



LAND ADMINISTRATION FEES ACT 1996

[Consolidated as at 5 July 2011
on the authority of the Administrator
and in accordance with
the *Enactments Reprinting Act 1980*]

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Land Administration Fees Act 1996

An Act to provide for the imposition and payment of fees in respect of the registration of instruments under the *Land Titles Act 1996* and for related purposes

Short title

1. This Act may be cited as the *Land Administration Fees Act 1996*.

Commencement

2. (1) Section 1 and this section commence on the day on which notification of Assent is published in the Gazette.
(2) The remaining provisions commence on a day or days fixed by the Administrator by notice in the Gazette.

Interpretation

3. (1) In this Act unless the contrary intention appears —
“approved form” means a form approved by the executive member;
“charitable organisation” means an association, society, institution or body carried on for a religious, educational, benevolent or charitable purpose, other than one carried on for the purpose of securing pecuniary benefit to its members;
“community organisation” means a body corporate or an unincorporated association that is not carried on for the pecuniary profit of its members, and that has as its principal purpose the provision of community service, or a form of assistance, to persons living or working on Norfolk Island, including the provision of sporting or cultural facilities.
(2) In this Act, unless the contrary intention appears, a word or phrase has the same meaning as in the *Land Titles Act 1996*.

Land Administration fee

4. (1) Subject to this Act, a fee calculated in accordance with subsection 4(2) is payable for the registration of an instrument evidencing the following transactions:

- (a) a transfer of an estate in fee simple;
- (b) a transfer of a Crown lease;
- (c) a change or purported change in shareholding referred to in section 55C of the *Land Titles Act 1996*.

(2) The fee payable under subsection 4(1) is the greater of 33 fee units or an amount equal to 4% of the value of the property interest or shares transferred.

(2A) In subsection 4(2), “value of the property interest transferred” means —

- (a) in the case of a transfer of a property interest by way of sale between related persons for a bona fide consideration (whether in money or otherwise) of less than the unencumbered market value of the property interest transferred — the value (whether in money or otherwise) of that consideration; or
- (b) in the case of a transfer of a property interest by way of sale (other than between related persons) where it appears to the Registrar of Titles that the consideration for the sale is not less than the unencumbered market value of the property interest transferred — the value (whether in money or otherwise) of that consideration; or
- (c) in any other case — the unencumbered market value of the property interest transferred.

(3) For the purposes of paragraph 4(1)(c) the value of the shares transferred shall be calculated in accordance with the formula —

$$\frac{ST}{T} \times L$$

where —

- ST is the number of shares transferred;
- T is the number of shares issued in the company;
- L is the unencumbered market value of any property interest held by the company in fee simple as at the date of transfer.

(4) The Registrar of Titles may, by written notice given to a person who has lodged or deposited for registration an instrument referred to in subsection (1), require the person to produce specified information or documents.

(5) Without limiting the generality of subsection (4), the Registrar of Titles may request to be produced —

- (a) the contract relating to the transfer of the interest; and
- (b) an opinion from a competent valuer.

(6) If —

- (a) no evidence; or
- (b) in the opinion of the Registrar of Titles, insufficient evidence,

is given of the value of consideration, or a property interest or shares transferred, to enable the Registrar to determine the fee payable under this section, the Registrar may —

- (c) cause the consideration, or property interest or shares, to be valued; and
- (d) having regard to the merits of the case, charge the whole or a part of the expenses of, or incurred incidental to, the making of that valuation to the person liable to pay the fee and may recover that amount as a debt due to the Administration.

(6A) The Registrar of Titles may determine the value of consideration, or a property interest or shares, for the purposes of this section.

(6B) If an interest, agreement or arrangement (granted or made on or after 15 July 1998) in respect of a property interest has the effect of reducing the value of the property interest, the Registrar of Titles may, for the purposes of valuing the property interest, or shares in a company holding the property interest, disregard the existence of the interest, agreement or arrangement unless a person liable to pay the fee satisfies the Registrar that the interest, agreement or arrangement was granted or made for a purpose other than reducing the value of the property interest.

(7) A prescribed fee is payable for registration of a subdivision proposal under section 49 of the *Land Titles Act 1996*.

(8) A fee of 3.3 fee units is payable in respect of the registration of an instrument other than those referred to in subsections 4(1) and 4(7).

