

Authorised Version No. 001
Transfer of Land (Fees) Interim Regulations
2015

S.R. No. 104/2015

Authorised Version as at
19 September 2015

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S.R. No. 104/2015

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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 sections 120 and 121 of the **Transfer of Land Act 1958**.

3 Commencement

These Regulations come into operation on 19 September 2015.

4 Revocation

The Regulations in Schedule 1 are **revoked**.

5 Definitions

In these Regulations—

automated folio means a folio of the Register that is not a manual folio within the meaning of section 4 of the Act;

search service means access to the land registration records of the Office of Titles;

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

6 Categories of search services

- (1) For the purposes of these Regulations, a search service may be a Category 1, Category 2, Category 3, Category 4 or Category 5 search service.
- (2) A search service is a Category 1 search service if the search service is ordered through and supplied by on-line computer access to a person to whom the State has issued a licence to supply land registration information to the public.
- (3) A search service is a Category 2 search service if the search service is ordered from and supplied by the staff of the Office of Titles to a person who attends personally at the Office of Titles.
- (4) A search service is a Category 3 search service if—
 - (a) the search service is ordered by and supplied to a person who has entered into an agreement with the State for the provision of on-line computer access to the land registration records of the Office of Titles; and
 - (b) that agreement provides, among other things, for a minimum level of use of that on-line computer access; and
 - (c) that person attends personally at the Office of Titles to gain that access; and
 - (d) that access is gained without the assistance of the staff of the Office of Titles.
- (5) A search service is a Category 4 search service if the search service is ordered by and supplied to a person by the Office of Titles using Internet access without the attendance of the person at the Office of Titles.

- (6) A search service is a Category 5 search service if the search service is ordered by and supplied to a person who has entered into an agreement with the State for the provision of on-line access to the land registration records of the Office of Titles for the purpose of creating an electronic instrument for lodgment in the electronic lodgement network.

7 Fees, charges, expenses and other amounts

There are payable to the Registrar the fees and other amounts as set out in Schedules 2 and 3.

8 Fee for safe custody

- (1) There is payable to the Registrar a fee of \$10.00 for each certificate of title, duplicate instrument or other document which has been left to be kept in safe custody with the Registrar to be used by a third party for the lodgment and registration of a subsequent instrument, application or other document.
- (2) The fee is payable to the Registrar by the third party when the third party lodges the subsequent instrument, application or other document.

9 Expiry

These Regulations expire on 18 September 2016.

Transfer of Land (Fees) Interim Regulations 2015
S.R. No. 104/2015
Schedule 1—Regulations revoked

Schedule 1—Regulations revoked

Regulation 4

<i>S.R. No.</i>	<i>Title</i>
118/2004	Transfer of Land (Fees) Regulations 2004
163/2005	Transfer of Land (Fees) (Amendment) Regulations 2005
66/2006	Transfer of Land (Fees) (Amendment) Regulations 2006
67/2006	Transfer of Land (Fees) (Further Amendment) Regulations 2006
66/2007	Transfer of Land (Fees) (Amendment) Regulations 2007
108/2007	Transfer of Land (Fees) (Further Amendment) Regulations 2007
56/2008	Transfer of Land (Fees) Amendment Regulations 2008
62/2009	Transfer of Land (Fees) Amendment Regulations 2009
34/2010	Transfer of Land (Fees) Amendment Regulations 2010
35/2011	Transfer of Land (Fees) Amendment Regulations 2011
33/2012	Transfer of Land (Fees) Amendment Regulations 2012
54/2013	Transfer of Land (Fees) Amendment Regulations 2013
44/2014	Transfer of Land (Fees) Amendment Regulations 2014
36/2015	Transfer of Land (Fees) Amendment Regulations 2015

Transfer of Land (Fees) Interim Regulations 2015
S.R. No. 104/2015
Schedule 2—Specific fees and amounts

