

# Customer Information Bulletin

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## 1. INTERESTS IN CROWN LAND NOT REGISTERED BEFORE 29 MARCH 2003

The introduction of the Land Administration Act ("LAA") has brought the conveyancing of Crown land into a modern system similar to that used for Freehold land.

The LAA provided for a 5 year transitional period that allowed for the registration of all interests in Crown land created before enactment of the LAA to be registered against the newly created Crown land titles. This transitional period ends on the 29 March 2003, which then provides that any unregistered interest will:

- lose priority against a subsequent registered interest over the same parcel of Crown land; and
- be void against a prior registered interest to the extent of any inconsistency between the unregistered interest and the registered interest.

Failure to register an interest does not mean that the interest is null and void. That interest may still be valid and enforceable in a court of law and may still be registered at any time.

The effect of unregistered interests over Crown land is the same as unregistered freehold interests. Those unregistered interests are equitable interests only. That means that the rights and obligations of the parties to that interest are enforceable in a Court of law. However, that equitable interest does not convey legal title and does not have the benefits of priority over any other existing registered interests. Further, the unregistered interest does not gain the benefits of security of land tenure and the State guarantee that would normally be available to registered interests.

## 2. NEW CROWN REGISTRATION FEES FROM MONDAY 31 MARCH 2003

As an incentive to register any existing interest in Crown land, DOLA waived all document lodgement fees for the 5 year transitional period specified in the LAA.

DOLA advises that the 5 year exemption period for lodging interests in Crown land created before 30 March 1998 will cease on the 29 March 2003. Accordingly, registration fees will apply to LAA documents being lodged for registration on or after Monday 31 March 2003.

Examples of the types of pre - LAA documents that will now be subject to a \$75.00 registration fee include:

Leases.

Transfer of Lease (includes assignment of lease).

Surrender of Lease.

Variations of Lease.

Extension of Lease.

Sub-Leases.

Mortgages.

Caveats.

Easements.

Errors in documents, which do not conform with the requirements of the Registrar of Titles may attract a requisition fee to correct the error. The requisition fee is \$50.00 per document.

For further information on this issue please contact Mr Gerard Crothers on 92737083.

**BRUCE ROBERTS  
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**25 February, 2003**