

NORTHERN TERRITORY OF AUSTRALIA

FEEES AND CHARGES (ATTORNEY-GENERAL AND JUSTICE
PORTFOLIO) AMENDMENT REGULATIONS 2013

Subordinate Legislation No. 27 of 2013

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NORTHERN TERRITORY OF AUSTRALIA

Subordinate Legislation No. 27 of 2013*

Fees and Charges (Attorney-General and Justice Portfolio) Amendment Regulations 2013

I, Sally Gordon Thomas, Administrator of the Northern Territory of Australia, acting with the advice of the Executive Council, make the following regulations under the following Acts:

Births, Deaths and Marriages Registration Act

Fines and Penalties (Recovery) Act

Justices Act

Local Court Act

Records of Depositions Act

Registration Act

Small Claims Act

Supreme Court Act

Dated 28 June 2013

S. G. THOMAS
Administrator

By Her Honour's Command

J. W. ELFERINK
Attorney-General and Minister for Justice

* Notified in the *Northern Territory Government Gazette* on 1 July 2013.

Part 1 Preliminary matters

1 Citation

These Regulations may be cited as the *Fees and Charges (Attorney-General and Justice Portfolio) Amendment Regulations 2013*.

2 Commencement

These Regulations commence on 1 July 2013.

Part 2 Amendment of Births, Deaths and Marriages Registration Regulations

3 Regulations amended

This Part amends the *Births, Deaths and Marriages Registration Regulations*.

4 Schedule replaced

Schedule

repeal, insert

Schedule Fees

regulation 17

Fee (revenue units)

1	Search of Register	34
2	Search and issue of certificate following search	39
3	Application to register change of name under section 23 or 24 of the Act	39
4	For the provision of any other service under the Act	39

Part 3 Amendment of Local Court Regulations

5 Regulations amended

This Part amends the *Local Court Regulations*.

6 Schedule replaced

Schedule

repeal, insert

Schedule Fees

regulation 2

Item No.		Fee (revenue units unless otherwise stated)
1	Filing	
	(a) Statement of claim or originating application under Part 7 of the Rules seeking monetary relief where the amount is:	
	(i) more than \$5 000 but less than \$10 000	232
	(ii) \$10 000 or more but less than \$20 000	355
	(iii) \$20 000 or more	435
	(iv) an unspecified amount	435
	(b) Statement of claim or originating application under Part 7 of the Rules other than a claim or application seeking monetary relief	232
	(c) Statement of claim or originating application under Part 7 of the Rules seeking relief other than monetary relief in addition to, or as an alternative to, monetary relief where the amount in addition to or as an alternative to relief is:	
	(i) more than \$5 000 but less than \$10 000	232

	(ii) \$10 000 or more but less than \$20 000	355
	(iii) \$20 000 or more	435
	(iv) an unspecified amount	435
(d)	Application for an interpleader order under Part 14 of the Rules	126
(e)	Application for an order under Part 18 of the Rules seeking preliminary discovery or discovery from a non-party	126
(f)	Application for a re-hearing under Part 36 of the Rules	271
(g)	Notice of appeal under Part 37 of the Rules	115
(h)	Application for the issue of a warrant	62
(i)	Application for an order under Chapter 2 of the Rules	62
(j)	Any other application under an Act other than the <i>Local Court Act</i> or a provision of any other Act as specified in this Schedule	126
(l)	Judgment filed for registration under section 105 of the <i>Service and Execution of Process Act 1992</i> (Cth)	134
2	Taxation of costs	
	Filing a bill of costs under Part 38 of the Rules	385
3	Orders	
	Certified copy of order under Part 35 of the Rules	66
4	Inspection	
	Inspection under section 12(3) of the Act – per file	22
5	Service	
	Bailiff fee for service under Part 4, Division 2 of the Rules (for 2 attempts)	125

6	Execution of Warrants	
	(a) Bailiff fee for execution of warrant of possession	136
	(b) Bailiff fee for execution of warrant of seizure and sale where the value of property to be seized is:	
	(i) less than \$5 000	91
	(ii) \$5 000 or more but less than \$20 000	136
	(iii) \$20 000 or more	180
	(c) Bailiff fee for execution of other warrants	65
7	Photocopying by Court staff – per page	\$2

Part 4 Amendment of Registration Regulations

7 Regulations amended

This Part amends the *Registration Regulations*.