Schedule 2—Specific fees and amounts

			Regulation 7
<i>Item</i>	<i>Section of Act</i>		<i>Fees and amounts</i>
1	14	Application to bring land under the operation of the Act based on deeds (Application (non-survey) conversion scheme)	8·80 fee units
2	15	Application to bring land under the operation of the Act based on survey (Application (survey) conversion scheme)	8·80 fee units
3	22	Lodgment of a specified dealing (other than a transfer of the fee simple estate)	8·80 fee units
4	22	Lodgment of a specified dealing being a transfer of the fee simple estate	The sum of 8·80 fee units plus \$2.46 for every whole \$1000 of the monetary consideration (or if there is more than one consideration, the highest one), that sum being rounded up if necessary to the next higher whole dollar, the total fee not to exceed the sum of 8·80 fee units plus \$1230
5	23	Application to bring land under the operation of the Act by the creation of a provisional folio	8·80 fee units

Transfer of Land (Fees) Interim Regulations 2015
S.R. No. 104/2015
Schedule 2—Specific fees and amounts

<i>Item</i>	<i>Section of Act</i>	<i>Fees and amounts</i>
6	26D	Application for giving of notice for the deletion of a warning under Part V of the Fifth Schedule to the Act
7	26F	Notice claiming an interest in an identified folio
8	26N	Application for the giving of notice for the deletion of a recording from an identified folio
9	26P	Application to remove warning relating to title dimensions from a provisional folio
10	26R	Lodgment of caveat against creation of folio or removal of warning or withdrawal of such caveat
11	27C	One of the following search service categories resulting in a statement of the record of dealings in respect of a folio of the Register—
		Category 1
		Category 2
		Category 3
		Category 4
		(Folio history search)
12	27D(1)	A certified copy of a search of an automated folio of the Register
13	27G(3)	One of the following search service categories resulting in a reproduction of a document that defines the boundaries of land by way of graphical and textual information—
		Category 1
		Category 2
		Category 3
		Category 4
		(Plan search)

Transfer of Land (Fees) Interim Regulations 2015
S.R. No. 104/2015
Schedule 2—Specific fees and amounts

<i>Item</i>	<i>Section of Act</i>		<i>Fees and amounts</i>
14	27G(7)	A certified copy of a reproduction of a document that defines the boundaries of land by way of graphical and textual information (Certified plan search)	1·64 fee units
15	31	Application to produce new certificate of title to replace a certificate of title lost, destroyed or obliterated plus for each additional certificate of title	17·60 fee units 1·96 fee units
16	32	Application to produce new folio of the Register plus for each additional folio of the Register	8·80 fee units 1·96 fee units
17	37	Deposit of documents declaratory of trusts	4·40 fee units
18	38	Application for order to deal with folios of the Register recorded "no survivorship"	17·60 fee units
19	45	Transfer on sale (other than a transfer on sale of one or more mortgages to or by an authorised deposit-taking institution under the Banking Act 1959 of the Commonwealth)— (a) in the case of a lodgment of a paper instrument;	The sum of 10·21 fee units plus \$2.46 for every whole \$1000 of the monetary consideration (or if there is more than one consideration, the highest one), that sum being rounded up if necessary to the next higher whole

Transfer of Land (Fees) Interim Regulations 2015
S.R. No. 104/2015
Schedule 2—Specific fees and amounts

<i>Item</i>	<i>Section of Act</i>	<i>Fees and amounts</i>
		dollar, the total fee not to exceed the sum of 10.21 fee units plus \$1230
	(b) in the case of a lodgment of an electronic instrument.	The sum of 8.44 fee units plus \$2.46 for every whole \$1000 of the monetary consideration (or if there is more than one consideration, the highest one), that sum being rounded up if necessary to the next higher whole dollar, the total fee not to exceed the sum of 8.44 fee units plus \$1230
20	45	Transfer on sale of one or more mortgages, to or by an authorised deposit-taking institution within the meaning of the Banking Act 1959 of the Commonwealth—
	(a) in the case of a lodgment of a paper instrument;	5.81 fee units
	(b) in the case of a lodgment of an electronic instrument.	4.04 fee units

Transfer of Land (Fees) Interim Regulations 2015
S.R. No. 104/2015
Schedule 2—Specific fees and amounts