(9) In this section —

“property interest” means an estate in fee simple or a Crown lease; and

“related persons” means a person and the person’s spouse, parent or grandparent; and

“valuer” means a person whose business it is to make valuations of the particular class of property of which a valuation is required.

Exemption for certain share transfers

5. The executive member may exempt in full or in part the fee payable under subsection 4(1) where a transaction referred to in paragraph 4(1)(c) does not substantially affect the nature of the company ownership.

No fee payable for certain transactions

6. No fee is payable under section 4 in respect of instruments evidencing the following transactions:

- (a) a transfer of an interest to the Administration;
- (b) a transfer of an interest to, or to trustees on trust for, a charitable organisation;

- (c) a transfer of an interest to, or to trustees on Trust for, a community organisation;
- (d) a transfer of shares to a person referred to in paragraph 6(a), 6(b) or 6(c);
- (e) registration of title under Part VIII of the *Land Titles Act 1996*;
- (f) a prescribed transaction.

Exemption

7. (1) A person may apply to the executive member for exemption from the fee payable under section 4 or section 8A.

(2) An application under subsection 7(1) shall be in the approved form and set out the grounds of the claim for exemption.

(3) The executive member may exempt in full or in part the fee payable under section 4 where no consideration has passed in relation to the transfer of the interest and he or she considers that it would be unjust to charge that fee.

(3A) The executive member may exempt in full or in part the fee payable under section 8A where he or she considers that it would be unjust to charge that fee.

(4) The executive member shall table in the Legislative Assembly notice of any exemption given under subsection 7(3) or 7(3A).

Review

8. Application may be made to the Administrative Review Tribunal for review of a decision on the calculation of the fee under subsection 4(2).

Fee for planning application

8A. For the purposes of paragraph 21(2)(c) of the *Planning Act 1996*, the fee in respect of a planning application is determined as follows —

- (a) a Category 1 application - 8 fee units; and
- (b) a Category 2 application - 10 fee units; and
- (c) a Category 3 application - 17 fee units.

Regulations

9. (1) The Administrator may make regulations, not inconsistent with this Act, prescribing matters —

- (a) required or permitted to be prescribed; or
- (b) necessary or convenient to be prescribed for carrying out or giving effect to this Act.

(2) Without limiting subsection 9(1), regulations may be made in relation to prescribing fees for the purposes of the *Planning Act 1996* and the *Land Titles Act 1996*.

NOTES

The *Land Administration Fees Act 1996* as shown in this consolidation comprises Act No. 16 of 1996 and amendments as indicated in the Tables below.

Enactment	Number and year	Date of commencement	Application saving or transitional provision
<i>Land Administration Fees Act 1996</i>	16, 1996	23.6.97	
<i>Land Administration Fees Amendment Act 1997</i>	13, 1997	28.8.97	
<i>Land Administration Fees Amendment Act 1998</i>	17, 1998	27.8.98	retrospectively on or after 15 July 1998
<i>Statutes Amendment (Fees) Act 1999</i>	10, 1999	1.7.99	retrospectively on 24 June 1999
<i>*Statutes Amendment (Fees) (No. 2) Act 1999</i>	17, 1999	17.7.00	
<i>Statutes (Fees Remission) Act 1999</i>	23, 1999	28.10.99	limited application only
<i>* NB – Part 3 of Statute Amendment (Miscellaneous Provisions) Act 2000 amends inadvertent reference to “section 8” of Statutes Amendment (Fees) (No. 2) Act 1999. Correct reference should read “section 4”.</i>	4, 2001	2.3.01	
			[previously consolidated as at 1 March 2002]
<i>Fiscal Charges and Impositions Act 2011</i>	5, 2011	1.7.11	

Table of Amendments

ad = added or am = amended rep = repealed rs = repealed and
 inserted substituted

Provisions affected	How affected
4(2)	rs 17, 1998; 10, 1999; 17, 1999; 5, 2011
4(2A)	ad 17, 1998
4(3)	rs 17, 1998
4(5)(b)	rs 17, 1998
4(6)	rs 17, 1998
4(6A)	ad 17, 1998
4(6B)	ad 17, 1998
4(8)	rs 17, 1999
4(9)	ad 17, 1998
7(1)	am 13, 1997
7(3A)	ad 13, 1997
7(4)	am 13, 1997
8A	ad 13, 1997
	rs 17, 1999
9(2)	ad 13, 1997

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