8 Schedule 1 replaced

Schedule 1

repeal, insert

Schedule 1 Fees, charges and levies

regulation 3

Part 1 Land Title Act

Item	Dealing or other matter	Section of Act	Fee (revenue units unless otherwise stated)	Levy
1	Issue of certificate as to title, per certificate as to title	44	115	
2	Application to correct land register to note death by surviving proprietor	17	115	\$10

Part 4 Amendment of Registration Regulations

3	Application to correct land register to amend plan of survey	17	115	\$10
4	Application for any other correction of land register (unless correction by Registrar-General on his or her own initiative)	17	115	\$10
5	Lodgment and registration of memorandum for purposes of caution notice	34	115	\$10
6	Direction to remove memorial of caution notice	36	115	\$10
7	Creation of a single title for 2 or more lots that have the same registered owner (in addition to fee for each certificate as to title issued)	41	115	\$10
8	Creation of separate titles for lots for which a single title was created under section 41 of the Act (in addition to fee for each certificate as to title issued)	42	115	\$10
9	Lodgment of notice of forfeiture or determination of whole or part of crown lease	48(5) and (6)	115	\$10
10	Registration of surrender of whole or part of crown lease	48(7), (8) and (9)	115	\$10
11	Application to subdivide lot by registration of plan of subdivision of lot (in addition to fee for each certificate as to title issued)	51	115	\$10
12	Registration of a scheme statement (other than a subsequent scheme statement reflecting an approved reinstatement process)	54B	115 plus 115 for each unit of the scheme	\$10
13	Application for reservation or extension of reservation of scheme name or body corporate name, or withdrawal of application	54C	191 for each name	\$10
14	Registration of subsequent scheme statement reflecting an approved reinstatement process	54D	1 143 plus 115 for each unit created	\$10
15	Registration of documents required for termination of scheme (in addition to fee for issue of certificate as to title for lot)	54E	1 143	\$10
16	Registration of a disclosure statement or replacement scheme disclosure statement	54F	10	\$10
17	Registration of transfer of lot or interest in lot, including transfer of a mortgage or lease	60	115	\$10

Part 4 Amendment of Registration Regulations

18	Application for registration or other noting of particulars in land register of statutory vesting or grant of land or interest in land (in addition to fee for each certificate as to title issued)	64	115 for each interest vested or granted for first 5 interests or, if more than 5 interests vested or granted, 762	\$10
19	Registration of lease or sublease	65	115	\$10
20	Registration of notice of renewal or extension of lease or sublease	68	115	\$10
21	Registration of amendment of lease or sublease	69	115	\$10
22	Lodgment of request to register re-entry under registered lease	70	115	\$10
23	Lodgment of surrender of lease or sublease (whether whole or partial surrender)	71	115	\$10
24	Lodgment of disclaimer of lease or other interest under law about bankruptcy and request to register disclaimer	72(1)	115	\$10
25	Application to register notice of foreclosure by mortgagee of lease subject to disclaimer in bankruptcy	72(3)	477	\$10
26	Registration of instrument of mortgage for a lot or interest	74	115	\$10
27	Registration of instrument of amendment of mortgage	78	115	\$10
28	Registration of instrument amending priority of registered mortgages	79	115	\$10
29	Lodgment and registration of instrument discharging mortgage other than statutory charge	83	115	\$10
30	Lodgment and registration of instrument discharging statutory charge	83	20	
31	Application to note satisfaction and discharge of annuity or sum of money	84	115	\$10
32	Application to register statutory charge	86	115	\$10

Part 4 Amendment of Registration Regulations

33	Application to remove statutory charge from land register	90(1)	115	\$10
34	Notice to Registrar-General about removal of statutory charge from land register	90(6)	115	\$10
35	Creation of easement or easement in gross	91	115	\$10
36	Registration of instrument of extinguishment of whole or part of easement or easement in gross	98(1)	115	\$10
37	Application to extinguish registered easement or easement in gross (in addition to any postage fee)	98(6)	115	\$10
38	Notice to Registrar-General about removal of registered easement or easement in gross from land register	98(7)	115	\$10
39	Registration of instrument of amendment of easement or easement in gross	99	115	\$10
40	Creation of covenant or covenant in gross	106	115	\$10
41	Registration of instrument of extinguishment of covenant or covenant in gross	112(1)	115	\$10
42	Application to extinguish registered covenant or covenant in gross (in addition to any postage fee)	112(7)	115	\$10
43	Notice to Registrar-General about removal of registered covenant or covenant in gross from land register	112(7A)	115	\$10
44	Registration of instrument amending covenant or covenant in gross	113	115	\$10
45	Registration of instrument creating profit a prendre	118	115	\$10
46	Registration of instrument of amendment of profit a prendre	123	115	\$10
47	Lodgment and registration of instrument releasing profit a prendre	124(1)	115	\$10
48	Lodgment of request to remove profit a prendre	124(3)	115	\$10
49	Lodgment and registration of instrument of transfer of interest to trustee	126	115	\$10
50	Lodgment of request to vest interest in trustee	127	115	\$10
51	Application to note appointment of new trustee in land register		115	\$10