<i>Item</i>	<i>Section of Act</i>		<i>Fees and amounts</i>
21	45	Transfer other than a transfer on sale, excluding the creation or surrender of an easement—	
		(a) in the case of a lodgment of a paper instrument;	10·21 fee units
		(b) in the case of a lodgment of an electronic instrument.	8·44 fee units
22	45	Creation or surrender of easement in which the consideration is monetary	The sum of 43·99 fee units plus \$2·46 for every whole \$1000 of the monetary consideration (or if there is more than one consideration, the highest one), that sum being rounded up if necessary to the next higher whole dollar, the total fee not to exceed the sum of 43·99 fee units plus \$870
23	45	Creation or surrender of easement in which the consideration is non-monetary	43·99 fee units
24	47	Application for vesting order in case of completed purchase	17·60 fee units
25	49	Transmission application by personal representative—	
		(a) in the case of a lodgment of a paper instrument;	7·28 fee units

Transfer of Land (Fees) Interim Regulations 2015
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Schedule 2—Specific fees and amounts

<i>Item</i>	<i>Section of Act</i>	<i>Fees and amounts</i>
		(b) in the case of a lodgment of an electronic instrument. 5·51 fee units
26	50	Survivorship application by joint proprietor—
		(a) in the case of a lodgment of a paper instrument; 7·28 fee units
		(b) in the case of a lodgment of an electronic instrument. 5·51 fee units
27	51	Transmission application by trustee of bankrupt 5·87 fee units
28	52(2) and 52(7)	Application for recording of a judgment, decree, order or process of execution of the High Court of Australia or of the Supreme Court or County Court 11·73 fee units
29	52(6)	Application for recording of satisfaction of any such judgment, decree, order or process of execution 8·80 fee units
30	54	Application by acquiring authority for issue of certificate of title in respect of lands vested in that authority 8·80 fee units
31	57	Notification of intention to acquire land compulsorily or of withdrawal of the notice of the acquisition 4·40 fee units
32	58	Application by trustee for making a recording of vesting order 17·60 fee units
33	59	Application for recording of a disposition 17·60 fee units
34	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 78·20 fee units
35	60	Application for vesting order by person claiming title by adverse possession for which a survey is not required by the Registrar 58·65 fee units

Transfer of Land (Fees) Interim Regulations 2015
S.R. No. 104/2015
Schedule 2—Specific fees and amounts

<i>Item</i>	<i>Section of Act</i>	<i>Fees and amounts</i>
36	61	Caveat forbidding granting of application for vesting order under section 60 or withdrawal of such a caveat
37	66	Application to register lease
38	68	Application for recording of disclaimer of lease by trustee in bankruptcy
39	69	Application for recording of surrender of lease
40	70	Application for recording recovery of possession by legal proceedings or re-entry by lessor or abandonment by lessee
41	71	Application for recording of sub-lease
42	72(2)	Application for recording of an easement
43	73(1)	Application for deletion of an easement from the Register
44	73(1B)	Application for declaration that easement has been abandoned or extinguished
45	73(4)	Caveat forbidding the deletion of an easement from the Register, or withdrawal of such a caveat
46	74	Application to register mortgage or charge—
		(a) in the case of a lodgment of a paper instrument;
		(b) in the case of a lodgment of an electronic instrument.
47	75A	Application to register variation of mortgage or charge—
		(a) in the case of a lodgment of a paper instrument;
		(b) in the case of a lodgment of an electronic instrument.

Transfer of Land (Fees) Interim Regulations 2015
S.R. No. 104/2015
Schedule 2—Specific fees and amounts

<i>Item</i>	<i>Section of Act</i>	<i>Fees and amounts</i>
48	75B(3)	Application to register variation of priority of mortgage or charge— (a) in the case of a lodgment of a paper instrument; (b) in the case of a lodgment of an electronic instrument.
		10·21 fee units
		8·44 fee units
49	79	Application for order for foreclosure
		43·99 fee units
50	84(1)	Application for recording of discharge of mortgage or annuity wholly or partially— (a) in the case of a lodgment of a paper instrument; (b) in the case of a lodgment of an electronic instrument.
		8·38 fee units
		6·62 fee units
51	84(2)	Application by mortgagor for recording of discharge of mortgage on proof of payment
		17·60 fee units
52	84(3)	Application for recording of satisfaction of annuity— (a) in the case of a lodgment of a paper instrument; (b) in the case of a lodgment of an electronic instrument.
		10·21 fee units
		8·44 fee units
53	84(4)	Application for recording of discharge of mortgage or charge, wholly or partially— (a) in the case of a lodgment of a paper instrument; (b) in the case of a lodgment of an electronic instrument.
		8·38 fee units
		6·62 fee units
54	85(1)	Application for recording of discharge of land from mortgage on production of receipt of Treasurer
		4·40 fee units
55	88(1)	Application to record, amend or delete a recording of a restrictive covenant
		11·73 fee units
56	88(2)	Application for recording of notification of easement
		43·99 fee units

