

Customer Information Bulletin

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Budget Measures Registration Fees

The *Statutes Amendment and Repeal (Budget Measures) Bill 2018* (the “Bill”) was introduced into Parliament yesterday as part of the State Budget. The Bill contains two matters that relate to the *Real Property Act 1886* (the “Act”). The Act is proposed to be amended to allow the Registrar-General to:

- recalculate *ad valorem* registration fees paid on transfers of land where appropriate; and
- secure a charge on the title where registration fees remain unpaid.

Currently the Act and the Real Property Regulations 2009 (the “Regulations”) only allow the Registrar-General to recalculate registration fees where the assessed value of the transferred land is increased by the Commissioner of State Taxation pursuant to a reassessment of stamp duty.

The changes in the Bill will enable the Registrar-General to recalculate registration fees for transferred land based on the correct value of the land in all cases where fees have initially been calculated on a basis that does not accurately reflect the value of the land.

In addition, the Registrar-General currently has the ability to recover any unpaid registration fees as a debt, but does not have the ability to secure the unpaid fees against the title. This presents a risk to the State if the debtor does not pay the correct registration fees. It is proposed that the Act and the Regulations be amended to give the Registrar-General power to secure a charge on the title where registration fees remain unpaid.

Both measures are intended to operate to ensure the correct amount of registration fees are paid by parties to a transfer.

Further information will be provided should the Bill be passed by Parliament.



Graeme Jackson
REGISTRAR-GENERAL
Lands Titles Office