Part 4 Amendment of Registration Regulations

52	Lodgment of application to be registered as personal representative of deceased registered proprietor	129	115	\$10
53	Lodgment of request to record transmission of interest under law about bankruptcy	131	115	\$10
54	Lodgment of request to register writ of execution and copy of writ	132	115	\$10
55	Lodgment of request to cancel writ of execution	134	115	\$10
56	Application to register discharge or satisfaction of writ of execution	135	115	\$10
57	Registration of transfer of lot sold under writ of execution	136	115	\$10
58	Lodgment of caveat (whether lapsing or non-lapsing)	138	200	
59	Lodgment of request to withdraw caveat	141	115	\$10
60	Notification by caveatee to Registrar-General of service on caveator of notice under section 142(3) of the Act	142(4)	115	\$10
61	Notification to Registrar-General by caveator of commencement of proceeding	142(6)(a)	115	\$10
62	Notification to Registrar-General by caveator about not wanting caveat to lapse and commencement of proceeding	142(6)(b)	115	\$10
63	Lodgment of request to cancel caveat	144	115	\$10
64	Issue of substitute instrument to replace lost or destroyed instrument (in addition to fee for each certificate as to title issued)	161	115	\$10
65	Lodgment of standard terms document (unless by Registrar-General on his or her own initiative)	168	115	\$10
66	Application to register court order other than writ of execution		115	\$10
67	Cancellation of title to land under section 11 of the <i>Crown Lands Act</i>		115	\$10
68	Lodgment of variation of crown lease under section 36 of the <i>Crown Lands Act</i>		115	\$10
69	Lodgment and registration of a document mentioned in another item in this Part (other than a standard terms document mentioned in item 65) that exceeds 2 separate pages in length (instead of the fee and charge that would be payable under		162	\$10

	that other item), and for this purpose the front or the back of a single sheet of paper on which information is printed is a separate page		
70	Lodgment and registration under section 7(3) of the Act of an instrument that is not in the appropriate form (instead of the fee and charge that would be payable under this Part if the instrument were in the appropriate form)	162	\$10
71	Advertising a lost certificate as to title or instrument by the Registrar-General	191	
72	If an instrument or application (other than an application for the registration of a scheme statement lodged under section 111(1) of the <i>Unit Title Schemes Act</i>) requires more than 1 certificate as to title to be endorsed, noting each certificate after the first	48	
73	Inspection of the land register:		
	(a) if it is performed by a person using remote access facilities	20	
	(b) if it is performed by a person using equipment available in the Land Titles Office in Darwin or Alice Springs	29	
	(c) if the retrieval of information from the register is carried out by staff of the Land Titles Office	29	
74	Photocopy or facsimile (per page)	\$2	
75	Certified copy (in addition to the inspection fee)	58	
76	Deposit or amendment of a plan (other than a plan lodged for the purpose of subdivision)	191	
77	Requisition	48	
78	Postage by registered mail	20	
79	Search of the Record of Administrative Interests and Information (except if it is conducted in conjunction with a search of the land register)	20	
80	Lodgment, registration or other dealing not provided for in another item of this Part (other than a notice of a grant under the <i>Crown Lands Act</i> or <i>Pastoral Land Act</i> , a direction to remove a memorial of statutory restriction notice or notice of the change of a person's name or address)	115	\$10

Part 2 Law of Property Act

Item	Dealing or other matter	Fee (revenue units)
1	Application under section 98 of the Act to the Registrar-General to offer mortgaged property for sale by private contract	762

Part 3 Powers of Attorney Act

Item	Dealing or other matter	Fee (revenue units unless otherwise stated)
1	Registering a power of attorney:	
	(a) in a form approved under section 23 of the <i>Powers of Attorney Act</i>	115
	(b) otherwise	162
2	Registering a revocation of a power of attorney	115
3	Endorsing a copy of an original instrument creating or revoking a power of attorney – for each instrument or other document	48
4	Search of a power of attorney	\$20
5	Photocopy or facsimile of a power of attorney (per page)	\$2