Transfer of Land (Fees) Interim Regulations 2015
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Schedule 2—Specific fees and amounts

<i>Item</i>	<i>Section of Act</i>		<i>Fees and amounts</i>
57	88(2)	Application for recording of notification other than of an easement	8·80 fee units
58	89	Application for recording of caveat forbidding dealings with land, or withdrawal of such a caveat wholly or in part—	
		(a) in the case of a lodgment of a paper instrument;	5·81 fee units
		(b) in the case of a lodgment of an electronic instrument.	4·04 fee units
59	89A	Application for service of a notice—for each caveat affected—	
		(a) in the case of a lodgment of a paper instrument;	13·14 fee units
		(b) in the case of a lodgment of an electronic instrument.	11·37 fee units
60	91A	Lodgment of a memorandum of common provisions	4·40 fee units
61	98A(2)	Application for inclusion of certificate of shares or other like interests in stratum estate	4·40 fee units
62	98C(1)	Lodgment of service agreement for registration in respect of stratum estate	4·40 fee units
63	98C(2)	Application to register a cancellation or variation of service agreement in respect of stratum estate	4·40 fee units
64	98CA	Application for cancellation and registration of a plan if the applicant is a service company	8·80 fee units
		plus for each lot in excess of 2 comprised in the plan of subdivision	4·89 fee units
65	98CA	Application for cancellation and registration of a plan if the applicant is not a service company but a service company operates	8·80 fee units
		plus for each lot in excess of 2 comprised in the plan of subdivision	4·89 fee units

Transfer of Land (Fees) Interim Regulations 2015
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Schedule 2—Specific fees and amounts

<i>Item</i>	<i>Section of Act</i>	<i>Fees and amounts</i>
66	98CA	Application for cancellation and registration of a plan if no service company operates plus for each lot in excess of 2 comprised in the plan of subdivision
		8·80 fee units 4·89 fee units
67	99	Application to amend a folio of the Register whether a new certificate of title is issued or not
		39·10 fee units
68	100	Caveat forbidding granting of an application under item 67 or withdrawal of such a caveat
		4·40 fee units
69	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
		39·10 fee units
70	103(2)	Application to amend a folio of the Register as to description of land for which a survey is not required by the Registrar
		19·55 fee units
71	103(2)	Application to amend a folio of the Register otherwise than as to description of land
		8·80 fee units
72	103(2)	Application to amend a plan of subdivision—for each plan so amended
		8·80 fee units
73	104(5)	Application to Registrar to dispense with the submission of a certificate of title or any instrument
		4·40 fee units
74	106(1)(c)	Application for recording on folio of the Register that the folio is no longer affected by an encumbrance other than easement
		4·40 fee units
75	106(1)(c)	Application for recording on folio of the Register that the folio is no longer affected by an easement
		43·99 fee units
76	113(5)	Application to amend or alter address in the Register
		4·40 fee units

Transfer of Land (Fees) Interim Regulations 2015
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Schedule 2—Specific fees and amounts

