
Real Property (Amendment) Ordinance 1983

No. 39 of 1983

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Ordinance under the *Seat of Government (Administration) Act 1910*.

Dated 22 September 1983.

N. M. STEPHEN
Governor-General

By His Excellency's Command,

TOM UREN
Minister of State for Territories
and Local Government

An Ordinance to amend the *Real Property Ordinance 1925*

Short title

1. This Ordinance may be cited as the *Real Property (Amendment) Ordinance 1983*.¹

Commencement

2. This Ordinance shall come into operation on 1 October 1983.

Principal Ordinance

3. In this Ordinance, "Principal Ordinance" means the *Real Property Ordinance 1925*.²

Interpretation

4. Section 6 of the Principal Ordinance is amended by inserting after the definition of "Curator" in paragraph (1) (a) the following definition:

"'determined fee' means a fee determined by the Minister under sub-section 139 (1) for the purposes of the provision in which the expression occurs;"

Power of Registrar to issue new certificate

5. Section 62A of the Principal Ordinance is amended by omitting from sub-section (1A) "prescribed fees" and substituting "determined fee".

Certified copies to be furnished by Registrar and to be evidence

6. Section 65 of the Principal Ordinance is amended by omitting from sub-section (1) "fee specified in the Eighteenth Schedule" and substituting "determined fee".

Facilitation of redemption in case of absent or unknown mortgagees

7. Section 103 of the Principal Ordinance is amended by omitting from paragraph (3) (a) "prescribed fee" and substituting "determined fee".

Registration of declaration by executor

8. Section 138B of the Principal Ordinance is amended by omitting "fee specified in the Eighteenth Schedule" and substituting "determined fee".

9. Section 139 of the Principal Ordinance is repealed and the following section is substituted:

Power of Minister to determine fees

"139. (1) The Minister may, by notice in writing published in the *Gazette*, determine fees, being fees relating to any matter specified in Column 2 of an item in Schedule 18, for the purposes of this Ordinance.

"(2) A fee relating to any matter specified in Column 2 of Item 1, 4, 9, 10, 11, 12, 13, 14 or 15 in Schedule 18 shall be paid at the time when the relevant document is lodged or deposited.

"(3) A fee relating to any matter specified in Column 2 of an item in Schedule 18 not referred to in sub-section (2) shall be paid in advance."

Regulations

10. Section 179 of the Principal Ordinance is amended—

- (a) by omitting from paragraph (1)(d) "and" (last occurring); and
- (b) by omitting paragraph (1)(e).

First Schedule

11. The First Schedule to the Principal Ordinance is amended by omitting "New certificate \$2.00".

Schedule 18

12. The Eighteenth Schedule to the Principal Ordinance is repealed and the following Schedule substituted:

SCHEDULE 18

Sub-section 139 (1)

MATTERS SUBJECT TO DETERMINATION OF FEES UNDER SECTION 139

Column 1 Item	Column 2 Matter
1	Lodging a grant for registration under section 17.
2 (a)	Issuing a certificate of title.

SCHEDULE 18—continued

Column 1 Item	Column 2 Matter
(b)	Issuing a certificate of title, where more than one plan or diagram is endorsed on the certificate or one plan or diagram of a piece of land that is not rectangular in shape is endorsed on the certificate.
3	Issuing a new certificate of title under sub-section 62A (1).
4	Depositing a map or plan in accordance with section 64 or for the purposes of the <i>Real Property (Unit Titles) Ordinance 1970</i> .
5	Furnishing a certified copy of a registered grant, certificate of title or instrument affecting land under sub-section 65 (1).
6	Furnishing a copy, other than a certified copy, of a registered grant or certificate of title.
7	Furnishing a copy, other than a certified copy, of an instrument previously lodged at the office of the Registrar.
8	Furnishing a copy of a map or plan previously deposited at the office of the Registrar.
9	Lodging for registration a memorandum of transfer of an estate in fee simple or Crown lease.
10	Lodging for registration under section 138B an instrument by which an executor declares that he holds as trustee or beneficiary.
11(a)	Lodging for registration, entry or notation any other instrument, notice or document, not being a map or plan.
(b)	Lodging for registration, entry or notation, an instrument, notice or document referred to in paragraph (a) that purports to deal with or affect land contained in more than one grant, certificate of title or other instrument, in respect of the first and any subsequent memorial, entry or notation.
12	Lodging a request for an approval under section 168A, in respect of each kind of document to which the request relates.
13	Lodging a request for the stamping of documents with the seal of the Registrar, in respect of each kind of document to which the request relates.
14	Stamping documents with the seal of the Registrar in accordance with a request referred to in Item 13.
15	Examining an instrument not stamped with the seal of the Registrar and not bearing a representation of the imprint of that seal.

NOTES

1. Notified in the *Commonwealth of Australia Gazette* on 29 September 1983.
2. No. 1, 1925 as amended by No. 12, 1925; No. 8, 1926; Nos. 15 and 21, 1927; No. 19, 1930; Nos. 26 and 34, 1933; No. 14, 1934; No. 15, 1936; No. 27, 1937; Nos. 15, 25 and 35, 1938; No. 16, 1940; No. 15, 1942; No. 9, 1951; No. 16, 1956; No. 12, 1957; No. 7, 1961; No. 6, 1963; No. 46, 1967; No. 9, 1969; No. 6, 1970; No. 11, 1972; No. 33, 1975; Nos. 18, 47 and 65, 1977; No. 24, 1978; No. 16, 1979; No. 13, 1980; Nos. 78 and 102, 1982.