Part 4 Real Property (Unit Titles) Act

Item	Dealing or other matter	Fee (revenue units unless otherwise stated)
1	Lodgment of an application for registration of a plan as a units plan, units plan relating to a staged development, units plan of subdivision, plan of consolidation or building alteration plan	327
2	Lodgment of a notification of alteration of articles of a body corporate as mentioned in section 78(2)(a) of the <i>Unit Titles Act</i>	115
3	Lodgment of a notice of conversion	115
4	Registration of a disclosure statement as mentioned in section 26E of the <i>Unit Titles Act</i>	115

Part 4 Amendment of Registration Regulations

5	Registration of an alteration of a disclosure statement as mentioned in section 26J of the <i>Unit Titles Act</i>	115
6	Lodgment of registration of an order under section 95 of the <i>Unit Titles Act</i> varying or cancelling a units plan	115
7	If an instrument or application deals with more than 1 certificate as to title for endorsement, a noting fee for each certificate	48
8	Issue of each certificate as to title resulting from the registration of a plan or an application or order for cancellation or variation	115
9	Giving notice under section 15A of the Act of the cancellation of a units plan	143
10	Objection to a cancellation under section 15A of the Act	115
11	Lodgment, registration or other dealing not provided for in another item of this Part (other than for a notification of change of address for service of notices on a body corporate)	115
12	Photocopy or facsimile (per page)	\$2

Part 5 *Unit Titles Act*

Item	Dealing or other matter	Fee
1	Application for approval of a proposal under section 10 of the Act for the subdivision of a parcel, if the number of units in the proposed subdivision:	
	(a) does not exceed 4 units	\$375
	(b) exceeds 4 units but does not exceed 10 units	\$375 plus \$50 for each unit exceeding 4 units
	(c) exceeds 10 units but does not exceed 20 units	\$690 plus \$40 for each unit exceeding 10 units
	(d) exceeds 20 units but does not exceed 50 units	\$1 090 plus \$25 for each unit exceeding 20 units
		\$1 955

(e)	exceeds 50 units	plus \$15 for each unit exceeding 50 units
2	Lodgment of a plan under section 21B of the Act for registration as a units plan of subdivision, if the number of units in the units plan:	
(a)	does not exceed 4 units	\$375
(b)	exceeds 4 units but does not exceed 10 units	\$375 plus \$50 for each unit exceeding 4 units
(c)	exceeds 10 units but does not exceed 20 units	\$690 plus \$40 for each unit exceeding 10 units
(d)	exceeds 20 units but does not exceed 50 units	\$1 090 plus \$25 for each unit exceeding 20 units
(e)	exceeds 50 units	\$1 955 plus \$15 for each unit exceeding 50 units
3	Application under section 21FA of the Act (including an application under that section as applied by section 26P of the Act) to change land comprised in a parcel by adding land to, or removing land from, the parcel, if the number of affected units:	
(a)	does not exceed 4 affected units	\$375
(b)	exceeds 4 affected units but does not exceed 10 affected units	\$375 plus \$50 for each affected unit exceeding 4 affected units
(c)	exceeds 10 affected units but does not exceed 20 affected units	\$690 plus \$40 for each

		affected unit exceeding 10 affected units
(d)	exceeds 20 affected units but does not exceed 50 affected units	\$1 090 plus \$25 for each affected unit exceeding 20 affected units
(e)	exceeds 50 affected units	\$1 955 plus \$15 for each affected unit exceeding 50 affected units
4	Application for approval of a proposal under section 26B of the Act to subdivide and develop land in stages as a condominium development, if the number of units in the proposed condominium development:	
(a)	does not exceed 4 units	\$375
(b)	exceeds 4 units but does not exceed 10 units	\$375 plus \$50 for each unit exceeding 4 units
(c)	exceeds 10 units but does not exceed 20 units	\$690 plus \$40 for each unit exceeding 10 units
(d)	exceeds 20 units but does not exceed 50 units	\$1 090 plus \$25 for each unit exceeding 20 units
(e)	exceeds 50 units	\$1 955 plus \$15 for each unit exceeding 50 units