<i>Item</i>	<i>Section of Act</i>	<i>Fees and amounts</i>								
77	113(6)	Application by a caveator to amend or alter address for service 4·40 fee units								
78	113(6A)	Application by person who lodged a notice under section 26F of the Act to amend or alter address for service 4·40 fee units								
79	114(1)	<p>One of the following search services resulting in—</p> <ol style="list-style-type: none"> 1. A statement of subsisting information which identifies the registered proprietor of the land and identifies the documents on which are recorded any— <ol style="list-style-type: none"> (a) notices and encumbrances affecting the land; and (b) graphical information defining the boundaries of the land. 2. A reproduction of the document that defines the boundaries of the land by way of graphical and textual information— <table style="margin-left: 40px; width: 100%;"> <tr> <td style="text-align: center;">Category 1</td> <td style="text-align: right;">\$7.86</td> </tr> <tr> <td style="text-align: center;">Category 2</td> <td style="text-align: right;">1·32 fee units</td> </tr> <tr> <td style="text-align: center;">Category 3</td> <td style="text-align: right;">\$10.30</td> </tr> <tr> <td style="text-align: center;">Category 4</td> <td style="text-align: right;">1·26 fee units</td> </tr> </table> <p style="text-align: center;">(Folio search)</p>	Category 1	\$7.86	Category 2	1·32 fee units	Category 3	\$10.30	Category 4	1·26 fee units
Category 1	\$7.86									
Category 2	1·32 fee units									
Category 3	\$10.30									
Category 4	1·26 fee units									
80	114(1)	<p>One of the following search services resulting in a statement of subsisting information which identifies the registered proprietor of the land and identifies the documents on which are recorded any notices and encumbrances affecting the land for the purpose of creating an electronic instrument for lodgment in the electronic lodgment network—</p> <ol style="list-style-type: none"> (a) Category 1; \$7.81 (b) Category 5. \$10.30 								

Transfer of Land (Fees) Interim Regulations 2015
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Schedule 2—Specific fees and amounts

<i>Item</i>	<i>Section of Act</i>	<i>Fees and amounts</i>
81	114(1)	One of the following search services resulting in a reproduction of any registered instrument—
		Category 1
		\$2.50
		Category 2
		\$6.90
		Category 3
		\$3.12
		Category 4
		\$6.45
		(Instrument search)
82	114(1)	One of the following search services resulting in a statement of dealings lodged for registration or recording within not less than 105 days prior to the use of the search service—
		Category 1
		\$1.90
		Category 2
		\$8.95
		Category 3
		\$2.59
		Category 4
		\$6.97
		(Final search)
83	114(2)	Certified reproduction of any manual folio of the Register
		3·36 fee units
84	114(2)	Certified reproduction of any registered instrument
		2·56 fee units
85	116(1)	Application for statement of grounds of refusal by Registrar to grant any application
		43·99 fee units
86	121(2)(c)	Licence to print and sell an approved form bearing the seal of the Office of Titles
		8·80 fee units
87	121(4)	Licence to print and sell an approved form prepared by a person with the object of selling it for use by other persons
		8·80 fee units
88	121(7)	Approval of a form for use by a person and authority to print sealed copies for use by that person
		4·40 fee units

Transfer of Land (Fees) Interim Regulations 2015
S.R. No. 104/2015
Schedule 2—Specific fees and amounts

<i>Item</i>	<i>Section of Act</i>		<i>Fees and amounts</i>
89	121(10)	Registration or granting of an instrument or application containing departures otherwise than in matters of substance from an approved form	4.40 fee units

Transfer of Land (Fees) Interim Regulations 2015
S.R. No. 104/2015
Schedule 3—Miscellaneous fees and amounts

Schedule 3—Miscellaneous fees and amounts

Regulation 7

<i>Item</i>	<i>Section of Act</i>	<i>Fees and amounts</i>
1	120(2)	On every application, instrument or document sent by post or left for lodgment at the Office of Titles under cover and accepted by the Registrar for lodgment—additional fee of \$5.00
2	120(2)	Any other instrument or application for which a fee is not specified in these Regulations or in any other Act 8·80 fee units
3	120(2)	In addition to any specific fee (other than specific fees under items 17, 36, 45, 59, 60, 68, 72, 73, 77, 78, 85, 86, 87, 88 and 89 of Schedule 2) or any fee applicable to items 2 and 4 of this Schedule, an additional fee will apply if more than 5 folios of the Register are affected. However, if the specific fee provides for the payment of additional amounts related to the number of folios affected, the fee under this item will not apply. For each additional folio affected \$10.00
4	120(2)	For creating a folio of the Register and for issue of a certificate of title arising out of amendment under section 207E of the Local Government Act 1989 8·80 fee units
5	120(2)	On every electronic instrument lodged—additional amount of \$2.00

Endnotes

1 General information

See www.legislation.vic.gov.au for Victorian Bills, Acts and current authorised versions of legislation and up-to-date legislative information.

