

AUSTRALIAN CAPITAL TERRITORY LAND TITLES ACT 1925

DETERMINATION OF FEES

INSTRUMENT NO. 201 OF 1998

EXPLANATORY STATEMENT

The Land Titles Act 1925 governs the registration of dealings in land and the issue of certificates of title for land in the Australian Capital Territory. In particular, subsection 139(1) enables the Minister to determine fees for the purposes of the Act and Schedule 3 specifies the matters in the Act for which a fee may be determined.

This Determination revokes Determination of Fees No. 202 of 1997 made on 29 August 1997 and notified in the Australian Capital Territory Gazette No. S265 of 9 September 1997 and determines that the various fees payable under the Act, including fees for lodging, for registration and searching documents pertaining to land, shall be as set out in the schedule to the Determination.

The fee for item 4 has generally been increased by a margin of 1.8% in accordance with the anticipated movement in 1998/99 of the Consumer Price Index and with a view to full cost recovery.

The fees for items 6 & 7 have been \$14 and \$16 respectively for the last two financial years and are now increased to \$15 and \$17 respectively to reflect Consumer Price Index changes on a biennial basis (1.75% for 1997/98 and anticipated 1.8% for 1998/99) and with a view to full cost recovery.

The fees for items 1-3, 10-27, 29-33 and 35-37 have been increased by a margin of \$5 as a result of a Budget Cabinet Decision in line with the average lodgment fee across Australia.

The fees for items 9 and 28 have been increased by a margin of \$75 as a result of a Budget Cabinet Decision. The fee for item 9 recognises the higher rate payable under *ad valorem* schemes in other jurisdictions whilst the fee for item 28 is determined on the basis of the increased administrative cost associated with the new Caveat provisions in the Land Titles Act 1925.

The fees for items 5, 8 and 34 have not been increased as the CPI adjustment is less than 50 cents.

A statement of the old and new fees is attached.

Circulated by the Authority of Gary John Joseph Humphries, Attorney-General.

THE SCHEDULE

| COLUMN 1 <small>(Item in Schedule 3 of the Act in respect of which fee is payable)</small> | COLUMN 2 MATTER | 97/98 FEE | 98/99 FEE |
|---|--|--|--|
| 1 | issue of duplicate grant under subsection 17(2) | \$ 65 | \$ 70 |
| 2 | issue of certificate of title under subsection 44(1) | \$ 65 | \$ 70 |
| 3 | issue of replacement certificate of title under 62A | \$ 65 | \$ 70 |
| 4 | lodgement of map or plan for purposes of 64 or purposes of Land Titles (Unit Titles) Act 1970 | \$ 270 | \$ 275 |
| 5 | stationery for map or plan under subsection 64 (1A) | \$ 10 | \$ 10 |
| 6 | issue of certified copy of part of the Register under subsection 65(1) | \$ 14 per page to a max of \$42 | \$ 15 per page to a max of \$45 |
| 7 | inspection of Register under subsection 66(1) | \$ 17 | \$ 17 |
| 8 | furnishing a copy, other than a certified copy, of information contained in the Register, under section 67 | \$ 10 | \$ 10 |
| 9 | lodgement of memorandum of transfer under 73 | \$ 65 | \$ 140 |
| 10 | lodgement of lease under section 82 | \$ 65 | \$ 70 |
| 11 | lodgement of memorandum of surrender under subsection 86(1) | \$ 65 | \$ 70 |
| 12 | lodgement of memorandum of variation under section 87C | \$ 65 | \$ 70 |
| 13 | lodgement of sub-lease under section 88 | \$ 65 | \$ 70 |
| 14 | lodgement of memorandum of mortgage under subsection 92(1) | \$ 65 | \$ 70 |

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| 15 | lodgement of memorandum of encumbrance under subsection 92(2) | \$ 65 | \$ 70 |
| 16 | lodgement of memorandum of postponement of mortgage under subsection 92A(2) | \$ 65 | \$ 70 |
| 17 | lodgement of discharge of mortgage or encumbrance under section 101 | \$ 65 | \$ 70 |
| 18 | lodgement of memorandum of variation of mortgage under section 101A | \$ 65 | \$ 70 |
| 19 | lodgement of discharge of mortgage by court order under section 103(3) | \$ 65 | \$ 70 |
| 20 | lodgement of memorandum of provisions under section 103A | \$ 65 | \$ 70 |
| 21 | lodgement of memorandum of easement under section 103B | \$ 65 | \$ 70 |
| 22 | lodgement of application of transfer of easement in gross under section 103C | \$ 65 | \$ 70 |
| 23 | lodgement of application for transfer of all easements in gross relating to a specified public utility business under section 103C | \$ 65 | \$ 70 |
| 24 | lodgement of memorandum of extinguishment of easement under section 103E | \$ 65 | \$ 70 |
| 25 | lodgement of memorandum of variation of easement under section 103F | \$ 65 | \$ 70 |
| 26 | lodgement of memorandum of incorporeal right under section 103G | \$ 65 | \$ 70 |
| 27 | lodgement of memorandum of extinguishment of incorporeal right under section 103H | \$ 65 | \$ 70 |
| 28 | lodgement of caveat under section 104A | \$ 65 | \$ 140 |
| 29 | lodgement of application to remove caveat under subsection 107(1) | \$ 65 | \$ 70 |

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| 30 | lodgement of revocation of power of attorney under section 131 | \$ 65 | \$ 70 |
| 31 | lodgement of application to register transmission on bankruptcy or insolvency under section 132 | \$ 65 | \$ 70 |
| 32 | lodgement of application to register transmission on death of proprietor under section 135 | \$ 65 | \$ 70 |
| 33 | lodgement of declaration by executor under section 138B | \$ 65 | \$ 70 |
| 34 | lodgement of application to hold a duplicate of a registered instrument under subsection 164A(1) | \$ 12 | \$ 12 |
| 35 | lodging a request for approval for printing of a document bearing a representation of the Registrar-General's seal | \$ 65 | \$ 70 |
| 36 | examining a document which has been printed without the Registrar-General's seal | \$ 65 | \$ 70 |
| 37 | subject to section 108D, lodging for registration, or entry on the Register, any other document that affects land under the Act | \$ 65 | \$ 70 |

the determined fee is \$0, in respect of an activity being the lodgement or search of any Plan, Crown Lease, document, dealing or application concerning an area of land designated by the Territory Plan as a Local Centre (Commercial "D") or an area of land adjacent to a Local Centre, where the Chief Executive, Department of Urban Services, has certified that activity relates to a local centre development referred to in Regulation 13A in the *Land (Planning and Environment) Regulations*.