5	Application for approval of a proposal under section 26Q of the Act to subdivide and develop land as an estate development, if the number of units in the proposed estate development:	
(a)	does not exceed 4 units	\$1 060
(b)	exceeds 4 units but does not exceed 10 units	\$1 060 plus \$145 for each unit exceeding 4 units
(c)	exceeds 10 units but does not exceed 20 units	\$1 960 plus \$145 for each unit exceeding 10 units
(d)	exceeds 20 units but does not exceed 50 units	\$3 340 plus \$125 for each unit exceeding 20 units
(e)	exceeds 50 units	\$7 135 plus \$115 for each unit exceeding 50 units
6	Application under section 26ZI of the Act to register a building development plan, if the number of units in the building development plan:	
(a)	does not exceed 4 units	\$1 060
(b)	exceeds 4 units but does not exceed 10 units	\$1 060 plus \$145 for each unit exceeding 4 units
(c)	exceeds 10 units but does not exceed 20 units	\$1 960 plus \$145 for each unit exceeding 10 units
(d)	exceeds 20 units but does not exceed 50 units	\$3 340 plus \$125 for each

		unit exceeding 20 units
	(e) exceeds 50 units	\$7 135 plus \$115 for each unit exceeding 50 units
7	Variation of a disclosure statement lodged under section 26ZM(4) of the Act	\$345
8	Application under section 26ZU of the Act to register a building development plan to convert all the units in a units plan into building lots, if the number of units to be converted:	
	(a) does not exceed 4 units	\$375
	(b) exceeds 4 units but does not exceed 10 units	\$375 plus \$50 for each unit exceeding 4 units
	(c) exceeds 10 units but does not exceed 20 units	\$690 plus \$40 for each unit exceeding 10 units
	(d) exceeds 20 units but does not exceed 50 units	\$1 090 plus \$25 for each unit exceeding 20 units
	(e) exceeds 50 units	\$1 955 plus \$15 for each unit exceeding 50 units
9	Application under section 95A(2) of the Act for the cancellation of a units plan	\$45 plus \$20 for each unit in the plan and \$20 for each mortgagee's consent to the proposed cancellation

Part 6 Workmen's Liens Act (repealed)

Item	Dealing or other matter	Fee (revenue units)
1	For each title affected by a registration or recording under sections 10(3) and 16 of the Act	95

Note for Part 6

Section 67 of the Construction Contracts (Security of Payments) Act provides for the Workmen's Liens Act to continue to apply to contracts made before the repeal of that Act.

Part 5 Amendment of Supreme Court Regulations

9 Regulations amended

This Part amends the *Supreme Court Regulations*.

10 Schedule replaced

Schedule

repeal, insert

Schedule

regulation 4

PART 1 – FEES PAYABLE FOR PROCEEDINGS IN THE COURT OF APPEAL

Item No.		Fee (revenue units unless otherwise stated)
1	Filing of originating process:	
	– corporation	3 264
	– otherwise	1 941
2	Notice of cross appeal:	
	– corporation	2 308
	– otherwise	1 268
3	Searches	\$31 per search

4	Photocopying by Supreme Court staff	\$2 per page
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Note:

Fees payable for service of documents by the sheriff or an officer of the sheriff are set out in the Schedule to the Sheriff Regulations.

PART 2 – FEES PAYABLE FOR ALL OTHER PROCEEDINGS IN THE SUPREME COURT

Item No.		Fee (revenue units unless otherwise stated)
1	Filing of originating process for which no other fee is specifically provided:	
	– corporation	2 018
	– otherwise	1 039
2	Application to be admitted as a local lawyer under section 25(1) of the <i>Legal Profession Act</i>	353
3	Setting down for hearing:	
	– corporation	2 320
	– otherwise	1 280
4	Daily hearing fee	
	– corporation	2 208
	– otherwise	1 176
5	Appeal from Master's decision	244
6	Filing of writs for enforcement of judgment debts	120
7	Searches	\$31 per search
8	Photocopying by Supreme Court staff	\$2 per page

Note:

Fees payable for service of documents by the sheriff or an officer of the sheriff are set out in the Schedule to the Sheriff Regulations.

Part 6 Other Regulations amended

11 Other Regulations amended

The Schedule amends the Regulations mentioned in it.

Schedule	Other Regulations amended	
	regulation 11	
	Provision	Amendment
	<i>omit</i>	<i>insert</i>
<i>Fines and Penalties (Recovery) Regulations</i>		
regulation 5	20	29
Schedule 3	55 (<i>all references</i>)	67
	115	124
	140	148
<i>Justices Regulations</i>		
regulation 6(1)(a)	10	87
regulation 6(1)(b)	\$5	\$23
regulation 6(1)(c)	10	33
regulation 6(1)(d)(i)	\$5	\$52
regulation 6(1)(d)(ii)	20	51
regulation 6(1)(e)	\$1	\$34
regulation 6(1)(f)	10	124
<i>Records of Depositions Regulations</i>		
regulation 3(a) and (b)	8	14
<i>Small Claims Regulations</i>		
regulation 3(1)	80	106