The Transfer of Land (Fees) Interim Regulations 2015, S.R. No. 104/2015 were made on 15 September 2015 by the Governor in Council under sections 120 and 121 of the **Transfer of Land Act 1958**, No. 6399/1958 and came into operation on 19 September 2015: regulation 3.

The Transfer of Land (Fees) Interim Regulations 2015 will expire on 18 September 2016: see regulation 9.

INTERPRETATION OF LEGISLATION ACT 1984 (ILA)

Style changes

Section 54A of the ILA authorises the making of the style changes set out in Schedule 1 to that Act.

References to ILA s. 39B

Sidenotes which cite ILA s. 39B refer to section 39B of the ILA which provides that where an undivided regulation, rule or clause of a Schedule is amended by the insertion of one or more subregulations, subrules or subclauses the original regulation, rule or clause becomes subregulation, subrule or subclause (1) and is amended by the insertion of the expression "(1)" at the beginning of the original regulation, rule or clause.

Interpretation

As from 1 January 2001, amendments to section 36 of the ILA have the following effects:

- **Headings**

All headings included in a Statutory Rule which is made on or after 1 January 2001 form part of that Statutory Rule. Any heading inserted in a Statutory Rule which was made before 1 January 2001, by a Statutory Rule made on or after 1 January 2001, forms part of that Statutory Rule.

This includes headings to Parts, Divisions or Subdivisions in a Schedule; Orders; Parts into which an Order is divided; clauses; regulations; rules; items; tables; columns; examples; diagrams; notes or forms.

See section 36(1A)(2A)(2B).

- **Examples, diagrams or notes**

All examples, diagrams or notes included in a Statutory Rule which is made on or after 1 January 2001 form part of that Statutory Rule. Any examples, diagrams or notes inserted in a Statutory Rule which was made before

Transfer of Land (Fees) Interim Regulations 2015
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Endnotes

1 January 2001, by a Statutory Rule made on or after 1 January 2001, form part of that Statutory Rule. See section 36(3A).

- **Punctuation**

All punctuation included in a Statutory Rule which is made on or after 1 January 2001 forms part of that Statutory Rule. Any punctuation inserted in a Statutory Rule which was made before 1 January 2001, by a Statutory Rule made on or after 1 January 2001, forms part of that Statutory Rule. See section 36(3B).

- **Provision numbers**

All provision numbers included in a Statutory Rule form part of that Statutory Rule, whether inserted in the Statutory Rule before, on or after 1 January 2001. Provision numbers include regulation numbers, rule numbers, subregulation numbers, subrule numbers, paragraphs and subparagraphs. See section 36(3C).

- **Location of "legislative items"**

A "legislative item" is a penalty, an example or a note. As from 13 October 2004, a legislative item relating to a provision of a Statutory Rule is taken to be at the foot of that provision even if it is preceded or followed by another legislative item that relates to that provision. For example, if a penalty at the foot of a provision is followed by a note, both of these legislative items will be regarded as being at the foot of that provision. See section 36B.

- **Other material**

Any explanatory memorandum, table of provisions, endnotes, index and other material printed after the Endnotes does not form part of a Statutory Rule. See section 36(3)(3D)(3E).

2 Table of Amendments

There are no amendments made to the Transfer of Land (Fees) Interim Regulations 2015 by statutory rules, subordinate instruments and Acts.

3 Amendments Not in Operation

There are no amendments which were Not in Operation at the date of this publication.

4 Explanatory details

Fee Units

These Regulations provide for fees by reference to fee units within the meaning of the **Monetary Units Act 2004**.

The amount of the fee is to be calculated, in accordance with section 7 of that Act, by multiplying the number of fee units applicable by the value of a fee unit.

The value of a fee unit for the financial year commencing 1 July 2015 is \$13.60. The amount of the calculated fee may be rounded to the nearest 10 cents.

The value of a fee unit for future financial years is to be fixed by the Treasurer under section 5 of the **Monetary Units Act 2004**. The value of a fee unit for a financial year must be published in the Government Gazette and a Victorian newspaper before 1 June in the preceding financial year.