitioners should follow when preparing a Section 173 agreement.

The guidelines are as follows:

1. Do not include attachments such as copies of unregistered or prior registered plans of subdivision, planning permits and other property certificates, soil reports, landscape design diagrams, aerial photographs, contour maps, topographical maps, street scape design guidelines, photographs of particular features or any similar item. Much of the information is already available and held by the Responsible Authority or, in the case of a plan of subdivision that is or will be registered, a copy can be obtained through Land Registry. If a reference must be made to a plan or permit, simply refer to its reference number, rather than attaching a copy of the document.
2. The whole agreement and any essential attachments must be prepared on white, good quality, A4 sized paper and be in an acceptable font size and print quality to accommodate imaging by Land Registry and retrieval by others for search purposes. Avoid oversized documents, particularly plans. [Note: Simply reducing an oversized plan to A4 size may still make it unsuitable for imaging and search purposes, due to decreased font size and loss of print quality.]
3. All pages of the agreement and any attachments must be in black print. Attachments prepared using colours are not acceptable - this includes any essential diagram or plan.
4. All pages must be printed single sided only.
5. Any essential diagram or plan must be fully dimensioned to title boundaries.
6. Any essential attachment must be referred to in the body of the agreement, but do not attach any document not referred to in the agreement.

Land Registry considers that the need to attach an "essential diagram or plan" should be confined to the circumstance where part only of the land in a title is affected by the agreement and the diagram or plan is required to assist in defining the affected part.

Practitioners should also satisfy themselves that any earlier recorded Section 173 agreement is not duplicated in a later agreement to be lodged.

Land Registry encourages all practitioners to observe these guidelines when preparing these types of agreements.

## Section 173 agreements

When an Application for recording of a Section 173 agreement is presented and the land description in the application refers only to the parent title of a Plan of Subdivision already lodged (ie, the Section 173 is to be a

follower dealing to an unregistered plan), the application will be refused. Amendment of the land description to identify affected lots or common property will be required.

## GST and consideration in a transfer

Most property sales do not attract GST. However, in a small number of transactions, GST will be payable by a Vendor. GST is not a tax on top of the purchase price paid but is a tax imposed on the recipient of the sale price actually received.

In any Transfer, the 'Consideration' panel should be completed with the total amount required to be paid by a Purchaser to a Vendor in exchange for that Transfer.

The 'Consideration' figure should be inclusive of GST, if applicable.

Where it appears that the amount shown in the 'Consideration' panel has omitted GST payable on the transaction, the Transfer will be refused and amendment to the stated consideration figure, plus submission of the appropriate fee, will be required.

## Change to VOTS search output

Land Registry has increased the number of days allowable in the "Activity in the last x days" section of the folio search output from 105 days to 125 days. This change took effect on 1 February 2005.

## Change to SRO opening hours

After a successful trial period, the State Revenue Office (SRO) Customer Service Centre will now close early on Wednesdays at 1.00pm.

The closure will not affect SRO's Document Return System (DRS) agents who will continue to have access through their appointment program.